

NEWS IN BRIEF

INFRINGEMENT PROCEDURES TO BE LAUNCHED IN 2017!

All Member States, except Luxembourg and Romania, have notified the [transposition of the so-called "Recast directive"](#), which guarantee fair access to the rail market. However, notification does not always mean proper implementation of EU rules. That is why the EC is now analysing if national texts are compliant with the EU rules. Some concerns already appear on the **provision on access to service facilities and rail related services, the powers and resources of the Regulatory Bodies, and the scope of applicability of provisions of the recast.** Infringement procedures will be launched beginning 2017.

ERFA WELCOMES THE EC'S DECISIONS TO INVESTIGATE AGAINST CZECH RAILWAYS

The Commissioner in charge of competition, Margrethe Vestager, decided to launch investigations against the incumbent operators, České dráhy (CD), for **price dumping aiming at shutting out competition** on the Czech passenger market. [ERFA sees the decision](#) as a **strong signal** that anti-competitive practises and abuse of dominant position cannot be accepted in the Single European Rail market. **ERFA is strongly committed to support the EC and competition authorities to ensure that competition rules are respected!**



ERFA President, Irmtraut Tonndorf, RU Dialogue Plenary Meeting, 27th October, Brussels

3rd PLENARY "RAILWAY UNDERTAKINGS DIALOGUE" MEETING

The [RU Dialogue Plenary meeting](#), which offers a forum for regular and open dialogue between RUs, the European Commission (EC) and the European Union Agency for Railways (ERA), took place in Brussels on the 27th October.

Outcome of the different RU dialogue subgroups after the first year of discussions were presented. Pushed by ERFA, good progresses have been made on the development of **Key Performance Indicators (KPIs)**, which includes punctuality, causes of delays, level of Track Access Charges, and the quality of infrastructure. The RU dialogue will now discuss them with Infrastructure Managers in a joint meeting. The EC congratulates Tony Berkeley, ERFA Vice-President, for his role as chairman of the access to service facilities subgroup. The subgroup has helped the EC to develop an ambitious draft legislation, which will **improve transparency and avoid discrimination in the facility market.**

However, the digital subgroup failed to convincingly present concrete results. The EC formally called for more proactivity especially on the Estimated Time of Arrival (ETA). **ERFA has constantly pushed for adding open data** and real-time running information into the agenda.

A draft report on railway security was discussed. ERFA highlighted that any security measures should be proportionate to the risk, should not undermine interoperability, and should not cause modal shift from rail to the road. RUs cannot bear the burden and the responsibility for security instead of Member States.

Concerning the **practical arrangement on the language requirements** for train drivers on cross-border sections, ERA explained that the preferred solution is still bilingual staff, but that arrangements between RUs and IMs will be simplified to allow RUs to apply for exemptions.

More information and presentations [here](#).

DB ABUSES APPEAL PROCEDURES TO SHUT OUT COMPETITION ON PASSENGER SERVICES

The new rail entrant on the German Market, National Express, has given up the contract for operating local trains in Nuremberg, because of the long and heavy appeal procedures launched by DB.

ROAD INITIATIVE: NO MORE LEVEL PLAYING FIELD

The EU's road initiative, which includes **the revision of road charging**, the liberalisation of coaches, and social conditions in the road sector, is expected to be very **limited in levelling the playing field** between modes of transport. On the contrary, one says that it would foster "green" road transport. **ERFA constantly calls for more level playing field between transport modes.**

TRANSEURASIAN RAILWAY CONNECTIONS CONFERENCE

ERFA actively participated to [the event organised by Ferrmed](#) on the 10th November. **Improving rail's connections between China and the EU** is one of the main challenges to decarbonise freight. Faster than maritime, cheaper than aviation, rail is a very attractive solution on certain type of products. However, the EC insisted that China and Russia should respect **European standards** such as procurement rules to allow a mutual and fair exchange with the EU!

ERFA WELCOMES EC'S DRAFT LEGISLATION ON TIMETABLING AND COORDINATION OF INFRASTRUCTURE WORKS

The EC's draft legislation on timetabling and coordination of infrastructures works received positive feedbacks from ERFA's members during its Strategy Day on the 26th October. Rail freight aims at responding to the customers' needs. Therefore, **improving flexibility and the reliability** of rail freight can help the sector to grow. The proposed draft legislation will increase flexibility of rail freight's timetables by giving the opportunity of **2 rounds for RUs to apply for train paths** in the annual timetable.

As regard coordination of infrastructure works, the text provides relevant answers to the important challenges faced by RUs. If adopted, IMs will need to **inform and consult RUs** well in advance about the planned capacity restrictions. The text introduces a compulsory **coordination process** between IMs in different Member States in order to ensure that diversionary routes on other networks remain open.

ERFA very much welcomes this much-needed draft legislation, which will help IMs to be more customer-orientated, giving flexibility to RUs and minimise the impact of infrastructure works. ERFA also wants to make sure that the TRR project can best fit into the new legislation.

ERTMS BUSINESS CASE: PLATFORM ON THE ECONOMY OF ERTMS

ERFA actively participates to the ERTMS business case discussions in order to draw the lines of a future financing schemes for RUs. The current Business case fails to address RUs' concerns. Among them, the double investments made during the transition period between the legacy system and the ERTMS equipment represents an important financial risk before the supposed end of the deployment in 2030. The risk can be enhanced by the creation of new **non-interoperable borders** between lines equipped with ERTMS and the others. This could also be reinforced in case there is a non-functioning deployment. Then the legacy system will be still needed in Europe. In addition, it is unclear that European rail suppliers will be able to provide ERTMS Baseline 3 in 2018.

Besides the investment risk, **the cost is a major issue** for RUs. Whereas most of the benefits are for IMs e.g. more capacity, savings in maintenance, RUs are bearing the costs for equipping/retrofitting of locomotives. ERFA is strongly convinced that **transferring the IMs' benefits to fund the current costs of RUs** is the unique solution to make the deployment of ERTMS a success for all. The modulation of Track Access Charges in function of the equipment of the fleet needs to be further explored.

ERFA will work in improving the ERTMS business case and therefore assess financing solutions.

ERFA ATTENDED RISC WORKING GROUP ON ERTMS
National Implementation Plans (NIP) for ERTMS are crucial with regard to the European Deployment Plans (EDP). They should provide transparency for Railway Undertakings. **NIPs have to be developed and published by the Member States by July 2017.** NIPs should be accompanied by Cost-Benefit-Analysis' (CBA) which should at least contain these parameters: Costs, Capacity, Punctuality and Reliability, Safety, Operational and interoperability, Energy, Socioeconomic. **ERFA continues to monitor the development and encourages its members to report relevant information on national level.**

LOGISTICS IN THE EU, A REPORT IN THE EUROPEAN PARLIAMENT
The Spanish MEP, Inés Ayala Sender, has elaborated a [draft report](#) on how to support a more efficient and sustainable multimodal logistics in the EU. **ERFA supports a more supranational approach of logistics, especially through an alignment of Member States' priorities and investments to EU's ones.**

CEF CALLS 2017 ARE OPEN!
[Calls for Connecting Europe Facilities funding](#) (grants) are opened! Projects concerning ERTMS, Rail Freight Noise, Rail interoperability, Freight transport services are eligible. **Deadline 7 February 2017.**

RAIL FREIGHT NOISE: AN ALTERNATIVE?

Not all members of the European Parliament (MEPs) are convinced by the EC's plan to reduce transport noise in Europe. Some of them highlighted that **putting all efforts to reduce noise in the rail sector is unfair** since the road's noise affects more than 125 million European's lives, which by far the first source of transport noise. A European wide "one size fits all approach" is thus not the best option.

Although the EC's plan to reduce rail freight noise aims at avoiding patchy national plans in order to preserve interoperability in Europe, it will have significant financial consequences for RUs and Wagon keepers' businesses, in particular in Member States where noise is not issue such as Scandinavian and some Eastern Member States. Several options are recently discussed in a Task Force chaired by ERA. ERFA actively participates and strongly supports solutions aiming at reasonable European measures. You will find the "state of play", including the applicability of NOISE TSI criteria to existing wagons in our next newsletter.

ERFA PARTICIPATED TO THE DIALOGUE WITH THE PAPER RECYCLING INDUSTRY



Markus Vaerst, on behalf of ERFA, participated to the 2016 European Paper Recycling Conference in Rotterdam, gathering more than 200 participants from all over the world. He gave a well perceived [presentation](#) on the state of play of rail freight in Europe and how to improve its attractiveness for customers.

STATE OF PLAY OF THE 4TH RAILWAY PACKAGE, TECHNICAL PILLAR

The Technical Pillar of the 4th Railway Package was adopted in May 2016. Member States should transpose the provisions both of the revised Safety Directive (EU 2016/798) and the revised Interoperability Directive (EU 797/2016) in **national law by June 2019** (extension can be granted until maximum June 2020). ERFA attended the 1st EC's meeting of the "Expert Group on the Technical Pillar of the 4th Railway Package" (8th November). Regulation EU 2016/796 enhances the role of the Agency (ERA) in the Union rail system, i.e. **ERA to act as "One-Stop-Shop "** for vehicle authorisation and safety certification and to ensure a uniform implementation of EU framework. Practical arrangements for issuing Single Safety Certificates and Vehicle Authorisations will be defined by further implementing acts.

AGENDA

RU DIALOGUE DIGITAL SUBGROUP
Brussels, 1st December

RAIL FORUM EUROPE DINER ON THE FUTURE OF RAIL FREIGHT

Brussels, 5th December
 ERFA co-organises a dinner on the future of rail freight in the EU. The Chairman of the TRAN Committee in the EP, Michael Cramer, will be the moderator.

[Registration here!](#)

RAIL FREIGHT DAYS

Vienna, 9th December
 Rail freight days in Vienna will be the opportunity to discuss the follow-up of action list for improving Rail freight corridors.
 More information [here](#)

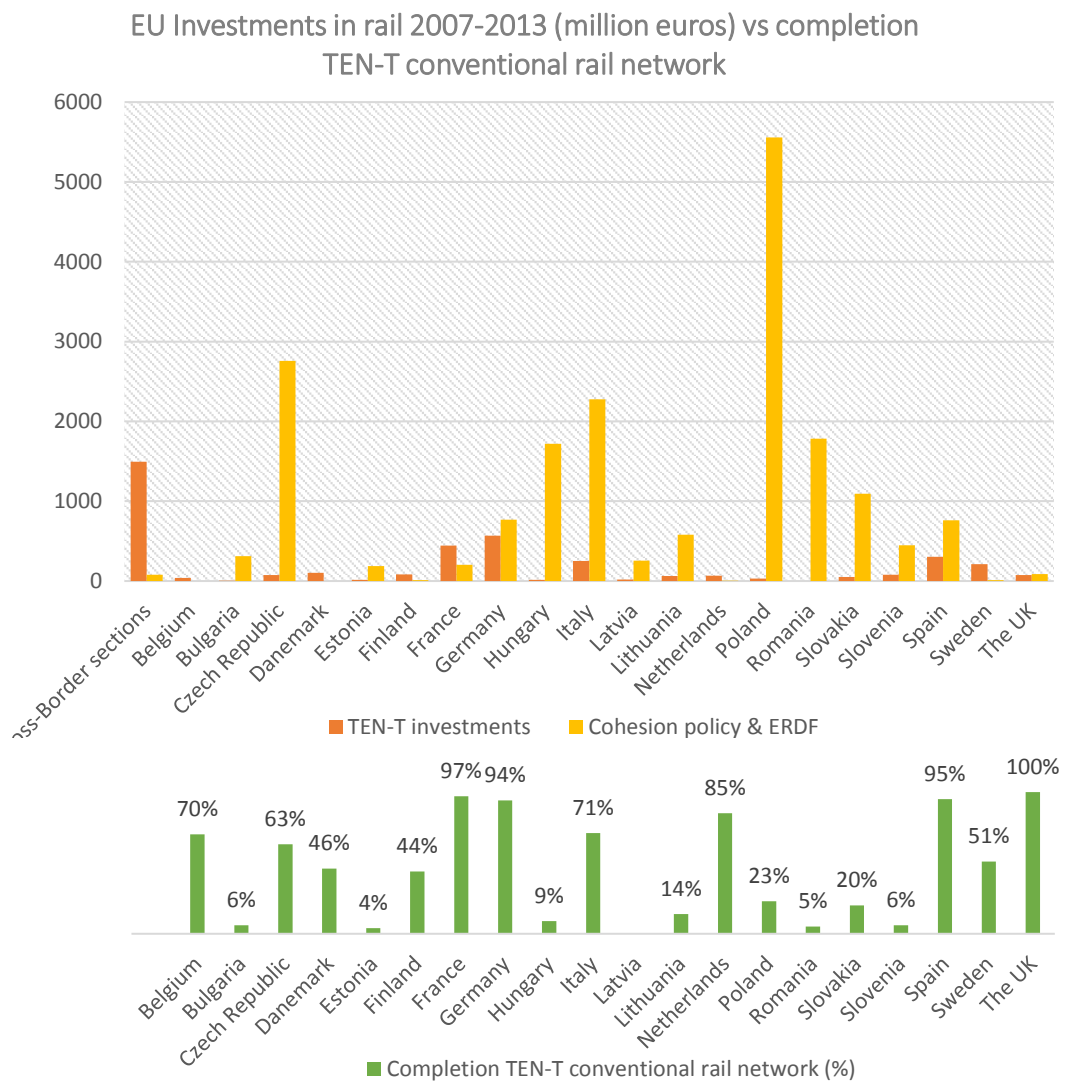


INFOGRAPHICS – TRANSPORT SCOREBOARD

Each year, the EC publishes a Transport Score Board, evaluating the progress made by EU Member States in all aspects of transport. The aim is to steer improvements in Member States concerning the need to invest in infrastructures, develop low-carbon economy and to further liberalise their network. It measures the quality of infrastructures, the level of competition, the employment rate, and the transposition of EU rules.

You will find the information on all EU Member States [here](#).

ERFA proposes you two infographics comparing the level of EU investments (2007-2013) in rail per Member States and the completion of the TEN-T conventional rail network. Eastern Member States still need large efforts to complete the TEN-T network.



Sources: European Court of Auditors & Transport Scoreboard EC