



European Transport Workers' Federation
Fédération Européenne des Travailleurs des Transports
Europäische Transportarbeiter-Föderation
Federación Europea de los Trabajadores del Transporte



ETF RESOLUTION on the

4th RAILWAY PACKAGE

**NO LIBERALISATION OF DOMESTIC RAIL PASSENGER SERVICES!
NO FRAGMENTATION OF THE RAIL COMPANIES!**

**FOR QUALITY PUBLIC PASSENGER TRANSPORT! FOR INTEGRATED
COMPANIES!**

The European Transport Workers' Federation:

- Rejects any proposal to interfere in Member State competence to organise domestic rail passenger transport and to impose liberalisation and competition on all MS by EU law.
- Demands not to modify the Regulation (EC) No. 1370/2007 on public passenger transport rail and road and to maintain the principle of “freedom of choice” of the competent authorities on how to organise public services (direct award / tendering).
- With reference to Article 14 and Protocol 26 of the Treaty, calls for a stop of EU pressure to liberalise public services including public transport services, which are a national responsibility, and condemns the continuing absence of a full and comprehensive evaluation of the impact of the liberalisation of public services.
- Underlines that privatization and competition in rail passenger transport stimulates cherry picking on profitable lines and/or day times to the detriment of an overall network offer for the passengers, disregarding the principles of accessibility and universality of public transport services.
- Believes that the costs associated with fragmentation and the need to pay shareholder dividends increases costs for the taxpayer and fare payer.
- Strongly opposes separation between infrastructure managers and railway operators.
- Is convinced that there cannot be one single model for the railways all over Europe. The transport-geographical conditions, the tasks and the financial



possibilities are different from Member State to Member State so that a unique model could create severe damages in some countries.

- Insists on the fact that creating two administrative structures will have enormous financial costs and positive synergies from long term investments in research and innovation that take into account both, the state of the infrastructure and the rolling stock, will be lost.
- The ETF is as well deeply concerned of the consequences for safety since the close coordination and communication between rail and train (track and wheel) will disappear and every actor within the system will try to minimize its responsibilities in the case of accidents.

The social aspects

- Insists in a better protection of workers in the case of market opening and competitive tendering. It must be compulsory for the Member States and/or the competent authority to create a social level playing field for all competitors at a high level of social conditions (“publication of tender specifications” and the principle of a “social clause”) and to protect workers’ employment and all acquired rights, working and social conditions in the case of change of operator (“transfer of staff”).
- Stresses on the fact that competition for a contract is taking place on the basis of the lowest price, not on the basis of quality, in particular when there are no compulsory quality and social standards. This encourages underbidding and leads to social dumping.
- Strongly denounces the continuous disregard of the social consequences of market opening such as reduction of number of employees, increase of outsourcing and sub-contracting of services, increase of atypical and precarious employment, more use of agency workers, intensification of work load and work pressure, increase of flexible working hours, split work shifts, overtime, etc...
- Insists on the importance of opportunities for workers to transfer between jobs in different companies of an integrated rail company in order allow a socially responsible restructuring and that gives social protection for workers in specific railway professions who depend on medical criteria such as train divers.
- Denounces the lack of attention for the consequences that liberalisation can have on safety and security because of the cost cutting pressure on safety-related areas such as the maintenance, technical checks, duration of training, number of personnel on board of trains, on stations, maintenance, control, clerical and other railway jobs needed for operating at the highest level of safety.

THEREFORE THE ETF CALLS UPON THE EUROPEAN PARLIAMENT AND THE COUNCIL OF TRANSPORT MINISTERS TO REJECT THE PROPOSALS ON LIBERALISATION AND SEPARATION (GOVERNANCE) !

SAFETY FIRST - THE EUROPEAN RAILWAY AGENCY IS NOT FIT TO BE THE PROMOTER AND DEFENDER OF RAILWAY SAFETY IN EUROPE

The ETF only consider supporting a greater role for ERA regarding a European wide authorisation for placing vehicles into the market if it is responsible solely for safety and not for 'competition', and insists on the highest health and safety at work standards.

The European Transport Workers' Federation:

- Insists that the ERA's primary role must be the one of a watchdog for railway safety in the European Railway Area. It must not be an agent sacrificing safety to competitiveness.
- Firmly believes that harmonisation of safety standards must never downgrade the national standards. Safety is an asset of the rail sector.
- Is critical to the introduction of a single safety certificate
- Stresses that certification for countries with track gauges of 1520mm must remain a competence of national safety authorities.
- Asks for harmonised binding rules at EU level regarding the intervals for maintenance of freight rolling stock, the certification of that regular maintenance, the monitoring, check and sanctions based on the most severe/strict (national) standards and upgraded on more recent technologies.
- Believes that the Agency should firmly support of a "just culture" that encourages the personnel to report dangers, incidents and accidents without risking being blamed (no-blame-policy).
- Believes that the ERA competences on monitoring and control of respect of safety rules must be strengthened but requires a more neutral role for the Agency, being independent from the European Commission.
- Is convinced that technical and operational interoperability is an important element to improve the performance of European railways. Nevertheless interoperability should never be pursued to the detriment of safety.
- Stresses that each individual country must be allowed to maintain or establish higher national health and safety standards for the working environment onboard the rolling stock than the standards set by the ERA.
- Demands that the ERA establishes a horizontal working group on health and safety at work (OHS) with equal composition of trade union OHS experts and management OHS experts.
- Insists that ERA gets a mandate for proposing regular checks and enforcement rules for driving and rest time for train drivers including defining the technical features for a recording device and including proposals for a system of sanctions in case of non-compliance with the driving and rest time rules in particular for mobile personnel in cross-border interoperability services (Directive 2005/47/EC)

- Insists on a European certification of on-board personnel (conductors) similar to the locomotive drivers' certification.
- Is of the opinion that for all professional groups with safety relevance/safety tasks within the railway sector, a harmonized EU definition of tasks, competences and training needs at a high level is necessary.
- Welcomes the integration of workers' representatives in the ERA working parties but denounces however the poor recognition of the opinion of the ETF representatives. Ask for full financial compensation of the work of workers' representatives in the working groups.
- Strongly rejects the proposal for the ERA to have a de-facto veto on new national safety rules.
- Requests that the ERA promotes the creation of national rail safety committees composed equally of representatives of companies and workers to regularly exchange views and opinions on incidents and accidents on national networks.

THE ETF ASKS THE EUROPEAN PARLIAMENT AND THE COUNCIL OF TRANSPORT MINISTERS TO ANALYSE THE ERA REGULATION, SAFETY AND INTEROPERABILITY DIRECTIVES UNDER THESE ASPECTS AND AMEND THE TEXTS ACCORDINGLY!

Brussels, 3 May 2013