

**English translation****European Commission****Directorate-General for Mobility and Transport****B-1049 Bruxelles / Brussel****Belgia / Belgique / België****[MOVE-CHAP@ec.europa.eu](mailto:MOVE-CHAP@ec.europa.eu)****Reference**    **Our complaint CHAP(2014)00694****Matter**        **ADDITIONAL MATERIAL AND ASPECTS  
ON THE COMPLAINT OF VR'S EXCLUSIVE RIGHTS  
TO THE COMMISSION OF THE EUROPEAN COMMUNITIES****Name of complainant:**

Suomen Rautatiematkustajat ry

**Represented by:**Kalevi Kämäräinen, chairman  
Juha P. Korhonen, vice chairman  
both persons authorised to sign**Address and registered office:**c/o chairman Kalevi Kämäräinen  
Asematie 1 B 14, FIN – 75530 Nurmes  
registered office Kemijärvi (association)  
domicile Nurmes (chairman)**Telephone and e-mail address:**+ 358 414 929 363  
[kalevi.kamarainen@gmail.com](mailto:kalevi.kamarainen@gmail.com)**Additional material with reasonings:****1. VR's unilateral changes to service levels**

In April of this year the company announced the discontinuance of passenger train services at Lievestuore<sup>1</sup> and Haukivuori<sup>2</sup> stations. In both cases the change is to take place in August 2014, that is just over four months after its announcement.

In our complaint to the EU Commission, delivered on 17 February there is attached the

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<sup>1</sup> <http://www.ksml.fi/uutiset/keski-suomi/lievestuoreen-juna-aseman-toiminta-loppumassa/1797583>

<sup>2</sup> <http://yle.fi/uutiset/vr-suunnittelee-junat-eivat-ena-pysahdy-haukivuorella/7189296>

Passenger Train Traffic Exclusivity Agreement for the period 3 December 2009 to 31 December 2019. In Article-3, "The obligation to operate" states that traffic under the public service obligation in 2010 is listed in Annex 2. In that Annex Lievestuore is included in Timetable-9, Turku harbour - Jyväskylä - Joensuu and vice versa , as well as Timetable-10, Helsinki - Jyväskylä - Kuopio and vice versa (pages 27-30) and Haukivuori in Timetable-13, Helsinki - Kouvola - Kuopio - Oulu - Rovaniemi and vice versa (pages 37-38).

Paragraphs -3 and -4 of the same article state:

"The Authority will specify the traffic under public service obligation (PSO) for the year 2011 by the end of September 2010. It will be attached to this Agreement as Annex 2. Prior to specifying the traffic under the PSO the Authority will negotiate about the traffic with the Carrier.

The Authority will specify the service level of those passenger traffic lines stated in Annex 1 for the years 2012-2019 by the end of September 2011 and will elaborate the line sections of the PSO when necessary. The service level specified under the PSO will thus replace Annex 2. When necessary, the service level specification may be renewed and modified during the contract period, and the traffic under the PSO will be confirmed by the end of September in each prior year. Before specifying the service level under the PSO , the Authority will negotiate about the traffic with the Carrier."

Subsequent amendments to the Annexes have not abolished the PSO on the line sections in question, as far as we know.

Article-5 of the Agreement is concerned with changes to traffic. To our understanding, paragraph-3 requires a consensus with the Ministry of Transport and Communications, a transitional period of 1-3 years, and a written agreement, before changes in traffic by VR:

"If the Authority requires changes on line sections operated, a 3-5 year transition period will be applied. If the Carrier wants to implement changes that have been agreed between the parties, ad hoc transitional periods will be up to 1-3 years. The changes may be increases or reductions in service levels as well as changes in stopping patterns of trains, and these will be agreed in writing."

VR surely cites low passenger numbers at the stations and offers publicly-subsidized bus connections instead. But this kind of disregard for formalities causes substantive damage to citizens' services, particularly in Haukivuori. For example, Lievestuore - Jyväskylä by bus takes 30-40 minutes<sup>4</sup> and the same journey by train 15-16 minutes. Travel time from Haukivuori to the municipal centre of Mikkeli is 22-23 minutes by train and 55-65 minutes by bus, but there are no bus connections from Haukivuori on Saturdays nor Sundays.<sup>5</sup>

In the press releases<sup>6</sup> regarding the discontinuance of train services VR does not even

<sup>3</sup> [http://www.rautatiematkustajat.fi/VR\\_osto.pdf](http://www.rautatiematkustajat.fi/VR_osto.pdf)

<sup>4</sup> <http://goo.gl/PSPfwK>

<sup>5</sup> <http://goo.gl/4aWoFb>

<sup>6</sup> <http://www.vrgroup.fi/fi/vrgroup/uutishuone/uutiset-ja-tiedotteet/junien-pysahtyminen-lievestuoreella-paattymassa-080420141243/> (Lievestuore)

indicate that any procedure under the Exclusivity Agreement would have been followed. Likewise, the Ministry of Transport and Communications has been silent. Citizens for their part will once again have to resort to the “right” of wondering<sup>7</sup> and begging<sup>8</sup> (see "Problems in the HSL-region" in the original complaint on page 279).  
 The behaviour of the Contracting Parties confirms our belief that the Exclusivity Agreement with its “obligations” is only a pseudo-legal act which has been dressed in the robes of Community Law but permits VR to do whatever it wants to passenger services.

## **2. The City Rail Loop-line as part of the TEN-T network**

In our original complaint, on pages 37-38 we questioned whether a "strong common vision" between the railway infrastructure planning authority - Finnish Transport Agency and VR regarding among other things, the City Rail Loop-line (Pisara-rata) is in fact State support - prohibited by Community Law. Based on recent information one may also question whether EU funding for rail infrastructure planning has been awarded under false pretenses.

Just recently the Chancellor of Justice published his verdict on transport project funding and mandates.<sup>10</sup> Among other things, it reveals (p. 10/12 and 11/12) that the Government's transport policy report to Parliament (VNS 2/2012 vp) was submitted in violation of Article-67 and -68 of the Constitution of Finland by excluding the Ministry of Transport and Communications in the preparation of the transport project list. The list of transport projects - containing the City Rail Loop-line among others (p. 27<sup>11</sup>), is thus based only on the views of the Finnish Transport Agency.

According to the Finnish Transport Agency's latest survey<sup>12</sup> the capacity of Helsinki railway station approach yard can be increased significantly even without the City Rail Loop-line. In addition, the survey proved sufficient capacity for long-distance trains well into the future - for example, on page 26, it is stated (a little indirectly):

"According to surveys the station of Pasila determines the maximum capacity in the area surveyed, especially for commuter traffic. -- The most significant differences come precisely from commuter traffic capacity, the lack of which is more likely a problem than long-distance traffic capacity, which is plentiful in all of the alternative scenarios"

The survey also states (again) that the real bottleneck is Pasila station and not the Helsinki terminus station and the City Rail Loop-line will not increase its capacity (p.

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<http://www.vrgroup.fi/fi/vrgroup/ uutishuone/uutiset-ja-tiedotteet/junien-pysahtyminen-haukivuorella-paattymassa-140420141301/> (Haukivuori)

<sup>7</sup> <http://haukivuorensuutu.fi/mallilehti/>

<sup>8</sup> [http://www.adressit.com/vastustamme\\_haukivuoren\\_junaliikenteen\\_lopettamista](http://www.adressit.com/vastustamme_haukivuoren_junaliikenteen_lopettamista)

<sup>9</sup> [http://rautatiematkustajat.fi/eu-kantelu/SRM\\_PSA\\_KANTELU.pdf](http://rautatiematkustajat.fi/eu-kantelu/SRM_PSA_KANTELU.pdf)

<sup>10</sup> [http://www.okv.fi/media/uploads/ratkaisut/ratkaisut\\_2014/okv\\_4\\_50\\_2011.pdf](http://www.okv.fi/media/uploads/ratkaisut/ratkaisut_2014/okv_4_50_2011.pdf)

<sup>11</sup> <http://goo.gl/wT4K4Z>

<sup>12</sup> [http://www2.liikennevirasto.fi/julkaisut/pdf3/ls\\_2014-01\\_helsingin\\_ratapihan\\_web.pdf](http://www2.liikennevirasto.fi/julkaisut/pdf3/ls_2014-01_helsingin_ratapihan_web.pdf)

28):

"According to the results of simulations and thus the derived computational maximum capacity values, Pasila station has the least throughput in the area surveyed. This is a significant observation because investing in the City Rail Loop-line or other works as a result of this survey will not significantly increase the throughput of Pasila."

The planning for the City Rail Loop-line has been awarded EU funding.<sup>13</sup> However, we are unable to determine the grounds on which the funding has been awarded.<sup>14</sup> Since the railway line is apparently a local or at most regional (and not a national) project, we doubt its stature as part of the trans-European rail network. Does the City Rail Loop-line fulfill the TEN-T requirements<sup>15</sup> or has funding been awarded on false pretenses (see especially Article -11, -13 and -14)<sup>16</sup>?

**Summary:** The passage of time seems to bring to light more and more evidence to support our concerns and this complaint. For that reason we repeat our hopes for a speedy handling.

### Place, date and signatures

Kemijärvi April 23, 2014  
Suomen Rautatiematkustajat ry.  
Kemijärvi

Kalevi Kämäräinen  
Chairman

Juha P. Korhonen  
Vice chairman

[www.rautatiematkustajat.fi](http://www.rautatiematkustajat.fi)

[www.facebook.com/pages/Rautatiematkustajat/158345494253217](https://www.facebook.com/pages/Rautatiematkustajat/158345494253217)

[www.facebook.com/groups/108232592543581/](https://www.facebook.com/groups/108232592543581/)

Original version in Finnish:

[http://rautatiematkustajat.fi/SRM\\_PSA\\_KANTELU\\_2.pdf](http://rautatiematkustajat.fi/SRM_PSA_KANTELU_2.pdf)

<sup>13</sup> <http://portal.liikennevirasto.fi/sivu/www/f/hankeet/suunnitteilla/pisara/Tiedotteet1/EU>

<sup>14</sup> [http://inea.ec.europa.eu/en/ten-t/ten-t\\_projects/ten-t\\_projects\\_by\\_country/finland/2011-fi-93125-s.htm](http://inea.ec.europa.eu/en/ten-t/ten-t_projects/ten-t_projects_by_country/finland/2011-fi-93125-s.htm);  
[http://inea.ec.europa.eu/download/project\\_fiches/finland/fichenew\\_2011fi93125s\\_final.pdf](http://inea.ec.europa.eu/download/project_fiches/finland/fichenew_2011fi93125s_final.pdf)

<sup>15</sup> [http://ec.europa.eu/transport/wcm/infrastructure/grants/2008\\_06\\_20/2007\\_tent\\_t\\_guidelines\\_en.pdf](http://ec.europa.eu/transport/wcm/infrastructure/grants/2008_06_20/2007_tent_t_guidelines_en.pdf)

<sup>16</sup> [http://inea.ec.europa.eu/download/legal\\_framework/8\\_regulation\\_6802007.pdf](http://inea.ec.europa.eu/download/legal_framework/8_regulation_6802007.pdf)