



## Open letter to Members of the Transport and Tourism Committee of the European Parliament, 9<sup>th</sup> December 2013

### 4<sup>th</sup> Railway Package –

### **Retain the whole package – a compromise is much better than half a package or nothing at all!**

Thirteen associations and companies with interests in the passenger and freight rail sectors (and without links with incumbents) from many parts of the EU wrote to you and colleagues in the EP TRAN on 15 November 2013, urging you to ensure that the 4th Railway Package survived in a way that actively encouraged private sector investment in the rail sector. Since writing, the voting has been delayed in an attempt to reach agreement.

Thus, we write again with further names added to stress the importance of creating both a technical and legal single market in rail and of completing the whole package together, since we believe that all the elements are inter-related.

We would urge you to support the compromise proposal of the rapporteur Said El Khadraoui on governance. Although in this proposal the independence provisions for the infrastructure manager are somewhat weakened in relation to the original Commission proposal, they will still create a structure that will give a lot more confidence to the private sector investors than the current provisions which have led to legal uncertainty and lack of enforcement.

In this context we welcome recent statements by some of the larger member states that, even though their railways might remain vertically integrated, they would make a commitment that all profits from infrastructure companies will be recycled into infrastructure projects. This can be seen as a positive indicator that they should have no problem in accepting the 4<sup>th</sup> RP proposals for such financial Chinese Walls and the transparency clauses that go with them. In other member states, this lack of transparency remains a serious problem.

Thus, the Compromise proposal of Mr El Khadraoui keeps the possibility of an integrated structure, while strengthening the structural independence of infrastructure managers. The proposal also strengthens the powers of rail regulators in their important monitoring tasks.

The exchange of personnel between the infrastructure manager and the railway undertaking inside the integrated governance structure is another important issue to be retained in the Compromise. Within this Compromise, there is also a requirement for open and non-discriminatory e-tickets and an improved passenger information system. This again is already within the plans of some member states and is therefore welcome.

We understand that progress is being made on the technical pillars, and we welcome this move to create more technical harmonisation but, alongside this, the two other pillars of the package need to be retained: the opening of the domestic passenger markets and the governance proposals. Technical harmonisation does not make sense if markets are not open, or if the structure of the

infrastructure manager does not ensure fair conditions for all railway undertakings in the access to national markets.

Thus, the technical pillars will not be effective without the whole package. We need it all to bring confidence and private sector investment back into the industry, improve service quality and thereby enable the sector to grow.

**So we do urge all members of the TRAN Committee to vote for the existing compromise proposals which can enable this very important piece of legislation to make progress in the voting on 17th December 2013.**

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