



ANNEX C1: Twinning Fiche

Project title: Institutional Assistance to the Ministry for Development of Communities and Territories of Ukraine on legal and organisational issues for rail transport reform in Ukraine

Beneficiary administration: Ministry for Development of Communities and Territories of Ukraine (MDCT)

Twinning Reference: UA 24 UF TR 01 26

Publication notice reference: The publication notice reference will be completed by the European Commission

EU funded project

TWINNING TOOL

1. Basic Information

1.1 **Programme:** Technical Cooperation Facility for Ukraine 2024 (UAFacility/2024/ACT-62766), direct management

1.2 **Twinning Sector:** Transport

1.3 **EU funded budget:** EUR 1,500,000

1.4 **Sustainable Development Goals (SDGs):**

SDG 9 - Industry, Innovation and Infrastructure.

Target 9.1 Develop quality, reliable, sustainable and resilient infrastructure, including regional and transborder infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all.

SDG 11-Sustainable Cities and Communities.

Target 11.2: By 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons.

2. Objectives

2.1 **Overall Objective(s):**

The overall objective of the project is to support and strengthen Ukraine's railway transport sector reform in line with EU *acquis* requirements.

2.2 **Specific objective:**

1. To advance the legal framework enabling Ukraine's railway market opening for competition.
2. To enhance the capacity of the Ministry for Development of Communities and Territories of Ukraine in organising the preparation of entities for the opening of the railway transport market in accordance with the European norms and standards, integration of Ukraine into the Trans-European Transport Network.
3. To build the legal and administrative grounds for an appropriate level of public service obligations (PSO) and passenger transport in Ukraine's rail transport sector.

2.3 **The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans:**

This Twinning project appeals to several elements which are presented and targeted in the following documents:

The EU-Ukraine Association Agreement, including the Deep and Comprehensive Free Trade Area, is a strategic document to be considered in the context of the project, setting out the foundation for enhanced economic cooperation between EU and Ukraine. The EU-Ukraine Association Agreement establishes certain requirements regarding transposition and enforcement of EU legislation in the transport sector (articles 368 and 369 and Annex XXXII). Action Plan for

the implementation of the EU-Ukraine Association Agreement was approved by the Resolution of the Cabinet of Ministers of Ukraine on 25 October 2017 (No 1106).

Chapter 7 TRANSPORT of Association Agreement provides for cooperation between the Parties intended to facilitate the restructuring and modernization of Ukraine's transport sector and gradual approximation towards operating standards and policies comparable to those in the EU, including the promotion of efficient and safe and secure transport operation. In addition, the cooperation between the Parties shall be aimed at restructuring and renewing the transport sector of Ukraine and the gradual harmonization of valid standards and policies with those existing in the EU, implementing the measures set out in Annex XXXII to this Agreement, without prejudice to obligations stemming from specific transport agreements concluded between the Parties.

The cooperation between the Parties shall cover also various aspects including acceding the relevant international transport organisations and agreements, in particular procedures for ensuring strict implementation and effective enforcement of international transport agreements and conventions.

Annex XXXII, Chapter 7 Transport, Title V, Ukraine – EU Association Agreement, commits Ukraine to implement the provisions of the following railway transport EU *acquis*: Directive 91/440/EEC on the development of the Community's railways (Revised), Directive 95/18/EC on the licensing of railways (Revised), Directive 2001/14/EC on the levying of charges for use of railway infrastructure (Revised), Regulation 913/2010 concerning a European rail network for competitive freight, Directive 2004/49/EC on safety on the Community's railways (Revised), Directive 2007/59/EC on the certification of train drivers operating locomotives and trains on the railway system in the Community, Directive 2008/68/EC on the inland transport of dangerous goods, Regulation 1192/69 on common rules for the normalization of the accounts of railway undertakings, Directive 2008/57/EC on the interoperability of the rail system within the Community (Revised), Directive 92/106/EEC on the establishing of common rules for certain types of combined transport of goods between Member States, Regulation 1370/2007 on public passenger transport services by rail and by road, Regulation 1371/2007 on rail passengers' rights and obligations (Revised) .

The EU formally opened accession negotiations with Ukraine at the first Intergovernmental Conference in June 2024. Within the accession process, Ukraine must implement EU rail *acquis* in force. The opening of the negotiation process on Ukraine's accession to the EU, the workload on legal alignment has increased, resulting in approximation of 240 transport directives and regulations.

In line with the Association Agreement and its enlargement commitment, Ukraine has ambitious plans for regulatory convergence with EU transport *acquis*. The transport *acquis* - as listed in both the EU-Ukraine Association agreement and the EU-Ukraine Common Area Aviation Agreement - are one of the heaviest to implement. Ukraine was supposed to align with 113 (48 in land and waterways transport and 65 in aviation) transport directives and regulations in rail (11), road (11) maritime (20) and inland waterways (5) transport and safety (1) until 2023/2024, and 65 legal acts in aviation. The progress in implementation is limited; most of the work on legal acts with a deadline 2018-2023 are still ongoing. Terms for legislation alignment in many cases are expired. That slow progress was further affected during 2022/2023 since the start of the military aggression.

Obligations under the EU-Ukraine Association Agreement in the rail transport stipulate harmonisation of the Ukrainian legislation with principles stemming from of the EU regulation in the following main areas: railway transport market, licensing, market regulation, infrastructure management principles and open access; railway safety principles based on risk assessment and

railway safety supervision; technical interoperability and harmonization eliminating technical barriers; train drivers licensing; accident investigation and safety recommendations, passenger rights and obligations as well as public service obligations; and EU Agency for Railways Regulation.

The main legal framework for the development of transport sector in Ukraine is National Transport Strategy of Ukraine for the period up to 2030 adopted by the Resolution No 1550 of the Cabinet of Ministers of Ukraine from 27 December 2024. The Strategy sets out the following main objectives in rail transport:

- bringing the legislation of Ukraine in the fields of railway transport in accordance with international obligations, requirements of EU *acquis*;
- reforming the system of state regulation of natural monopolies in the field of transport, including railway transport, in particular, by creating an independent regulator in accordance with the requirements of the EU *acquis*;
- improving the efficiency of using the railway infrastructure network using the results of the analysis of existing and promising traffic flows, in particular the identification of sources of financing socially important railway infrastructure, which is insufficiently loaded;
- implementation of the structural reform of JSC “Ukrzaliznytsia” in accordance with the requirements of the EU *acquis* with the provision of financial, functional and organisational division of the activities of the infrastructure operator and carriers (separately from freight and passenger transportation), as well as delimitation of functions from the state and economic management, in particular with ensuring the independence of the infrastructure operator in accordance with the requirements of the EU *acquis*;
- ensuring the creation of equal, non-discriminatory and transparent conditions of access to the market for the provision of transport services by all modes of transport (including licensing of such activities in accordance with the requirements of the EU *acquis* in the field of transport, including the establishment of a licensing authority for railway transport);
- creation of regulatory and institutional mechanisms for the implementation of a safety management system in railway transport, maintenance and repair of railway rolling stock in accordance with EU legislation.

On 20 June 2023, the Commission proposed a new Ukraine Facility to support Ukraine’s recovery, reconstruction, and modernisation as well as foster Ukraine’s EU accession path. At the heart of the Ukraine Facility is the Ukraine Plan, developed by the Government of Ukraine. The document sets out reforms and investments that can boost sustainable economic growth and attract investments, amplifying the country's growth potential in the medium-to-long term. For liberalisation and reforming of railway transport sector in Ukraine, the Ukraine Plan sets out three steps. First, the Law on traffic safety and interoperability of railway transport of Ukraine enters into force (Q4 2025), with application within three years from its adoption. Second, the Law on the railway transport market will enter into force (Q4 2026) with a sequential application of its provisions. Third, the main by-laws for the implementation of the law shall be adopted (Q4 2027).

On 1 April 2026, Ukraine adopted the National Programme for the Adoption of the *Acquis*, a key strategic document for aligning national laws with the EU *acquis* which sets out, *inter alia*, a roadmap for the rail sector legal reforms under negotiation cluster 4.

3. Description

3.1 Background and justification:

Railway transport is a vital part of Ukraine's transportation infrastructure, connecting people and goods, and playing a crucial role in the country's economic and social life. Ukrainian rail transport is a leading player in the transportation system of Ukraine, with its 62% coverage of freight and 25% passenger transportation out of all transportation modes.

Ukrainian railway network has direct rail connections with neighbouring countries like Moldova, Poland, Romania, Slovakia, and Hungary, facilitating international freight and passenger traffic.

In response to the impact of Russia's war of aggression against Ukraine and to ensure better connectivity with key neighbouring countries, four European Transport Corridors of the TEN-T network were extended to Ukraine in 2024 whilst downgrading cross-border connections with Russia and Belarus. In particular, the following amendments have been made:

- The North-Baltic Corridor was extended through Lviv and Kyiv to Mariupol;
- Baltic Sea –Black Sea – Aegean Sea Corridor extended through Lviv, Chernivtsi (Romania and Moldova) to Odesa;
- The corridors Baltic Sea – Adriatic Sea and Rhine – Danube will pass through Lviv. Dniro river was also included in the TEN-T network.

The extension of the indicative TEN-T network and the inclusion of four Core Network Corridors into Ukraine's infrastructure are pivotal aspects of cooperation. This expansion aims to establish an interoperable and multimodal transport network in Ukraine that complies with the Union's TEN-T standards, facilitating seamless cross-border transport operations.

The strategic priorities of the Ukrainian authorities are aimed at restoration and development of a competitive and efficient transport system integrated into the trans-European transport network, in accordance with EU policies and standards, as well as development of the comprehensive railway transport regulatory framework for the implementation of EU acquis.

The Ministry for Development of Communities and Territories of Ukraine (MDCT) is the central body of executive power, directed and coordinated by the Cabinet of Ministers of Ukraine through the Vice Prime Minister for Restoration of Ukraine - Minister for Communities, Territories and Infrastructure Development of Ukraine that implements the state policy in the railway transport area. According to the Regulation on the Ministry of Infrastructure, approved by the Resolution of the Cabinet of Ministers of Ukraine dated June 30, 2015 No. 460 (amended), MDCT is the main body in the system of the central executive bodies that ensures the formation and implementation of state policy, in particular in the field of railway transport. The regulation stipulates that the Ministry also interacts with development partners on attracting international technical assistance to support the formation and implementation of state policy on issues that fall under the competence of the Ministry.

To meet enlargement and accession commitment, ensure proper implementation of EU acquis in rail transport and facilitate integration to the EU rail sector, Ukraine needs to continue, on the basis of the previous technical assistance projects, creating a new institutional, legal, and economic model for rail transport management, to develop a competitive environment and equal access at the rail services market and railway infrastructure, to improve its operation performance and efficiency, and introduce rail safety and interoperability requirements and new approaches to their certification, risk management and supervision. Technical specifications of interoperability (TSIs) and Common Safety Methods (CSMs) will need to be implemented to comply with the comprehensive requirements and provide interoperability and safety of railway system.

The institutional framework – state governance in the railway transport sector - to be newly created to oversee the rail sector in Ukraine, from the regulatory and rail safety perspective, requires

improvements of knowledge and competence levels and preparations for supervision or investigation roles to carry out procedures in accordance with the European legislation and European principles.

Overall, successful rail sector reform in Ukraine will require commitment of all players on the market, from the state governance bodies to the operators and users. The fundamental prerequisite for the successful Twinning project is the actual establishment of the national safety authority, market regulatory body and accident investigating body. The transition to the principles defined by the acts of the EU legislation involves a complete restructuring of the basis of the functioning of the railway sector, the transition from a monopoly to a competitive market, the introduction of new institutional framework, new procedures for market access, public service obligations, the safety of transportation in the condition of open market.

The Law on traffic safety and interoperability of railway transport of Ukraine and the Law of Ukraine on the Railway Transport Market of Ukraine were developed with the aim of implementing acts of the European Union legislation in the field of railway transport, as well as introducing the European principles of the functioning of the railway transport. The draft laws set a legal basis for the extensive list of the secondary legislation that would commission the review of the entire regulatory framework of railway transport in Ukraine and its entry into force. At the same time, analysis of drafts on compliance with European legislation (compliance check), occurred at an appropriate time, will help to ensure strict compliance with the Association Agreement and accession obligations in the introduction of conditions for the opening of the rail transport market.

The Twinning project will be supporting MDCT, being the beneficiary of the Twinning project, and the relevant stakeholders, in implementation of Ukraine's obligations under the Association Agreement and strategic targets towards the EU accession and principal outlines of the railway transport sector as set out in the above-mentioned Laws.

3.2 Ongoing reforms:

Rail transport:

In rail transport Association Agreement foresees the approximation of 11 (12 as part of the negotiation process) EU legislative acts related to railway development, licencing of railways undertakings, the allocation of railway infrastructure capacity, railway safety, the certification of train drivers, interoperability of the rail system, and passenger land transport services of general economic interest and passengers' rights and obligations. With the opening of negotiations regarding Ukraine's accession to the EU, the list of EU rail transport *acquis* has extended to the full compliance and implementation of currently applicable EU legal instruments.

Under the current circumstances, the implementation of the rail transport reform is suspended with the beginning of martial law in February 2022. No market access legislation on railways has been adopted, implemented and enforced in accordance with the EU *acquis*. While Ukraine has partially applied some of the EU rail technical *acquis*, for instance on safety management systems, it is expected that most of the EU rules will be implemented with the adoption of the Law on traffic safety and interoperability of railway transport of Ukraine and the Law of Ukraine on the Railway Transport Market of Ukraine, which will be setting the basic and fundamental principles of the reform. Given this, as well as the fact that the reform of public administration involves ensuring stability and continuity in the functioning of the Ministry, the Ministry believes that the reform will not affect the implementation of the Twinning project. There are close links with the ongoing legislative works.

Public Joint Stock Company (PJSC) “Ukrzaliznytsya” was established on the basis of the State Administration of Railway Transport, which had the status of a management body, and 48 enterprises and institutions of railway transport, including 6 railways, were reorganised by merger in accordance with the Law of Ukraine “On the Specifics of Establishment of Public Joint Stock Company of Public Railway Transport” and the Resolution of the Cabinet of Ministers of Ukraine of 25.06.2014 No. 200 “On the establishment of the Public Joint Stock Company “Ukrainian Railways”.

The national incumbent rail company, Ukrzaliznytsia, remains the sole integrated railway undertaking managing infrastructure and providing rail transport services, without the financial and organisational separation between infrastructure management and rail transport operations. The Law of Ukraine “On Natural Monopolies” foresees the regulation of the access to the infrastructure.

In practice, however, conditions for accessing the infrastructure are not regulated. Infrastructure access charges are part of the general transportation tariff, which is set by the MDCT and often does not depend on the cost of transportation. Under the circumstances, both two main steps related to the separation of infrastructure from operations and subsequent market access may be considered by the Ukrzaliznytsia as difficult and even risky due to several technical, institutional, economic and financial factors, including decrease in traffic of freight, wear and tear of rail infrastructure, damages of assets because of the war, etc. Transition periods for the new laws’ implementation shall be very reasonable and clearly defined to mitigate a significant pressure on the operation of the Ukrzaliznytsia in the current moment. The financial situation of the Ukrainian Railways, which had been critical before the military aggression, has become even more precarious. Ukrzaliznytsia is also forced to perform some social functions of the state, such as cheap social transportation, free evacuation of people from frontline regions, etc.

3.3 Linked activities:

The topics covered by this Twinning project are/have been partially supported by some other projects.

EU-funded bilateral technical assistance project "Further Support to Implementation of EU-Ukraine Association Agreement Obligations in Transport Sector in Ukraine" (AASISTS III) provides technical support in the rail transport. The overall objective of this project is to effectively raise Ukrainian public authorities' capacities in designing and implementing key reforms in the transport sector in Ukraine stemming from the Association Agreement and the Deep and Comprehensive Free Trade Agreement (DCFTA). AASISTS III further supports the priorities of the national authorities in approximation efforts with EU legislation in rail, road and maritime transport modes and contributes to enhance regulatory convergence across transport modes).

In 2019, the Ministry of Infrastructure completed the TWINNING project "Support to the Ministry of Infrastructure in Establishing Conditions for Application of the European Model of Rail Transport Service Market", contract No. 2016 / 375-107. The project has proven itself as an effective tool that can best support the Ministry's specialists in implementing tasks that are in line with the objectives of the Project Work plan. In particular, the Project experts provided with significant assistance in improving a new version of the Law "On Rail Transport", technical and regulatory support for the implementation of procedures and methods for state control and monitoring of safety in the railway sector, support for the developing of the policy on Public Service Obligations, creating principles of equal access to railway infrastructure, development of approaches for creation of a system of relations between the participants of the railway transport market, etc.

This Twinning project will not duplicate the goals and results of previous projects, will play a key role in building strong institutional and legislative capacity and will aim at the implementation of fundamental legislation, the preparation of state institutions and businesses for the opening of the railway transport market.

3.4 List of applicable *Union acquis*/standards/norms

Rail market

- Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32–77).
- Directive (EU) 2016/2370 of the European Parliament and of the Council of 14 December 2016 amending Directive 2012/34/EU as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure (OJ L 352, 23.12.2016, pp. 1–17).
- Commission Implementing Regulation (EU) 2018/1795 of 20 November 2018 laying down procedure and criteria for the application of the economic equilibrium test pursuant to Article 11 of Directive 2012/34/EU of the European Parliament and of the Council (OJ L 294, 21.11.2018, pp. 5–14).
- Commission Delegated Decision (EU) 2017/2075 of 4 September 2017 replacing Annex VII to Directive 2012/34/EU of the European Parliament and of the Council establishing a single European railway area (OJ L 295, 14.11.2017, pp. 69–73).
- Commission Implementing Regulation (EU) 2017/2177 of 22 November 2017 on access to service facilities and rail-related services (C/2017/7692) (OJ L 307, 23.11.2017, p. 1–13).
- Commission Implementing Regulation (EU) 2016/545 of 7 April 2016 on procedures and criteria concerning framework agreements for the allocation of rail infrastructure capacity (C/2016/1954) (OJ L 94, 8.4.2016, p. 1–11).
- Commission Implementing Regulation (EU) 2015/1100 of 7 July 2015 on the reporting obligations of the Member States in the framework of rail market monitoring (OJ L 181, 9.7.2015, p. 1–26).
- Commission Implementing Regulation (EU) 2015/909 of 12 June 2015 on the modalities for the calculation of the cost that is directly incurred as a result of operating the train service (C/2015/3766) (OJ L 148, 13.6.2015, p. 17–22).
- Commission Implementing Regulation (EU) 2015/171 of 4 February 2015 on certain aspects of the procedure of licensing railway undertakings (OJ L 29, 5.2.2015, p. 3–10).
- Commission Implementing Regulation (EU) 2015/10 of 6 January 2015 on criteria for applicants for rail infrastructure capacity and repealing Implementing Regulation (EU) No 870/2014 (OJ L 3, 7.1.2015, p. 34–36).

Train Driver Licensing

- Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ EU L 315, 3.12.2007, p. 51).
- Commission Regulation (EU) No 36/2010 of 3 December 2009 on Community models for train driving licences, complementary certificates, certified copies of complementary certificates and application forms for train driving licences, under Directive 2007/59/EC of the European Parliament and the Council (OJ EU L 13, 19.1.2010, p. 1).
- Commission Decision 2010/17/EC of 29 October 2009 on the adoption of basic parameters for registers of train driving licences and complementary certificates provided for under Directive 2007/59/EC of the European Parliament and of the Council (OJ EU L 8, 13.1.2010, p. 17).
- Commission Decision 2011/765/EU of 22 November 2011 on criteria for the recognition of training centres involved in the training of train drivers, on criteria for the recognition of

examiners of train drivers and on criteria for the organisation of examinations in accordance with Directive 2007/59/EC of the European Parliament and of the Council (OJ EU L 314, 29.11.2011, p. 36).

- Commission Recommendation of 22 November 2011 on the procedure for recognition of training centres and of examiners of train drivers in accordance with Directive 2007/59/EC of the European Parliament and of the Council (OJ L 314, 29.11.2011, p. 41–46).

- Commission Implementing Decision of 14 February 2014 on a pilot project to implement the administrative cooperation obligations set out in Directive 2007/59/EC of the European Parliament and of the Council by means of the Internal Market Information System (OJ L 45, 15.2.2014, p. 36–39).

Rail Interoperability

- Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ EU L 138, 26.5.2016, p. 44).

- Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council (OJ L 90, 6.4.2018, p. 66–104).

- Commission Implementing Decision (EU) 2018/1614 of 25 October 2018 laying down specifications for the vehicle registers referred to in Article 47 of Directive (EU) 2016/797 of the European Parliament and of the Council and amending and repealing Commission Decision 2007/756/EC (OJ L 268, 26.10.2018, p. 53–91).

- Commission Implementing Regulation (EU) 2019/250 of 12 February 2019 on the templates for ‘EC’ declarations and certificates for railway interoperability constituents and subsystems, on the model of declaration of conformity to an authorised railway vehicle type and on the ‘EC’ verification procedures for subsystems in accordance with Directive (EU) 2016/797 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 201/2011 (OJ L 42, 13.2.2019, p. 9–24).

- Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 amending Commission Regulations (EU) No 321/2013, (EU) No 1299/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1303/2014 and (EU) 2016/919 and Commission Implementing Decision 2011/665/EU as regards the alignment with Directive (EU) 2016/797 of the European Parliament and of the Council and the implementation of specific objectives set out in Commission Delegated Decision (EU) 2017/1474 (OJ L 139I, 27.5.2019, p. 108–311).

- Commission Decision 2009/965/EC of 30 November 2009 on the reference document referred to in Article 27(4) of Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community (OJ EU L 341, 22.12.2009, p. 1).

- Commission Decision of 9 March 2011 on the publication and management of the reference document referred to in Article 27(4) of Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community (OJ L 63, 10.3.2011, p. 22–25).

- Commission Regulation (EU) No 1299/2014 of 18 November 2014 on the technical specifications for interoperability relating to the ‘infrastructure’ subsystem of the rail system in the European Union (OJ EU L 356, 12.12.2014, p. 1).

- Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union’s rail system for persons with disabilities and persons with reduced mobility (OJ EU L 356, 12.12.2014, p. 110).

- Commission Regulation (EU) No 1301/2014 of 18 November 2014 on the technical specifications for interoperability relating to the ‘energy’ subsystem of the rail system in the Union (OJ EU L 356, 12.12.2014, p. 179).

- Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the ‘rolling stock — locomotives and passenger rolling stock’ subsystem of the rail system in the European Union (OJ EU L 356, 12.12.2014, p. 228).
- Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem ‘rolling stock — noise’ amending Decision 2008/232/EC and repealing Decision 2011/229/EU (OJ EU L 356, 12.12.2014, p. 421).
- Commission Regulation (EU) No 1305/2014 of 11 December 2014 on the technical specification for interoperability relating to the telematics applications for freight subsystem of the rail system in the European Union and repealing the Regulation (EC) No 62/2006 (OJ EU L 356, 12.12.2014, p. 438).
- Commission Implementing Decision 2011/665/EU of 4 October 2011 on the European register of authorised types of railway vehicles (OJ EU L 64, 8.10.2011, p. 32).
- Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of railway infrastructure and repealing Implementing Decision 2014/880/EU (OJ L 139I, 27.5.2019, p. 312–355).
- Commission Implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (OJ L 139I, 27.5.2019, p. 5–88).
- Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem ‘telematics applications for passenger services’ of the trans-European rail system (OJ EU L 123, 12.5.2011, p. 11).
- Commission Implementing Regulation (EU) 2023/1695 of 10 August 2023 on the technical specification for interoperability relating to the control-command and signalling subsystems of the rail system in the European Union and repealing Regulation (EU) 2016/919 (OJ L 222, 8.9.2023, p. 380–560).
- Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem ‘rolling stock — freight wagons’ of the rail system in the European Union and repealing Decision 2006/861/EC (OJ EU L 104, 12.4.2013, p. 1).
- Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council (OJ EU L 319, 4.12.2010, p. 1).
- Commission Implementing Regulation (EU) 2020/424 of 19 March 2020 on submitting information to the Commission as regards non-application of technical specifications for interoperability in accordance with Directive (EU) 2016/797 (OJ L 84, 20.3.2020, p. 20–23).
- 2014/881/EU: Commission Recommendation of 18 November 2014 on the procedure for demonstrating the level of compliance of existing railway lines with the basic parameters of the technical specifications for interoperability (OJ L 356, 12.12.2014, p. 520–526).

Railway Safety

- Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ EU L 138, 26.5.2016, p. 102).
- Commission Delegated Regulation (EU) 2018/761 of 16 February 2018 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 1077/2012 (OJ L 129, 25.5.2018, p. 16–25).
- Commission Delegated Regulation (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements pursuant to Directive (EU) 2016/798

of the European Parliament and of the Council and repealing Commission Regulations (EU) No 1158/2010 and (EU) No 1169/2010 (OJ L 129, 25.5.2018, p. 26–48).

- Commission Implementing Regulation (EU) 2018/763 of 9 April 2018 establishing practical arrangements for issuing single safety certificates to railway undertakings pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council, and repealing Commission Regulation (EC) No 653/2007 (OJ L 129, 25.5.2018, p. 49–67).

- Commission Implementing Regulation (EU) 2020/572 of 24 April 2020 on the reporting structure to be followed for railway accident and incident investigation reports (Text with EEA relevance). C/2020/2518. OJ L 132, 27.4.2020, p. 10–18.

- Commission Implementing Regulation (EU) 2019/779 of 16 May 2019 laying down detailed provisions on a system of certification of entities in charge of maintenance of vehicles pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 445/2011 (OJ L 139I, 27.5.2019, p. 360–389).

- Commission Recommendation (EU) 2019/780 of 16 May 2019 on practical arrangements for issuing safety authorisations to infrastructure managers (OJ L 139I, 27.5.2019, p. 390–405).

- Commission Decision 2009/460/EC of 5 June 2009 on the adoption of a common safety method for assessment of achievement of safety targets, as referred to in Article 6 of Directive 2004/49/EC of the European Parliament and of the Council (OJ EU L 150, 13.6.2009, p. 11).

- Commission Regulation (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance (OJ EU L 320, 17.11.2012, p. 8).

- Commission Implementing Regulation (EU) No 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment and repealing Regulation (EC) No 352/2009 (OJ L 121, 3.5.2013, p. 8–25).

- 2013/753/EU: Commission Implementing Decision of 11 December 2013 amending Decision 2012/226/EU on the second set of common safety targets for the rail system (notified under document C(2013) 8780) (OJ L 334, 13.12.2013, p. 37–43).

- Commission Implementing Regulation (EU) 2015/1136 of 13 July 2015 amending Implementing Regulation (EU) No 402/2013 on the common safety method for risk evaluation and assessment (OJ L 185, 14.7.2015, p. 6–10).

Passenger transport

- Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (OJ L 315, 3.12.2007, pp. 1–13).

- Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast) (OJ L 172, 17.5.2021, pp. 1–52).

3.5 Components and results per component:

The Twinning project is organised around three components. The objectives of the Twinning project should be achieved by implementing the activities within those components and results associated with each component. These activities may include drafting of the legislation, recommendations, methodologies, analysis of the EU practices, consulting, training and study visits. All drafts of legal acts to be developed under each component will need to be considered for compliance and full implementation of EU *acquis*. This assessment shall be supported with the concordance tables providing explanations on how the provision complies (or does not comply) with EU *acquis*.

The specific activities within the three components are not determined at this stage and will be refined during negotiation of the contract and elaboration of the initial work plan based on the awarded proposal. The framework outlined below is indicative.

Component 1: Institutional support to the Ministry for Development of Communities and Territories of Ukraine (the Ministry) in the implementation of the competitive market of railway services in line with EU acquis

Within this Component, the Ministry needs support to revise the existing legislation, and draft new legal acts required to implement the EU norms and standards regulating rail market. The list will be finalised by the Ministry and the Twinning project team in accordance with the needs of the beneficiary at that time.

In the context of the Component 1, the following results will be achieved:

Result 1.1: The rules and procedures of equal access to railway infrastructure are drafted.

The activities to achieve this result will be aimed at development and introduction of by-laws regulating the rules and procedures for entering the railway market, providing equal access to railway infrastructure, laying down principles and procedures applicable to the setting and collecting of railway infrastructure charges and the allocation of railway infrastructure capacity in accordance with EU acquis. All drafts of legal acts will need to be considered for compliance and full implementation of EU acquis.

Result 1.2: The rules and procedures of coordination between different actors of the railway market are structured and consulted with potential stakeholders of railway market.

This should include relations between different infrastructure managers, owners of siding, service facilities operators, and carriers.

Result 1.3: The Model Draft of Network Statement is drafted.

The activities to achieve this result will be arranged to assist in the development of the Model Draft of Network Statement and appropriate recommendations. It will also include the measures to help the main infrastructure manager to develop the Network Statement.

Result 1.4: The recommendations for ensuring ***the stable maintenance of infrastructure*** are provided.

These recommendations will include the experience of EU Member States on financing the maintenance and development of infrastructure, determination of basic parameters of the Contractual Agreements Between Competent Authorities and Infrastructure Managers, the measures for implementing the best European experience. The activities will also include the assistance in communication with the Ministry of Finance of Ukraine and Antimonopoly Committee of Ukraine on these issues.

Result 1.5: The new system of training, examination, licensing and certifications of train drivers is drafted.

The activities to achieve this result will be arranged to help in drafting the rules and procedures for granting a train driver's license, examinations concerning the professional-psychological suitability and general professional competence of train drivers, training of train drivers and their professional selection. It will also include the assistance in development and implementation of procedures for authorization of training and examination centers.

The results above will also include a development of the concept for the revision of currently applicable requirements and their withdrawal or amendments if in contradiction to EU acquis.

Component 2: Institutional support to the Ministry for Development of Communities and Territories of Ukraine (the Ministry) and other relevant state bodies in the implementation of the of the EU norms and standards on railway safety and interoperability

Within this Component, the Ministry needs support to revise the existing legislation, and draft new legal acts required to implement the EU norms and standards regulating rail safety and interoperability. The list will be finalised by the Ministry and the Twinning project team in accordance with the needs of the beneficiary at that time.

In the context of the Component 2, the following results will be achieved:

Result 2.1: The rules and procedures for *safety certification, authorization, monitoring and supervision* are drafted.

The activities to achieve this result will be aimed at development and introduction of by-laws regulating the rules and procedures of providing safety certification, authorization, monitoring and supervision. All drafts of legal acts will need to be considered for compliance and full implementation of EU acquis, supported by the appropriate concordance tables. It will also include the risk assessment measures and the procedure of technical investigation of accidents.

Result 2.2: The conditions and procedures towards the *technical harmonisation (interoperability)* with the Union rail system are drafted.

The activities to achieve this result will be aimed at development and introduction of the interoperability requirements in accordance with the Directive 2016/797. This will include assistance in drafting and establishing the rules and procedures for authorisation of placing in service structural subsystems of railway transport, setting up vehicle authorization system and introduction of TSIs into the Ukrainian legislation. The activities will also include trainings for the staff of the Ministry and other relevant state bodies.

Result 2.3: The framework for establishment *railway rolling stock maintenance system* is provided.

The activities to achieve this result will include support in drafting rules for the introduction of the entity in charge of maintenance concept and provision of maintenance services for railway rolling stock. It will also include support in establishing the procedure for attestation of entities carrying out technical maintenance of railway rolling stock, introduction of procedures for the interaction of such enterprises with rolling stock owners (carriers), the infrastructure managers and the NSA.

Result 2.4: The *training on the topic of railway safety issues* are organised for the staff of the Ministry, other state bodies, as well as for JSC "Ukrzaliznytsya" and business representatives.

The training sessions will cover the following topics: the development, certification and implementation of safety management system; risk assessment; the form of the safety report of the railway enterprises and the procedure for its submission to the National Safety Authority, the procedures for technical investigation of accidents etc.

The results above will also include a development of the concept for the revision of currently applicable requirements and their withdrawal or amendments if in contradiction to EU acquis.

Component 3: Institutional support to the Ministry for Development of Communities and Territories of Ukraine (the Ministry), local authorities and other relevant state bodies in the implementation of the EU norms and standards to introduce quality passenger transportation by rail.

Within this Component, the Ministry needs support to develop the regulatory framework, to set up procedures and methodologies, to study the EU practices and the experience in passenger transport by rail.

In the context of the Component 3, the following results will be achieved:

Result 3.1: The pre-requisites for the implementation of Public Service Obligation are established. The competent authorities at state and local level have an understanding of PSO concept and responsibilities/steps to organise PSO.

The activities to achieve this result will be focused on setting the legal and administrative pre-requisites for the implementation of EU Regulation 1370/2007 by rails and establishing a solid understanding of PSO concept. This will include assistance to the Ministry in drafting the methodology for public PSO tendering and selection of rail routes subject to PSO, compensation to avoid the overcompensation, overview of EU Member States practices in setting up the competent authority, modelling contract on public service obligations for passenger transportation by railways and control of PSO contract performance.

The activities will be provided not only for the Ministry's staff but also for the local authorities. This will include the training and assisting on the organising PSO in particular (but not exclusively) regarding the assessment of the demand for public services, the analysis with the aim to identify what part of the demand could be satisfied by (commercial) market operators on an open access basis prior to defining the PSO; the preparing and organising (competitive) procedures for the award of PSC; the monitoring the compliance with obligations by the public transport operator.

Result 3.2: The passenger rights are defined in the legal acts, and recommendations for monitoring and controlling their provision are provided.

The activities to achieve this result will be focused on implementation of the EU Regulation 2021/782.

Result 3.3: A roadmap for the introduction of proper servicing of passengers with reduced mobility is developed.

The activities to achieve this result will be include the analysis of the situation in Ukraine, providing the EU member states experience and assistance in drafting the roadmap.

3.6 Means/input from the EU Member State Partner Administration(s)*:

The project will be implemented in the form of a Twinning Contract between the Beneficiary Country and the EU Member State(s). The implementation of the project requires one Project Leader (PL) with responsibility for the overall coordination of project activities and one Resident Twinning Advisers (RTA) to manage implementation of project activities, Component Leaders (CL) and a pool of short-term experts (STE) within the limits of the budget. It is essential that the team has sufficiently broad expertise to cover all areas included in the project description.

Proposals submitted by Member State(s) shall be concise and focused on the strategy and methodology and an indicative timetable underpinning this, the administrative model suggested, the quality of the expertise to be mobilised and show clearly the administrative structure and capacity of the Member State entity/ies. Proposals shall be detailed enough to respond adequately to the Twinning Fiche but are not expected to contain a fully elaborated project. They shall contain enough detail about the strategy and methodology and indicate the sequencing and mention key

activities during the implementation of the project to ensure the achievement of overall and specific objectives and expected results/outputs.

The interested Member State(s) shall include in their proposal the CVs of the designated Project Leader (PL) and the Resident Twinning Adviser (RTA), as well as the CVs of the potentially designated Component Leaders (CLs).

The Twinning project will be implemented by close cooperation between the partners aiming to achieve the Expected results in a sustainable manner.

The set of proposed activities and indicators will be further developed with the Twinning partners when drafting the initial work plan and successive rolling work plan every three months, keeping in mind that the final list of activities will be decided in cooperation with the Twinning partners.

Due to security reasons the project is expected to be implemented in a 'hybrid' mode (combining online and offline events and means of collaboration). In line with the flexibility arrangements for the implementation of Twinning projects in Ukraine, RTA and short-term experts may be allowed to work from their home country(ies) using the videoconferencing facilities. The exact arrangements shall be agreed in the workplan, with the overall assumption that the remote work contributes to the successful implementation of the project. If the security situation changes after the conclusion of the contract, the project format may be changed to a standard offline implementation arrangement. This issue will be additionally agreed.

3.6.1 Profile and tasks of the PL:

Qualifications and skills:

- Proven contractual relation to a public administration or mandated body (*see Twinning Manual 4.1.4.2*) responsible for railway transport
- University degree in one of the following fields: law, public or business administration, transport engineering, economics, or equivalent professional experience of 8 years in the sector of railway transport
- At least 3 years of specific experience in railway transport management and/or regulatory approximation/implementation/enforcement issues in railway transport sector
- Previous experience in project management and/or as a team leader will be considered as asset
- Previous experience in international cooperation will be considered as asset
- Previous experience in change management will be considered as asset
- Fluent written and spoken English
- Knowledge of Ukrainian will be considered as asset.

Tasks:

- Conceive, supervise and coordinate the overall Twinning project
- To provide strategic advice on high level regarding reforms supported by the Twinning
- Coordinate and monitor the overall implementation of the project including coordination and direction of the MS Twinning partner
- Coordinate MS experts' work and availability
- Communicate with the beneficiary and EU Delegation
- Ensure the backstopping functions and financial management
- Guarantee from the MS administration side, the successful implementation of the project

- Participate in quarterly meetings of the Project Steering Committee with the BC PL
- Participate in preparation of the initial and subsequent work plans
- Participate in preparation of both interim and final reports.

Primary responsibility of the MS Project Leader shall be to ensure that the project produces the required outputs, to the required standards of quality and within the specified constraints of time and cost. PL and other project staff will also address cross-cutting issues.

3.6.2 Profile and tasks of the RTA:

The relevant institution of MS will appoint a long-term Resident Twinning Adviser (RTA).

Qualifications and skills:

- Proven contractual relation to a public administration or mandated body in charge of the railway transport sector
- University degree in one of the following fields: law, public or business administration, transport engineering, economics, or equivalent or equivalent professional experience of 8 years in the sector of railway transport
- Minimum 3 years of general professional experience in railway transport sector
- Minimum 3 years of experience in the fields of railway transport
- Previous experience in project management, training and mentoring or as a team leader in related areas will be considered as asset
- Previous experience in international cooperation will be considered as asset
- Fluent written and spoken English
- Knowledge of Ukrainian will be considered as asset.

Tasks:

As to the general responsibility of the day-to-day implementation of the Twinning project in the Beneficiary Country, the Resident Twinning Adviser (RTA) tasks will include:

- Provide technical advice and assistance to the administration or other public sector bodies in the BC in the context of a predetermined work-plan
- Coordination of all project activities and experts' input in the BC
- Ensuring day-to-day implementation of the Twinning project in the BC
- Ensuring coordination with other donors working in relevant fields
- Ensuring smooth correlation between the activities, deadlines and envisaged results in the Work Plan
- Preparation of the materials and documentation for regular monitoring and reporting
- Preparation of side letters
- Together with the Project Leader, to nominate, mobilize and supervise the Short-Term experts.

In addition to the above, an assistant and a full-time translator-interpreter shall be appointed to assist the RTA. Allowance for this must be made within the project budget. Furthermore, the assistant and translator will facilitate the training activities. Where necessary (for example, during training activities, translation of project documents/reports and materials) the project will hire an additional translator with costs covered by the project.

3.6.3 Profile and tasks of Component Leaders:

Component Leaders will provide general guidance for the two Components of the project.

Their profiles should correspond to the following requirements:

- Proven contractual relation to a public administration or mandated body
- University degree in one of the following fields: law, public or business administration, transport engineering, economics, or equivalent or equivalent professional experience of 8 years in the sector of maritime transport
- Minimum 3 years of professional experience in the fields of railway transport, covering the domains of this Twinning project, including drafting of legislation and harmonization of external legislation with the EU rail transport acquis in a public institutional context
- Previous experience in consulting, training and mentoring in related areas will be considered as asset
- Fluent written and spoken English.

3.6.4 Profile and tasks of other short-term experts:

STEs will provide specialized know-how for the individual tasks of the project.

Their profiles should correspond to the following requirements:

- University degree in one of the following fields: law, public or business administration, transport engineering, economics, or equivalent or equivalent professional experience of 8 years in railway transport sector
- Minimum 3 years of professional experience in the fields of railway transport, covering the domains of this Twinning project, and/or public service obligations and passenger rights, including drafting of legislation, harmonization of external legislation with the EU railway transport acquis in a public institutional context
- Previous experience in consulting, training and mentoring in related areas will be considered as asset
- Fluent written and spoken English.

4. Budget

EUR 1 500 000

5. Implementation Arrangements

5.1 Implementing Agency responsible for tendering, contracting and accounting (AO/CFCU/PAO/European Union Delegation/Office):

The person in charge at the EU Delegation to Ukraine:

Ms. Kornelija VASAUSKAITĖ

Project Manager

Delegation of the European Union to Ukraine

101, Volodymyrska Street, Kyiv, Ukraine, 01033

e-mail: kornelija.vauskaite@eeas.europa.eu

The Delegation of the European Union to Ukraine together with the Twinning Programme Administration Office (PAO) will control the quality of all twinning documentation, check that the

good financial management of the Twinning project is in compliance with EC rules, receive and examine all twinning project reports, support all twinning stakeholders, including beneficiary administration and Member States.

The person in charge at the PAO in Ukraine:

Twinning Programme Administration Office (PAO)

National Agency of Ukraine on Civil Service

15, Prorizna Street, Kyiv, Ukraine, 01033

Monitoring will be performed by the EU Delegation to Ukraine.

5.2 Institutional framework:

The main beneficiary institution of this Twinning project is the Ministry for Development of Communities and Territories of Ukraine, namely its Department for Railway Transport.

The organisational structure of the Ministry for Development of Communities and Territories of Ukraine is: the Minister and Deputy Ministers, 26 departments, 6 sectors and 5 chief specialists in labour protection, civil protection, internal control and information security, which interact with each other depending on functional responsibilities. In the Ministry for communities, territories and infrastructure development of Ukraine there are about 395 employees. In particular, the Ministry of Infrastructure has a Department of International Cooperation and European Integration, which deals with issues of European integration in particular, the Department of Railway Transport, which is responsible for the formation and implementation of policy in the field of railway transport, and the Department of Technical Regulation in Transport, which is responsible for the formation of policy on ensuring safety and technical policy.

The beneficiary should accept the binding conditions of the Twinning agreement with the EU. The results of the Twinning project shall lead to a strengthening of the institutional and legal frameworks of the partner institution.

Other stakeholders to be involved are:

- the State Service of Ukraine on Transport Safety and Security (UkrTransBezpeka), as authority currently performing part of the functions of and as future fully fledged national safety authority;
- the Ministry of Finance of Ukraine;
- JSC “Ukrzaliznytsia”;
- Potential future railway undertakings and siding operators;
- Antimonopoly Committee and local authority (for PSO component).

Engagement of the other institutions to be identified in the institutional mapping is envisaged.

5.3 Counterparts in the Beneficiary administration:

The PL and RTA counterparts will be staff of the Beneficiary administration and will be actively involved in the management and coordination of the project.

5.3.1 Contact person:

Ms. Svitlana Zabolotska

Head of the Rail Transport Department

Ministry for Development of Communities and Territories of Ukraine

14 Beresteyskyi ave, Kyiv, Ukraine, 01135

e-mail: zabolotska@mtu.gov.ua

5.3.2 PL counterpart:

Mr./Ms.

Ministry for Development of Communities and Territories of Ukraine

14 Beresteyskyi ave, Kyiv, Ukraine, 01135

e-mail:

5.3.3 RTA counterpart:

Mr. Oleksandr Fedorenko

Head of the Rail Transport Department

Ministry for Development of Communities and Territories of Ukraine

14, Beresteyskyi ave, Kyiv, Ukraine, 01135

tel.: +380 44 351 48 77

e-mail: fedorenko@miu.gov.ua

6. Duration of the project

30 months

7. Management and reporting

7.1 Language:

The official language of the project is the one used as contract language under the instrument (English). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

7.2 Project Steering Committee:

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements vis-à-vis the Expected results/outputs chain (from Expected results/outputs per component to impact), ensuring good coordination among the actors, finalising the interim reports and discussing the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

7.3 Reporting:

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twinning: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements vis-à-vis the Expected results and provide precise recommendations and corrective measures to be decided by to ensure the further progress.

8. Sustainability

The achievements of the Twinning project should be maintained as a permanent asset to the Beneficiary administration even after the end of the Twinning project implementation. This presupposes inter alia that effective mechanisms are put in place by the Beneficiary administration to disseminate and consolidate the results of the project.

The twinning partners will undertake to provide the basic infrastructure necessary for the sustainability of their joint twinning achievements. The sustainability of the results is likely to be achieved if the twinning partners commit themselves to the following:

- absorbing efficiently the contents and understanding of the training materials by the Beneficiary personnel being measured and monitored after each training session that is provided by simple tests;
- making maximum use of the skills and abilities of the Beneficiary country administration personnel previously trained by Member States; apply “train the trainers approach” for sustainable capacity building of the Beneficiary administration;
- allowing for confirmation of the effect of the Twinning project for the Beneficiary administration by organising a final seminar that presents achieved results of the twinning activities at the end of the Twinning project;
- providing assurance that manuals and procedures developed within the Twinning project will be used by the Beneficiary beyond the primary contract period.

The success of the project will be based on achieving practical results and sustainability of the results will be an important measure of success.

As concerns Twinning project that includes support to development of sector policies (strategies and action plans), support to development of new legislation or amendments (especially Union acquis), the sustainability of Expected results/outputs is best ensured by ensuring that policy and legislative proposals are backed up by at least basic impact assessments (regulatory, fiscal). It should also be consulted with both internal and external stakeholders (inter-ministerial and public consultations), as required by Beneficiary country legislation.

9. Crosscutting issues (*equal opportunity, environment, climate etc...*)

All activities under this project will be designed and implemented in accordance with principles of good governance, human rights-based approach, gender equality and environmental sustainability. Support to mainstreaming gender issues into the legislative process under the activities for the implementation of Association Agreement will be provided. All activities will ensure the respect to Key principles of Public Administration, especially the commitment to inclusive and evidence-based policy and legislative development.

This action will be implemented following a right-based approach, encompassing all human rights. The five working principles below will be applied at all stages of implementation: legality, universality and indivisibility of human rights; participation and access to the decision-making process; non-discrimination and equal access; accountability and access to the rule of law; transparency and access to information.

By promoting an institutional culture of openness, accountability and transparency, the project will positively impact on the credibility and integrity of concerned Government Departments and Agencies. The project will strive to act as an example of positive administrative reform.

10. Conditionality and sequencing

The underlying assumption for this project is the Ukrainian political will to reform the railway transport sector and provision of adequate funding for the capacities to be delivered.

The Twinning project requires the full commitment and participation of the senior management of the beneficiary institution. In addition, to provide the Twinning partner with adequate resources to operate effectively, the senior management must be involved in the development and implementation of the policies required to deliver the described results.

The Ministry is aware that several issues, important for the smooth implementation of the Twinning project and for the achievement of the components, are partially or completely under their sole responsibility.

When the project starts, the Ministry must:

- ensure strong involvement/commitment of Ministry's staff at all levels and adequate involvement of the above mentioned stakeholders;
- assign Ministry's experts as counterparts for the STE's to cooperate on the implementation of activities according to the working plan;
- provide suitable venues and equipment for training sessions and seminars that will be held under the Project.

The sequencing of all Twinning activities will be prioritized in close coordination between the MS and the Ministry and will work according to the Logical Framework, which will form part of the Twinning project contract.

11. Indicators for performance measurement

Definition of project specific, realistic, verifiable targets and indicators are included in Annex 1 - Simplified Logical framework.

Result 1.1: The rules and procedures of equal access to railway infrastructure are drafted.

Indicators of performance measurement:

- Availability of draft legal documents and procedures regulating the procedure of equal access to railway infrastructure.

Result 1.2: The rules and procedures of coordination between different actors of the railway market are structured and consulted with potential stakeholders of railway market.

Indicators of performance measurement:

- Availability of legal documents and procedures regulating the procedures of coordination between different actors of the railway market.

Result 1.3: The Model Draft of Network Statement is drafted.

Indicators of performance measurement:

- Availability of the Model Draft of Network Statement.
- Availability of recommendations and methodologies.

Result 1.4: The recommendations for ensuring the stable maintenance of infrastructure are provided.

Indicators of performance measurement:

- Availability of recommendations for ensuring the stable maintenance of infrastructure.
- Availability of recommendations for the basic parameters of the contractual arrangements.

Result 1.5: *The new system of training, examination, licensing and certifications of train drivers* is drafted.

Indicators of performance measurement:

- Availability of new system for training, examination, licensing and certifications of train drivers.
- Availability of concept and recommendations for the revision of current system.

Result 2.1: The rules and procedures for *safety certification, authorization, monitoring and supervision* are drafted.

Indicators of performance measurement:

Availability of:

- by-laws regulating the rules and procedures of providing safety certification, authorization, monitoring, risk assessment and supervision;
- procedure for technical investigation of accidents.

Result 2.2: The conditions and procedures towards the *technical harmonisation (interoperability)* with the Union rail system are drafted.

Indicators of performance measurement:

- Availability of the procedures and legal pre-requisites to ensure interoperability of Ukraine's railway system in accordance with Directive (EU) 2016/797;
- Availability of by-laws on vehicle and infrastructure authorization and introduction of Technical Specifications for Interoperability (TSIs).

Result 2.3: The framework for establishment *railway rolling stock maintenance system* is provided.

Indicators of performance measurement:

- Availability of rules for the introduction of the entity in charge of maintenance concept and provision of maintenance services for railway rolling stock

Result 2.4: The *trainings on the topic of railway safety issues* are organised for the staff of the Ministry, other state bodies, as well as for JSC "Ukrzaliznytsya" and business representatives.

Indicators of performance measurement:

- Number of training sessions aimed at development of capacity of staff of the Ministry and relevant stakeholders to deal with rail safety issues. .

Result 3.1: *The pre-requisites for the implementation of Public Service Obligation* are established. The competent authorities at state and local level have an understanding of PSO concept and responsibilities/steps to organise PSO.

Indicators of performance measurement:

- Understanding of PSO concept and responsibilities/steps to organise PSO by the competent authorities;

- Availability of the methodology for public PSO tendering and selection of rail routes subject to PSO, compensation to avoid the overcompensation;
- Availability of an overview of EU Member States practices in setting up the competent authority, modelling contract on public service obligations for passenger transportation by railways and control of PSO contract performance.

Result 3.2: *The passenger rights* are defined in the legal acts, and recommendations for monitoring and controlling their provision are provided.

Indicators of performance measurement:

- Availability of the legal acts and recommendations on rail passenger rights for monitoring and controlling their provision.

Result 3.3: *A roadmap for the introduction of proper servicing of passengers* with reduced mobility is developed

Indicators of performance measurement:

- Availability of a roadmap for the introduction of proper servicing of passengers with reduced mobility;
- Availability of the analysis of Ukraine's situation.

12. Facilities available

The office space, meeting rooms, hard and software, telephone, internet access, security-related issues and facilities available for training, seminars and conferences will be provided by the Ministry for the RTA, his/her assistants and visiting experts.

ANNEXES TO PROJECT FICHE

Annex 1: The Simplified Logical framework matrix

ANNEX 1: The Simplified Logical Framework Matrix

	Description	Indicators (with relevant baseline and target data)	Sources of Verification	Risks	Assumptions
Overall Objective	The overall objective of the project is to support and strengthen Ukraine's railway transport sector reform in line with EU <i>acquis</i> requirements.	<p>Improved regulatory and institutional framework to implement railway transport reform in Ukraine.</p> <p>Baseline: 2026 – adoption of Law on rail safety, interoperability and Law on rail market, based on which new secondary legislation in the field is to be drafted.</p> <p>Target: By the end of project - the Ukrainian railway transport sector legislation is better aligned with the respective EU legislation; implementation of respective institutional and administrative measures is advanced.</p>	<ul style="list-style-type: none"> - Monitoring/assessment reports by EU, international organisations; - Official database for Ukrainian legislation; - Improvements and progress acknowledge in the annual Enlargement Report. 	<ul style="list-style-type: none"> - Risks associational with the on-going military aggression against Ukraine; - Changes in beneficiary's governance and its priorities; - Risks associated with lack of financial and human resources that would hinder legislative works, institutional reforms and implementation of the newly adopted legislation, as well as necessary organisational and protection measures. 	<ul style="list-style-type: none"> - Continued commitment of the Ukrainian Government for the railway transport reform implementation; - Sufficient political support from high-ranking officials in the sector for conducting the reform; - Sufficient human and financial resources to carry out all necessary reforms. - Active input of the related stakeholder organisations

<p>Specific (Project) Objective(s)</p>	<ul style="list-style-type: none"> • To advance the legal framework enabling Ukraine's railway market opening for competition. • To enhance the capacity of the Ministry for Development of Communities and Territories of Ukraine in organising the preparation of entities for the opening of the railway transport market in accordance with the European norms and standards, integration of Ukraine into the Trans-European Transport Network. • To build the legal and administrative grounds for an appropriate level of PSO and passenger transport in Ukraine's rail transport sector 	<p>Availability of draft legal documents, procedures and methodologies regulating policies for the competitive railway market, rail transport safety and interoperability, and passenger transport.</p> <p>Baseline: 2026 – structural plans of the reform in place and being implemented; legislative works in process.</p> <p>Target: By the end of project – set of legislation is drafted and available for adoption; relevant procedures and methodologies; the capacities of the Ministry are significantly increased in order to implement and enforce reforms; appropriate bodies established, trained and operational.</p> <p>Baseline: 2026 – n/a.</p> <p>Target: By the end of project – the pre-requisites for the implementation of EU Regulation 1370/2007 in rail transport are identified; solid understanding of PSO concept by governmental and local authorities established, considerable amount of stakeholder organisations engaged and their staff trained.</p>	<ul style="list-style-type: none"> - Analyses of the legal and regulatory documents (including elaborated drafts) and preparation of recommendations, drafts of legislation, rules and procedures based on EU Acquis and standards; - Project reports with relevant analysis and recommendations, including on exchange of EU best practices; - Compliance checks and concordance tables. 	<ul style="list-style-type: none"> - Risks associational with the on-going military aggression against Ukraine; - Changes in beneficiary's governance and its priorities; - Risks associated with lack of financial and human resources that would hinder implementation of the newly adopted legislation and necessary organisational and institutional measures. - Level of local authorities engagement - Risks associated with lack of financial and human resources that would hinder implementation of PSO 	<ul style="list-style-type: none"> - Continued commitment of the Ukrainian Government for the railway transport reform implementation; - Sufficient political support from high-ranking officials in the sector for conducting the reform; - Sufficient human and financial resources to carry out all necessary reforms. - Active input of the related stakeholder organisations - Engagement of the local authorities to implement PSO - Decisions linked to the state budget allocations are made
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Mandatory results/output s by components	Component 1:				
	Result 1.1: The rules and procedures of equal access to railway infrastructure are drafted	Availability of draft legal documents and procedures (mechanisms) regulating the procedure of equal access to railway infrastructure. Baseline: 2026 – n/a. Target: By the end of project – drafts of the respective legal documents are available, considered for compliance and full implementation of EU acquis, and possibly adopted; respective staff of the Ministry and relevant stakeholders is trained.	- Expert evaluations, surveys, analytical reports; - Compliance checks and concordance tables; - Official database for Ukrainian legislation; - Draft legal documents submitted for public discussion or official updates on the adoption of legal documents in accordance with the national procedure.	- Insufficient dedication, motivation, resources of the Ministry and stakeholders; - Insufficient cooperation between the Ministry and rail sector players.	- The Ministry and stakeholders are ready to assign the staff for the training and guarantee their further employment in the relevant units.
	Result 1.2: The rules and procedures of coordination between different actors of the railway market are structured and consulted with potential stakeholders of railway market.	Availability of legal documents and procedures (mechanisms) regulating the procedures of coordination between different actors of the railway market. Baseline: 2026 – n/a. Target: By the end of project – drafts of the respective legal documents are available, considered for compliance and full implementation of EU acquis, and possibly adopted; respective stakeholders on the market consulted.	- Expert evaluations, surveys, analytical reports; - Compliance checks and concordance tables; - Official database for Ukrainian legislation; - Draft legal documents submitted for public discussion or official updates on the adoption of legal documents, or procedures (mechanisms) in accordance with the national procedure.	- Insufficient dedication, motivation, resources of the Ministry and stakeholders; - Insufficient cooperation between the Ministry and rail sector players	- The Ministry and stakeholders are ready to assign the staff for the training and guarantee their further employment in the relevant units.
	Result 1.3: The Model Draft of Network Statement is drafted.	Availability of the Model Draft of Network Statement.	- Expert evaluations, surveys, analytical reports	- Insufficient dedication, motivation,	- The Ministry and infrastructure manager are ready to assign the staff for

		<p>Recommendations and methodologies developed. No of staff trained.</p> <p>Baseline: 2026 – n/a. Target: By the end of project – the Model Draft of Network Statement is provided; respective staff of the infrastructure manager is trained on the development of the Network Statement.</p>	<ul style="list-style-type: none"> - Project reports with relevant analysis and recommendations, including on exchange of EU best practices; - Training records - Publications by the Ministry or infrastructure manager 	<p>resources of the Ministry and infrastructure manager;</p> <ul style="list-style-type: none"> - Insufficient cooperation between the Ministry and rail sector players. 	<p>the training and guarantee their further employment in the relevant units.</p>
	<p>Result 1.4: The recommendations for ensuring the stable maintenance of infrastructure are provided.</p>	<p>Availability of recommendations for ensuring the stable maintenance of infrastructure. Recommendations for the basic parameters of the contractual arrangements</p> <p>Baseline: 2026 – n/a. Target: By the end of project – recommendations are developed (including experience of EU Member States of financing the maintenance and development of infrastructure); basic parameters of the Contractual Agreements Between Competent Authorities and Infrastructure Managers determined; the measures for implementing the best European experience outlined; communication with the Ministry of Finance of Ukraine</p>	<ul style="list-style-type: none"> - Expert evaluations, reviews, analytical reports; - Record of meetings with the Ministry of Finance of Ukraine and Antimonopoly Committee of Ukraine; - Project reports with relevant analysis and recommendations, including on exchange of EU best practices; - Progress reports on infrastructure maintenance. 	<ul style="list-style-type: none"> - Insufficient dedication, motivation, resources of the relevant Ministries and infrastructure manager; - Insufficient cooperation between the Ministry and rail sector players. 	<ul style="list-style-type: none"> - The relevant Ministries and infrastructure manager are ready to assign the staff for the training and guarantee their further employment in the relevant units. - Decisions linked to the state budget allocations are made

		and Antimonopoly Committee of Ukraine established.			
	Result 1.5: The new system of training, examination, licensing and certifications of train drivers is drafted .	<p>Availability of new system for training, examination, licensing and certifications of train drivers.</p> <p>Availability of a concept for the revision of currently applicable requirements and proposals for their amendments</p> <p>Baseline: 2026 –train drivers’ certification system led by UZ is in place.</p> <p>Target: By the end of project – new EU compliant system for training, examination, licensing and certifications of train drivers is adopted; procedures for authorization of training and examination centers developed.</p>	<ul style="list-style-type: none"> - Project reports with relevant analysis and recommendations; - Expert evaluations, reviews; - Compliance checks and concordance tables; - Official database for Ukrainian legislation; - Draft legal documents submitted for public discussion or official updates on the adoption of legal documents, or procedures (mechanisms) in accordance with the national procedure. 	<ul style="list-style-type: none"> - Insufficient dedication, motivation, resources of the Ministry and related stakeholders; - Insufficient cooperation between the Ministry and rail sector players 	<ul style="list-style-type: none"> - The Ministry and relevant stakeholders are ready to assign the staff for the training and guarantee their further employment in the relevant units.
Mandatory results/output s by components	Component 2				
	Result 2.1: The rules and procedures for safety certification, authorization, monitoring and supervision are drafted .	<p>Availability of:</p> <ul style="list-style-type: none"> - by-laws regulating the rules and procedures of providing safety certification, authorization, monitoring, risk assessment and supervision; - risk assessment procedures; - procedure for technical investigation of accidents. <p>Baseline: 2026 – Law on the Safety and Interoperability of</p>	<ul style="list-style-type: none"> - Analyses of the legal and regulatory documents (including elaborated drafts), recommendations, drafts of legislation, rules and procedures based on EU Acquis and standards; - Official database for Ukrainian legislation; - Expert evaluations, reviews; 	<ul style="list-style-type: none"> - Risks associational with the on-going military aggression against Ukraine; - Changes in beneficiary’s governance and its priorities; - Risks associated with lack of financial and human resources that would hinder implementation of the newly adopted legislation and necessary organisational and institutional measures. 	<ul style="list-style-type: none"> - Continued support of the Ukrainian Government to the railway transport reform implementation in area of railway safety; - Sufficient political support from high-ranking officials in the sector for conducting the reform in area of railway safety; - Sufficient human and financial resources to

		<p>Railway Transport in Ukraine is adopted.</p> <p>Target: By the end of project - legal acts, resulted from the respective EU legislation are adopted.</p>	<ul style="list-style-type: none"> - Draft legal documents submitted for public discussion or official updates on the adoption of legal documents, or procedures (mechanisms) in accordance with the national procedure; - Project reports with relevant analysis and recommendations, including on exchange of EU best practices; - Compliance checks and concordance tables. 		<p>carry out all necessary reforms.</p> <ul style="list-style-type: none"> - Active input of the related stakeholder organisations - Law on Accident Investigation Body in Transport is adopted.
	<p>Result 2.2: The conditions and procedures towards the technical harmonisation (interoperability) with the Union rail system are presented</p>	<p>Availability of procedures and legal pre-requisites to ensure the interoperability of Ukraine's railway system in accordance with Directive (EU) 2016/797</p> <p>Availability of by-laws on vehicle and infrastructure authorization and introduction of Technical Specifications for Interoperability (TSIs);</p> <p>No of staff trained</p> <p>Baseline: 2026 – n/a.</p> <p>Target: By the end of project – the rail interoperability system is legally defined.</p>	<ul style="list-style-type: none"> - Analyses of the legal and regulatory documents (including elaborated drafts) and preparation of recommendations, drafts of legislation, rules and procedures based on EU Acquis and standards; - Official database for Ukrainian legislation; - Draft legal documents submitted for public discussion or official updates on the adoption of legal documents, or procedures (mechanisms) in accordance with the national procedure; - Expert evaluations, reviews; - Project reports with relevant analysis and recommendations, 	<ul style="list-style-type: none"> - Risks associational with the on-going military aggression against Ukraine; - Changes in beneficiary's governance and its priorities; - Risks associated with lack of financial and human resources that would hinder implementation of the newly adopted legislation and necessary organisational and institutional measures. 	<ul style="list-style-type: none"> - Continued support of the Ukrainian Government to the railway transport reform implementation in area of railway interoperability; - Sufficient political support from high-ranking officials in the sector for conducting the reform in area of railway interoperability; - Sufficient human and financial resources to carry out all necessary reforms. - Active input of the related stakeholder organisations

			including on exchange of EU best practices; - Compliance checks and concordance tables; - Training records.		
	Result 2.3: The framework for establishment railway rolling stock maintenance system is provided.	Availability of rules for the introduction of the entity in charge of maintenance concept and provision of maintenance services for railway rolling stock Baseline: 2026 – n/a. Target: By the end of project – railway rolling stock maintenance system is legally defined.	- Analyses of the legal and regulatory documents (including elaborated drafts) and preparation of recommendations, drafts of legislation, rules and procedures based on EU Acquis and standards; - Draft legal documents submitted for public discussion or official updates on the adoption of legal documents, or procedures (mechanisms) in accordance with the national procedure; - Expert evaluations, reviews; - Project reports with relevant analysis and recommendations, including on exchange of EU best practices; - Compliance checks and concordance tables.	- Risks associational with the on-going military aggression against Ukraine; - Changes in beneficiary's governance and its priorities; - Risks associated with lack of financial and human resources that would hinder implementation of the newly adopted legislation and necessary organisational and institutional measures.	- Continued support of the Ukrainian Government to the railway transport reform implementation in area of railway safety and interoperability; - Sufficient political support from high-ranking officials in the sector for conducting the reform in area of railway safety and interoperability; - Sufficient human and financial resources to carry out all necessary reforms. - Active input of the related stakeholder organisations
	Result 2.4: The trainings on the topic of railway safety issues are organised for the staff of the Ministry, other state bodies, as well as for JSC "Ukrzaliznytsya" and business representatives.	Establishment of rail safety capacity among staff of the Ministry and relevant stakeholders through advanced training, study tours and country-wide workshops on railway safety.	- Records of workshops, seminars, training sessions; - Reports of study visits;	- Risks associational with the on-going military aggression against Ukraine; - Changes in beneficiary's governance and its priorities;	- Trainings organised on-line. - Continued support of the Ukrainian Government to the railway transport reform

		<p>No of staff trained</p> <p>Baseline: 2026 – n/a. Target: By the end of project – railway rolling stock maintenance system is legally defined, relevant number of well-trained staff is available.</p>	<p>- Expert evaluations, reviews, reports, and training material.</p>	<p>- Risks associated with lack of financial and human resources that would hinder implementation of the newly adopted legislation and necessary organisational and institutional measures.</p>	<p>implementation in area of railway safety;</p> <p>- Sufficient political support from high-ranking officials in the sector for conducting the reform in area of railway safety;</p> <p>- Availability of staff of the related stakeholder organisations</p> <p>- People to participate in the trainings are currently employed by the related stakeholder organisations.</p>
Mandatory results/output s by components	Component 3				
Results	Result 3.1: The pre-requisites for the implementation of Public Service Obligation are established.	<p>Understanding of PSO concept and responsibilities/steps to organise PSO by the competent authorities at state and local level.</p> <p>Availability of the draft legislation, administrative measures and/or methodology for public PSO tendering and selection of rail routes subject to PSO, compensation to avoid the overcompensation</p> <p>Availability of an overview of EU Member States practices in setting up the competent authority, modelling contract on public service obligations for passenger transportation by</p>	<p>- Project reports with relevant analysis and recommendations, including on exchange of EU best practices;</p> <p>- Analyses of the legal and regulatory documents (including elaborated drafts) and preparation of recommendations, drafts of legislation, rules and procedures based on EU Acquis and standards;</p> <p>- Records of workshops, seminars, training sessions;</p> <p>- Reports of study visits;</p>	<p>- Risks associational with the on-going military aggression against Ukraine;</p> <p>- Changes in beneficiary's governance and its priorities;</p> <p>- Risks associated with lack of financial and human resources that would hinder implementation of PSO and passenger rights' concept, as well as necessary organisational and institutional measures.</p> <p>- Risks of low engagement from the local authorities</p>	<p>- Continued support of the Ukrainian Government to the railway transport reform implementation in area of rail passenger services;</p> <p>- Sufficient political support from high-ranking officials in the sector for conducting the reform in area of rail passenger services;</p> <p>- Sufficient human and financial resources to carry out all necessary reforms in rail passenger service.</p> <p>- Availability of staff of the related</p>

		<p>railways and control of PSO contract performance.</p> <p>No of workshops, seminars, training sessions, study visits</p> <p>No of staff trained</p> <p>No of local authorities engaged</p> <p>Baseline: 2026 – n/a. Target: By the end of project – pre-requisites to implement quality passenger services by rail are set up. Relevant state and local authorities have a solid understanding of PSO concept.</p>	<p>- Expert assessments, evaluations, reviews, reports, and training material.</p>		<p>stakeholder organisations and local authorities</p>
	<p>Result 3.2: The passenger rights are defined in the legal acts, and recommendations for monitoring and controlling their provision are provided.</p>	<p>Availability of the legal acts and recommendations on rail passenger rights for monitoring and controlling their provision</p> <p>No of legislation and recommendations drafted</p> <p>Baseline: 2026 – n/a. Target: By the end of project – passenger rights are legally defined, recommendations for monitoring and controlling their provision are provided.</p>	<p>- Project reports with relevant analysis and recommendations, including on exchange of EU best practices;</p> <p>- Analyses of the legal and regulatory documents (including elaborated drafts) and preparation of recommendations, drafts of legislation, rules and procedures based on EU Acquis and standards;</p> <p>- Draft legal documents submitted for public discussion or official updates on the adoption of legal documents, or procedures (mechanisms) in accordance with the national procedure;</p>	<p>- Risks associational with the on-going military aggression against Ukraine;</p> <p>- Changes in beneficiary's governance and its priorities;</p> <p>- Risks associated with lack of financial and human resources that would hinder implementation of PSO and passenger rights' concept, as well as necessary organisational and institutional measures.</p> <p>- Risks of low engagement from the local authorities</p>	<p>- Continued support of the Ukrainian Government to the railway transport reform implementation in area of rail passenger services;</p> <p>- Sufficient political support from high-ranking officials in the sector for conducting the reform in area of rail passenger services;</p> <p>- Sufficient human and financial resources to carry out all necessary reforms in rail passenger service.</p> <p>- Availability of staff of the related stakeholder organisations and local authorities</p>

			<ul style="list-style-type: none"> - Compliance checks and concordance tables; - Official database of the legal acts. 		
	<p>Result 3.3: A roadmap for the introduction of proper servicing of passengers with reduced mobility is developed.</p>	<p>Availability of a roadmap for the introduction of proper servicing of passengers with reduced mobility</p> <p>Availability of the analysis of Ukraine's situation</p> <p>Baseline: 2026 – n/a. Target: By the end of project – a roadmap for the introduction of proper servicing of passengers with reduced mobility is developed and endorsed.</p>	<ul style="list-style-type: none"> - Expert assessments, evaluations, reviews, reports, recommendations and analysis; - Project reports with relevant analysis and recommendations, including on exchange of EU best practices. 	<ul style="list-style-type: none"> - Risks associational with the on-going military aggression against Ukraine; - Changes in beneficiary's governance and its priorities; - Risks associated with lack of financial and human resources that would hinder implementation of rail passengers' with reduced mobility concept, as well as necessary organisational and institutional measures. 	<ul style="list-style-type: none"> - Continued support of the Ukrainian Government to the railway transport reform implementation in area of rail passengers' with reduced mobility; - Sufficient political support from high-ranking officials in the sector for conducting the reform in area of rail passengers' with reduced mobility; - Sufficient human and financial resources to carry out all necessary reforms in rail passengers' with reduced mobility.