

## PRESS RELEASE



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### **Independent rail operators forced to rely on court rulings to run efficient train services – this is not the solution to more growth on the railways!**

Recent judicial wins by independent rail operators highlight the need for European rail legislation to support a more dynamic and efficient railway sector.

Two very different court wins by independent operators in January of this year, one by ZNPK in Poland and one by Westbahn in Austria, highlight the vested interest which continues to block new services and growth on the railways.

In one of the cases the Polish holding company PKP SA has been found guilty of withholding public information over the existence of rail infrastructure.

The impact of blocking information on public assets was that independent operators could not use basic facilities essential to rail transportation, as they simply did not know who owned the facilities.

In finding that the PKP holding had no right to withhold the information, the Court ruled that access to information on public property is conducive to the development of competition in the rail market and that it is in the public interest.

ERFA wants to see a fundamental shift in the way the provision of rail services is delivered to reflect the need for a more dynamic, efficient and competitive rail sector.

Rail facilities that are funded with public money and that underpin the provision of basic rail services, i.e. stations for passenger or facilities for loading goods, should not be managed in such a way that they block the objectives of increasing travel by rail.

The need for a change in mind-set is also reflected by the recent court win in Austria, which found the Austrian infrastructure manager guilty of discouraging the provision of long distance rail services.

All long distance train services, regardless of the length of the train, were charged a higher fee for using the passenger stations.

There was no justification for this higher cost to long distance services, other than the fact that the OBB trains run 90% short-distance services, whereas the new independent rail operator, Westbahn, runs 100% long distance services.

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At a time when one of the main EU transport objectives is to get more freight and passengers onto trains, easing congestion and harmful pollution from the other modes of transport, ERFA urges EU decision-makers to push through key changes in the 4<sup>th</sup> Railway Package, which would promote a more independent management of the infrastructure and a more level playing field between all operators.

ERFA strongly believes that it is counterproductive to the EU goal of boosting rail travel for service providers to have to resort to lengthy and costly court proceedings in order to run efficient train services.

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ERFA - European Rail Freight Association - represents new entrants, i.e. all those operators who want open access and fair market conditions, and sustains their role of pushing forward the development of the railway market. The Association is very much a spin-off of the First Railway Package, adopted by the EU in 2001, and its vision of creating an open and competitive European rail market.

In 2015, ERFA represents 34 members from 16 countries. The members of ERFA all share a commitment to work towards a competitive and innovative single European railway market by promoting attractive, fair and transparent market conditions for all railway companies.

The members of ERFA represent the entire value chain of rail transportation: rail freight operators, wagon keepers, service providers, forwarders, passenger operators and national rail freight associations.