

NEWS IN BRIEF

UPDATE ON RFC SECTOR STATEMENT – ALMOST FINALISED

ERFA as co-signatory has pushed for the creation of **user-orientated performance indicators for the corridors** to be developed in consultation with stakeholders; improved dialogue and cooperation for RUs within the corridor governance structure; RFCs to be held accountable for performance and targets via an annual strategy meeting involving also end-customers; a list of priority operational issues that need tackling, defined by RUs to support the RFC action plan. The corresponding declaration from EU Transport Ministers supports enhancing financing schemes at EU/corridor level to resolve infrastructure bottlenecks with low cost and high impact.

NEW EU LEGISLATION ON COMBINED TRANSPORT?

The EC has published an [evaluation of the existing Combined Transport](#) (CT) Directive to decide whether a revision of the existing legislation is needed or not. No political decision has yet been taken but is expected in the coming months. The EC evaluation identifies some important shortcomings in the effectiveness and efficiency of the current legislation; a number of provisions are outdated or ambiguous; CT operations in Europe would not be viable without the framework offered by the current Directive; clarification is provided on cabotage rules:



2nd PLENARY “RAILWAY UNDERTAKINGS DIALOGUE” MEETING

The RU Dialogue, which offers a forum for regular and open dialogue between RUs, the European Commission (EC) and the European Railway Agency (ERA), took place in Brussels on 10th May.

An [ERTMS business case study](#), presented at the dialogue, included many shortcomings. It identified a business case for ERTMS deployment on two of the RFCs, but failed to convincingly present a specific business case for RUs. ERTMS benefits were based on many assumptions, including coordinated ERTMS deployment along the corridors.

The EC recognised the issue of driver language requirements for border stations as a problem for rail’s competitiveness and supports [ERFA’s call](#) for a joint meeting with PRIME to discuss viable solutions. The EC also indicated its support for IMs to use the derogation option from the most stringent (B1 level) language requirement.

The EC openly urges RUs to contact them over any concerns they have with implementation of the [Recast legislation](#) in their Member State. This will help the EC’s work in checking that the law is correctly applied to support a competitive rail sector.

The EC strongly defends the need for **further legislation to improve access to facilities for RUs** and stresses that the RU subgroup (chaired by ERFA) is a unique opportunity to influence the legislative process. RUs should use the opportunity to discuss issues of substance, not to sabotage discussion on the key topics. The Commission also announced plans for [new legislation before the end 2016](#) to tackle the **lack of coordination of works** between IMs, the **lack of timetabling synchronisation between IMs and Facility owners** and the **flexibility needs (especially ad-hoc requests) for RUs in requesting paths**.

More information on the presentations [here](#).

road legs of CT operations in one Member States cannot be considered national transport as the full CT operation has to be seen as a single international transport operation. Cabotage rules do not apply to international transport.

ERA-SECTOR WORK ON INTEROPERABILITY AND REDUCING NATIONAL RULES

At the 2nd meeting of the ERA TSI OPE Working group, ERFA representative Michal Cwudzinski **stressed the need to end the two train driver requirement in Italy**. ERA continues bilateral discussions with NSA Italy on this topic. In ERA's mandate to develop common operational rules human factor issues were highlighted by many participants. A common operational rule for failure of driver vigilance will be discussed at the June meeting. For the language issue between driver and signaller, ERA sees the use of spelling numbers digit by digit as a good tool for safety. In addition, ERA will also evaluate the operational harmonisation of ATP under the deployment of ETCS.

INFRINGEMENT PROCEDURES AGAINST THE NETHERLANDS

The EC has launched two [infringement procedures](#) against the Netherlands for:
- **Non-compliance of the Rail Safety legislation**, especially concerning the establishment of an independent safety authority;
- Non transposition in national law of the **rules of the authorisation to place vehicles into service**, which are the conditions of achieve rail interoperability;

HOW TO LOWER RAIL USER CHARGES?

The leading Dutch Transport MEP Wim VAN DE CAMP leads a discussion in the European Parliament on **lowering and/or reforming access charges** in order to support rail's competitiveness. At a stakeholder meeting on 3rd May **ERFA was asked by the MEP to provide a paper on how better enforcement of existing EU legislation** could support lower rail user charges. **New EU rules** (Recast Directive 2012/34/EC and the Implementing legislation (EU) 2015/909) **oblige IMs to lower their costs and access charges and also improve transparency of charges**. It is important these provisions are correctly applied and/ or best practice is shared across Member States so that these changes have a positive impact on user charges. Road charging was also part of the discussion as new EU legislation will be proposed at the end of 2016. It is clear this will be a difficult political battle, and that it is important side by side to look at **tools that could improve the efficiency of rail's charging schemes**.

FIRST STEPS TO EXTEND TSI NOISE LIMITS

The first steps in **revising the TSI noise** and extending its scope to **existing wagons** has begun. The objective is to tackle rail noise at European level, avoiding fragmented, national measures that undermine the international nature of rail business. Two key dates are being discussed in this context: **2022 for international wagons** to comply with existing noise limits and **2026 for the entire fleet**. The key question to be resolved is whether exemptions should be granted for countries where there is no noise problem and no added value in the retrofitment of wagons. Other important topics under discussion include the definition of an "international freight wagon" (ERFA argues in favour of "area of use" and not based on "authorisation") and exemptions for e.g wagons for which no technical or "economically justified" solution is available and regions with severe climatic conditions. **The final recommendations from the Task Force will feed directly into the revised TSI noise**, which is expected to enter into force early 2017.

Funding mechanisms such as Connecting Europe Facility (CEF) can to a limited extent support the process of retrofitting until the end of 2021. The EC will launch a **call for funding the retrofitment of existing wagons in October/ November 2016**.

ACCESS TO SERVICE FACILITIES SUBGROUP

The 2nd RU subgroup meeting, chaired by ERFA, discussed how the facilities market can best support rail's competitiveness. The meeting was an opportunity to hear the views of facility owners such as the representatives of some German Ports, who stressed the importance of the **real time data information** they receive from DB Netz for optimal planning of resources and capacity. This could be used as best practice for other EU countries, where facility operators do not receive this useful information. The need for operators to provide a list of access conditions to their facilities e.g opening hours, cost list, type of services provided, was also viewed as a **simple step to improve transparency and avoid discrimination in the facilities market**. For RUs that are also in many cases dominant facility operators there was a lot of resistance to any further

DIGITAL PACKAGE: OPEN DATA AND STANDARDISATION

The EC has launched its **digital agenda**. The objectives are to unlock the full potential of European data value chain by diffusing data and innovation. Concerning transport, the Commission stresses the necessity to **open data** on a non-discriminatory basis. A process of **standardisation** is also ongoing to make sure that digital initiative will be **interoperable across the EU**.

CALL OF €10.5 MILLION FOR DIGITAL INFRASTRUCTURES

Connecting Europe Facility (CEF) has launched a funding call for the deployment of digital service infrastructures. **It covers e-documents (e-signature, e-identification and e-delivery), which are part of the priority for logistics developments.** Please find the call [here](#).

legislation/requirements. Further discussions took place on the need to **improve synchronisation between path and facility slots**. Many delays are caused by IMs, which is why the subgroup also explored the possibility to integrate facilities in performance regimes with IMs and RUs.

The next subgroup meeting will take place in Brussels on 6th July together with the rail regulators. The EC's future draft legislation is expected either just before the summer or just after.



For more information, please contact us.

HOW TO SIMPLIFY SAFETY CERTIFICATION & SUPERVISION FOR RUs

ERFA, represented by Lorenzo Margelli and Bogumil Wysocki, **presented practical experiences with the current framework of safety certification/authorisation and supervision** at the ERA Working Party looking at the revision of current practices. This revision is in the context of the **4th RP Technical pillar which creates an SSC (Single Safety Certificate)**. Problems highlighted to ERA include **the different ways NSAs apply EU standards** and even CSMs (Common Safety Methods). NSAs still find a way to change the standards approved at EU level, which creates additional barriers and costs for RUs. **The sector needs international standards and single processes accepted in all Member States to compete effectively with the road sector.** Concern was also raised over duplication of national and European requirements during the transition period of handing over responsibilities from NSAs to ERA, with the risk of increasing administrative burden and costs especially for smaller RU companies. The need for greater sector involvement on the technical work managed by ERA is stressed by the ERFA representatives.

THE UNION CUSTOM CODE QUESTIONS RAIL'S CUSTOM PROCEDURES

[The Union Customs code \(UCC\)](#) came into force 1st May 2016. This **new legal framework** aims at facilitating trade between the EU and external countries by **harmonising, streamlining and digitalising procedures**. It has thus important implications for RUs operating with and/or through external countries since the current procedures, even the simplified custom procedure, will be replaced by **IT declaration systems by 2020**. A transitional period offers RUs, the Commission and Custom Authorities the opportunity to negotiate the new full digitalised procedure before 2020. The new IT procedure, **NCTS**, is already available and will be updated to become the **common general procedure** from 2020. At the Joint Meeting Customs/RUs held in Vilnius, to which ERFA took part, RUs voiced three main concerns:

- No simplified procedure anymore;
- NCTS is not adapted to rail and would be very expensive for RUs;
- RUs will not benefit from the guarantee waiver anymore and would need to provide the guarantee or ask their customers to provide it;

ACTIVITIES



CONSULTATIONS

Certification of train drivers (Directive 2007/59/EC): first step to a revision of the legislation.

Topic discussed: one single operational language for rail, increasing medical and psychological requirements for train drivers, and extending certification to on-board railway staff.

Please contribute to the consultation: deadline 27th of May.



AGENDA

1st JUNE 2016: Impact of the refugee crisis on transport and logistics in the EU (**European Logistics Forum in Brussels**): [programme and registration](#)

20th, 21st and 22nd JUNE 2016: TEN-T days in Rotterdam (NL):

[programme and registration](#) On the occasion of TEN-T days in Rotterdam on the 21st June, ERFA, UIC and UIP, founding associations of General Contract of Use, host the “10-year CGU event” (6.30pm – 8:30pm)

Negotiations between RUs and Custom Authorities aim at defining a new “simplified” transit procedure based on a **central railway database**, which would

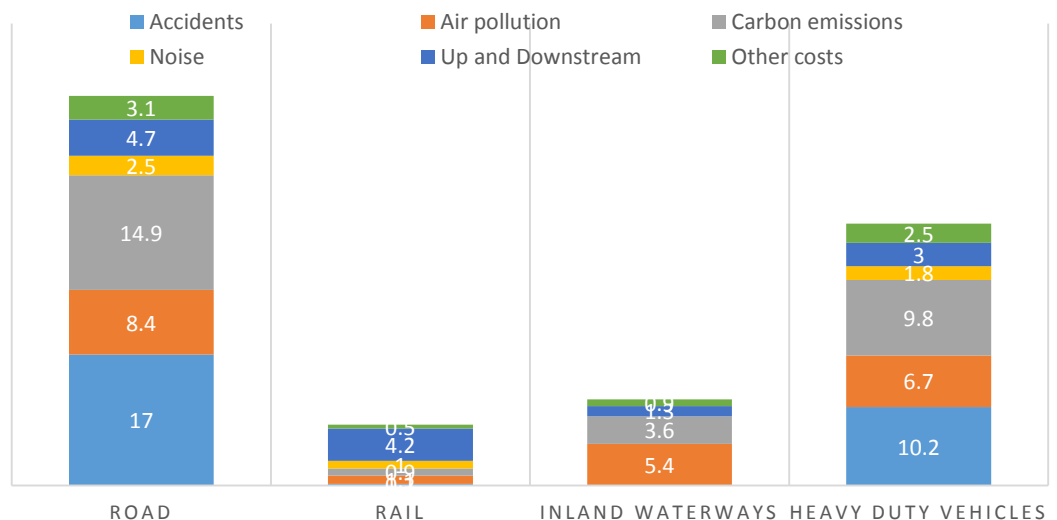
be an alternative to NTCS. RUs would send their custom data to this database, where customs would be able to check necessary requirements. The database is developed by Raildata, which strongly expressed its wish to develop a **strong collaboration with new entrants**. The next step is the establishment of a **pilot project** to test the use of the central database: all RUs are welcome to participate.

If you need further information about the UCC and the pilot project, please contact us.



INFOGRAPHICS

Average EU27 external costs for freight (€ per 1000km)



The EC will publish its **decarbonisation strategy for transport** by the beginning of the summer in line with COP21 agreement. In this context, it will present a **revision of road charges to include carbon externalities** and to **increase the existing external cost gaps** (i.e. air pollution and noise). ERFA proposes you an infographic representing the **cost in euros of externalities** for each mode of freight. It shows that rail has an obvious competitive advantage due to low external costs in comparison with road. Therefore, in a hypothetical situation, if all of the external costs were internalised, **rail would be the most cost-effective mode for customers** (data from CE Delft report, 2011).