

21 January 2013

PRESS RELEASE

4th Railway Package: European democracy at risk?

A new delay in the legislative process is not acceptable!

On January 9th, the College of European Commissioners expressed nearly unanimous support for the draft proposal of Commissioner Kallas for a Fourth Railway Package. However, last week, the German press revealed that Deutsche Bahn is still exerting extremely strong pressure at a very high political level to stop the release of the Fourth Railway Package. This lobbying amounts to sheer blackmailing, and resulted in several Commissioners withdrawing their support to Commissioner Kallas's proposal.

ERFA expresses its fear and indignation about what we perceive as a major breach of both national and European democratic processes.

- A breach in the German democratic process: Shouldn't it be up to the German State to put pressure on its incumbent railway operator to achieve a policy defined by an elected parliament rather than the other way around?
- A major breach in the European democratic process:
 - So that it can play its role as defender of the general interest, the Commission has a right of initiative which empowers (and requires) it to make proposals on subjects contained in the Treaty, either because the Treaty explicitly provides for it or because the Commission considers it necessary¹. The Commission's right of initiative is regarded as a basic element of the institutional balance of the European Union.
 - The relevant Commission Directorates General draft new legislative proposals after consultations of stakeholders. The proposals are then adopted by the College of Commissioners.

¹ Article 17 of the Treaty on European Union makes it clear that: *The Commission shall promote the general interest of the Union and take appropriate initiatives to that end.*

- Following the decision of the Commissioners, the European Parliament and the Council of the Union can amend the proposals before their final adoption.
- Short-circuiting the European Parliament in trying to block the publication of the Fourth Railway Package after it has been circulated amongst the Commissioners is indeed a major breach in the European democratic process.

ERFA reiterates:

- The 4th Railway Package must be issued **now!** It was already expected before the end of 2012. A new postponement could jeopardise its outcome as the June 2014 Parliamentary elections will further delay the procedure And this is certainly what opponents of the package are hoping for.
- The 4th Railway Package must be issued as a whole Package and not in parts only. Its 3 pillars are completely interlinked.

ERFA is fully committed to the European project of free circulation of persons, goods and services. ERFA therefore expresses its strongest support to President Barroso and the College of Commissioners and thanks Vice-President Kallas and DG MOVE for their determination. We urge the Commission to publish the whole Fourth Railway Package text as it was originally drafted by the Commission and to do so by the end of January. It is a matter of credibility for the Commission.

Contacts:

ERFA (European Rail Freight Association) was set up with the 1st Railway Package 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. With the direct members, ERFA represents more than 800 locomotives and 55.000 freight wagons and with associations 100 Railways Undertakings. 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.

ERFA asbl
Pierre Tonon
Secretary General
+32 475235348
pierre.tonon@erfa.be
François Coart
President
francois.coart@eurotunnel.com