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FINAL REPORT BY THE EXPERT

Advice Case: Cross border rail connectivity for the Port of Strasbourg

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I. Description of the Obstacle

1. Context

Located on the Rhine River at the French-German border, the Independent Port of Strasbourg (*Port Autonome de Strasbourg – PAS*) is with its 8 million tonnes of goods per year the 2nd largest inland port in France and the 4th largest on the Rhine. Equipped with the biggest freight station of the *Grand Est* and three container terminals, it acts as a hub for container transports in the region.

On the other side of the Rhine, facing the *PAS*, lies the German Port of Kehl, whose transport volumes are mainly generated by large port companies and the hinterland of the German riverside. Traffic shifts to the port of Kehl are creating congestion in this port and a significant amount of heavy truck traffic in urban areas between Strasbourg and Kehl.

The *PAS* is situated at the intersection of the Trans-European Transport corridors (TEN-T) Rhine-Alpine, North Sea-Mediterranean for the north-south routes and Rhine-Danube and Atlantic for the east-west links. However, it is not connected to the European Rail Freight Corridors (RFC), whose western branch (North Sea-Mediterranean and Atlantic) does not have any interconnection with the eastern branches.

French and European freight trains coming from the French national rail network, which is owned by *SNCF Réseau*, access the port rail network (RFP), which is owned by the *PAS*.

The French-German railway link passes over the Strasbourg (FR) - Kehl am Rhein (DE) bridge. Around 120 French and German trains operate there every day: French high-speed trains, regional trains, freight trains, not to mention the future project for a metropolitan express network around Strasbourg. Cross-border freight is only a small part with about six trains per day (2.220 per year), under the responsibility of 6 different railway companies¹.

Today, German freight trains renounce to use the Port of Strasbourg partially because of obstacles generating additional costs, complexity and additional delays for a distance as little as 2 km. On average, two trains per day heading to North or Eastern Europe (or vice-versa) pass the Kehl-Strasbourg border to or from the Port of Strasbourg. A French company picks them up at the Kehl station to make it easier for them to cross the border.

A reduction of restrictions would improve cost-efficiency for combined European freight services via the *PAS*. This would improve the economic development of the Port and could have a positive impact for the reduction of air pollution, CO₂ emissions and road network saturation in the Strasbourg-Ortenau area. Overcoming the obstacles would benefit the cross-border area with better access to the Ports of Strasbourg and Kehl. Furthermore, this would have a positive impact on the development of continental rail freight to Central Europe or to the ports of Italy and the Netherlands.

¹ Sources: train slot bookings 2018-2019 received and granted by *DB Netz* and *SNCF Réseau*.



2. Case study: journey of a German train between Rotterdam and the Port of Strasbourg

The Rotterdam-Strasbourg train ordered by *MultiModalRail* and operated by the German rail undertaking *Captrain Deutschland* uses the *PAS* twice a week to bring in and receive goods. This is already a reduced frequency because the operator has introduced two additional trains per week at the nearby Kehl terminal, although the goods for these trains come mainly from French companies.

The Rotterdam-Strasbourg train travels on the German electrified network with a German driver and an interoperable German-Netherlands safety system. It cannot technically travel beyond the Kehl-Strasbourg bridge because its electric locomotive is not interoperable between France and Germany.

Indeed, security systems are not compatible. The electricity grid does not have the same voltage (25,000 Volts 50 Hertz in France, 15,000 Volt 16.7 Hertz in Germany). Furthermore, diesel traction is required to get to the port terminal because the port rail network is no longer electrified after the freight station.

We describe here the typical outward journey, the return is similar.

The Rotterdam-Strasbourg train stops at 5 am at Kehl station (DE), 1 km from the border point (in the middle of the Rhine bridge).

At 5:20 am, a bidirectional and interoperable diesel locomotive between France and Germany leaves from the port of Strasbourg to pick it up.

Arriving at Kehl station in about 15 minutes, the shuttle locomotive equips the wagon at the end of the train with rear lanterns² required in France (if not done before) and replaces itself in the right direction.

At 6:30 am, the locomotive pulls the Rotterdam-Strasbourg train towards the port:

- 1 Km on the German railway network from Kehl station to the Rhine bridge
- 4.5 Km on the French national rail network:

Passing in front of the last German signals, present on French territory,

At Strasbourg Neudorf station: the locomotive changes direction and repositions itself at the head of the train

Arrival at 7:22 am at the entrance of the port

- 1 Km on the port railway network to the terminal: up to one hour

Schedules are dependent on other trains in service and stationing on the tracks.

Due to the impossibility of direct access to the port from the Kehl-Strasbourg bridge, the deviation by Strasbourg-Neudorf station causes a loss of about 1 hour and reduces the length of the accepted train to 680 metres, or 25 wagons. *SNCF Réseau* and *PAS* are already in discussion so that the delivery manoeuvre (signal-driven backtracking) could be carried out closer to the port, at “*carré violet 53*”. But at the current state of hourly capacity, this solution is not feasible.

In terms of legal responsibility, the French rail undertaking that provides the interoperable locomotive, VFLI, and the international freight company, *Captrain Deutschland*, have concluded a safety contract which provides that each company is responsible on its national network and applies for the necessary authorisations from its national authorities. As a result, a German and a French employee work together on the two-way journey between the port of Strasbourg and Kehl station.

² Rear lanterns are removable red lights. German regulations also allow reflectors so that trains arriving from Germany are not always equipped to operate in France.



The French driver communicates with the control posts at the port and Strasbourg-Neudorf in France, which regulate traffic and the allocation of lanes at the station. He drives the entire route in France and Germany. As he has done the same journey several times, he knows the German signals and the usual situations. But legally, **to cross the border, he must be accompanied by a German pilot or driver because he does not hold a German authorization (training certificate + level in German B1) and because his French company does not have a safety certificate to operate on the German network.**

On the other hand, the German pilot is not allowed to drive alone on the French network. He communicates with the Kehl control post (remotely managed from DB Netz in Karlsruhe) and can react in case of an incident on the German side. He gets on or off the locomotive at Port du Rhin in Strasbourg (accessible by foot or tram from Kehl) or Strasbourg Neudorf. In the direction of Strasbourg - Kehl, he prepares the passage in front of the German signals present on French territory, just before the Rhine bridge, by programming the German security system PZB.

The posts in Strasbourg-Neudorf and Kehl coordinate between themselves and it is sufficient to call one of them to warn that the train is ready to leave and ask for a green light.

The Rotterdam-Strasbourg train operator estimates the cost of the Kehl-Strasbourg section at 20% of the cost of transport from Rotterdam to Strasbourg. The two way shuttle service costs 3,000 euros. The additional cost comes from the use of an interoperable more expensive locomotive for a short distance, the presence of two employees in the locomotive and the journey duration.

3. Cross-border Obstacles

The obstacles are mainly due to different regulations in France and Germany, which result in technical obstacles. **From a technical point of view, it is impossible for a non-interoperable German locomotive to run on a French rail network:** it would automatically be stopped because it is not equipped with the KVB safety system (PZB in Germany).

At present, **only trains pulled by an interoperable France-Germany locomotive can cross the border.** However, no German freight company has yet wished to invest in an interoperable locomotive with France. Either the investment is not profitable, or there is no equipment on the market that is simultaneously compatible with 3 or 4 countries (e.g. no locomotive from the Netherlands - Germany - France). Today, only the French company VFLI is providing the shuttle service to cross the Franco-German border and runs 2 interoperable locomotives in Strasbourg.

Once the technical obstacle has been overcome, trains must observe national regulations and the operating instructions of the infrastructure managers: *SNCF Réseau*, *PAS* and *DB Netz*. The **common instruction dealing with the particularities of the operation of the Strasbourg Neudorf - Kehl border section between SNCF Réseau and DB Netz AG** organises the transition between the German network in Kehl and the French network in Strasbourg in terms of electrical power, telecommunications facilities, signals and security systems³. It plans for coordination between Kehl and Strasbourg Neudorf stations to regulate traffic and manage incidents. It allows the use of German and French language on the French part and German language in Kehl. However, the common instruction does not apply to the port or its connection to the French national rail network (see Part II).

The following table classifies the obstacles faced by German and French rail freight undertaking companies.

³ Especially article nr. 25

	German rail undertaking going to the Port of Strasbourg	French rail undertaking providing the shuttle between Kehl and the Port of Strasbourg
Administrative authorizations	<p>The Port and its connection to the French national rail network cannot benefit from the recognition of the safety certificate because they are not part of the “border section”.</p> <p>Obligation to delegate the journey in France to a French company or to apply for a full safety certificate in France: complexity, dual procedures</p>	<p>No recognition of a foreign safety certificate at border stations in Germany</p> <p>Obligation to delegate the journey in Germany to a German company or to apply for a full safety certificate in Germany: complexity, dual procedures</p>
Language	<p>Administrative paperwork in French</p> <p>Possibly language of the driver’s training</p>	<p>Level B1 required in Kehl : vocabulary does not match the skills and the needs</p> <p>Administrative paperwork in German</p> <p>Possibly language of the driver’s training</p>
Training	<p>Due to the lack of a certificate for the German driver, need of a French driver</p> <p>High costs for a full initial training (€100,000?)</p> <p>Accreditation of the training by the French safety authority EPSF</p>	<p>Due to the lack of a certificate for the French driver, need of a German pilot (€500 / journey) in a context of staff shortage</p> <p>High costs for a full initial training (€50,000?)</p>
Technical differences: voltage, safety system KVB/PZB	<p>Additional cost (15 to 25% if already existing) of an interoperable locomotive or no compatible locomotive with France and other countries</p> <p>Or delegation to an interoperable shuttle (€3,000 per return journey)</p> <p>Add the rear lanterns on the last wagon to run in France</p>	<p>Extra charge for investment and maintenance of an interoperable locomotive with German safety systems considering the short duration and limited number of journeys</p> <p>Higher operating cost (€800,000 per year)</p>
Spatial factors reducing the productivity	<p>Electric traction with different voltages then diesel traction to the port terminal</p> <p>Travel time Kehl - Strasbourg Port Terminal via Neudorf station: 1 to 2 hours + waiting time</p> <p>Only 25 wagons accepted at Strasbourg - Neudorf station</p> <p>Low capacity in Kehl and Neudorf stations: low hourly availability.</p>	<p>Duration of return journey Kehl –Port of Strasbourg Terminal via Strasbourg Neudorf station: 3 hours + waiting time</p> <p>Low capacity in Kehl and Neudorf stations: low hourly availability.</p>



II. Indication of the legal/administrative procedures causing the obstacle

We are only interested here in the legal obstacles not removed by the use of interoperable France-Germany locomotives and the existing coordination between *SNCF Réseau* and *DB Netz*.

The Directive (UE) 2016/797 on the interoperability of the rail system within the European Union, provides technical specifications for interoperability for new infrastructure and equipment. It is conceivable that, thanks to harmonization, some obstacles will have disappeared by 2050.

The Directive (UE) 2016/798 on railway safety aims to develop and improve the safety of the European Union's rail system and to improve access to the market for rail transport services.

Both directives, also known as the technical part of the 4th railway package, were transposed in France in May 2019 and will be transposed in Germany in June 2020. It is expected that new ministerial decrees will be issued in France and that the German rail law will soon be amended.

There are three types of legal and administrative obstacles: non-recognition of the national safety certificate, language skills and training requirements, and different rear signalization on trains.

a. Non recognition of the national safety certificate

Obstacles for German companies

The common instruction (FR : *consigne commune* / DE : *gemeinsame Regelung*) applies to the entire journey between the two train stations of Kehl and Strasbourg Neudorf (article 12 of the common instruction). The border section excludes the 300 metres of interfaces with the Port. The port rail network has its own operating document and does not apply the terms of the common instruction.

The "border section" *stricto sensu* is delimited by signals N101, N103, N104 and N121 to N124 of Kehl station (DE) and square signals C 50 and C52 of Strasbourg-Neudorf station (DE) (art 24 of the common instruction). It covers the transition space between the two systems that requires coordination. In France, this is the part on which there are still German communication and security systems.

The border section in the broad sense is defined by a French decree : *annexe 3 de l'arrêté français du 14 avril 2008 relatif au certificat de sécurité requis en matière ferroviaire*.

"The border sections of the national rail network, including the service lanes designated by the infrastructure manager in terminal and intermediate stations, are as follows:

[...]— between the German border and Strasbourg-Neudorf station."

Article 89 of the new French decree *n° 2019-525 du 27 mai 2019 relatif à la sécurité et à l'interopérabilité du système ferroviaire et modifiant ou abrogeant certaines dispositions réglementaires*, recognizes the single safety certificate without an extension of the area of operations for rail undertakings from another State "providing services on a border section on national territory, defined in Article 2 and after consultation with the *Etablissement public de sécurité ferroviaire*. This consultation may be carried out on a case-by-case basis or within the framework of a cross-border agreement concluded between the States concerned or the national safety authorities concerned".

It reproduces exactly the terms of Article 10(8) of Directive (EU) 2016/798, except for the designation of « border section », which is not European but French.



As it stands, this recognition would not be applicable to our case study because access to the port and the port railway network are not located inside the border section.

Obstacles for French companies

Kehl station is situated inside of the border section.

The concept of a border section (FR : section frontière, DE : Grenzstrecke) does not exist in Germany other than in the common operating instructions between DB Netz and its equivalents in neighbouring countries. The 4th railway package should only be transposed in June 2020. **In its version in force in September 2019, the German Rail Law *Allgemeines Eisenbahn Gesetz (AEG)* requires a single safety certificate accompanied by a German safety certificate dedicated to the journeys made.** The applicant must describe his safety management system and prove that he meets the safety requirements on the intended route. The implementing regulation *Verordnung über die Sicherheit des Eisenbahnsystems (Eisenbahn-Sicherheitsverordnung - ESiV)* provides that the request must be submitted in German.

b. Obstacles linked to training and language skills

In conformity with Directive 2007/59/EC and since October 2018, train drivers must hold a European train driver's licence issued by their national authority, valid for 10 years and throughout the European Union. In addition, a certificate is required in each country indicating the infrastructures on which its holder is authorised to drive and indicating the rolling stock which its holder is authorised to drive.

Obstacles for German companies

The French decree No. 2019-525 confirms the **mandatory holding of a certificate of technical and linguistic skills of train drivers in addition to the licence** (article 110). This certificate is issued to drivers who, on the one hand, have passed assessment tests to assess their professional knowledge of the lines or sections of lines and types of rolling stock on which they are required to drive and, on the other hand, prove that they have the language skills required for the lines or sections of lines concerned (Article 111). "The training and assessment of the professional knowledge required to enable drivers to be issued with the certificate quoted in Article 110 shall be organised either by the rail undertaking or by the infrastructure manager for whom the train driving is carried out or by a body **approved by the *Etablissement Public de Sécurité Ferroviaire (EPSF)***. They may also be organised by the competent authority of another Member State of the European Union (...), on the basis of requirements equivalent to those required in France" (Article 115). "The persons competent to train and evaluate a driver with a view to obtaining the **certificate for a given section of line** shall be authorised in accordance with a procedure recognised by the *Etablissement Public de Sécurité Ferroviaire* " (Article 116).

The decree does not mean itself an obstacle: **the training required to drive between the Rhine Bridge and Port of Strasbourg section would necessarily have to be approved on a case-by-case basis by the EPSF** in France. In practice, there are now Franco-German interoperability training courses covering the entire network of the neighbouring country.



In the exercise of their profession, train drivers must be able to understand the instructions, communicate with the control centre, the switching station and the persons managing the incidents (DE : *Notfallmanager*). Therefore, a B1 language level proof is required, unless otherwise required on a border section. Indeed, Germans have the option to communicate in German with the Strasbourg Neudorf stations (common instructions) and with the Port (port operating document), so they should be exempted from a B1 certificate of competence in French. In practice, at Strasbourg-Neudorf and Port du Rhin stations, they hear instructions in French on the locomotive radio for the several trains present. This could be disturbing for a driver who does not understand French at all.

Obstacles for French companies

The common instruction prescribes the mandatory use of German in Kehl and does not specify any derogation from level B1.

Paragraph 7e of the German Railways Act (AEG) requires **staff to be trained in procedures, signalling, route and emergency procedures on the lines concerned**. Employers must promote the training of their staff and can also attest to the skills of their employees in terms of experience and training courses.

The procedures for initial and continued training and for obtaining the certificate specific to the equipment and the route are specified in the federal regulation „*Verordnung über die Erteilung der Fahrberechtigung an Triebfahrzeugführer sowie die Anerkennung von Personen und Stellen für Ausbildung und Prüfung (Triebfahrzeugführerscheinverordnung - TfV)*“.

The exam to obtain the certificate consists of **an oral and written theoretical test and a practical driving test**. It must check the competences listed in Annexes 6 and 7 of the TfV Regulation.

There is a priori no need for an accreditation by a safety authority on the content of the training or tests, only a general accreditation of trainers and assessors, valid for 5 years (Article 14 TfV).



c. Rear signals on trains

There is no consensus at European level on the harmonisation of rear warning.

The rear signals of trains are subject to national rules.

Obstacle for German companies

In Germany, the §3 of the *Eisenbahn-Signalordnung (ESO)* railway regulation vom 07.10.1959 zuletzt geändert durch Art 498 der Verordnung vom 31.10.2006⁴ stipulates that freight trains operating on the DB Netz network must have following rear signals:

- by day : two red and white or red and yellow signs or the night sign
- by night : two red lights or two red reflectors of the day sign ; flashing lights are allowed.

In fact, German trains are more often equipped with reflectors (*rückstrahlende Tafel*).

In France, the conditions for equipping trains are the subject of an operating documentation (*documentation d'exploitation*) from each rail undertaking or person holding the operating agreement, in application of the ministerial decree *Arrêté du 19 mars 2012 fixant les objectifs, les méthodes, les indicateurs de sécurité et la réglementation technique de sécurité et d'interopérabilité applicables sur le réseau ferré national*. The legal framework is given by the decree:

“The purpose of rear warning on a train is to identify its end, its direction of travel and to give assurance of its completeness. The operating documentation shall specify:

- a. The conditions of equipping trains with rear warning : two red lights or two plates
- b. The conditions of circulation of a train in case of a malfunction of its rear warning, total or partial extinction or presentation in the body of the train.”

In our case study, the operating documentation is the common instruction Strasbourg Neudorf – Kehl (signs can only be changed at a train station):

“Article 42 – Rear warnings (*FR : Signalisation d'arrière des trains, DE : Schlusssignale an Zügen*)

Between Strasbourg Neudorf and Kehl (and vice versa) by day and by night, **the following rear warning shall be used: either two red lights or two removable tail lamps** (*FR : lanternes de queue DE : Schlusslaternen*).”

The common instruction between Winden (DE) and Wissembourg (FR) contains the same stipulation, supplemented by “Exceptionally and only during the day, 2 red reflectors may be used to replace the rear warning mentioned above”. The question of Franco-German recognition of rear warning has therefore already been raised at another border point.

⁴ Picture of the signals http://www.bahnstatistik.de/Signale_pdf/SB-DBAG.pdf , pages 70-71

III. Description of a Possible Solution

Traffic safety and control systems are in the process of being digitalised and harmonized. By 2050, harmonization will remove technical and training barriers. In the meantime, PAS is looking for a solution to improve its accessibility in the short term (1 to 2 years) by trains from Germany or the East of Europe. We do not present here the technical solutions for shortening the journey between Kehl (DE) and the Port of Strasbourg (FR), which have otherwise been investigated by PAS and SNCF Réseau.

Before seeking to implement the solutions for removing administrative and regulatory obstacles, the other important aspects of this case set out in Part V should be taken into account. For instance, current companies find it easier to conclude Franco-German partnerships than to take care of the cross-border journey alone.

In blue the potentially useful solutions for French companies, in red for German companies, in black for all of them

Action	Results	Text to be modified	Entities to be contacted by PAS
<p>Extending the perimeter of the border section in France to the port entrance (interfaces Neudorf et Gare)</p>	<p>To exempt the German company from applying for a French safety certificate.</p> <p>Pursuant to Article 89 of <i>Décret 2019-525</i>, the single safety certificate issued by Germany or the European Agency would be valid without extending the scope of operation for a railway undertaking operating on a border section in France, and therefore to enter the port railway network.</p> <p>German language would be authorized on the whole route. Bilingual forms would be used for written orders. Incidents would be managed in a coordinated way between <i>DB Netz</i> and <i>SNCF Réseau</i>.</p>	<p>Common instruction <i>DB Netz / SNCF Réseau</i> on the border section between Kehl and Strasbourg-Neudorf, article 12</p> <p>Procedures implementing the common instruction</p> <p>Procedures for train paths allocation in Strasbourg</p> <p><i>Arrêté du 14 avril 2008 relatif au certificat de sécurité requis en matière ferroviaire – annexe 3</i> list of the border sections : at the occasion of a larger modification, add the access to the port of Strasbourg in the border section Strasbourg Neudorf - Kehl</p>	<p><i>DB Netz (DE) + SNCF Réseau (FR)</i> who signed the common instruction</p> <p>authorization by the French railway Agency: <i>établissement public de sécurité ferroviaire EPSF</i></p> <p>French Transport Department: <i>Ministère de la transition écologique et solidaire</i></p>
Action	Results	Text to be modified	Entities to be contacted by PAS



<p>Including the port in the border section</p>	<p>Exempting the German company from applying for a French safety certificate to get to the port terminal</p>	<p>French <i>Arrêté du 14 avril 2008 – annexe 3</i></p> <p>Common instruction Strasbourg-Neudorf - Kehl : addition of a new partner (PAS), modification of article 12, addition of an article which confirms the enforcement of the instruction for the port railway network (<i>document de référence du réseau portuaire</i>)</p> <p>Bilinguals written orders</p> <p>Change the article 7 in the <i>document de référence du réseau ferré portuaire</i> : german safety certificates are valid</p>	<p>French Transport Department: <i>Ministère de la transition écologique et solidaire</i></p> <p><i>DB Netz (DE) + SNCF Réseau (FR)</i> who signed the common instruction</p>
<p>Recognizing the French safety certificate in Kehl</p>	<p>Obtaining specific rules for border train stations</p>	<p>German Railway Law <i>Bundeseisenbahngesetz</i> (implementing the EU 4th railway package)</p> <p>Procedures for train paths allocation in Kehl</p>	<p>German Railway Agency: <i>Eisenbahn Bundesamt EBA / Fachbereich Eisenbahnbetrieb</i></p> <p><i>DB Netz (DE)</i></p> <p>Federation of German Transportation Companies: <i>VDV</i></p>
<p>Integrating rail freight into future cross-border agreements</p>	<p>Enable border crossing by a single driver only if trained.</p> <p>More user-friendly procedure for companies wishing to operate a cross-border journey between France and Germany.</p> <p>Political priorities for freight development</p>	<p>Conclusion of a French-German cooperation agreement so that case to case exemptions shouldn't be necessary anymore : implementation of article 89 of <i>décret 2019-525 (FR)</i></p> <p>Exemptions about language skills and adaptation of trainings</p>	<p><i>DB Netz + SNCF Réseau</i></p> <p><i>EBA (DE) + EPSF (FR)</i></p> <p>Transport Departement <i>Ministerium für Verkehr Baden-Württemberg (DE)</i></p> <p><i>Ministère de la transition écologique et solidaire (FR)</i></p>



			<i>Région Grand Est (FR)</i>
Action	Results	Text to be modified	Entities to be contacted by PAS
Reactivate the idea of a rail language course, for example in Franco-German tandems, and adapt the testing of language skills	<p>Matching between language skills and real needs</p> <p>For a German train driver: although German language is authorized in Strasbourg, a small knowledge in French could be useful.</p> <p>For a French driver: the general B1 exam doesn't expect the vocabulary needed in the job</p>	<p>Common instruction Strasbourg Neudorf – Kehl , article 13</p> <p>(National and European rules indicates B1 unless another regulation in a common instruction)</p> <p>Procedures of certification of a train driver which currently request B1 – level and technical abilities</p>	<p><i>DB Netz + SNCF Réseau</i></p> <p><i>Ministerium für Verkehr Baden-Württemberg (DE), Région Grand Est : training</i></p> <p>French-German existing Working Group DB Netz / SNCF Réseau about B1 language skills</p>
Change the language in Kehl-station	<p>French drivers going to Kehl would be allowed to speak French</p> <p>Better communication between control authorities in Neudorf and Kehl, because everybody could speak in his mother tongue</p> <p>To train the in-situ settled personal of DB Netz and not the train drivers of companies</p>	<p>Common instruction Strasbourg Neudorf – Kehl , article 13</p> <p>Subject to good will and feasibility</p>	<p><i>DB Netz</i></p>
Allow the outsourcing of incidents	<p>No need of a pilot permanently sitting in the locomotive close to the train driver whose training isn't recognized</p> <p>Reducing the theoretical training and the obligatory language level provided that it can be proven that a person trained and available to manage incidents in her country could be</p>	<p>Subcontracting contract to a company in the neighbouring country</p>	<p>Rail companies</p> <p><i>DB Netz</i></p> <p><i>SNCF Réseau</i></p>



	reached at all times.		
Action	Results	Text to be modified	Entities to be contacted by PAS
Create an accelerated training on the Kehl - Strasbourg-Neudorf - Port for drivers with a European licence	<p>Make it possible for a German or French driver to drive the shuttle alone, provided his employer holds a valid safety certificate, be it German or French.</p> <p>On-site, cheaper and specific training about the road and the essential safety instructions</p> <p>Practical training in railway companies operating on this route</p>	<p>Theoretical training program to be invented</p> <p>Certificate of recognition of the skills acquired by current shuttle drivers</p> <p>Provisions in employment contracts to impose a minimum period of time for trained staff to remain in the company</p>	<p><i>SNCF Mobilités + SWEG</i> : best practices, pooling of training courses</p> <p><i>SNCF Réseau, DB Netz</i>: content</p> <p><i>Région, Ministerium für Verkehr Baden Württemberg, EU</i> : funds?</p> <p>EPSF in France: accreditation of the training programme</p>
Pooling drivers trained in both countries	<p>Pool of trained drivers who would specialise in cross-border journeys: facilitates the continuation of skills</p>	<p>On the model of the recent contract between regional passenger rail companies and the Land Baden-Württemberg, which commits themselves to financing training with the Land and not to recruit their competitor's staff</p>	<p>Rail companies</p> <p><i>Région</i></p> <p><i>Ministerium für Verkehr Baden-Württemberg</i></p>
Recognition of German rear train markings in Strasbourg	<p>Time saving from Kehl: each train would run on the whole route with 2 red lights or 2 reflectors.</p> <p>Useful in traction by shuttle or with interoperable locomotive</p> <p>(subject to business utility and safety)</p>	<p>Common instruction Strasbourg Neudorf – Kehl : modification of article 42 or exemption note</p>	<p><i>SNCF Réseau</i> : exemption authorization</p> <p><i>DB Netz</i></p> <p>Opinion of EPSF</p>



	feasibility)		
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III. Pre-assessment of whether the case can be solved with the ECBM

The European Cross-Border Mechanism consists in providing for a derogation from national regulations on restricted territory and object, by using neighbouring regulations. This exemption is only allowed after a process involving States.

The difficulty in our case is that, unlike a tramway or a cross-border economic zone, the national rail network of each country receives both national and cross-border traffic. For example, it would be impossible to use 2 different electrical powers on the same rail track.

ECBM could also be considered on more specific points.

The common instruction Strasbourg Neudorf - Kehl has implemented principles similar to those of the ECBM by using German signals on French territory before the Rhine bridge and by allowing German language to be used in communications with Strasbourg-Neudorf station.

Without necessarily going through the ECBM procedure, it could be a model for improving the common instruction: recognition by France of the rear marking of German trains or the approval by Germany at Kehl of a language level that derogates from the "standard" B1.

In terms of safety, it is not possible to automatically recognize driver training since the signals and procedures are very different. But the ECBM could be used to provide for the recognition of a simplified training and potentially the organisation of joint Kehl - Strasbourg training courses with a common exam giving access to a certificate specific to the equipment and the route.

IV. Other relevant Aspects to this Case

To overcome the obstacles, advantages for each shareholder should be sought. The solution has to be integrated in a larger system:

- Questioning their interests and check the ideas with:
 - SNCF Réseau Strasbourg
 - DB Netz Karlsruhe
 - German freight company using the *PAS* and the shuttle
 - German freight company unloading in Kehl goods destined for the French market
 - French freight companies crossing the border or using the port in Kehl
 - French and German local rail operators likely to provide shuttles, not only VFLI
 - Port of Kehl : Rheinhafen Kehl (commercial and railway network Hafengebahn Kehl)
 - Port of Strasbourg

- Following their answers, focusing on one of the 3 options:
 - Maintaining the status quo by seeking productivity benefits on the French shuttle between Kehl station and the port of Strasbourg: removing obstacles to French companies
 - Increasing the number of shuttles between Kehl station and the port of Strasbourg, with perhaps several German or French companies able to operate this service: removing obstacles for German and French companies
 - Measures to simplify the situation for German freight companies which would invest in an interoperable locomotive: removing obstacles to German companies



- For each idea, looking at the opportunity before investigating the technical and regulatory feasibility (you do not need to start more detailed studies if you are sure that the action would have no return on investment)
 - Achieved advantages and for which stakeholder
 - Investment and operating costs
 - Financing by European funds?
 - Hourly capacity limits
 - Perspective of equipment and infrastructure harmonization by 2050
- Seeking complementarities with regional passengers trains, knowing that traffic of passenger trains is currently much more important than of freight traffic
 - Solutions found by the companies *SNCF Mobilités (FR)* and *SWEG (DE)* for the regional line Strasbourg – Offenburg
 - Results of the project INTERREG V A rolling stock
 - Seeking support by the Région Grand Est and the Land *Baden-Württemberg*, public transport authorities for regional trains
 - Potentially pooling trainings for rail and language skills
 - Impact of the project of metropolitan express network in Strasbourg Eurométropole / Kehl
- Seeking reciprocity between France and Germany and thinking at the scope of the several French-German borders
 - Modification of the common instruction Strasbourg Neudorf – Kehl should benefit both sides
 - Checking if the problems are similar at all the French-German border sections (ex: Lauterbourg – Berg) ou if Strasbourg-Kehl requires a specific handling
 - Considering the drivers training as a common problem for both countries and for several companies in a context of staff shortage
 - Impact of the requested changes on traffic other than freight
- Implication in the development of cross-border agreements by alerting the national authorities on the concrete case of *PAS*
 - Agreement on the safety certificates in border section
 - Perhaps agreements on training for cross-border drivers
 - Following the implementation of the 4th railway package in Germany (currently public consultation by *Eisenbahn Bundesamt*⁵⁾)

V. References and Appendix

2018 study commissioned by the *PAS* and performed by *Conseil et Gestion Ferroviaires*: analysis of the stakes of a rail connection between the *Port Autonome de Strasbourg* and Kehl on the cross-border section

⁵ https://www.eba.bund.de/DE/documents/Buehne/Zweiter_Workshop_zum_vierten_Eisenbahnpaket.html



2016 study commissioned by the PAS and SNCF Réseau, carried out by Conseil et Gestion Ferroviaires: interoperability study of German railway companies operating to the Port Autonome de Strasbourg

Common instruction Strasbourg Neudorf - Kehl (*Consigne commune traitant des particularités d'exploitation de la section frontière Strasbourg Neudorf – Kehl entre SNCF Réseau et DB Netz AG, 2015*)

Instruction of the PAS- railway network (*Document de référence du réseau portuaire du Port autonome de Strasbourg, 2019*)

Rules and regulations quoted in Part II

Protocol for setting up cross-acceptance procedures of locomotives and rolling stock passengers for high speed and conventional railway systems between the *établissement public de sécurité ferroviaire EPSF* in France and the *Eisenbahn Bundesamt* in Germany, 2008

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