



## Open letter to the attention of the MEPs of the TRAN Committee

Brussels, 11th December 2013

**Some days before a strategic vote on the 4th Railway package, some MEPs – supported by incumbents – are bringing amendments which may lead to an unacceptable set back of the European Railway reform. These very last minute amendments could jeopardize the vote of the package! We consider it as a sabotage action towards fulfilment of the European railway reform.**

Dear Member 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 find a global, equilibrated and market driven compromise on the 4<sup>th</sup> railway package and to ensure - for your voting session on next 17<sup>th</sup> December - the completion of the package *as a whole*.

We are pleased to see that progress has been made on the technical pillars, and we welcome this move to create more efficient, simplified and harmonised authorisation and certification processes. However, this would not be effective if there is no progress – **or even worst, a set-back to the situation before the recast of the 1<sup>st</sup> RP! - made on the governance part.** The technical and governance parts are closely interrelated. **We are strongly in favour of the Commission proposals for Chinese Walls and the transparency clauses that go with them as minimum protection measures to avoid discrimination and conflict of interest preventing a fair competition between new entrants and incumbents.** We of course take this opportunity to re-state our strong preference for the simplest, most efficient and less costly solution of full separation between railway operators and the infrastructure managers.

We do believe that the success of rail freight depends on the development of sound business models and efficient internal management that must be achievable within the framework of a modern rail market legislation. It is impossible to achieve this without

- Fully-fledged independent Infrastructure Managers with own and independently managed human and financial resources
- Efficient and strong Chinese walls to protect this independence
- Clearly identified and controlled financial flows
- Efficient and reactive Regulatory bodies

The latest “compromise” amendments – submitted by incumbents associations and some other MEPs – seek not only to dismantle the well balanced proposals of the Commission but also the constructive compromises on governance which were reached at the end November. We consider it unacceptable to **postpone a vote with the sole purpose of destroying a consensus in a sector which is suffering since long of discrimination and unfair competition!** Never forget, we already lost more than 10 years with the recast of the 1<sup>st</sup> package!

We welcome the proposals of the 4th Railway Package in its entirety as the rail sector needs to engage in structural reforms to deliver growth, jobs and efficient solutions for EU companies and a better quality of service. **We remain confident that the Transport Committee of the European Parliament will overcome this difficult situation and finally propose a real market driven and workable text.** Therefore, CLECAT, ESC and ERFA continue to urge Members of the European Parliament to adopt an *entire, consistent and well-crafted* package on 17th December.

We 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](mailto:nicolettevdjagt@clecat.org)

Paola Lancellotti

Secretary General, European Shippers' Council (ESC), [p.lancellotti@europeanshippers.eu](mailto:p.lancellotti@europeanshippers.eu)

Pierre Tonon

Secretary General, European Rail Freight Association (ERFA), [p.t@erfarail.eu](mailto: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.