

"Uncoupling of wagons without confirmation of faults: who should pay?"

On Ukrainian railways, situations are increasingly arising when freight wagons are uncoupled from trains based on signals from automatic control systems or decisions by employees of point of technical service (PTS). Formally, this is done for safety reasons, but during the subsequent opening of the axle units in the depot, no real malfunctions are detected. For the owner, this means direct financial losses: invoices for repairs, idle wagons without movement, disrupted delivery deadlines and, as a result, conflicts with customers. If transportation takes place under customs control, then fines for violation of deadlines are also added.

This is a new problem. A few years ago, such cases were rare. Owners received clear information, acts with inspection results, and uncoupling without a confirmed malfunction rarely occurred. Today, the situation is different - cars are massively removed from trains without explanation, without documents, and responsibility is completely shifted to the business.

What has changed? Why now? Is this due to software updates and the installation of new chips in the heating control systems? These devices began to operate much more often - even with a slight increase in temperature, which is within the permissible limits. But has anyone checked these systems for sensitivity, accuracy and compliance with operating conditions in Ukrainian realities? This question remains open.

Automatic devices, such as ASDK-B or KTSM-01D, record an increase in temperature in the axle assembly and give an "Alarm 2" signal. According to the instruction CV-CSH-0058, the locomotive crew and maintenance workers are obliged to consider the issue of the feasibility of further movement of the wagon. The instruction directly states: when making a decision, the operating conditions must be taken into account - ambient temperature, speed, load level, etc.

However, in practice this does not happen. PTS workers often ignore the requirements of the instruction and are blindly guided only by the fact that the signal is recorded by the device. They do not take responsibility for assessing the technical condition, because they understand that in the event of a further malfunction or complaint, they can deduct funds from their already meager salary. Therefore, it is easier and safer to uncouple the wagon - even without any real justification. Such behavior is not their fault, but a consequence of the lack of a clear mechanism of responsibility and risk management.

"UZ Wagon-Service" (hereinafter UZWS) officially recognizes that the so-called "technological heating" is a normal phenomenon after repair. But despite this, the cars are still uncoupled, the repairs are registered as operational, and the invoices are issued to the owner. Most such cases are not accompanied by the drawing up of any acts. According to available statistics, only about 10% of cases end with a VU-41 complaint act. The rest - without inspection, without independent assessment, without documentation.

The problem of non-issuance of a VU-41 act is especially acute. According to the instructions of CV-0043 and CV-0143, in the event of a car uncoupling, this act is mandatory. It confirms the presence or absence of a malfunction. If the act is not drawn up, the owner is actually deprived of the opportunity to prove his case and demand compensation. The absence of VU-41 means that the technical reason has not been proven, and therefore the expenses incurred have no legal basis.

There is no compensation mechanism for such situations today. If the UZWS does not recognize the case as technological, the owner has only one way out - through the court. In other words, any error or

reinsurance of the PTS automatically falls on the shoulders of the business, which does not have any pre-trial protection tools.

The company "EU-Trans" systematically responds to such cases. We send requests for each uncoupling, demand the issuance of a full package of documents, including VU-41, inspection reports, explanations from the PTS and repair companies. We are contacting depots, stations, CD services, as well as the central office of Ukrzaliznytsia. In addition, the company maintains communication with the Business Ombudsman Council, which has already sent its comments to the UZWS regarding the terms of the new contract for wagon owners. Its revised version is expected in October.

We believe that if a wagon is uncoupled without a confirmed malfunction, the costs should not be borne by the owner. If there is no VU-41, there is no reason to charge for repairs. If there is no compensation mechanism, it should be created. Otherwise, each such uncoupling is not a concern for safety, but pressure on business, which undermines trust in the industry. If Ukraine is integrated into the European railway space, then the rules must be appropriate: transparent diagnostics, the owner's right to participate in the investigation, and the ability to appeal the PTS's decision within the administrative procedure, and not only in court.

We understand the financial difficulties of Ukrzaliznytsia in wartime, but we believe that the key is to increase the organizational reliability of the company's work. This involves better interaction between departments, a clear division of responsibility, identification of contact persons and a transparent decision-making procedure. We suggest focusing on the quality of services provided by car repair depots: ensuring control over repairs, optimizing the supply of components and improving the level of service. After all, despite the powerful network of depots on the main freight routes, due to lower quality and longer terms of work compared to private plants, clients mostly turn to UZ only in extreme cases.

"EU-Trans" works in the interests of business and protects its partners. We will continue to defend fair conditions - clearly, reasonably and publicly.

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