

**VIOLETA BULC**

Member of the European Commission

Brussels, 26. 10. 2017  
JF /Ares(2017)

To the attention of the representatives of the  
European rail logistics

Dear Madam,  
Dear Sir,

Thank you for your letter of 29 September, in which you follow up on our previous exchanges on the impact of the Rastatt blockage of the Rhine-Alpine corridor on rail freight transport in Europe.

I share your concern about the long-term effects the disruption could have on the modal share and overall attractiveness of rail and I could not agree more that we need to make sure we jointly draw all the necessary lessons from the incident to be better prepared in the future. Many elements of a solution already exist at EU level, and we need to use them to the full. We should build on these existing elements to make the European rail system more resilient, before losing precious energy in setting up new structures.

In particular, the rail freight corridors established under Regulation (EU) No 913/2010 offer a valuable forum for cross-border cooperation. They are anchored in legislation and have clearly defined organisational structures that have been in operation for some time now. Rail infrastructure managers and their clients should take better ownership of these structures and see them as their platform to discuss and solve international issues. In addition, more horizontally, the European Network of Rail Infrastructure Managers (PRIME), the Railway Undertakings' Dialogue and European Network of Rail Regulatory Bodies can also be used for coordination at EU level.

In your letter you put forward a number of concrete measures. Allow me to reply to these proposals in some details:

### **1) Risk management and contingency plans**

At the meeting we held with sector representatives on 12 September, we agreed that the Commission will facilitate an ad hoc working group of the Platform of Rail Infrastructure Managers (PRIME) and the Railway Undertakings' Dialogue, bringing in also experts from the rail freight corridors and representatives of the logistics sector, such as shippers, to develop a best practice template for contingency plans.

Infrastructure managers, in close cooperation with railway undertakings, multi-modal operators and managers of last mile infrastructure should then use this template to define alternative routes and keep these constantly updated.

The Rastatt incident has shown that in addition to national level contingency planning, cross border coordination is needed to ensure the entire length of the corridor is covered.

## **2) Crisis management**

The template for contingency plans should also include processes to be applied in case of disruption with international impacts, such as procedures to facilitate coordination and swift information sharing between infrastructure managers. I believe that the existing corridor structures should be used and that the sector is best placed to propose an effective yet proportionate set of procedures for this purpose.

## **3) Overcoming national obstacles**

Stemming from Directive 2007/59/EC on the certification of train drivers, the requirements regarding linguistic competence and route knowledge for train drivers seem not to have provided enough flexibility when searching for additional drivers at short notice. The forthcoming assessment of Directive 2007/59/EC offers an opportunity to explore the possibility of a single operational language, as you suggest, but there is nothing to prevent the sector developing its own solutions in this area and presenting the case for supplanting existing rules with more flexible provisions where these fully reflect both operational needs and safety considerations.

In this respect, standard messages can be an interesting way forward and, at their joint meeting in March, representatives of the European Network of Rail Infrastructure Managers (PRIME) and the Railway Undertakings' Dialogue proposed to cooperate on developing standard messages. I welcome this proposal and all concerned stakeholder categories should be involved. Such messages could already be used in the shorter term under the exemptions regime for cross-border sections. If proved operational, they could be considered for more generalised use in a future revision of the Technical Specification for Interoperability relating to the 'operation and traffic management' subsystem of the rail system in the European Union (OPE TSI).

I could not agree more that the swift deployment of ERTMS along the corridors, but also on diversionary routes is a top priority. The ERTMS European Deployment Plan adopted on 5 January 2017 sets target dates until 2023 by which about 40% of the Core Network Corridors will be equipped. An ERTMS deployment action plan will be adopted next month to support the effective delivery of the deployment plan, for cross-compatible, reliable and affordable ERTMS. All involved parties need to work constructively to achieve in a business-relevant time horizon the desired goal of interoperability. We particularly count on Member States' and suppliers efforts to implement this.

The full implementation of the 4th Railway Package will lead to a drastic reduction of the number of national rules and a simplification of the process for granting single safety certificates when the area of operation covers more than one Member State, thus removing further barriers to interoperability.

The European Union Agency for Railways (ERA) is actively working with the Member States to identify the existing national rules and remove the ones that are either redundant with or contrary to EU legislation.

In terms of operational rules, the upcoming revision of the OPE TSI will include an appendix with a positive list of topics related to which national rules will still be allowed. National operational rules on other topics will not be allowed anymore once that TSI fully enters into force, which is planned for mid-2019.

#### **4) International coordination of infrastructure works**

Line closures or restrictions must clearly be managed and coordinated in such a way that the negative impact is kept to a minimum. The Delegated Decision on schedule for the allocation process the Commission has recently proposed provides workable solutions for this. I sincerely hope that no objections to this will be raised by co-legislators so that it can be adopted and implemented as soon as possible. The rail freight corridors offer a suitable forum for infrastructure managers to coordinate line restrictions, as already foreseen in Regulation 913/2010.

#### **5) Operational cross-border management**

I agree with you that the competences of rail freight corridors for cross-border operations need to be re-enforced and a reflection should be launched in this regard. The more detailed proposals you make could be taken up and discussed in the management and executive boards of the rail freight corridors.

#### **6) Incentives to minimise the impact of disruptions on rail services**

EU rail legislation provides that a railway undertaking shall not be charged for the additional costs if the train is diverted at the request of the infrastructure manager.<sup>1</sup> In accordance with Article 37 of Directive 2012/34/EU, infrastructure managers are expected to cooperate on charging schemes, in particular with a view to guaranteeing the optimal competitiveness of international rail services.

Infrastructure managers should establish mechanisms between themselves to make sure that additional costs incurred by the diversion of a train - including on neighbouring networks - will not be included in the access charges paid by the railway undertakings on international services.

Concerning other additional costs, e.g. for diesel, traction, drivers, etc., there are currently no provisions in EU law.

#### **7) A rail platform**

I strongly believe that in the aftermath of the Rastatt incident there needs to be a discussion involving all the relevant players in the sector. There could be joint ad hoc meetings of the existing platforms ensuring that all interested parties are represented, rather than a new platform.

#### **8) Immediate relief for the sector**

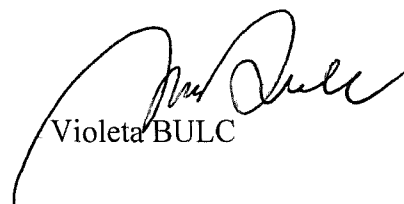
The interruption of traffic at Rastatt has had a profound financial impact on many businesses. In view of the overall economic situation of the rail freight sector, this is to be taken very seriously. There are, however, no legal provisions on compensation for operational losses at EU level. Where public subsidies are made available at national level, these would need to respect EU State aid rules.

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<sup>1</sup> Article 5(4) of Implementing Regulation (EU) 2015/909 on the modalities for the calculation of the cost that is directly incurred as a result of operating the train service

As you know, strengthening the performance of the rail freight sector is an issue that is very dear to me, not least because of the crucial role rail has to play in helping us meet our decarbonisation goals. The Rail Freight Day 2017 in Vienna will offer a good opportunity for us to jointly take stock of progress made and remaining challenges and I look forward to seeing many of you there.

Yours faithfully,



Violeta BULC