

Von: tony berkeley [<mailto:tony@rfg.org.uk>]  
Gesendet: Dienstag, 4. August 2009 23:09  
An: 'Arthur-Iren Martini'  
Cc: 'Monika Heiming'  
Betreff: RE: Per E-Mail senden: 090804 DVZ DB kritisiert BNetzA\_Maulkorb gefordert

Dear Arthur,

Thanks for your e mail.

This is a surprising development for DB to complain to its Government about the activities of its Regulator. If our industry did that in the UK, we would be soundly slapped down by ministers reminding us that the Office of Rail Regulation was independent of Government.

However, in the case of this HoL enquiry, as you know I gave evidence for RFG and so was not involved on the Committee in anyway.

You will see on the appendices to its report attached the invitation to submit evidence. According to the list of organisations and people who did, DB and the 'Federal Network Agency' both submitted written evidence from Germany. All such evidence is bound in a separate part of the report, which is on the HoL website.

What usually happens is that, once the Committee has read the written evidence, it decides whom to invite to give oral evidence. I understand from the Committee that they hoped to receive evidence from regulators, infrastructure managers and train operators, both incumbents and new entrants, at least from the UK, France and Germany although of course anyone was free to submit evidence.

I further understand that DB was invited to give oral evidence but declined, whereas the BNA/FNA was invited and accepted. I suspect that the Committee was disappointed that DB did not accept their invitation to give oral evidence.

AS you will also know, such HoL Reports are very much based on evidence received so, if none is received, opinions which might have been expressed cannot be taken into account. One might reflect that DB might have done better to address their concerns to the HoL Committee rather than to Mr Tiefensee who is not responsible for the House of Lords Committees!

Hope this helps!

Best wishes, Tony

Tony Berkeley  
Chairman  
Rail Freight Group  
Monticello House  
45 Russell Square  
London WC1 4JP

Tel +44 20 7907 4646  
Fax +44 20 7907 4884  
Mob +44 7710 431 542