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Notat

Dato: 08-02-2024

Sagsnr.: 2024-171748

Sagsbehandler: HEBA

The Danish regulation on semi-trailers on pocket wagons

In letter of 22 January 2024 to the Danish Minister for Transport, Director Kristian Schmidt – DG MOVE, and Executive Director Josef Dobbeltbauer – ERA, the European Rail Freight Association (ERFA)) has expressed concern about the Danish regulation on transport with semi-trailers on pocket wagons.

Following the accident on the Great Belt Bridge on 2 January 2019 with eight casualties and the subsequent incident on the bridge on 13 January 2021, the Danish Civil Aviation and Railway Authority (the Authority) has so far unsuccessfully tried to introduce common European rules for attaching semi-trailers on pocket wagons.

In addition to the accident and the incident on the Great Belt Bridge, the Authority, in connection with inspections and supervision, became aware of semi-trailers which were not correctly attached to pocket wagons. The Authority has also received several reports about situations where various requirements, including correct loading, have not been met.

The above shows that the existing EU-regulation on safety including both EU-law and -guidelines as well as the railway undertakers' safety management systems under the current approval and certification schemes do not sufficiently ensure that semi-trailers are correctly attached to the pocket wagons.

The Authority therefore finds that, in the absence of sufficiently EU-regulation covering the attachment of semi-trailers to pocket wagons, national measures are needed in order to maintain satisfactory railway safety. The recommendations, which are the result of the joint European work within the framework of JNS (Joint Network Secretariat), have so far not shown to be sufficient to ensure the necessary level of railway safety.

On this background a national approval scheme involving necessary documentation requirements has been introduced with the Danish Executive Order No. 1361 of 28/09/2022 on pocket wagons with semi-trailers, which entered into force on 1 October 2022. According to the order, operation with semi-trailers on pocket wagons in Denmark after 31 December 2023 can only take place if the railway undertaker has received an approval according to the Executive Order. The railway undertakers have thus had more than one year to provide the



necessary documentation in order to receive an approval to operate pocket wagons with semi-trailers within the above-mentioned deadline.

ERFA states that the new process for approval has proven to be slow, and that no applicant has received an approval yet. The Authority highlights that applications have only been received from 3 railway undertakers, and that none of these have yet submitted a complete application containing the required documentation. The Authority furthermore is in ongoing dialogue with the applicants and has guided them on which documentation is missing.

Due to the lack of documentation, it has not been possible to approve any of the applications before 31 December 2023. Therefore, the Authority extended the permits that had been granted to railway undertakers until 1 June 2024. The permits were based on accepted documentation from the undertakers. The extensions of the permits were granted enabling the undertakers with a planned operation with semi-trailers on pocket wagons to continue this operation from 1 January 2024 until 1 June 2024.

The requirements for obtaining a permission to operate pocket wagons with semi-trailers are based on the combination of many elements, including the nature of the hitch, locking force, procedures, safety management system, agreements with loading terminals, maintenance manuals and control procedures for maintenance and lubrication of hitches and locks. This is caused by the experiences from the Great Belt Bridge accident and the Authority's supervision show that there are three risk scenarios in particular that can occur when operating semi-trailers on pocket wagons. These are 1) incorrect or lack of maintenance of hitches, 2) lack of locking force caused by design or modification of hitches or locking pawls and 3) incorrect loading of pocket wagons. All three scenarios can pose a risk to railway safety.

It is therefore not possible for a railway undertaker to replace the specific elements, as the prerequisites for the permission then will be changed. However, there is nothing to prevent a railway undertaker from applying with the correct documentation, after which a permission for the new combination can be received.

ERFA states that the safety management systems and processes of railway undertakers, ECMs (Entity in Charge of Maintenance), platforms and terminals have been approved and certified according to EU-regulation for several years. As mentioned above, however, the Authority finds that there is a lack of sufficient EU-regulation for attaching semi-trailers to pocket wagons in order to maintain a satisfactory level of railway safety.

This is further confirmed by the deficient application material received by the Authority in accordance with the requirement for approval of operating semi-trailers on pocket wagons after the order came into force on 1 October 2022. The submitted documentation is currently highly deficient and for that reason it has so far not been possible to give any approvals. For example, it can be seen in the application documentation that there is no correspondence between the individual hitch type and the maintenance manual that must be included in the application material. This is significant, as a contributing cause of the Great Belt accident was precisely the lack of maintenance and lubrication of the moving parts of the hitch, cf. the report from the Danish Investigation Board on the accident on the Great Belt Bridge¹.

Due to the lack of quality in the application material, which has been sent with the intention of obtaining approval according to the Executive Order, the Authority has found it necessary to

¹ Havarikommissionens rapport: "Alvorlig ulykke på Storebæltsbroen (Vestbroen) d. 2-1-2019"



introduce a supplementary safety measure, requiring that the undertaker may only operate semi-trailers on pocket wagons in Denmark if these have a gross weight of at least 14 tons throughout the whole rail network, where the 14 tons requirement previously only applied to the Great Belt Bridge. This supplementary safety measure is part of the temporary permission until 1 June 2024. If the undertaker can provide sufficient documentation to obtain an approval after the Executive Order, this requirement will thus only apply to the Great Belt Bridge, just as the Executive Order makes it possible to replace the requirement with another control measure or attachment method.