Hamburg Port Authority

NETWORK STATEMENT

FOR SERVICE FACILITIES

Special Part (HPA - NBS - BT), effective as of 2018-4-1

Introduction

The tracks of the Port Railway, a division of Hamburg Port Authority (HPA), in particular connect the railway infrastructure of the rail freight terminals in the Port of Hamburg with the German and European rail network. They enable the use of the service facilities in the Port of Hamburg as provided for in section 2 in connection with Annex 1 Port Development Act [HafenEG]. The Port Railway service facilities exclusively cater to the freight industry; the Port Railway does not operate any passenger train platforms or other passenger transport facilities.

Upon conclusion of an infrastructure use agreement HPA grants authorised access users non-discriminatory access to its service facilities and the services offered there as set out in the HPA Terms and Conditions of Use (HPA-NBS-AT and HPA-NBS-BT). Section I of the Special Part of the Terms and Conditions of Use (HPA-NBS-BT) sets out the deviations from the General Part (HPA-NBS-AT), which we publish as unmodified sample text (guidelines of the German Transport Association [VDV]). In addition, Section I contains Port Railway-specific supplements. Section II hereof contains terms and conditions of use not associated with the General Part (HPA-NBS-AT). Section III hereof describes the system and functions of transPORT rail, a communication platform used by HPA to manage access to its infrastructure. Section IV hereof contains information about HABIS-Zoll.

The references to statutory provisions contained in the Special Part and the General Part (HPA-NBS-AT and HPA-NBS-BT) refer to the statutory provisions as amended.

Other policies and regulations such as, for example, the Deutsche Bahn Guidelines, which our Terms and Conditions of Use refer to in part, apply as contained in Annex 1.

Section I

Deviations from and Supplements to the Terms and Conditions of Use – General Part

1 General Information

1.1 Revised versions of HPA-NBS-AT/BT

Amendments to the Terms and Conditions of Use will be reviewed by the regulatory authority. HPA principally bases on the Terms and Conditions of Use approved by the regulatory authority. Amendments to the Terms and Conditions of Use will be published on the internet without delay (publication in the (electronic) Federal Gazette [Bundesanzeiger]). Simultaneously, authorised access users that have already entered into an infrastructure use agreement with HPA will be notified of the amendments in writing.

1.2 Publications

HPA-NBS-AT/BT are published on the internet at:

www.hamburg-port-authority.de

In particular, the following information is published: HPA Schedule of Fees and Charges as amended, the regular staffed operating hours of the Port Railway operating control centres, HPA policies, guidelines, documents and records as provided for in clause 3.1.2 HPA-NBS-AT in connection with Annex 1 to HPA-NBS-AT/-BT, description of the rail infrastructure as part of the Network Statement as well as information concerning the agreed uses (e.g. condition of the railway infrastructure, irregularities as set out in clause 5.2.1 HPA-NBS-AT) and information about scheduled maintenance, engineering and construction work as provided for in clause 5.7.2 HPA-NBS-AT.

2 General Access Prerequisites

2.1 Staff competence, knowledge of the place

In addition to the provisions of clause 2.3 HPA-NBS-AT the following applies:
Staff of authorised access users set to carry out shunting activities must be familiar with the local surroundings. Staff training and further training is the responsibility of authorised access users. HPA will help the staff of authorised access users to make themselves familiar with the local surroundings before they are deployed. Applicable fees are listed in the Schedule of Fees and Charges. Alternatively, the services of a pilot must be engaged. On the request of authorised access users HPA will provide pilot services against a fee as listed in the Schedule of Fees and Charges in force.

2.2 Provision of security

Instead of the provisions of clause 2.5.4 1st sentence HPA-NBS-AT the following applies:

The security can be provided by bank guarantee (absolute guarantee [selbstschuldnerische Bürgschaft], payable on first demand and waiving the right of the benefit of discussion).

3 Use of the Railway Infrastructure

3.1 Applications for use of service facilities

In addition to clause 3.2 HPA-NBS-AT the following applies:
Users can request paths on the track infrastructure of Hamburg Port Railway for scheduling in the network timetable or for occasional services with DB Netz AG under the common train path booking procedure.
DB Netz AG will directly transmit to HPA the train path timetable data applicable to the train paths booked by authorised access users as well as the up-to-date train and operational situation data in strict compliance with multitenancy security and data protection provisions.
Based on the timetable data transmitted HPA will prepare the timetable for train notification points.
To be able to accommodate future freight growth on the tracks of Hamburg Port Railway, the processes on the railway infrastructure of DB Netz AG, at the terminals, the Port Railway, and all authorised access users and their service providers must be perfectly co-ordinated.
To efficiently co-ordinate slots at the terminals with the shunting path capacities required on the Port Railway's infrastructure, authorised access users, their service providers and DB Netz AG as well as adjoining railway infrastructures must transmit various data to HPA.

Planning documents concerning the area of Hamburg Port Railway's operations

As regards planning documents concerning the area of Hamburg Port Railway's operations, the following applies:

Authorised access users or their service providers must transmit the data required to schedule the use of the infrastructure not later than 30 days prior to the date of the actual service and the planning documents pertaining to occasional services (ad-hoc services) not later than 2 hours before the train departs from the marshalling/railway yard to the following email address:

betrieb.sonderzug@hpa.hamburg.de

Hamburg Port Authority must be notified of any deviations from data already transmitted not later than 2 hours prior to the departure of the train from the marshalling/railway yard. The changes must be sent to the same email address. The data required are listed in Annex 2 to HPA-NBS-AT/-BT (authorised access user data) and must be transmitted to HPA via the notification list (Annex 7) which is available at:

www.hamburg-port-authority.de

HPA will keep strictly confidential all data transmitted as well as the business secrets of authorised access users.

RUs must transmit the wagon master data (inbound trains), the wagon sequence (train and shunting movements) and changes in the location of the wagon. More detailed provisions are laid down in clause 24 hereof. In addition, RUs must transmit the required dangerous goods data (see clause 14, 23 and 24 hereof).

3.2 Co-ordination procedure

In addition to clause 3.3.1.3 HPA-NBS-AT the following applies:

If a decision pursuant to the provisions of section 13(3) number 1 and 2 ERegG cannot be made, HPA will decide based on the date it has received the booking request (first come, first served). If no decision can be made based on the first-come/first-served principle because applications/booking requests were received at the same time, the provisions of section 13(3) number 4 and 5 ERegG apply.

4 User Fees and Charges

4.1 General principles of charging

The general principles of charging as well as the fees and charges are outlined in the Annex, Hamburg Port Railway Schedule of Fees and Charges and Description of the User Charge System.

4.2 Reminders

In addition to clause clause 4.4 HPA-NBS-AT the following applies:
If authorised access users are in default of payment as set forth in clause 4.4 HPA-NBS-AT, HPA is entitled to charge authorised access users a lump sum for the costs incurred if a second reminder has to be sent after the first free-of-charge request for payment. Authorised access users are entitled to provide proof that HPA has not incurred any reminder fees at all or that the amount of reminder fees incurred was less.

5 Rights and Duties of the Contractual Parties

5.1 Operational contact

In addition to clause 5.1.3 HPA-NBS-AT the following applies:

Upon conclusion of the infrastructure use agreement authorised access users undertake to appoint a person in charge of operational affairs who is authorised to make decisions and whom HPA can contact in emergency situations. Authorised access users must provide a telephone number, fax number and email address. Users must notify HPA promptly of a change of address (in particular change of email address) of their own accord.

Hamburg Port Authority can be contacted at:

Hamburg Port Authority
Railway Infrastructure (Port Railway)
Neuer Wandrahm 4
20457 Hamburg
Tel.: +49 40 42847-1888 (Service Centre)
Fax: +49 40 42847-4399

Unless otherwise provided for, email communication concerning operational issues takes place via the network co-ordinator of Hamburg Port Railway:

Tel.: +49 40 42847-3476 (network co-ordinator)
Fax: +49 40 42847-3420
Email: koordinator@hafenbahn-hamburg.de

5.2 Information concerning the agreed uses

In addition to clause 5.2 HPA-NBS-AT the following applies:
HPA will inform authorised access users as provided for in clause 1.2 and 5.5 HPA-NBS-BT.

5.3 Operational disruptions

In addition to clause 5.3.3 der HPA-NBS-AT the following applies:

In the event of operational disruptions the network co-ordinator of HPA will send an email to the email address provided by authorised access users pursuant to clause 5.1.
If disruptions occur within the Hamburg Port Railway service facilities, DB Netz AG may need to issue a new timetable. For trains that are not moving yet which, however, will also be affected by the disruption the RU must request DB Netz AG to issue a new timetable.
If an RU causes the disruption of its operations, e. g. due to a locomotive breakdown, HPA will take the necessary action. HPA will first consult with the RU concerned under what conditions and how fast the RU is able to rectify the disruption at its own cost. If the RU is not able to rectify the disruption at all or not fast enough – i.e. routes need to be closed fully or partially, which depending on traffic volumes or the number of other authorised access users and/or Rus affected, would have an unreasonable impact – HPA will clear the infrastructure at the expense of the respective RU. HPA assumes that the impact will be as mentioned above within 30 minutes after the incident has been reported unless special, in particular operational or infrastructure-related circumstances are present.
Insofar as the RU can reasonably be expected to do so, it is obliged to rectify the disruption, provide support to HPA upon HPA's request, in particular by detaching the traction unit from its train and use it to provide traction support (e.g. to clear the line infrastructure blocked due to the locomotive breakdown by hauling the disabled vehicles to the nearest suitable railway yard or to haul rescue and emergency trains, for instance). Authorised access users can ask HPA to refund them the costs they incurred unless they caused the disruptive incident.

5.4 Identification

In addition to clause 5.4 and 5.5 HPA-NBS-AT the following applies:
HPA staff hold company identity cards or professional identity cards to identify themselves.

5.5 Maintenance and construction/engineering work

In addition to clause 5.7.2 HPA-NBS-AT the following applies:
HPA will notify authorised access users in writing about the impact of maintenance and construction/engineering work on their operations or publish the information on the internet at:

https://www.hamburg-port-authority.de

In addition, HPA holds meetings every 3 months to inform about scheduled construction work, to which all authorised access users and the adjoining RUs will be invited. HPA will take account of the feedback given by the authorised access users and the RUs in its scheduling. The documents presented at the meeting will be published at:

www.hamburg-port-authority.de

Construction/engineering work within the Hamburg Port Railway service facilities may require DB Netz AG to issue a new timetable. It is the duty of RUs to request DB Netz AG to issue a new timetable.
In addition, HPA will inform users about irregularities that may occur while the work is being performed as set forth in clause 5.3 hereof.

6 Liability

In addition to clause 6 HPA-NBS-AT the following applies in relation to the use of transPORT Rail and HABIS-Zoll:
If authorised access users or their service providers do not supply HPA the data and information required for the transport process at all or the data and information provided are of an inferior quality only, HPA is entitled to charge authorised access users the additional transport costs it directly incurred as a result. Authorised access users undertake to indemnify HPA against third-party claims due to wrong entry of data by the user or a third party engaged by the user. The term “required data quality” is defined in Annex 2a and 2b to HPA-NBS-AT/BT.
Authorised access users and/or their service providers are liable for any consequences resulting from the loss of access data or abuse of the assigned access authorisation to IT systems provided by HPA. Furthermore, authorised access users are liable for damage caused by missing, wrong, inaccurate or incomplete data needed to use transPORT rail (TPR) (to be transmitted pursuant to clause 24 and/or 25 hereof) or incomplete or delayed transmission of such data and hold HPA harmless from any third-party claims in relation to such damage. This also explicitly applies to liabilities from tax debts. Damage which has clearly been caused by HPA is excluded.
The aforementioned liability limitations apply *mutatis mutandis* to the liability obligations of any third party engaged by HPA in relation to the operation of TPR as well as the personal liability of all employees involved and third parties engaged.
Irrespective of the legal grounds, claims for damages in relation to the IT systems which HPA operates for the Port Railway division become statute-barred within one year after the claim arose and authorised access users gained knowledge of the circumstances the claim is based on. This does not apply in the event of injury to life, body, health or freedom of a person, wilful or grossly negligent behaviour, breach of material contractual obligations and claims based on the German Product Liability Act.

7 Risks to the Environment

7.1 Refuelling facilities

In addition to clause 7.1 HPA-NBS-AT the following applies:
The locomotive service point has a refuelling facility as well as a facility to re-fill sandboxes (braking sand re-filling station).

A second refuelling facility is located in the western part of the port at Mühlenwerder railway yard, track MUE640. The operator’s terms and conditions of use apply.

Section II

Information about Access to and Use of the Infrastructure Facilities and Operational Safety

8 Infrastructure Description

Summary maps (distorted track layout plans [Zerrpläne]) of the individual marshalling/railway yards are available on the internet at https://www.hamburg-port-authority.de/auf-der-schiene/, download terminal - Maps and Plans.

9 Regulations concerning the Use of the Infrastructure Facilities

Authorised access users and all RUs involved must keep up to date with the policies, guidelines and documents, including the relevant amendments as provided for in clause 3.1.2 HPA-NBS-AT, applicable to the use of the railway infrastructure. The policies, guidelines and documents comprise the additional local regulations applicable to the staff at the RUs' operating centres, the Port Railway operational directions, the policies and guidelines of Deutsche Bahn AG, and the policies and guidelines of the German Transport Association [VDV-Schriften] in accordance with Annex 1 to HPA-NBS-AT/BT. RUs will be provided the policies, guidelines and documents issued by HPA; they can be downloaded free of charge on the link mentioned in clause 1.3 above. The sources for all other policies, guidelines and documents are listed in Annex 1 to HPA-NBS-AT/BT.

RUs that move carriages carrying passengers on the HPA's infrastructure must obtain permission from HPA for each movement. Furthermore, before each movement starts RUs must submit to HPA the appropriate emergency response instruction sheets [Einsatzmerkblätter] used for the carriages.

Operating restrictions applicable to steam locomotives in place due to preventive fire protection and emergency response management are described in the DB AG framework guideline 124.0600 - Steam-powered Railway Vehicles (Module 124.0600 and Annex 124.0600A01) - that forms part of the infrastructure access-relevant policies and guidelines (see Annex 10).

10 Use of Service Pathways in the Track Area

Persons are permitted to enter the track area only if necessary. The service pathways in the track area must be used.

11 High-visibility Clothing in the Track Area

All persons in the track area, including multiple-unit drivers, must wear high-visibility red-orange fluorescent clothing, minimum class 2, as per EN ISO 20471.

12 Control, Command and Communication Systems

12.1 General information

Pursuant to clause 2.4.2 HPA-NBS-AT the equipment of the vehicles used by RUs must be compatible with the HPA's control, command and communication systems. The main tracks of the Port Railway are equipped with main / distant signalling systems with PZB 90.

12.2 Shunting radio system

The shunting radio system is used for the communication between signalling centre staff (train dispatchers/signallers), shunting staff and multiple-unit drivers. It is not the same as the train radio system which is used only when multiple-units arrive and depart or are shunted. The train radio system operates via GSM-R national roaming; the shunting radio system operates via the analogue radio operational network in the 70cm range (hereinafter referred to as H-radio range) or - at the RU's option - either in the I-range provided by HPA or any alternative authorised communication system. Guideline 481.0301, Communication via analogue Shunting Radio System, applies to the shunting radio system.

a. H-Band:

H-radio range is used for the communication between signalling centre staff (train dispatchers/signallers) and multiple-unit drivers. To carry out shunting movements on the Port Railway's infrastructure, the radio devices on board the multiple units of authorised access users must be fitted with the analogue radio system in the 70cm range. This does not apply if train locomotives only are shunted; in this case communication can also take place via the digital train radio system, GSM-R national roaming. In the H-radio range the different frequencies and channels are divided by zones. Five zones in the Port of Hamburg are each allocated several local channels. Each group of local channels represents one open system. In the additional local regulations applicable to the staff at the RUs' operating centres and on the signboards installed on site (white boards with channel number in blue) indicate the radio channels, their range of application and the respective switchover point. The exact switchover points are additionally depicted in overview maps.

When the DB/HPA infrastructure border is crossed, the radio system switches. The route book instructions list the radio channels used on HPA's infrastructure.

Voice recording in the H-radio range

1. All talks held from or to TSM end devices will be recorded as required by AEG, EBO and TSI. The records serve as proof that in the event of irregularities the railway operating safety requirements have been adhered to.

2. Accident-relevant voice recordings will be saved, stored and transcribed to meet the requirements of the authorities in charge. The remaining voice recordings will be deleted 7 days after they have been made at the latest.

3. RUs must inform their staff that all talks held from or to TSM devices are recorded for the purpose set out in item 1 above and stored for the period of time set out in item 2.

4. RUs must obtain the consent of the staff that may be affected by the voice recording terms mentioned above. The consent must cover the scope, purpose and duration as well as the intended use of the recordings. The content of the consent must meet the requirements set forth in section 5(2) Hamburg Data Protection Act [HmbDSG] and/or section 4a Federal Data Protection Act [BDSG] as well as the written form requirements laid down in section 126(1) German Civil Code [BGB].

5. HPA is not authorised to pass the voice recordings to third parties; it may only communicate the voice recordings in exceptional cases on the justified request of the Federal Railway Authority or a law enforcement authority.

b. I-radio range:

I-radio range is used for point-to-point calls also known as “control and target communication” between railway shunters and multiple-unit drivers, for all shunting movements where vehicles are pushed. RUs can also opt to communicate in a different manner. If RUs want to use their own radio technology, the following applies: On the network of the Port Railway the Federal Railway Authority only approves radio technology used to support shunting movements that push vehicles. The technology must be approved by the Federal Network Agency. Port Railway Network Access must be notified if RUs intend to use their own radio technology.

For control and target communication HPA offers the option to use hand-held radio devices with I-radio range channel pre-programmed by HPA. The channels in the I-radio range are device-specific. Communication in the I-radio range requires at least two hand-held radio devices with the same pre-programmed I-radio range channel. Parties wishing to use the devices have to enter into a radio use agreement with the Port Railway. A fee will be charged for the service.

The Port Railway offers three flexible options to lease hand-held radio devices, which meet both short-term and long-term user requirements. More information on the lease options and allocation of the I-range channels for I-radio range shunting is available in Annex 6 to HPA-NBS-AT/BT.

Users must comply with the provisions of the Railway Signalling Handbook and DB Netz AG Guideline 408 irrespective of the shunting radio information stated above.

c. Conflicts if several shunting teams use the same I-radio range channel

Conflicts that arise when several shunting teams need to use the same I-radio range channels must be resolved in compliance with the provisions set out in Guideline 481.0301, Communication via analogue Shunting Radio System. Complaints about uses not in compliance with these provisions must be submitted to HPA Network Access. Complaints must mention the date, time, location of the abuse and the respective journey/service number. If the improper use continues despite a warning, the radio use agreement may be terminated.

Contact for port radio enquiries

1. **Contract-related enquiries:**
   Port Railway Network Access - Netzzugang der Hafenbahn
   Email: Netzzugang@hpa.hamburg.de
   Telephone: +49 40 42847-1837
   Neuer Wandrahm 4
   20457 Hamburg

2. **Technical enquiries:**
   Railway Communications - Eisenbahnkommunikation der HPA (Ekom)
   Email: Rangierfunk@hpa.hamburg.de
   Telephone: +49 40 42847-4369
   Brandenburger Straße 19
   20457 Hamburg

3. **Operational enquiries:**

   Duty station in the port (Network Co-ordinator)

   Email: Koordinator@Hafenbahn-hamburg.de

   Telephone: +49 40 42847-3476, Fax: +49 40 42847-3420

   Stellwerk Alte Süderelbe

   Vollhöfener Weiden 26

   21129 Hamburg

13 Transport of dangerous Goods

Wagons that carry dangerous goods must meet the requirements laid down in RID. RUs must ensure compliance with RID. If required, the RUs' qualified staff must guard the parked wagons. If defects are detected, RUs must rectify the defect/s immediately to ensure that the condition of the wagon is in compliance with RID.

If dangerous goods are transported by rail, the RU that transports the goods (= the RU that moves wagons carrying dangerous goods across the infrastructure border onto the Port Railway's infrastructure) must transmit the dangerous goods data to HPA and GEGIS (Port of Hamburg dangerous goods information system run by the water police). All transports of dangerous goods must be declared prior to using the Port Railway's infrastructure via the transPORT rail *basic* or transPORT rail IT systems (see clause 23 and clause 24 hereof).

If the wagon was involved in a dangerous incident as defined in Deutsche Bahn AG Guideline 123, the RU's emergency service must confirm that the wagon's condition is in compliance with RID and notify the HPA's emergency response manager accordingly before the train continues its journey.

14 Exceptional Transports

14.1 General information

In addition to the freight transport application to be submitted to DB Netz AG RUs that wish to move exceptional loads must prepare an exceptional load application (out-of-gauge loads, heavy goods transports and non-freight transports) and submit it to HPA. As laid down in DB Netz AG Guideline 810.05, Exceptional Transports - which is available for download - the exceptional load application must be sent to HPA by email immediately after the exceptional transport has become known, latest however 14 days prior to the actual date the transport is scheduled to take place. From 01 January 2018 the exceptional load application must be sent to:

at.hafenbahn@hpa.hamburg.de

HPA will check if the exceptional transport is possible and inform the RU accordingly without delay.

The Ru undertakes to advise HPA of the number of wagons and, if possible, the number of the wagon carrying the exceptional load as soon as the information is available and without further prompting by sending notice to the aforementioned email address.

A fee will be charged for checking if the transport can be carried out as well as for preparing the transport information and the timetable for the exceptional transport. The fees payable for the services are listed in the Schedule of Fees and Charges in force.

14.2 Longer freight trains (total train length: 835 metres)

835m-long trains may only enter and depart from the Port of Hamburg (Hohe Schaar marshalling yard) on track HOS011. The track has an effective working length of 836m (whereby a signal visibility of 5m, 5m for inaccurate stopping and an 'easing-back' track length of 10m have been provided for).
The arrival/departure of trains of a total length of between 741m and 835m must be notified in advance in accordance with the procedure applicable to exceptional transports (clause 14.1 above). For inbound trains track HOS011 will be kept free (e.g. in the event of train delays) for two hours before and two hours after the scheduled arrival of other track users' rolling stock. For outbound trains track HOS011 will be kept free for three hours before and two hours after the scheduled arrival of other track users' rolling stock.
Bookings of track HOS011 for 835m-long trains will be given priority over other trains. If applications have been submitted that request the use of the track by such trains at identical periods of time and such uses are not compatible with each other, the principles of the co-ordination procedure apply as set forth in clause 3.2 HPA-NBS-AT.
RUs must provide a safety certificate for the long train that is of the same safety class as the required safety certificate for trains with a current standard length of 740m. The safety certificate must take account of all specific operational and technical aspects as well as list the measures that have been taken to ensure compliance with DB Netz AG requirements. RUs are responsible for obtaining such safety certificate pursuant to section 2(2) EBO.
In particular, the following additional regulations apply on top of the policies and guidelines governing the operation of trains of up to 835m in length on the DB border (Padborg) – Maschen marshalling yard / Hohe Schaar route:

- The maximum number of wagons for trains exceeding a total length of 740m is 82 (plus up to two MUs).
- Guideline 483.0113 - operating cab signalling and train protection systems
  For trains whose total length exceeds 790m, the ZL value to be entered must always be 790m, and the LZB vehicle equipment must be switched off by pressing the LZB disabling switch. In addition, RUs must have appropriate monitoring in place to ensure that the LZB disabling switch is pressed before the train leaves the ZBA in Maschen and Hohe Schaar.
- No heavy-goods wagons are permitted on trains whose total length exceeds 740m.
- No bank engine must be used on the Padborg – Maschen route for trains whose total length exceeds 740m. The same applies to the entire HPA operations area as well as to the area between HPA/DB Netz infrastructure border and Maschen marshalling yard.

DB Netz AG provides more detailed information, e.g. specific aspects concerning the operation of trains longer than 740m, at www.dbnetze.com/laengeregueterzuege. In addition, 835m-long trains can use the routes below to reach and leave the Port of Hamburg (Hohe Schaar):

Route	Route Section	from km	to km
1253	(Süderelbbrücke branch-off) – DB border – HOS011	0.524	2.8
1254	Route 1253 branch-off – DB border – (Hamburg-Wilhelmsburg)	1.2	0.534

15 Shunting Wagons of Third Parties

The subsequent rules apply to cases in which several authorised access users have parked individual wagons, which are not block trains, on the same track (parking wagons) preventing other authorised access users from accessing one or several wagons used or required by them (required wagons) because the parking wagons of other authorised access users block access to it/them:

Authorised access users agree to other authorised access users, whose wagons are located on the same track, moving their parking wagons for the purpose of shunting their own wagons out as required. After shunting the parking wagons out, authorised access users must move them back to the track immediately after they have reached and shunted their own wagons as required. HPA is not obliged to make it possible for authorised access users to shunt parking wagons and does not assist in shunting out the required wagons.

The mutual liability of authorised access users for damage caused by shunting parking and shunting out required wagons is governed by clause 6.1.1 and 6.1.2 HPA-NBS-AT. The burden of proof that the damage to the parking wagons was caused by the shunting activities lies with the authorised access user that suffered the damage.

16 Maintenance and Repair Work on the Tracks of the Port Railway

Authorised access users must clearly mark disabled wagons as “operable” or “non-operable” prior to parking them, repair them without delay and, in the case of non-operable disabled wagons in particular make them fully operational again.

16.1 Carrying out maintenance and repair work

Maintenance work on rail wagons may be carried out on the disabled-wagon tracks designated by HPA. The term “disabled-wagon tracks” is defined in the additional local regulations applicable to the staff at the RUs’ operating centres at the respective marshalling/railway yard. The additional local regulations applicable to the staff at the RUs’ operating centres are available at:

www.hamburg-port-authority.de

In order to ensure interruption-free, efficient repair operations on the disabled wagon tracks of the Port Railway, disabled wagons can only be brought in and/or collected between 6 pm and 8 am. In addition to the disabled wagon tracks “collecting” tracks will be provided, where the disabled wagons can initially be moved to and later sent straight to the allocated disabled wagon tracks. The track categorisation list (see Schedule of Fees and Charges) shows what collecting tracks are allocated to what disabled wagon tracks. The time-based charges of track category III apply to the collecting tracks. The time-based charges applicable to disabled wagon tracks apply as set forth in the Schedule of Fees and Charges in force.

RUs and/or their service providers will define the accident prevention measures (occupational safety and health) to be taken by the staff of the RU or its service providers pursuant to EBO when they carry out maintenance work on the vehicles. Only persons able to assess the risks of railway operations and ensure that the track area is safe while the work is being carried out are allowed to perform maintenance work. In particular, at least one of the persons deployed on site must:

- be authorised to apply for track closures to prevent accidents (Uv-authorisation);
- have sufficient operational knowledge to define the danger area and clearance gauge;

- be familiar with the local surroundings in the area of the disabled wagon tracks;
- be fluent in written and spoken German to be able to properly communicate with the train dispatcher/signaller.

The staff on site must produce proof of their identity to HPA. Their identity cards must state the name of the staff member as well as the name of the employer. The staff of the authorised access users or their service providers carrying out the maintenance work must report to the train dispatcher/signaller in charge before the start and at the end of the maintenance work.

If maintenance work is performed by a third-party service provider instead of by the RU itself (e.g. wagon maintenance firm), the RU that engaged the third party must ensure that the third party is accredited with HPA prior to the start of the work. The service provider must enter into a track access agreement with HPA. To obtain the accreditation, users must send an email to kunden-hafenbahn@hpa.hamburg.de or call +49 40 42847-2266 (Port Railway Sales & Distribution).

a. The following work **can** be carried out on the disabled-wagon tracks:

- Exchanging brake pads, brake couplings and air valves
- Replacing screws/nuts or split pins
- Securing bolts
- Securing loose or uncovered parts on the wagon box
- Enabling the wagon again

If the work mentioned above requires the use of electrically, gas or air-powered equipment, such equipment may be used on the disabled-wagon tracks. However, it must be used in a way that work safety and the safety of railway operations are ensured at all times.

b. The following work in particular must **not** be carried out on the disabled-wagon tracks:

- handling substances harmful to water or the environment (e.g. change of oil, re-fuelling, handling lubricants)
- carrying out work that may contaminate the facilities of HPA.

The emergency response manager will determine the scope of the maintenance work required to be carried out after accidents, including work that is not performed on the disabled-wagon tracks.

16.2 Shunting disabled wagons of third parties

Operable disabled wagons are shunted as provided for in clause 15 hereof. Non-operable disabled wagons may only be shunted by the authorised access user using them or its service provider.

16.3 Parking disabled wagons

Disabled wagons must always be parked on the designated disabled wagon "collecting" tracks and/or disabled wagon tracks. Non-operable disabled wagons must only be parked on the tracks allocated to authorised access users by the track scheduler or HPA's emergency response manager. Disabled wagons must be made fully operational without delay and the wagons must be promptly removed from HPA's railway infrastructure.
Disabled wagons parked on tracks not allocated to any specific track category will be charged like wagons parked on category III tracks 24 hours after they have been parked. Upon expiry of the 24-hour time limit Port Railway will charge an

additional two types of fees/charges in accordance with the Schedule of Fees and Charges in force. Disabled wagon tracks are defined in the additional local regulations applicable to the staff at the RUs' operating centres.

17 Loading Tracks

HPA operates three loading tracks in the Port of Hamburg. They serve as public loading points to shift freight from rail to road:

- Antwerpenstraße loading track (WHO 066)
- Langer Morgen loading track (HOS 165)
- Rossweg loading track (ROS 775)

They can be used by all authorised access users. A more detailed description is available in Annex 9.
The loading tracks must be booked in advance with the Port Railway Service Centre. Enquiries must state:

- the period of use required (date, time);
- the wagons used (incl. wagon numbers);
- the type of loading/activity users wish to carry out.

The Port Railway Service Centre can be contacted on:

Tel.: +49 40 42847-1888
Email: b-servicedesk@hpa.hamburg.de

18 Storm Surge

The infrastructure of the Port Railway is located in an area at risk of flooding, and not all of the area is flood-proof. Authorised access users must regularly check the water-level forecast.
Water level and storm surge information is available from the storm surge announcement service of the Federal Maritime and Hydrographical Agency [BSH] on +49 40 42899-1111 or at www.katastrophenschutz.hamburg.de or www.verkehrsinfo-hamburg.de. In the event of a storm surge HPA will notify all RUs of the measures (to be) taken and the impact on the individual marshalling/railway yards.

19 Emergency Management

Train dispatchers, signallers or local operational staff in charge must be notified promptly if there has been a dangerous incident and/or accident pursuant to DB Guideline 123.01 on the Port Railway railway infrastructure. In the event of dangerous incidents, accidents, crises and disasters the duty to report and warn lies with HPA Emergency Centre (NFMS). This includes calling for support and co-ordinating rescue measures with the local rescue co-ordination centres. Only train dispatchers, signallers or local operational staff in charge are authorised to report emergencies to the NFMS as defined in the technical and operational guidelines. The emergency response manager of HPA is responsible for co-ordinating everything on site. The emergency response services of the RUs must support HPA's emergency response manager. The site of the incident must be left unchanged after the incident happened until the emergency response manager releases the site of the incident (by telephone if applicable). Splitting points and not observing stop signals are also deemed dangerous incidents. The emergency centre in charge of dangerous incidents on the railway infrastructure can be contacted by telephone on: +49 40 42847-3400.

In the event of dangerous railway incidents Deutsche Bahn AG Guideline 123 - Emergency Response Management, Fire Protection - applies. In addition, authorised access users must comply with the Railway Accident Guideline of the Free and Hanseatic City of Hamburg, issued by the HH Ministry of the Interior and Sports [Behörde für Inneres und Sport].

20 Capacity Management

20.1 Network scheduling rules

All movements are scheduled taking account of preceding and subsequent production steps insofar as RUs have provided the required information. The following priority sequence applies:

(1) Urgent rescue and emergency trains;

(2) On-schedule trains to/from the network of DB Netz AG incl. shunting movements that seamlessly transition into train journeys;

(3) Movements to ensure that the train reaches a loading slot at a loading point on time;

(4) Behind-schedule trains to/from the network of DB Netz AG incl. shunting movements that seamlessly transition into train journeys;

(5) Internal train movements;

(6) Movements of multiple units to be attached to outbound trains as scheduled.

All other movements will be processed as notified taking account of the production processes involved.

Non-freight movements will always take a backseat to freight movements.

In addition, the following applies:

Though the abovementioned scheduling rules must be complied with, trains that are behind schedule must not be delayed for an unreasonably long period.

If there are capacity bottlenecks on the Hamburg Port Railway's infrastructure and the adjoining railway infrastructure, Hamburg Port Railway and the adjoining railway infrastructure will co-ordinate their activities. If required, the call-off procedure will be implemented in [co-ordination with the] DB Netz AG operations centre in Hannover. The inbound trains that have been waiting on interim sidings will be called off immediately after the previously occupied infrastructure is free again (scheduled feeder control). The RUs concerned will be notified of all steps without delay.

20.2 Locomotive storage

The locomotive storage regulations apply from the date the locomotive service point starts operations. The exact date will be published at www.hamburg-port-authority.de. All RUs that have entered into an infrastructure use agreement will be informed in writing.

1. Locomotive storage spaces at the Port of Hamburg

HPA provides authorised access users the option to store multiple units (MU) used for trains and shunting services. The locomotive storage spaces are located at the Dradenau, Alte Süderelbe, Hohe Schaar and Hamburg Süd marshalling yards and can accommodate about 136 locomotives. HPA must be notified if users wish to store train locomotives on a designated, specially marked locomotive storage place. Annex 8a to HPA-NBS-AT/BT provides an overview of available spaces to store train and shunting locomotives in the Port of Hamburg.

2. Leasing locomotive storage space

Authorised access users can lease storage space/s for a longer period. Storage spaces are leased for one timetable period (12 months). Users must book the space/s by November 30 of the current year for the following timetable year and provide the following information:

- Name of the railway undertaking;
- Location of the storage space (marshalling yard, storage facility)
- Number of spaces
- Traction
- Shunting or train locomotive
- If known: locomotive to be used for inbound train or outbound train.

To book storage space users must send an email to:

lokdisposition.hafen@hpa.hamburg.de

Each time the timetable changes the available locomotive storage spaces will be allocated in a non-discriminatory manner to all parties who wish to lease space/s.

3. How to get to and leave locomotive storage spaces

Annex 8 to HPA-NBS-AT/BT describes how to get to and leave locomotive storage spaces.

a. Allocation of train locomotive storage spaces

Users must contact HPA's Locomotive Storage Space Allocation Management [LAB] if they wish to lease locomotive storage spaces on a long-term or short-term basis on the day the train travels and provide the information as listed in Annex 8 to HPA-NBS-AT/BT after the train has reached the inbound railway yard. LAB must also be notified before a locomotive leaves its storage space.
LAB is available daily, 24/7, and can be contacted on:

Tel.: +49 40 / 42847 3411
Email.: lokdisposition.hafen@hpa.hamburg.de

b. Allocation of shunting locomotive storage spaces

Shunting locomotives that are on a break or have finished for the day must be moved to a storage space exclusively designated for shunting locomotives as listed in Annex 8a to HPA-NBS-AT/BT. Users do not need to notify LAB of this type of storage (neither arrival nor departure).
If users wish to store shunting locomotives on train locomotive storage spaces, they must contact the LAB allocator (procedure as described in Annex 8).

4. Leaving storage spaces at a time other than the time notified

If authorised access users wish to leave storage spaces at a time other than the notified and scheduled dwell time, users must bear in mind that this may not be possible at all or at a later point in time only due to other multiple units stored.

20.3 Provision of railway infrastructure other than the one agreed on

Hamburg Port Authority may, in consultation with the RU, provide railway infrastructure other than the one previously agreed upon. In the event of disruptive incidents clause 5.3.4 HPA-NBS-AT applies.

20.4 Clearing of the used infrastructure

Authorised access users must vacate the used infrastructure within the allocated time frame as instructed by the locally responsible train dispatcher. If authorised access users occupy the infrastructure facilities longer than agreed upon for reasons they are responsible for, HPA will instruct authorised access users to clear the infrastructure within a reasonable time limit. If authorised access users do not comply with the request or not within the time limit set, HPA is entitled to clear the infrastructure at the expense of the authorised access users. Clause 5.3.5 HPA-NBS-AT remains unaffected. As regards the HPA's liability for damage caused as a result of clearing the infrastructure, clause 6 HPA-NBS-AT applies, with the proviso that HPA cannot be held liable for damage caused by slight negligence unless injury to life, body or health or a material breach of contractual obligations has occurred. If a material contractual obligation has been breached, liability is limited to the damage foreseeable at the time the agreement was concluded and limited to the damage typical of the type of agreement. In each case - with the exception of intent and gross negligence - the liability of HPA is limited to a maximum amount of 400,000 euros per each given case. If the damage is covered by insurance taken up by the authorised access user, HPA will only be liable for any potential disadvantage the authorised access user may suffer (e.g. higher insurance premiums, less beneficial interest rates).

20.5 Unauthorised use

Authorised access users that exceed the agreed time of use for reasons they are responsible for undertake to indemnify HPA against any third-party claims for damages caused by it.

21 Assignment of Rights and Duties

If authorised access users wish to assign their rights and duties in whole or in part to third parties (self-employed entrepreneurs, sub-entrepreneurs and others), they must obtain prior written approval from HPA.

Section III

transPORT rail

In order to ensure efficient and smooth rail transport processes in the Port of Hamburg, HPA provides authorised access users and their service providers various IT systems. Two key rail freight IT systems are transPORT rail *basic* (TPR/b) and transPORT rail (TPR). TPR/b is the basic version and, as the rail infrastructure node, is used to co-ordinate the operational processes on the Port Railway's infrastructure. The system focuses on wagon movements and stores all data required for rail operations. Besides the basic version, TPR/b, HPA offers transPORT rail (TPR), the full version. TPR supports rail logistics processes, whereby the focus is on loading activities and transport orders. transPORT rail as a rail logistics node serves to share transport data to support the loading processes that take place between authorised access users and/or their service providers and the loading points.

22 Definition and Interpretation of Terms

- **EDI** (Electronic Data Interchange)
  EDI is the electronic exchange of commercial, technical, administrative and other data between computers. The data are transmitted in an agreed standard in the form of a structured EDI message.

- **TD 04 interface:** The interface used by the RUs, operators and service providers to communicate with transPORT rail

- **TD 01 interface:** The interface used by the loading points to communicate with transPORT rail

- **Communication system**
  All technical devices that enable communication, i.e. the communication equipment of both parties and the network connecting them.

- **Communication equipment**
  A party's technical devices and instruments, in particular hardware and software used to exchange data electronically based on the provisions set forth in HPA-NBS-BT.

- **Data**
  A depiction of facts, concepts or instructions suitable to support communication, interpretation or processing by human beings as well as automatic procedures.

- **Transmission partner**
  The transmission partner is the party that transmits the data; this may be a provider service.

23 transPORT rail basic

Hamburg Port Authority provides transPORT rail *basic* to increase the efficiency of rail transport processes in the port and improve the flow of information between the RUs, shippers, hauliers, quay terminals, the water police, customs and Hamburg Port Authority. Rail transports in the Port of Hamburg are processed via transPORT rail *basic* using the dialogue procedure and via direct electronic data interchange (EDI). This prevents or considerably reduces the need for messenger services, waiting times and manual document processing.

transPORT rail *basic* also supports the operational processes of Hamburg Port Authority. Among others, transPORT rail *basic* displays all operational status data (wagon and locomotive locations, track occupation, arriving and departing wagons) in real time, thus optimising infrastructure utilisation and speeding up processes in the overarching logistics chain.

23.1 Obligation to use

If a party refused to use transPORT rail *basic*, the overall efficiency of the Port of Hamburg would be at great risk. All authorised access users are therefore obligated - in consultation with and assisted by Hamburg Port Authority - to create the technical prerequisites to be able to use transPORT rail *basic* and actually use the system (see clause 27 hereof).
The mandatory use requires authorised access users to provide the data listed in Annex 2a to HPA-NBS-AT/-BT.
Authorised access users can also engage the services of a third party (service provider) to provide the data. HPA is not obligated to check the authorised access users' data electronically transmitted to its IT systems for correctness and completeness.

Authorised access users and/or their service providers undertake to perform the steps as required by the transport process and provide accurate data only.

23.2 Functional areas and interfaces

transPORT rail *basic* consists of the following modules/sub-modules, dialogue systems and interfaces via which the application functions are realised. The rail freight receipt process descriptions and rail freight dispatch process descriptions of the various functional areas in transPORT rail *basic* can be found in Annex 2c to HPA-NBS-AT/-BT.

- **Basic function**

The Port Railway uses transPORT rail *basic* to exercise its duties as a railway infrastructure undertaking and implement safe and economically feasible infrastructure operations. Connected to the timetable and operational control system, it serves to accurately control wagons and monitor and document the use of the infrastructure. As the system is highly important, all authorised access users must use it.
transPORT rail *basic* provides the information needed to accurately schedule wagons to ensure smooth operations on the Port Railway's infrastructure. It also provides the data needed to bill infrastructure use fees and charges.
The system provides standardised interfaces for the communication between authorised access users/service providers, the RIUs and the loading points located in the area of the Port Railway's operations.

- **Wagon location tracking**

Based on the train movement information provided by the Port Railway's operational control system transPORT rail *basic*

determines the wagon locations on the Port Railway's infrastructure of arriving and departing trains. If shunting movements take place in the Port of Hamburg, HPA must be notified promptly of any change in the location of wagons in accordance with the "procedure of serving loading points in the Port of Hamburg/change in wagon locations" (Annex 3 to HPA-NBS-AT/-BT). Changes in wagon locations can be tracked via the location history in transPORT rail *basic*.

- **RU interface**

Using the standardised message formats provided, authorised access users and/or their service providers transmit the wagon master data (for arriving trains) as well as the wagon sequences (for train and shunting movements) to transPORT rail *basic* via an EDI interface (interface to exchange data electronically):

www.hamburg-port-authority.de.

- **Web client**

As an alternative to the EDI interface HPA provides a web client to manually enter wagon master data (for arriving trains) and wagon sequences (for train and shunting movements). To access the web client, users can go to:

https://tprb.hpanet.de/bpe/por/

- **ASR interface (hump yard use)**

Via the ASR interface users enter information concerning the disassembly of shunting units and wagon data for transmission to the control computer at the train formation and disassembly facility (weights, lengths).

- **HABIS-Zoll interface**

The HABIS-Zoll interface will continue to be available after TPR has been introduced. The customs functions enable the exchange of customs-relevant, order-specific information with HABIS-Zoll (HZO). More detailed information concerning HZO can be found in Section IV hereof.

- **GEGIS interface**

All dangerous goods transports must be notified prior to using the Port Railway's infrastructure. If the declarant uses transPORT rail *basic* only (no transPORT rail), the RU transporting the dangerous goods is responsible for entering the relevant data in GEGIS and for entering the reference number allocated by GEGIS to the respective dangerous goods consignment in transPORT rail *basic*. transPORT rail *basic* shares an interface with GEGIS, enabling HPA to call up the dangerous goods data of the respective transport in transPORT rail *basic* and track the location of the wagon carrying the dangerous goods. The RU transporting the dangerous goods authorises HPA to access the dangerous goods data stored in GEGIS.

- **Technical support**

The technical support assists customers that have questions concerning transPORT rail *basic* and the associated processes. Customers can contact the support by email:

b-servicedesk@hpa.hamburg.de

23.3 Data transmission

Based on the data which authorised access users or their service providers transmit to HPA pursuant to Annex 2a and 2b to HPA-NBS-AT/-BT HPA will prepare proposals on how to use the infrastructure in a feasible manner.

a Wagon sequence

When they carry out shunting work, RUs must capture the wagon sequence for every shunting movement. The shunting RU instructs HPA (track scheduling) to enter the wagon sequence in TransPORT rail *basic.* The shunting RU notifies HPA's track scheduler of the wagon movements. transPORT rail *basic* will transmit the feeding sequence to the respective IT system of the loading point. The wagon sequence must be entered prior to the start of the journey at the latest. Any changes in the wagon sequence during the journey must be captured before the journey is continued.

b. Data required for the transport process

Authorised access users or their service providers must transmit to HPA the data required for rail freight dispatch processes and rail freight receipt processes in the Port of Hamburg prior to the start of any movement (train and shunting movements). The data required to be entered are listed in Annex 2a and 2b to HPA-NBS-AT/-BT (authorised access user data). The data must be sent via EDI interface or entered in transPORT rail via the web interface. Shunting movement data can also be communicated by telephone to the Port Railway's track scheduler.

Transmission of the data by fax is permitted only if the transmission via EDI interface or web interface is not possible or significantly hampered. In this case the data must be sent to the **Port Railway's track schedulers**: **+49 40 42847-3420 (Fax).**

If authorised access users or their service providers face problems when entering data in transPORT rail *basic*, they must inform the Port Railway Service Centre. The **Port Railway Service Centre** is available 24/7 on the following telephone number: **+49 40 42847-1888.**

Authorised access users or their service providers must in particular provide the required information concerning the transport of dangerous goods as provided for in section 1, 3, 4 and Annex 1 No.3 Port of Hamburg Regulation on the Transport of Dangerous Goods and Fire Protection [GGBVOHH] in connection with section 31 Ordinance on the Domestic and International Transport of Dangerous Goods by Road, Rail and Inland Waterways [GGVSEB]. If authorised access users or their service providers use transPORT rail *basic* but not transPORT rail, they must enter the dangerous goods data in the GEGIS system of the water police (Port of Hamburg dangerous goods information system) themselves. Afterwards, authorised access users or their service providers must enter the reference number allocated by GEGIS to the respective dangerous goods consignment in transPORT rail *basic*.

Trains for which the data required for the transport process have not been entered in transPORT rail *basic* prior to their arrival in the Port of Hamburg, the following applies:
To ensure that these trains reach their final destination in a timely manner to process them, they will stay on the Port Railway's arrival tracks, attached to the multiple unit that hauled them until the authorised access user or its service provider has entered all transport data in transPORT rail *basic* as required, in particular the information concerning dangerous goods, including UN and material number and GEGIS reference number. The wagon and loading data documents must remain on board the multiple unit (MU) until all data have been entered. The track scheduler of the Port Railway must be able to reach the multiple-unit driver, e.g. via the train radio system, until the matter has been settled.

If for reasons authorised access users or their service providers are responsible for the data required for the transport process provided to HPA are not of the required quality (see Annex 2a/b to HPA-NBS-BT), HPA is entitled to charge

authorised access users the additional transport costs it directly incurred as a result. The fee payable for the correction of transport data is listed in the Schedule of Fees and Charges in force.

On top, a separate fee will be charged for trains for which authorised access users or their service providers have not entered the data for the transport process in transPORT rail *basic* as required prior to their arrival in the Port of Hamburg. The same applies to wagons carrying dangerous goods that are moved onto the Port Railway's infrastructure without GEGIS reference. The fee payable is listed in the Schedule of Fees and Charges in force. The separate fee will not be charged if authorised access users or their service providers were not able to enter the data in time for reasons HPA is responsible for or if it was impossible to enter the data due to force majeure.

c Wagon master data

All wagon master data must be transmitted to HPA before a wagon enters the port for the first time. Authorised access users or their service providers can enter the data themselves or ask HPA to enter the data against payment of a fee. A separate fee will be charged if the wagon master data are entered by HPA. The fee for the service is listed in the Hamburg Port Railway Schedule of Fees and Charges in force.

Authorised access users or their service providers must enter the data themselves and transmit them to transPORT rail *basic* together with the wagon sequence data via the

- web client or
- EDI interface.

If HPA is asked to enter the wagon master data against payment of a fee, the data must be transmitted by email or fax to the following address/fax no.:

- b-servicedesk@hpa.hamburg.de
- Fax: +49 40 42847-3478.

d Correctness of the data

HPA is not obligated to check the authorised access users' data transmitted electronically to the HPA's IT systems for correctness and completeness.

23.4 User fees and charges

No separate fees will be charged for the use of TPR/b. Each party bears its own costs of meeting its duties. This includes the installation and maintenance of the necessary hardware and software, transmission methods, release changes, actual-use fees due, etc. of authorised access users' own systems. The fees applicable to the transmission of data in the public network must be borne by the customer.

23.5 System adjustment

If required Hamburg Port Authority will modify transPORT rail *basic* to accommodate changes in the processes. HPA may update Annex 2a, 2b and 2c to HPA-NBS-AT/-BT and the interface documentation as part of the system adjustment to meet the latest technical standards. Authorised access users and their service providers will be notified promptly of upcoming changes to the Annexes and the interface documentation as soon as it has been determined when the system will be modified.

24 transPORT rail

HPA provides transPORT rail to increase the efficiency of rail transport processes in the port and improve the flow of information concerning rail logistics processes that take place between RIUs, RUs, operators, shippers, hauliers, quay terminals and the Hamburg Interior Ministry to process dangerous goods transports (GEGIS).

transPORT rail

- supports rail freight processes through bundled and automated communication between authorised access users/service providers and loading points via a logistics node;
- offers high-quality communication as the use is more or less standard throughout the Port of Hamburg;
- is a system that can be upgraded to optimise rail freight and loading scheduling processes;
- enables authorised access users or their service providers to prepare their own loading targets (stowage plans);
- provides additional functional areas to all parties involved in rail freight processes.

24.1 Use

The use of transPORT rail is voluntary. If authorised access users or their service providers decide to use transPORT rail, they undertake to comply with the necessary transport process steps and provide to HPA accurate data in the manner as required. The data authorised access users or their service providers must enter if they intend to use transPORT rail are listed in Annex 2b to HPA-NBS-AT/-BT.

In order to use transPORT rail, a separate system use agreement (TPR use agreement) must be entered into with HPA. This use agreement can be concluded by authorised access users themselves or by third parties (e.g. service providers) if the third parties enter and evaluate the data on behalf of authorised access users. The TPR use agreement is available for download on the website of HPA at:

www.hamburg-port-authority.de.

24.2 Functional areas and interfaces

transPORT rail consists of the following modules/sub-modules and interfaces via which the application functions are realised. The rail freight receipt process descriptions and the rail freight dispatch process descriptions of the various functional areas in transPORT rail are contained in Annex 2c to HPA-NBS-AT/-BT.

- **Basic function**

transPORT rail is used to control the flow of communication and handling processes between the parties involved in rail transport in the Port of Hamburg, accelerate the exchange of freight information, and transmit information about the transport and loading status.

transPORT rail provides standardised interfaces for the communication between authorised access users or their service providers, Hamburg Port Authority as a railway infrastructure undertaking, the loading points located in the Port of Hamburg and certain authorities to share information about customs clearance processes and declare dangerous goods transports (GEGIS).
The various sub-modules can be used via the following communication paths:

1. via an EDI interface, for which authorised access users and/or their service providers are provided the standardised message formats published pursuant to clause 23.2 hereof (RU interface);

2. via a web client to manually enter data, which HPA provides as an alternative to the EDI interface.

- **Loading scheduling**

Loading scheduling is one of the sub-modules of transPORT rail. The loading scheduling module assists authorised access users or their service providers in preparing loading orders (loading target) in combined transport that will be forwarded to a loading point located in the area of the Port Railway's operations. Containers ready for loading are allocated to empty wagons on a loading point track.

TransPORT rail offers all authorised access users or their service providers the option to schedule their own container loading processes. On request HPA will provide container loading scheduling services. The services offered by HPA are listed in Annex 4 (transPORT rail) to HPA-NBS-AT/BT. The order to schedule the loading of containers must be submitted to HPA in writing. The service is only available to users that have entered into a TPR use agreement. The fee charged for the service is listed in the Schedule of Fees and Charges in force.

Loading scheduling can be contacted on:

Telephone: +49 40 42847-3404
Fax: +49 40 42847-3478
Email: support-vld@hafenbahn-hamburg.de

- **Loading point application (via web client)**

The loading point application sub-module is geared towards smaller loading points in the Port of Hamburg to manage production and communication more efficiently. It forms an integral part of transPORT rail. In rail freight dispatch it contains functions to verify orders and create ready-for-loading messages, schedule loading and create loading-actual messages. In rail freight receipt it serves to provide information about incoming loading units.

- **Quay interface**

Die quay interface is an electronic data interchange interface (EDI) for loading points located in the area of the Port Railway's operations and other parties involved in rail transport. In rail freight dispatch it is suitable to transmit order verification information and ready-for-loading messages, loading scheduling and loading-actual messages. In rail freight receipt it serves to provide information about incoming loading units. The TD01 interface is used as quay interface; interface information is published on the website of Dakosy at:

https://www.dakosy.de/fileadmin/user_upload/Handbuch/Verkehrstraeger/hb_edi_handbuch_32/EDIHandbuch_V32.htm

- **Interface for transport orders**

The transport orders interface is an open-access system used by authorised access users or their service providers, Port Railway and the loading points located in the Port of Hamburg to communicate freight information and share transport and loading status information. It includes a multitenancy direct communication function for RUs with the following function blocks: communication in rail freight receipt, communication in combined transport rail freight dispatch and communication in rail freight dispatch wagon loading as well as changing and cancelling dispatch and receipt orders.

- **GEGIS interface**

If authorised access users or their service providers use transPORT rail, the system will automatically retrieve the required dangerous goods data from the transport order entered in transPORT rail and transmit them to GEGIS, i.e. the RU transporting the dangerous goods does not need to enter data separately in GEGIS.
The RU transporting the dangerous goods authorises HPA to transmit its dangerous goods data to GEGIS for this purpose.

- **Technical support**

The 24-hour technical support assists customers that have questions concerning transPORT rail and the associated processed. Customers can contact the support on:

Telephone: +49 40 42847-1888
Email: b-servicedesk@hpa.hamburg.de

24.3 User fees and charges

A separate fee will be charged for the use of transPORT rail. The fee for using the system is listed in the Hamburg Port Railway Schedule of Fees and Charges in force.

24.4 System adjustment

If required Hamburg Port Authority will modify transPORT rail to accommodate changes in the processes. HPA may update Annex 2a, 2b and 2c to HPA-NBS-AT/-BT and the interface documentation as part of the system adjustment to meet the latest technical standards. Authorised access users and their service providers will be notified promptly of upcoming changes to the Annexes and the interface documentation as soon as it has been determined when the system will be modified.

24.5 User-specific adjustments at the request of authorised access users

At the request of authorised access users HPA will make user-specific adjustments to trans-PORT rail. Possible adjustments in particular include changes to interface formats or programming of additional data fields. The functions and mandatory fields each authorised access user must use / fill in remain unaffected. Each user-specific request requires separate programming, the costs of which are to be borne by the authorised access user making the request. The fee payable for the service is listed in the Hamburg Port Railway Schedule of Fees and Charges in force. The kind and scope of the adjustment as well as the fees payable for the service must be agreed upon in a separate agreement.

25 transPORT rail info

TransPORT rail *info* is a web application that stores and displays client-specific transport data. A web service is used to provide information from transPORT rail in a simple, efficient and compact manner that can be used anywhere. TransPORT rail *info* is an information system that provides the latest data and functions to almost any party involved in the transport chain (e.g. wagon carriers, shippers, wagon owners, RUs, RIUs). Special functions allow the extraction and evaluation of such data.
A separate fee will be charged for the use of Transport rail *info* as listed in the Hamburg Port Railway Schedule of Fees and Charges in force.

26 Operational Facilities

HPA provides the facilities it needs to receive, record, store and transmit messages as well as the software programmes and services and maintains them. Authorised access users and/or their service providers provide the communication facilities they need to receive, record, store and transmit messages at their own expense and maintain them. The provisions governing access prerequisites are set out in clause 28, Technical Access Prerequisites. Authorised access users and/or their service providers undertake to implement all updates or subsequent versions of transPORT rail during the term of this agreement and take the required action. HPA will notify authorised access users of updates and new versions in a timely manner.

Authorised access users and/or their service providers agree to perform an interface test with HPA of newly installed or modified EDI and XML system interfaces. If the interface test and acceptance test are successful, HPA will provide certification. Authorised access users and/or their service providers are aware of the fact that procedures, standards and technical specifications applicable to the EDI may be modified and/or supplemented at regular intervals due to national and international standardisation efforts as well as that the EDI is subject to technical and application-relevant updates that may have an impact on this agreement. Changes in hardware, software or transmission technology that may affect the EDI must be co-ordinated between the transmission partners in terms of content, impact and date of introduction and put in writing. HPA will not pay for any costs incurred due to changes in the systems of authorised access users and/or their service providers caused by the modified interface. Authorised access users and/or their service providers undertake to implement any modifications and supplements to their own systems and interfaces that may be required.

HPA reserves the right to perform a further interface test and acceptance test followed by certification if the systems of authorised access users or their service providers and/or the latter's interface have been significantly modified.

HPA furthermore reserves the right to de-activate the interface to the relevant system in the event of a serious disruption of the communication system and/or the sub-systems and/or in the event of unusual amounts of data interfering with communication caused by the systems of authorised access users or their service providers. HPA will simultaneously notify authorised access users and/or their service providers using a separate communication path and inform authorised access users and/or their service providers when and under what conditions the service will be re-activated.

27 Technical Access Prerequisites

- **transPORT rail EDI interface (TD04)**

In order to exchange data via the TD04 interface using transPORT rail, users need an FTP client and an FTP connection via a standing line or VPN. Authorised access users and/or their service providers may use their own FTP server however

this is not mandatory to access the service. Data are exchanged via XML documents which are structured based on the TD04 interface description. More detailed data structure information can be found in the interface description in force.

- **transPORT rail web application**

Users need a standard Windows PC (XP or higher) with internet browser – preferably Internet Explorer 7.0 or higher, or Mozilla Firefox 3.0 or higher - and a RAM of at least 3 GB. Older or other web browsers have not been tested; it may be possible to use them. To display the website, the screen resolution should not be lower than 1080x1024 pixels; a screen resolution of 1280x1024 pixels is ideal.
To access the website, users need a certificate issued by HPA. The certificate must be installed in the browser. The web browser used must support JavaScript.

- **transPORT rail printer**

Users can use any printer with PCL5 support. The system uses the currently configured standard printer for the print functions.

28 Access Authorisations / Safety Regulations / Contact

HPA will create person-specific or function-specific access authorisations for authorised access users and/or their service providers. Authorised access users and/or their service providers undertake not to disclose the access authorisations received to third parties and take precautions to prevent any unauthorised use.

Authorised access users and/or their service providers must immediately change the access authorisations if they suspect or come to know of any unauthorised use. After termination of the agreement, the access authorisations will be deleted.

Authorised access users and/or their service providers must make every effort required in the ordinary course of business to ensure that no disruptions occur in their area of responsibility or that such disruptions are rectified promptly.

The communication between the browser of authorised access users and/or their service providers and transPORT rail / transPORT rail *basic* is SSL encrypted and thus protected against tampering. Authorised access users and/or their service providers must take safety and control measures common in the industry to prevent third parties from gaining access to the electronic data interchange as well as to prevent the alteration, loss or destruction of electronically transmitted data. It is the responsibility of authorised access users and/or their service providers to keep their own end devices free from malware.

HPA will provide authorised access users and/or their service providers the name of the emergency response manager and his/her deputy in charge of first-level support, emergency telephone number and email address. The information is available at:

www.hamburg-port-authority.de

Authorised access users and/or their service providers will provide the name of the staff member HPA can contact in the event of an emergency, emergency telephone number and email address. Notifications of change should be sent to:

Email: b-servicedesk@hpa.hamburg.de
Fax: +49 40 42847-3478.

29 Data Exchange

HPA defines the interfaces and communication protocols to be used. Before a new interface of authorised access users or their service providers is added, it must be certified by HPA. Regular operations will only start after successful certification. Authorised access users are free to engage the services of third parties as service providers to transmit their data. The interfaces are stated in the latest version of the relevant interface document. The documents and updated versions are available free of charge at:

dakosy.de/fileadmin/user_upload/Handbuch/Verkehrstraeger/TD04_5_3/Documentation/TD04%20Dokumentation.html

HPA will process all messages immediately upon receipt. Messages sent to authorised access users or their service providers by the transPORT rail communication system must be acknowledged by authorised access users or their service providers and taken account of. If the receiving party spots incorrect data, it must notify the sending party without delay. If provider services are used, authorised access users and/or their service providers and HPA undertake to manage their own data exchange with the provider service chosen.

The sender of messages is responsible for its own communication equipment, ensuring safe communication and the period until a message has arrived. The recipient of messages is responsible for ensuring safe communication and the period until a message is received.

Authorised access users and/or their service providers and HPA undertake not to disclose to third parties any data and information that are not publicly accessible as well as to use them exclusively for the intended purpose.

30 Availability, Downtimes and Disruptions

Authorised access users and their service providers will be notified of scheduled system or sub-system downtimes (due to temporary company closures, scheduled maintenance work, etc.) and their duration at least one week prior to the scheduled downtime by publication on the homepage at

www.hamburg-port-authority.de

as well as by email.
In the event of unforeseeable disruptions that may restrict operations HPA will notify authorised access users and/or their service providers of the unscheduled downtimes (disruptions, etc.) and when they are expected to end immediately after HPA has become aware of the problem by publication on the homepage at:

www.hamburg-port-authority.de

as well as by email.
If authorised access users and/or their service providers or HPA become aware of a disruption in the communication system or if they expect a disruption to occur, the respective party must notify all other parties involved without delay. The duty to notify applies irrespective of who is responsible for the actual or expected disruption. Such notice must be sent via a communication path other than the usually used communication system (telephone, email etc.).

Section IV

HABIS-Zoll

31 General Information

HABIS-Zoll was introduced for the customs seaport in 2006 and adjusted to meet the new outline conditions after the free zone was abolished at the end of 2012. Since 31 January 2014 HABIS-Zoll is only used for the following dispatch procedures:

- vEVV (VgVV)
- Abf. Misch. mit vEVV
- T1-ZV-NCTS

HABIS-Zoll was developed to meet the requirements of the Hamburg Ministry of Finance. It implements the tax and export legislation of the European Union and the Federal Republic of Germany in the Port of Hamburg for the customs procedures mentioned above. The purpose of HABIS-Zoll is to simplify and accelerate the communication between the customs stations of the customs clearance office in Hamburg-Waltershof in charge of clearing trains in the Port of Hamburg and the RUs, rail terminal operators and transport customers involved in the rail transports. HABIS-Zoll does not replace the IT procedure known as ATLAS (automated tariff and local customs clearance system) of the Federal Fiscal Authority, which the authority provides to process and monitor domestic and international transports of goods.

By entering information in ATLAS, the declarant's customs declarations for release for free circulation, inward processing, processing (under customs control), customs warehousing or customs transit will be electronically stored and electronically transmitted to the customs office where they will be processed accordingly. The customs office will electronically send the declarant its decision and the notification on import duties and/or the bases of assessment determined/recognised. HABIS-Zoll complements ATLAS by enabling automated communication with the other parties involved in the customs procedure in the Port of Hamburg. Via HABIS-Zoll customs-relevant goods can be provided at the loading point grounds before they are actually loaded if the loading point grounds house a customs station authorised by the principal customs clearance office of the Port of Hamburg (place of provision). There is no direct data connection between ATLAS and HABIS-Zoll; customs officers create the link by matching customs reference numbers. The T1-ZV-NCTS dispatch procedure runs fully automatically.

HABIS-Zoll treats all users equally and serves multiple tenants. Unauthorised access to the data is impossible, which ensures that users' tax and business secrets are kept strictly confidential. User data are only exchanged between the parties directly involved in the transport and the customs office. More detailed information concerning the exchange of data is contained in the HABIS-Zoll interface description published as stated in clause 32 hereof.

Via the HABIS-Zoll interfaces information concerning the goods transported by rail from and to the loading points located in the area of responsibility of the principal customs clearance office in the Port of Hamburg is transmitted to the customs station in charge. The customs station will check if there is a need for examination and/or visual inspection, inform the parties involved in the transport accordingly and send the customs reference number (HA number) via HABIS-Zoll.

All RUs, customers and loading points involved in the customs process can use the EDI interfaces as stated in clause 32 hereof as well as a publicly accessible, secure internet application (web interface) to store the necessary information, check the status and co-ordinate measures that may need to be taken. The scope of functions provided by the internet connection equals the scope offered by the EDI interface. In addition, independent companies offer HABIS-Zoll participant systems that use the EDI interface.

The customs reference number (consisting of the HA number and the respective customs code) must be transmitted to HABIS together with the transport or production order if current legislation grants customs the right to inspect and access and/or obligates customs to inspect and access. As required by the Hamburg Ministry of Finance, HABIS checks whether the customs reference number has been transmitted and/or stored. The HABIS-Zoll interface description published pursuant to clause 32 hereof states the transactions affected. In order for the customs reference number to be transmitted, a valid customs declaration must have been submitted via HABIS-Zoll.

32 Technical Requirements

- **HABIS-Zoll EDI interface (WE02, TD04)**

The exchange of data with HABIS-Zoll requires an FTP connection via a standing line or VPN. Customers may use their own FTP server however this is not mandatory. Data are exchanged via XML documents. More detailed information concerning the data structure can be found in the interface description, valid as amended at:

www.habiswiki.hafenbahn-hamburg.de/index.php/HABIS:HZO-Schnittstelle

- **HABIS-Zoll web application**

Users need a standard PC with internet browser, preferably Microsoft IE 6.0 or higher, or Firefox 2.0 or higher. Older or other web browsers have not been tested; it may be possible to use them. The web browser used must support JavaScript. The recommended screen resolution to display the website is 1024x768 pixels.

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Notice:

In the event of any inconsistency or conflict between the German and the English version, the German version shall prevail