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and safe railway system without  
frontiers.

# RECOMMENDATION ERA-REC-1175-4 OF THE EUROPEAN UNION AGENCY FOR RAILWAYS

on

*amendments to Commission Regulation (EU) No 321/2013, setting  
out requirements applicable to the devices used to secure semi-  
trailers onto freight wagons*

## THE EXECUTIVE DIRECTOR

## HAVING REGARD TO

Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004, hereafter referred to as the ‘Agency Regulation’, in particular Articles 2, 4 (a), 5(1), 6, 7, 8, 17, 19 (1) a) and (2) and 77 (1) thereof,

Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system (Recast), hereafter referred to as the ‘Interoperability Directive’, in particular Article 5,

Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning a technical specification for interoperability relating to the subsystem ‘rolling stock — freight wagons’ of the rail system in the European Union and repealing Decision 2006/861/EC (WAG TSI)

## Whereas

1. On 2 January 2019, a semi-trailer was blown off a pocket wagon when crossing the Great Belt bridge in Denmark. The result was 8 fatalities in a subsequent collision with a passenger train on the adjacent track.
2. On 13 January 2021, a similar incident took place.
3. NSA Denmark submitted notifications for two Joint Network Secretariat (JNS)<sup>1</sup> Urgent Procedures, as well as a Normal Procedure. The Agency managed a Task Force consisting of European experts, aiming at recommending risk control measures to restore safety and interoperability as well as the competitiveness of rail transport.
4. The Task Force concluded its work in April 2022 with some follow-up actions to be carried out by stakeholders (creation of an Acceptable Means Of Compliance (AMOC) for loading and securing of semi-trailers under the OPE TSI and the definition of a methodology for a holistic risk assessment of freight transport on crosswind exposed infrastructure<sup>2</sup>). As the stakeholders did not present progress with the follow-up actions identified by the JNS Task Force in April 2022, the German “Lenkungskreis Fahrzeuge” requested in November 2023 a new JNS Normal Procedure “Crosswind”. The objective was to complete the follow-up work in order to regain trust from the NSAs as a requisite for the removal of the national rule by NSA Denmark.
5. Seeing no satisfactory answer progress in their opinion, as the actors could not demonstrate sufficient risk control, the Danish authorities adopted Executive Order n. 1361/2022 of 28 September 2022 setting out rules on the transportation of pocket wagons with semi-trailers on the rail network in Denmark and on the Great Belt Bridge, later extended to the whole Danish railway network.
6. In 2022 ERA assessed the content of the Danish Executive Order n. 1361/2022, concluding that it contains national rules which are not in line with the EU legal framework. This was reflected in ERA’s

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<sup>1</sup> [https://www.era.europa.eu/domains/accident-incident/joint-network-secretariat-jns\\_en](https://www.era.europa.eu/domains/accident-incident/joint-network-secretariat-jns_en)

<sup>2</sup> <https://www.era.europa.eu/system/files/2022-11/TSI%20OPE%20AMOC%20Safety%20of%20Load.pdf>

- Technical Opinion ERA TO 2022-6 of 06/12/2022<sup>3</sup> issued in accordance with Article 26 Regulation (EU) 2016/796.
7. On the basis of the aforementioned Technical Opinion, the European Commission (DG MOVE) has started the process of issuing an Implementing act according to Article 26 (6) of Regulation (EU) 2016/796. The draft Implementing act has been presented by the DG MOVE at the RISC meeting of November 2023.
  8. In May 2024, NSA Denmark submitted a Change Request to the WAG TSI regarding the introduction of WAG TSI of requirements onto the devices to secure semi-trailers in the WAG TSI (CR 680).
  9. The Danish Executive Order was discussed during the Railway Interoperability and Safety (RISC) meeting n°102 in June 2024. The underlying safety risk and the need for measures was acknowledged and the European Commission presented a roadmap which once implemented should allow to remove the national rule in question.
  10. Following the discussions during RISC, it was decided that a Subgroup 1 “AMOC” (of the Task Force of the ongoing JNS Normal Procedure “Crosswind”) accelerated its work and needed to deliver an amendment to the existing AMOC Safety of load foron the loading and securing of semi-trailers and the amendments to the WAG TSI as response to CR 680 by the end of 2024. This task was delegated to a subgroup. After numerous meetings, Subgroup 1 “AMOC” delivered the AMOC for loading and securing of semi-trailers on 10 October to the TSI OPE Working Party, and a draft proposal for amendments to the WAG TSI to the TSI Working Party on 3<sup>rd</sup> December 2024. The proposal was reviewed during the Working Party meeting on 17 December 2024.
  11. Being considered a component upon which the interoperability of the rail system depends directly, in particular for the essential requirement ‘safety’, the device to secure semi-trailers is proposed as a new interoperability constituent. The ‘EC’ declaration of conformity provided by the manufacturers will attest that those interoperability constituents have been subject to the procedures laid down in the WAG TSI.
  12. To ensure that the risk of transporting semi-trailers on existing wagons is sufficiently controlled, some of the new WAG TSI requirements are applicable also to the existing fleet. The new requirements have a specific transition regime that is detailed in point 7.2.2.5 and Appendix A of the proposed amendment. It should be possible to identify easily any wagon for which the conformity with the new requirements has been positively assessed.
  13. Due to time constraints, the Agency couldn’t apply the complete process leading to a Recommendation: Working Party members didn’t have the opportunity to present their contributions, even though they were all invited to nominate experts to the Task Force of the JNS Normal Procedure “Crosswind”. Some organisations delivered position papers: these are attached in an annex to this Recommendation.
  14. This Recommendation is accompanied by an Impact Assessment.
  15. Given that the rail freight customers participated, through their representative bodies, to the drafting of this Recommendation and that it has no impact on passengers, and considering the fact that this Recommendation has neither direct impact on the social environment or working conditions of workers in the industry, the Agency did not go through a consultation process.

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<sup>3</sup> <https://www.era.europa.eu/system/files/2023-02/OPI-2022-6.pdf?t=1737541216>

## HAS ADOPTED

Recommendation ERA-REC-1175-4 in Annex which contains recommendations to amend Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning a Technical Specification for Interoperability relating to the subsystem 'rolling stock — freight wagons' of the rail system in the European Union and repealing Decision 2006/861/EC, as follows:

1. The draft amendments to the WAG TSI as set out in the Annex 1 should be adopted.

This Recommendation is addressed to the European Commission.

Valenciennes, 25 January 2025

Pio GUIDO  
Acting Executive Director

## Annexes:

Annex 1: WAG TSI amendments

Annex 2: Impact Assessment

Annex 3: Position papers and other comments received