



European Rail Freight Association



The ongoing negotiations on the Recast The ERFA STATEMENT

IRG – Rail (Independent Regulators’ Group – Rail)
Plenary meeting
Workshop with stakeholders

On 29 November 2011
in Bonn(D) by BNetzA (Bundesnetzagentur)

Speaker: Mr. Pierre Tonon, Secretary General of ERFA



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. WKO - Wirtschaftskammer Österreich, Fachverband der Schienenbahnen (A)
9. ZNPK - Związek Niezależnych Przewoźników (PL)

Board of Directors

1.	François Coart (P)	Europorte	F
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8.	Konstantin Skorik	Freightliner	UK
9.	Markus Vaerst	AAE	D

Secretary General : 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 – Rail related services**
 - ERFA position – Regulatory body**
- 5. THE FOLLOWING STEPS**
- 6. 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
 - Court of justice decisions
 - **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 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 30 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
 - Reduce 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**
 - Interoperable locomotives (different energy systems, safety requests)
 - Freight wagons (post Viareggio & noise requests)
 - Track access charges
 - Energy prices (less nuclear, more gaz & coal)
 - Drivers (scarcity, IT support, HR management)
- **Our tool : the complaints**
 - 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 process
 - 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, independaent operators of rail related services, multimodal platforms,)
 - **Strongly support the 2012 EC initiatives to finally reach a succesful RECAST**
 - **Pay continuous special attention to excess of regulation leading to excess of costs endangering our competitiveness !!!**



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

- **Our position face to the EP vote in plenary session** (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)**
 - Welcome amendments on recitals and articles
 - Remind operators need flexible conditions to be cost-effective
 - In case of discrimination, need of very quick reaction of 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)**
 - **Welcome amendments on recitals and articles**
 - **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. THE FOLLOWING STEPS

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

FINAL WORDS

- **SPEED** process, **CONTROL** costs, **PROMOTE** safety
- **FEEL & LISTEN** the market, **ANSWER** the clients