



**European Commission,
Directorate-General for Energy and Transport**

**Mr Matthias Ruete,
Director-General
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Brussels, March 14th 2008

Dear Mr Ruete,

The undersigned wish to inform you of the great concern of the Sector about the direction taken by the current amendment proposals to the Safety Directive, emanating from the Council, more specifically those regarding the wagon keeper and the related questions of his responsibility and certification of maintenance of his wagons.

In October 2006, the Commission invited the Sector (UIC, UIP, ERFA, CER) to develop and introduce proposals to supplement the shortcomings of the current legislation.

Those proposals were duly submitted by the Sector. A working group, chaired by DG TREN and consisting of experts from the Sector and NSAs that had declared an interest to participate, issued, in August 2007, a report. This document clearly indicated the direction to be followed in the future legislation, although some options were left open. We as a Sector believed that this reflected the unanimous professional requirements of the Sector.

That direction included: definition, recognition and registration of the keeper, his clear and direct responsibility for the maintenance of his wagon, the certification of its maintenance management system, the ultimate objective being the mandatory character to that certification, after a transitory period under a voluntary system. We were informed that the report was submitted by DG TREN to the Article 21 Committee.

We are therefore deeply worried by the texts currently proposed by the Presidency of the Council and supported by the Commission.

The distance between these legislative texts and the unanimous, documented and advocated proposals of the Sector, is incomprehensible. We do not see any obvious reason why the opinion of the sector has not been taken into account.

We are also puzzled by the distance that the Commission seems to be taking since recently from the report we commonly worked out and which we issued in August 2007.

At the behest of the Commission, the representatives of the Sectors have invested in this task precious time and costly resources during sixteen months (time, effort, meetings...), on top and sometimes at the expense of their normal professional duties. It appears now that this effort has been a waste and is heading to bitter failure, because at the end of the day the Sector has not been listened to.

Furthermore, the texts that are proposed by the Council now are very difficult to adopt by the Sector and they will constitute a potential source of additional time and resources leading to complications in the future.

We still believe that this is not EU policy.

Therefore, because we were led to believe that the Commission and the Sector have a common interest in solving these issues satisfactorily, we would like to meet you and/or Mr Enrico Grillo Pasquarelli urgently in order to determine what further arguments the Commission and the Sector can present to the Council and what joint action can be taken between the Commission and the Sector to stave off such a deplorable perspective.

Looking forward to reading from you soon,

Yours sincerely



UIC
International Union
of Railways



UIP
International Union of
Private Wagons



ERFA
European Rail Freight
Association



CER
Community of European
Railway and Infrastructure
Companies