

## PRESS RELEASE

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### **ERFA calls EU legislators to clarify the current rules on separation of railway companies**

The opinion of the Advocate General of the Court of Justice in Luxemburg on the infringement procedures against Germany, Austria, Spain, Hungary, and Portugal for the failure to correctly implement various prescriptions of the 1<sup>st</sup> Railway Package confirms the urgent need to reform the rules currently in place as ERFA has been asking for.

ERFA Secretary General Pierre Tonon stressed: “If the Court follows the opinion of the Advocate General, we will be back to square one in terms of liberalisation. As the opinion of the Advocate General shows, the current rules allow incumbents to have control over the network and this makes market entry for new comers very difficult. The Court cannot make laws but only interpret them. Therefore, ERFA calls EU legislators to reform the current rules on separation between the infrastructure manager and the railway undertakings. Unbundling is the simplest, cheapest and most efficient model to ensure the development of the rail sector.”

Pierre Tonon now invites the Commission to integrate in the planned 4<sup>th</sup> Rail Package clear measures allowing the rail operators to perform their business without any obstacle or discrimination.

#### **Contacts:**

ERFA (European Rail Freight Association) was set up in Brussels in July 2002 to represent the interests of the new independent and private ‘open access’ rail freight operators. ERFA is EU Representative Body. Today, the association comprises 30 members (21 rail freight operators, wagon keepers, service providers, forwarders as well as 9 national rail freight associations) from 16 countries in wider Europe. ERFA represents more than 800 locomotives and 55.000 freight wagons. ERFA's main objective is to make the rail freight market fit for competition so that rail freight can expand its market share, attract new investments, become more innovative and create jobs. By doing so, ERFA contributes to a highly competitive EU rail freight market.

ERFA's key mission to achieve its objective is to remove all legal, technical, social and administrative barriers that prevent its members from rapidly establishing international cross-border freight services, using all rail infrastructures regardless of who manages them, and to encourage any developments likely to enable all rail companies to flourish on this market, regardless of their size or age.

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