



European Rail Freight Association



2012 Crucial year for rail freight liberalization The ERFA Agenda & wagon keepers

Pierre Tonon, Secretary General of ERFA

BeWAG

General Assembly Meeting
Antwerpen, 30 January 2012



Foundation: July 2002 in Brussels (B) – 10th anniversary

Legal Status: Belgian non-profit making association (asbl)

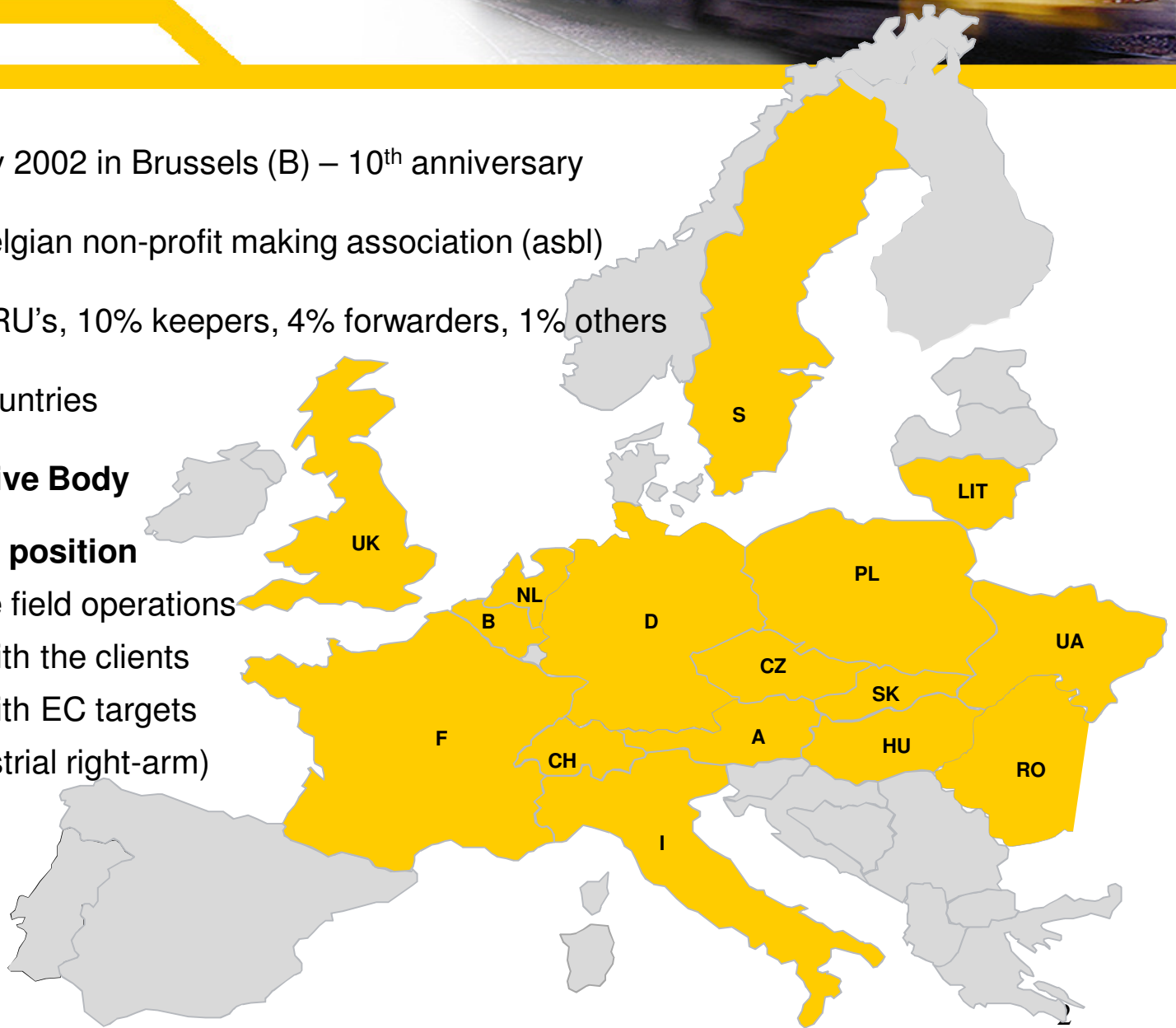
Members: 85% RU's, 10% keepers, 4% forwarders, 1% others

Coverage: 16 countries

EU Representative Body

Our Association position

- Near the field operations
- In line with the clients
- In line with EC targets
(its industrial right-arm)





President: François Coart, Europorte (F)

General Assembly

Company Members

1. AAE (D)
2. Alpha Trains (B)
3. AWT (CZ)
4. Bertschi (CH)
5. Captrain (F)
6. Crossrail (B)
7. Duisport Rail (D)
8. ERS (NL)
9. Europorte (F)
10. Freightliner Group (UK)
11. Hector Rail (S)
12. Hupac (CH)
13. Interporto Servizi Cargo (I)
14. LTE (A)
15. Metallurgtrans (UA)
16. MEV Eisenbahn-Verkehrsges. (D)
17. Rotterdam Rail Feeding (NL)
18. Samskip (NL)
19. Transachema (LIT)
20. Wascosa (CH)
21. Wiener Lokalbahnen Cargo (A)

Association Members

1. ASSTRA (I)
2. Cargo Rail Europe (CH)
3. Ferrmed (B)
4. IGTL - Izba Gospodarcza Transportu Ladowego (PL)
5. NetzwerkPrivatbahnen (D)
6. RFG - Rail Freight Group (UK)
7. VDV - Verband Deutscher Verkehrsunternehmen (D)
8. ZNPK - Związek Niezależnych Przewoźników (PL)

Board of Directors

- | | | |
|-----------------------|--------------|----|
| 1. François Coart (P) | Europorte | F |
| 2. Martin Henke (VP) | VDV | D |
| 3. Tony Berkeley | RFG | UK |
| 4. Beni Kunz | HUPAC | CH |
| 5. Maria-F. Ricchiuto | ASSTRA | I |
| 6. Frank Schuhholz | ERS Railways | NL |
| 7. Konstantin Skorik | Freightliner | UK |
| 8. Markus Vaerst | AAE | D |

Secretary General : Ir. Pierre Tonon



PRESENTATION

- 1. THE RAILWAY EUROPEAN FRAME**
- 2. OUR FOCUS : THE EXPECTATIONS OF THE CLIENTS**
- 3. THE ROLE OF ERFA**
- 4. THE RECAST PROCESS & FIRST RESULTS**
ERFA position – Unbundling, Rail related services, Regulation
- 5. ERFA and the WAGON KEEPERS**
- 6. THE FOLLOWING STEPS**
- 7. FINAL WORDS**



1. THE RAILWAY EUROPEAN FRAME

- 10 years later ... & fundamentals not yet accepted nor applied
- The present crisis of State & private banking miss-management
 - Scarcity of public & private funding
 - Need of stronger cost effectiveness of railways operators
- 2012 **THE** year of the European rail market improvement
 - White paper approval
 - Core network & its financial instrument (CEF) starting
 - Recast process completion & preparation of 4th railway package
 - Court of justice decisions on 13 MS
 - **The EC work program**
 1. Legislativ proposal Rail market access (study unbundling / study single wagon)
 2. Legislativ proposal European Railway Agency (supervision & harmonisation NSAs / single vehicle type authorization / single RU safety certification)



2. OUR FOCUS : THE EXPECTATIONS OF THE CLIENTS

IMPORTANCE OF THE CLIENTS CRITERIA

- Reliability of the rail transport
- Competitive level of price (.... see further the fears of ERFA)
- Available capacities (... on time, on place, ..., on type)
- Information management (where is my loc? composition of my train?)
- Transport and handling time (the last mile)
- Transport frequency (.... in relation with passengers trains)
- Ecological aspects (... pro & contra)



3. THE ROLE OF ERFA (1)

- Born 10 years ago with the first railway package
- to promote European rail freight & its stakeholders through the complete liberalization of the market
- Today 29 members (Railways Undertakings, Wagon keepers, leasing companies, service providers, forwarders) whose 8 associations
- > 10.000 new jobs & several 1.000 indirects jobs
- **Our credo**
 - Answer the clients criteria
 - Deliver competition & promote emergence of new operators
 - Eliminate all barriers to an open & interoperable rail market
 - Develop a collaborative approach through Joint Sector group actions



3. THE ROLE OF ERFA (2)

- **Our fears of excessive transport costs increases**
 - Interop.locomotives (diff. energy systems, nat.safety requests, on-board ERTMS)
 - Freight wagons (post Viareggio & noise requests)
 - Track access charges (scarcity of public funding)
 - Energy prices (less nuclear, more gaz & coal)
 - Drivers (scarcity, IT support, HR management)
- **Our tool : complaints, political lobby, operational reality**
 - State aids
 - Legal and abuses of dominant position
 - Mergers & acquisitions
 - Cartels
 - Technical & operations
 - Safety



3. THE ROLE OF ERFA (3)

- **Our present main concerns**
 - Speed up the processes
 - Stimulate the market and develop dynamic partnership
 - Fight against dominant positions avoiding RUs development or new initiatives
 - Pay attention to development of opportunities (Rail-port, regional and local RUs, independent operators of rail related services, multimodal platforms,)
 - **Strongly support the 2012 EC initiatives to finally reach a successful RECAST**
 - **Pay continuous special attention to excess of regulation leading to excess of administrative costs endangering our competitiveness !!!**



Contents

3. THE ROLE OF ERFA (4)

Legal level

Liberalisation in all market segments
(full trains, intermodal trains, single wagon services)

European Network for competitive freight

Security of land-bound transportation chain

Financial level

Fight against hidden State aids

EU Customs Code

Energy (prices) & Infrastructure (prices, TEN-T)

Marco Polo II; ERRAC

Technical level

Interoperability & Safety (ERA, TSIs, Directives)

ERTMS & ETCS

Wagon safety and maintenance (ERA & JSG)

EU Standards

Industrial level

General Contract of Use (GCU)

Entity in Charge of Maintenance (ECM)

Telematics Application Freight (TAF TSI)

House of Rail

Environmental level

Rail Noise

Giga - Liners

Green Corridors

Loco emission caps

PR level

Annual statutory reception

Press statements & coverage

Brochures & Studies

RFE (Rail Forum Europe) & House of Rail



4. THE RECAST PROCESS & its FIRST RESULTS (1)

- **Our position in the EP debate** (last 16 November)
 - Article 6.4 – The unbundling and financial flows > unacceptable result > actions to support EC proposal end 2012
 - Article 13 (and Annex III) – Conditions of access to services > results
 - Articles 55 to 57 – The regulatory bodies > good results (**action of ERFA**)
- **ERFA position on the rail related services (Article 13)**
 - Remind operators need flexible conditions to be cost-effective
 - In case of discrimination, need of very quick reaction of the regulatory body
 - Favor the emergence of independent service operators (neither IM or RU) by IM abandoned marshalling yards
 - Avoid natural dominant occupancy of incumbents in large marshalling and shunting yards



4. THE RECAST PROCESS & its FIRST RESULTS (2)

- Clearly need of free access with non discriminatory conditions to
 - Shunting services (locomotives and specialized safety personal)
 - Sufficient tracks and safety personal to compose trains
 - Workshops and mobile maintenance
- **ERFA position on the Regulatory bodies (Articles 55 to 57)**
 - **Support the enforcement and main improvements waited**
 - Receive appropriate financial means, staffing and logistics
 - Have the power to take up matters on own initiative
 - Take decision on complaints within a month
 - Make recommendations to NSAs (**ERFA ask**)
 - Consult regularly the representatives of the users
 - **Support the control and appeal role of the European Commission**
 - **Ask to avoid over-regulation and insist on the arbitral role**
 - **Invite to cooperate with ERA**



5. ERFA AND THE WAGON KEEPERS (1)

- **Different levels of cooperation and/or concerns**
 - The RUs constraints (safety, interoperability, competitiveness (cost))
 - The RUs market models (block trains, intermodal, SWL)
 - **The legal and prescriptive frame for wagons**
 - EC directives, regulations, TSI (wagons, OPE, TAF,)
 - National rules and requests
 - Technical standards and contract (GCU)
 - The different levels (EC, ERA, NSAs, RISC, CEN, ...)
 - The role of the representative Associations (CER, ERFA, UIP, UIRR, UIC, UNIFE,) and their JSG approach



5. ERFA AND THE WAGON KEEPERS (2)

- **The technical issues and expertises**
 - Inspection, visites (before, en-route)
 - ECM, workshops
 - Wheelset inspection
 - Noise and brake blocks
 - Registers
- **Our challenges together**
 - Reenforcement of ERA
 - Simplification of processes (single certification, single authorization)
 - Downsizing of TAF TSI
 - Noise retrofitting related fundings
 - Efficiency of the legal and prescriptive frame



6. THE FOLLOWING STEPS

- The Council / EP / EC Political Agreement
- The Danish Presidency and the Recast second reading
- The EC studies process and delivery
- The proposal of the new directive before end 2012
- All opportunities to debate, convince and **win – win !!!**

7. FINAL WORDS

- LOBBY for full liberalization, SPEED the processes
- FEEL the market, SATISFY the clients, PROMOTE Safety
- **REVITALISE the House of Rail**