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REF: Transit on the Great Belt Bridge in Denmark

ERFA, the European association representing private and independent rail freight companies, is writing to you to voice serious concerns regarding the recent decision of the Danish National Safety Authority (“NSA”), concerning the use of pocket railcars on Danish territory, that is jeopardizing the intermodal traffic and the modal shift itself.

As from 1st January 2024, the new requirements set with Danish executive order 1361/2022 have entered into force. The Danish NSA imposed a new, national process of authorization for pocket railcars and their trailer hitches. Starting from the beginning of this year, pocket railcars are allowed to run loaded with trailers in Denmark only if provided with this new authorization.

The process is based on a combination of requirements on the railcars’ ECM, the railway undertaking transporting them, the arrival and departure terminals and the type of trailer hitch. With respect to the hitches, moreover, an examination of design and maintenance procedure is needed.

Until now, this new process has proved to be slow, unclear and time-consuming. Moreover, as of today, all the authorization requests filed with the Danish NSA have failed and no pocket wagons are currently authorized to run through Denmark under the new requirements.

For this reason, the Danish NSA decided to extend the validity of the currently applied authorization process until 1 June 2024. However, we learned that such a prolongation seems to be only granted

to the combination of ECM, railway undertaking, terminals and trailer hitch, that were already authorized according to the current regulatory provisions.

This means that it is not possible for a rail operator to change neither railway undertaking as a carrier nor the terminals of arrival or departure, even if the wagons and the hitches remain the same and have already been authorized and are currently running in Denmark.

This is highly questionable, because we are referring to railway undertakings, ECMs, trailer hitches and terminals whose safety management system and processes have already been authorized and certified at a European level by the competent bodies for years (according to Directive 2016/798, Commission Implementing Regulation 2019/779 Commission Regulation 321/2013, and all the other regulations relevant for the purpose) as well as by the Danish NSA.

There are neither technical nor safety reasons for this combination requirement, as set by the authorization process under the prolongation regime and under the new Danish executive order 1361/2022.

The limitation creates constraints to the activity of rail operators, is discriminatory and hinders any possible change and optimization. Safety is a key component of rail transportation and shall be addressed within the framework of the interoperability rules. It is of the utmost importance that every possible measure that sets boundaries to European goals is properly discussed by the appropriate, supranational bodies. Local decisions and constraints only lead to non-uniformity on a European level, causing detrimental situations and penalizing intermodal transport over other modes of transportation.

This is all the more the case, if operators are forced to transfer traction contract from one railway undertaking to another one, despite both are authorized to circulate within Europe based on the interoperability rules. As a consequence, the measure applied by the Danish NSA has an effect on the freedom of the operators to choose their service providers, and, thus, is limiting the market.

Denying the right to use a new railway undertaking penalizes the Danish economy, intermodal transport and consequently it risks thwarting the efforts to facilitate the modal shift. This leads practically to a prohibition of utilization of the affected railcast on the Danish territory.

Finally and moreover, the Danish NSA announced also that the existing restriction of transporting semi-trailers with a weight lower than 14 tons valid for trains transiting on the Great Belt Bridge will be extended to the entire Danish network starting as for 1 January 2024 until 1 June 2024. This constraint has been introduced despite the environmental conditions in the Danish territory are not comparable to the ones affecting the Great Belt Bridge and, therefore, is not backed by any technical reason. Coupled with the other requirements on pocket railcars, the measure will only accentuate the negative effects described above.

All that considered, we kindly but urgently ask you, to verify if the national requirements and the authorization procedure set by the Danish NSA are compliant with the European law and to

immediately act within the Danish institutions, ERA and the European Commission in order to amend these requirements whilst ensuring safety and safeguarding the possibility of intermodal transport and the modal shift.