

La Communauté Européenne du Rail (CER)

Structure et stratégie

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du
CER - Community of European Railways

La création de la Communauté Européenne - qui entretemps est devenue une Union Européenne avec 25 États membres - a aussi eu des conséquences pour le trafic ferroviaire. Avec pour objectif l'augmentation de la part de marché des sociétés de chemin de fer dans le monde du transport au sein de l'Union Européenne cette dernière a décrété différentes directives qui, après transposition dans le droit national, devaient être respectées par les sociétés de chemin de fer des États membres.

Etant donné que l'UIC est une association dont toutes les sociétés de chemin de fer du monde peuvent devenir membres et qui se préoccupe surtout d'édicter des réglementations techniques, elle n'offre pas la plate-forme nécessaire aux sociétés de chemin de fer des États membres de l'Union Européenne pour servir d'interlocuteur face à la Commission Européenne.

Ceci a eu pour conséquence que les sociétés de chemin de fer européennes se sont senties obligées de se regrouper pour être considérées comme un interlocuteur valable vis-à-vis de la commission européenne. Les sociétés nationales des États membres de l'UE ont ainsi décidé de créer: le CER (Communauté Européenne du Rail) ou CCE (Communauté des Chemins de Fer Européens). Ce CER défend surtout les intérêts des sociétés nationales dans le processus de changement vers un monde ferroviaire libéralisé, vers lequel elle doivent s'orienter dans le cadre de la politique ferroviaire européenne au travers des diverses directives.

Vu que notre propre SNCB nationale est restructurée depuis janvier de cette année, le Conseil d'Administration de notre URPIIC a trouvé très utile d'en parler davantage à l'intention des nos ingénieurs civils. Pour cette raison, l'administrateur responsable du CER, Monsieur Ludewig, a été invité. Il n'a pas pu venir, mais il a envoyé son bras droit, Monsieur Colin Hall, administrateur délégué, originaire du Royaume uni et donc anglophone.

L'allocution s'est tenue en anglais et, vu que nos membres maîtrisent raisonnablement la langue anglaise et que cette langue est de plus en plus utilisée dans le monde ferroviaire, nous n'avons pas jugé utile de la traduire.

Ci-après son résumé de son allocution, qui consiste en deux parties : une première partie qui traite de la structure du CER et une seconde qui traite des options stratégiques et de la politique du CER.

PART I - ABOUT CER

The Community of European Railway and Infrastructure Companies (CER) is a Trade Association that brings together 44 railway companies and infrastructure managers from the EU Member States, the EU accession countries Norway, Croatia, Serbia/Montenegro, Bosnia/Herzegovina and Switzerland.

Based in Brussels, CER deals with all policy areas of significance to railway transport, and its primary task is to offer advice and recommendations to policy-makers in the EU political institutions.

This advice is offered on two levels:

formally, as a Representative Body recognised by the Commission, with membership of EU Committees (e.g. *Social Dialogue, Market Monitoring, ERRAC, Railway Agency*) and consulted formally by the EC on policy and legislation proposals (e.g. the third railway package before its publication in 2004)

informally, through general communication and influence.

To do this, CER:

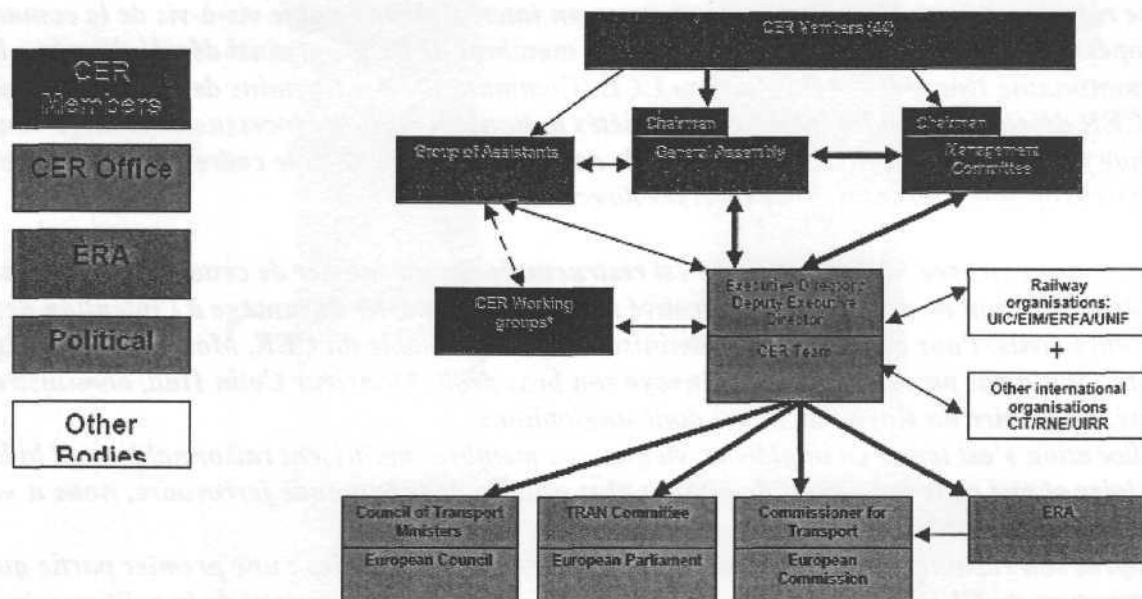
- publishes policy positions on legislative proposals - *Developed and agreed with members*
- monitors developments at all stages in EU legislative process
- proposes detailed amendments to legislation
- communicates (formally, informally) with key players - *Commission / Parliament TRAN Committee members / Council*

- acts proactively - for new actions (e.g. CEEC issues)
- produces supporting arguments/studies
- organizes Communication & Public Relations Campaigns

Until January 2005 Mr Karel Vinck was acting chairman of CER. He played a lead role in major events such as the October 2004 Rail Event that brought politicians and other key players by special train to an exhibition and reception in the Schaerbeek railway depot.

Position papers on current topics, and a range of other publications (Annual Report, press releases, etc) can be found on CER's website www.cer.be.

The CER structure and working relationships are illustrated below:



* e.g. Freight Focus Group, Passenger Working Group, Infrastructure Working Group

A current example of CER's official role as a representative body is its relationship to the new European Railway Agency in Valenciennes.

This work has gathered momentum this summer, as CER organised the nominations for CER experts (chosen from its members) to take part in the Agency Working Groups on Safety and Interoperability. These groups will start work in September 2005 and the next steps for CER will be the coordination of the experts' input to the working groups and establishing their mandate

PART II - POLICY ISSUES

Policy Priorities for railways

Infrastructure access pricing is first and foremost. Rail is less environmentally damaging than its major competitors. In a market economy, however, consumers decide between the modes based, to a considerable degree, on price. If consumer prices do not reflect environmental or 'external' costs, the market outcome is inefficient.

In their 2001 "White Paper on European Transport Policy for 2010 : Time to Decide", - Communications (2001)370 - , the European Commission recognised the need for a coordinated charging policy across the modes of transport, arguing for a 'framework' directive on infrastructure charging. This has not appeared.

Rather, discussions have focussed on the principles to be applied to charging trucks to use Europe's motorways, in the form of amendments to the **Eurovignette Directive**. This Directive is of paramount importance to railway companies. If trucks have to pay their external costs, demand for rail freight will increase. In a 'returns-to-scale' industry, i.e. one in which higher volumes imply lower unit costs, higher demand for rail freight increases the possibility to generate profit, which in turn can be used to invest in capacity.

The April 2005 Transport Council agreement on Eurovignette remains disappointing as it does not allow Member States to internalise all external costs. Rather, on average, charges will only cover the costs of building and maintaining infrastructure. In general, this constraint will keep charges below the efficient level¹. This 'compromise' construction remains in contrast to numerous public commitments by governments to implement the '**polluter pays**' principle. However, we recognise the progress made by Council - it has been discussed three times before without agreement. We trust that the European Commission will work towards a compromise nearer to the European Parliament's position, which, as proposed by the 2001 Commission White Paper, does allow for the full internalization of external costs.

These changes are essential to help finance **rail infrastructure capacity improvements**. While there has been progress with new high-speed lines, taking advantage of rail technology advances, much of Europe's general railway infrastructure was designed and built more than a hundred years ago, for very different business and societal conditions; and overall investment progress has been very slow. CER warmly welcomed, therefore, the trans-European transport networks (TEN-T) Guidelines revision in 2004, with its new list of 30 priority projects (22 of which concern rail), and the appointment of Corridor Coordinators in July 2005, to make things happen. However, the new Guidelines alone are not enough: much more money is needed over time to make up for decades of under-investment. Government funding alone is not the solution: we need progress on the central issue of pricing.

A Memorandum of Understanding on the implementation of the European Rail Traffic Management System (ERTMS) was signed in March 2005 by the European Commission

¹ For instance, the ECMT 2003 Report *Reforming Transport Taxes*, shows how efficient charges on road vehicles generate revenues that exceed costs by a ratio of two to three. The current proposal, however, imposes that revenues cannot exceed costs.

CER and other industry bodies. CER welcomes this partnership approach to carrying out studies on rail corridors, taking overall needs into account. To do this, the railway partners will first define a common methodology for the studies, to allow European-level decisions to be taken on a comparable basis. The EC will then prepare methods for financing the train and infrastructure components of ERTMS.

Third, the particular challenges faced in the **new Member States** have to be recognised and addressed. Abnormally high energy costs, some entirely inadequate funding levels and unsatisfactory arrangements for funding public service obligations are combining with the problem of rolling stock fleets that are virtually life-expired, to place a real strain on passenger service provision.

Last but not least, the new **European Railway Agency** is now starting its work and is expected to be fully operational early in 2006. There is much at stake with the successful progress of the Agency's work on railway safety harmonisation and interoperability. CER expects that the economic case for system and safety harmonisation will be a vital ingredient in the Agency's work. Technical harmonisation that does not take this properly into account could well increase prices and drive customers away from rail.

The Third Railway Package

The Third Railway Package, however, at least as a whole, is unlikely to be a significant step forward for rail policy. It is particularly disappointing that it contains two proposals for **quality regulations**. To be clear, all market actors recognise the tremendous importance of quality in attracting customers to rail. But, as is well known, CER is fundamentally opposed to the freight regulation, in which the Commission tries to impose detailed contractual clauses on a liberalised market. The whole approach of introducing competition into freight markets is designed to give customers a choice in which, if they are

not satisfied by the price/quality mix offered by one operator, they can turn to another.

We will continue to oppose the Commission's freight proposal. Operators in an open market must retain the freedom to negotiate with their customers directly on price and quality terms. It is therefore very encouraging that the European Parliament's Transport & Tourism Committee (TRAN) voted to reject the proposal completely at its April 2005 meeting. This unusual development echoes the lack of Council support for the measure.

The situation differs slightly with respect to international passenger services - but while CER respects the principles of passenger rights, considerable work needs to be done on the proposed regulation to make it fit for purpose and comparable to other modes. Finally, however, the package contains a proposal for a European driver's licence certificate, largely based on an agreement between CER and ETF in January 2004, which is widely recognised as useful for a European market.

Competition and liberalisation

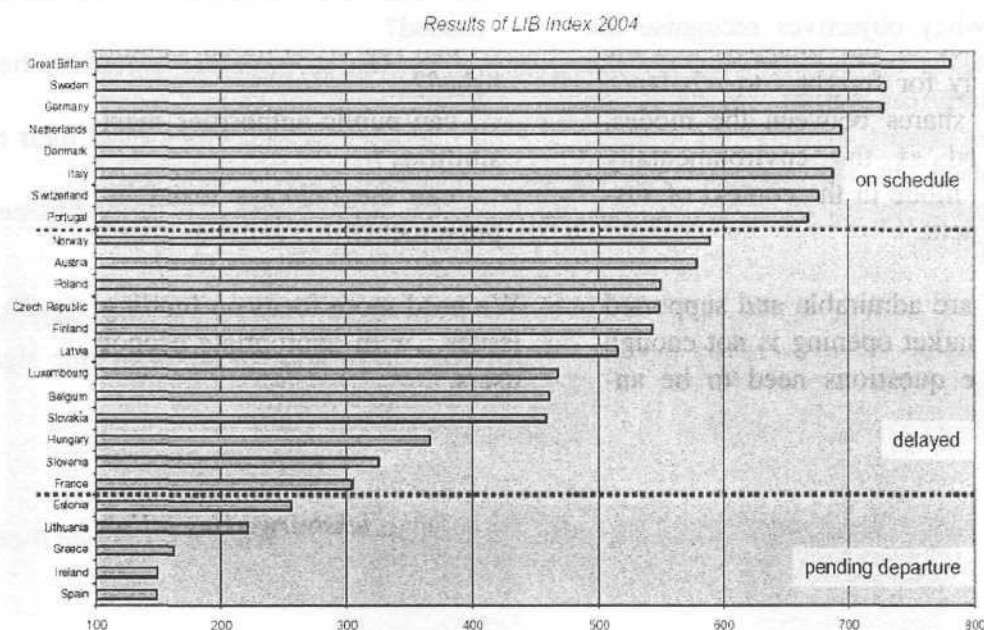
CER acknowledges the market opening which has been steadily developing over the last twelve years. The "timetable" looks like this:

- 1993 International combined transport International grouping (no practical impact)
- 2003 International freight services on TERFN
- 2006 International freight services on whole network
- 2007 all freight services – international + domestic
- 2010 *international passenger services with cabotage (proposed by the Commission, still under discussion)*

This process can help to secure the development of rail transport, but only if the priority issues discussed earlier can be resolved.

Meanwhile the Chart below, known as the Lib Index, from a study by IBM illustrates progress with market opening. The assessment by IBM looks at both the legal framework in each

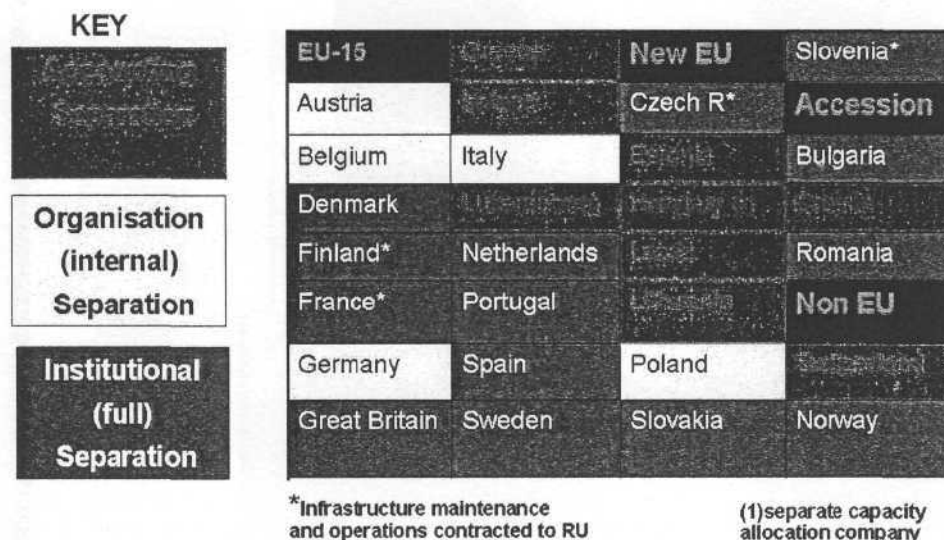
country, and the practical arrangements in place to allow market opening.



Alongside this Railway organisation structures have changed in recent years in response to the new legal framework. As the table below shows, there is no single solution in place. Around half of Europe's railways (by number)

now have completely separate infrastructure and railway undertaking companies (shown in dark blue on the table), while half have a holding company or integrated model.

European Railway Company Structures



CER believes that there is no single answer to this question, and no real evidence as to which model works best. Several other factors have to be considered:

- Open access feasibility and network capacity

- Geographical and business context
- Size versus efficiency
- Debt, funding position

Above all, it is not the most important issue facing the railways.

Conclusions

EU transport policy objectives recognise the strategic importance of rail transport and the need – particularly for freight – to rebalance transport market shares between the modes: rail is recognised as the environmentally friendly transport mode in the context of sustainable development.

These principles are admirable and supported by CER, but... market opening is not enough on its own, these questions need to be answered:

... can the necessary infrastructure be funded?

... can fair cross-modal conditions be established?

... can public authorities meet their responsibilities?

... can the railways maintain business improvement?

We need more focus on funding and charging issues...with appropriate economic signals to users.

tekstverwerking ir Hubert Ryckebosch