

De GEMEENSCHAP van de EUROPESE SPOORWEGEN

Structuur en strategie

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De creatie van de Europese Gemeenschap die ondertussen een Europese Unie met 25 Lidstaten geworden is, had ook gevolgen voor het spoorverkeer. Met het oog op een vergroting van het marktaandeel van de spoorwegmaatschappijen in de transportwereld binnen de Europese Unie vaardigde deze verschillende Richtlijnen uit die na omzetting in nationaal recht door de spoorwegmaatschappijen van de Lidstaten moeten gerespecteerd worden.

Waar de UIC een vereniging is waarbij wereldwijd alle spoorwegmaatschappijen kunnen aansluiten en die zich vooral met technische regelgeving bezighoudt, biedt deze vereniging niet het nodige platform voor de spoorwegmaatschappijen van de Lidstaten van de Europese Unie om als gesprekspartner tegenover de Europese Commissie te dienen.

Dit had tot gevolg dat de Europese Spoorwegmaatschappijen zich verplicht voelden om zich te verenigen om als een waardige gesprekspartner ten opzichte van de Europese Commissie hun belangen te kunnen verdedigen. Aldus besloten de Nationale Maatschappijen van de Lidstaten van de EU dan maar een Gemeenschap van Europese Spoorwegmaatschappijen op te richten: de CER (Community of European Railways) of de CCE (Communauté des Chemins de Fer Européens).

Deze CER verdedigt vooral de belangen van de nationale maatschappijen in het omvormingsproces naar een geliberaliseerde spoorwereld die deze maatschappijen in het kader van de Europese Spoorwegpolitiek met zijn Richtlijnen, moeten ondergaan.

Gezien ook onze eigen nationale NMBS sinds januari van dit jaar omgevormd is, vond de Raad van Bestuur van onze KBVBI het zeer nuttig om onze burgerlijk ingenieurs daarover wat meer te vertellen. Daarom werd de Afgevaardigde Beheerder van de CER, de heer Ludewig uitgenodigd. Hijzelf kon niet komen maar hij heeft zijn rechterhand, de heer Colin Hall, Afgevaardigd Bestuurder, een man uit het Verenigd Koninkrijk en dus engelstalig, gestuurd.

De voordracht werd in het engels gehouden en gezien onze leden de engelse taal toch redelijk machtig zijn en deze taal steeds meer in de spoorwegwereld gebruikt wordt, hebben we het niet nodig geoordeeld om de voordracht te vertalen.

Hierna volgt zijn samenvatting van zijn voordracht. Hij bestond uit twee delen: een eerste deel over de structuur van de CER, een tweede deel over de strategische opties en politiek van de 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 coun-

tries 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:

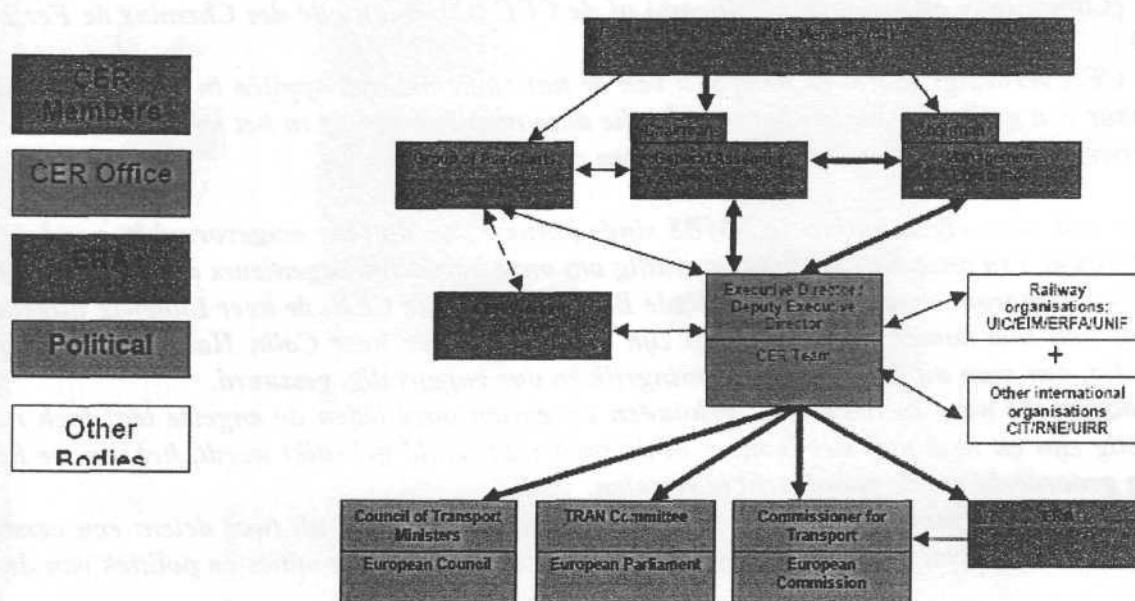
- publishes policy positions on legislative proposals - *Developed and agreed with members*
- monitors developments at all stages in EU legislative process
- proposes detailed amendments to legislation

- 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

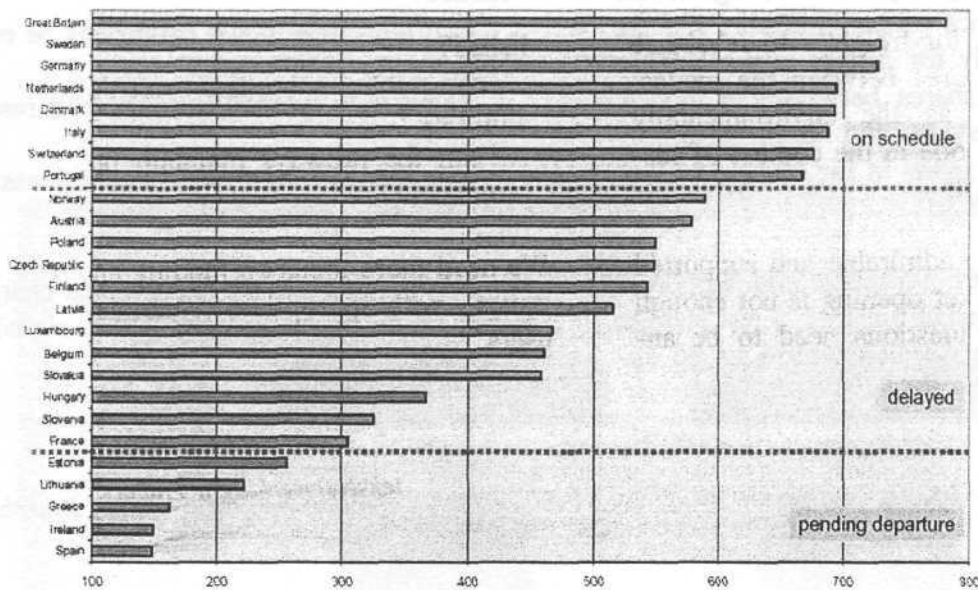
CER acknowledges the market opening which has been steadily developing over the last twelve years. The "timetable" looks like this:
1993 International combined transport International grouping (no practical impact)
2003 International freight services on TERFN
2006 International freight services on whole 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.

Results of LIB Index 2004



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

KEY			
	Geographical Separation		
	Organisation (internal) Separation		
	Institutional (full) Separation		
EU-15		New EU	Slovenia*
Austria		Czech R*	Accession
Belgium	Italy		Bulgaria
Denmark			
Finland*	Netherlands		Romania
France*	Portugal		Non EU
Germany	Spain	Poland	
Great Britain	Sweden	Slovakia	Norway

*Infrastructure maintenance and operations contracted to RU

(1) separate capacity allocation company

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