Dear Federal Councillor Leuthard,

Firstly we would like to take this opportunity to congratulate you and the Confederation of Switzerland on the magnificent achievement of the new Gotthard Basis Tunnel. Some of us have already had the privilege of travelling through it and it is clear that not only is this an extraordinary feat of engineering and planning but also a major contribution to a future sustainable model for transportation of people and goods by rail across Europe.

In this context, we would respectfully ask you to take a further look at the Cape Town Convention and its Protocol for the rail industry (the Luxembourg Rail Protocol) which will make it much easier for the private sector to finance railway equipment. Since our chairman last wrote to you much has happened. The registrar for the international registry has been appointed, the EU (in respect of its competences) and Luxembourg have ratified the Luxembourg Rail Protocol, Germany and Italy (and now the UK) have signed the Protocol and these countries and other countries across Europe, such as Sweden, are all actively working towards ratification of the Protocol.

Switzerland of course has also signed the Protocol and we are grateful for the support of your government. With the liberalisation of the European rail market moving forward, this will inevitably lead to more private finance of railway equipment. This is one of the key conclusions of the Roland Berger report issued earlier this year, a copy of which is attached for your information. The Luxembourg Rail Protocol will not only be important in opening up more opportunities for public and private operators in Switzerland to efficiently finance railway equipment on a highly cost effective commercial basis with the private sector (e.g. banks and private equity funds), but will also support Swiss exporters of railway equipment.
and be vital to protect the rights of creditors of foreign operators moving rolling stock through Swiss territory. We therefore strongly request that your government now proceeds as quickly as possible towards ratification. We stand ready to assist wherever we can and we would be most grateful if you or one of your senior officials could spare us a few minutes to receive a delegation from our contact group, in order to discuss this matter further.

Yours truly,

Uwe Sauer  
CEO  
Heros  
Helvetic Rolling Stock Gmbh

Alain Stocker  
Director  
Patrimonium Asset Management AG

Markus Vaerst  
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Parnter Lenz & Staehelin, Rechtsanwälte

Josef Dittli  
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Howard Rosen  
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