



Open letter

Brussels, 10th February 2014

Two weeks prior to the vote in Plenary on the Fourth Railway Package new amendments put forward by incumbent railway undertakings and their representing organization risk to jeopardize the balanced agreement reached by the TRAN committee on the 17th December 2013.

Dear Members of the European Parliament,

The signatories of this letter representing shippers (cargo owners) and industry (ESC), logistics service providers and freight forwarders (CLECAT) and the alternative private rail operators (ERFA) are urging you to ensure a comfortable majority to approve and support the balanced and market driven compromise on the 4th railway package reached by the TRAN Committee and to ensure the completion of the package as a whole through a strong positive vote.

We warmly welcomed the report of the TRAN Committee to which we would like to reiterate our full support:

- The 3 legislative proposals of the so-called technical pillar (the recast of the interoperability and safety directives and the European Railway Agency regulation) will allow for more efficient, simplified and harmonized authorization and certification procedures benefitting railway undertakings and vehicle owners all across the EU. They will improve the competitiveness of the rail sector by removing the technical barriers preventing rolling stock to circulate freely in Europe.
- the legislative proposal on governance and passenger market-opening is of vital importance to ensure a fair access to rail infrastructure by removing discrimination incentives and potential conflicts of interest. The TRAN Committee agreed that this would be effectively achieved through:
 - Chinese walls within the Vertically Integrated Undertakings (VIU) guaranteeing Infrastructure Managers' independence.
 - A stronger role for Regulatory Bodies

The new "governance" proposal also offers a set of measures to ensure:

- an active and regular cooperation between Infrastructure Managers and Railways Undertakings through Coordination Committees
- the development of a European Network of Infrastructure Managers (ENIM)

These aspects are of particular importance for customers and new entrants because they ensure consistency between the 4th Railway Package and the rail freight corridors. These corridors will improve technical harmonization and interoperability across the borders. This is one example of the links between the political pillar and the technical pillar of the Fourth Railway Package. These pillars go hand-in-hand and should therefore be adopted jointly.

Any new amendment on the governance pillar would endanger the package as a whole.

We consider that the TRAN Committee has done an excellent job by reaching a balanced compromise between the positions of the major incumbents – most of which aim at safeguarding Vertically Integrated Undertakings - and those of new entrants looking for efficient measures to promote fair and non-discriminatory competition. We are nevertheless dismayed to hear that these major incumbents, supported and driven by their representative European association, are now trying to water down or even tear down the compromises reached by the TRAN committee.

We need to keep the momentum of the Railway Reform and therefore urge the Parliament to send a strong signal to the Council in First Reading.

We trust that you will reject the amendments which jeopardize the good work done so far. The European Parliament would otherwise bear the responsibility of letting rail freight slowly die and threaten the success of the rail freight corridors within the core network.

We sincerely thank you for the attention you may give to our views,

Yours sincerely,



Marc Huybrechts
President, CLECAT



Denis Choumert
President, ESC



François Coart
President, ERFA

Contacts points

Nicolette van der Jagt, Director-General, European Freight Forwarders' Organisation (CLECAT), nicolettevdjagt@clecat.org
Paola Lancellotti, Secretary General, European Shippers' Council (ESC), p.lancellotti@europeanshippers.eu
Pierre Tonon, Secretary General, European Rail Freight Association (ERFA), p.t@erfarail.eu

About ESC, CLECAT, ERFA

The European Shippers' Council (the ESC) represents cargo owners i.e. freight transport interests (import and export and intra-continental, by all modes of transport) of some 100,000 companies throughout Europe, whether manufacturers, retailers or wholesalers, which are collectively referred to as "shippers". ESC, based in Brussels, was founded in 1963.

Established in 1958, CLECAT is the leading voice on freight forwarding and logistics in Europe. We represent and are supported by 25 member organisations working to promote a sound approach to transport and logistics across Europe, in support of the competitiveness of our industry.

ERFA (European Rail Freight Association) was set up with the First Railway Package in Brussels in July 2002 to represent the interests of the new independent and private 'open access' rail freight operators. The association comprises 30 members (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 900 locomotives and 55.000 freight wagons. ERFA's main objective is to make the rail freight market fit for competition in a fully open market.