

PRESS RELEASE

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ERFA welcome new EU rules to support rail's competitiveness and modal shift

New legislation, adopted yesterday, paves the way for basic provisions to root out anti-competitive practices and to strengthen the role of the rail facilities market in boosting rail's growth. The role of rail regulators in supporting a competitive facilities market will be crucial.

ERFA represents rail newcomers and many rail companies offering international rail services, who are naturally not in a position to own the very many rail facilities they need access to in order to run their services. They are therefore often reliant on access to third-party facilities, many of which are owned by the incumbent operators or companies closely linked to them.

Non-discriminatory access to rail facilities, be it a freight terminal, a port, a maintenance facility or a passenger station, is therefore essential for any railway undertaking wanting to run a rail service in Europe. This principle is in fact already enshrined in EU law.

However the reality is that in some Member States the facilities market is too often working to shut competition out and not to support a dynamic and thriving rail sector.

Concerns over artificial saturation of capacity, intentional low quality of services and overly high and discriminatory prices prevail.

ERFA strongly believes that these types of discriminatory actions cannot persist if rail is to bring down its costs and improve the quality of service to offer a real alternative to road.

It is for this reason that ERFA thanks the European Commission for its work in addressing how the facilities market can better support rail's competitiveness. The new rules specify how the non-discriminatory and transparency requirements should be applied in practice.

The obligation for rail facility operators to publish basic information on the services they are providing together with the conditions for accessing the facility is a big step forward. The transparency conditions for coordinating all requests for access, including where there are conflicting requests, will help ensure an optimal use of capacity in the facilities. The new rules have found a good balance between limiting the unnecessary burden on smaller facilities and creating a more attractive business environment for rail newcomers and those operating cross-border services.

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While ERFA regrets the extensive exemptions for rail facilities permitted by the new rules, we count on the strong support of the rail regulators to effectively monitor any anti-competitive practices and to take strong action to revoke exemptions where complaints of discrimination are made.

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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 2017, ERFA represents 32 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.