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**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of **XXX****

**amending Regulation (EU) No 1304/2014 as regards application of the technical  
specification for interoperability relating to the subsystem ‘rolling stock — noise’ to the  
existing freight wagons**

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**amending Regulation (EU) No 1304/2014 as regards application of the technical specification for interoperability relating to the subsystem ‘rolling stock — noise’ to the existing freight wagons**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union<sup>1</sup>, and in particular Article 5(11) thereof,

Whereas:

- (1) There is a risk that excessive levels of railway noise could lead to uncoordinated unilateral action by some Member States. Such measures could have adverse effects on European economies and result in a reverse modal shift from rail to road. Furthermore, such actions might undermine Union rail interoperability. As the majority of rail freight in the Union is international, a European-level solution to the problem is needed.
- (2) The application of the technical specification for interoperability relating to the ‘rolling stock — noise’ subsystem of the rail system in the Union (‘NOI TSI’) as set out in Commission Regulation (EU) No 1304/2014<sup>2</sup> to existing wagons should therefore significantly reduce maximum noise emission levels. One of the most effective ways to mitigate rail noise is by retrofitting existing freight wagons with composite brake blocks. This technical solution reduces rail noise by up to 10 dB, which represents a 50 % reduction in audible noise for humans.
- (3) On 22 September 2017, the Commission requested the European Union Agency for Railways (‘the Agency’) to issue a recommendation, pursuant to Article 5(2) of Directive (EU) 2016/797, for a revision of the NOI TSI specifying the application of the NOI TSI to the existing freight wagons in the framework of the ‘quieter routes’ strategy.
- (4) The issue of rail freight noise should be tackled where it is a serious nuisance and a health threat. For this reason and as freight trains operating in night are of particular nuisance, a definition of a quieter route should be formulated with reference to rail freight traffic intensity during night-time.
- (5) The date of application of the introduction of the quieter routes should be set taking into account several parameters, including the progress of retrofitting in different

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<sup>1</sup> Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44)

<sup>2</sup> Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem ‘rolling stock — noise’ amending Decision 2008/232/EC and repealing Decision 2011/229/EU (OJ L 356 12.12.2014, p. 421).

Member States, the rate of renewal of the rail freight fleet, the freight wagons maintenance cycle, the production capacity of manufacturers of composite brake blocks and workshop availability. The date should also be aligned with the recurrent change of working timetable in accordance with Annex VII to Directive 2012/34/EU of the European Parliament and of the Council<sup>3</sup>.

- (6) As traffic intensity may be subject to fluctuations, the list of quieter routes should be updated at regular intervals to take into account such changes and, at the same time, guarantee a stable framework over a period of several years. Therefore it would be appropriate that the Member States update the list of quieter routes at least every five years after 8 December 2024. Furthermore, before the first update, the Commission should evaluate the progress of retrofitting and the impact of the introduction of quieter routes on the rail freight industry.
- (7) The introduction of quieter routes should complement other actions at Union level aimed at reducing rail freight noise, including the financing of retrofitting under the Connecting Europe Facility,<sup>4</sup> ESIF funds<sup>5</sup>, noise-differentiated track access charges schemes<sup>6</sup> and the development of new technical solutions under the Shift2Rail initiative<sup>7</sup>.
- (8) As the amendments have a direct impact on the social environment of workers in the sector and on rail freight costumers, the social partners and rail freight customers have been consulted, as required by Articles 6 and 7 of Regulation (EU) 2016/796 of the European Parliament and of the Council<sup>8</sup>.
- (9) An impact assessment in accordance with Article 5 of Directive (EU) 2016/797 was conducted during the revision of this TSI by the Agency.
- (10) On 29 May 2018, the Agency issued a recommendation on the amendments to the NOI TSI.
- (11) Commission Regulation (EU) No 1304/2014 should therefore be amended in order to apply to existing freight wagons in the framework of the quieter routes strategy and to provide for a procedure for the assessment of acoustic performance of composite brake blocks. This procedure should become as set out by this amendment an open point within the meaning of Article 4(6) of Directive (EU) 2016/797.

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<sup>3</sup> Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p.32).

<sup>4</sup> Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

<sup>5</sup> Regulation (EU) No 1300/2013 of the European Parliament and of the Council of 17 December 2013 on the Cohesion Fund and repealing Council Regulation (EC) No 1084/2006 (OJ L 347, 20.12.2013, p 281) and Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 (OJ L 347, 20.12.2013, p. 289).

<sup>6</sup> Commission Implementing Regulation (EU) 2015/429 of 13 March 2015 setting out the modalities to be followed for the application of the charging for the cost of noise effects (OJ L 70, 14.3.2015, p. 36).

<sup>7</sup> Council Regulation (EU) No 642/2014 of 16 June 2014 establishing the Shift2Rail Joint Undertaking (OJ L 177, 17.6.2014, p. 9).

<sup>8</sup> Regulation (EU) No 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (OJ L 138, 26.5.2016, p. 1).

- (12) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 51(1) of Directive (EU) 2016/797,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EU) No 1304/2014 is amended as follows:

- (1) The following Articles 5a, 5b, 5c, 5d are inserted:

#### *‘Article 5a*

From 8 December 2024, wagons within the scope of Regulation (EU) No 321/2013 which are not covered by point 7.2.2.2 of the Annex to this Regulation shall not be operated on the quieter routes.

#### *Article 5b*

A ‘quieter route’ means a part of the railway infrastructure with a minimum length of 20 km on which the average number of daily operated freight trains during the night-time as defined in national legislation transposing Directive 2002/49/EC of the European Parliament and of the Council<sup>9</sup> was higher than 12. The freight traffic in the years 2015, 2016 and 2017 shall be the basis for the calculation of that average number.

#### *Article 5c*

1. Member States shall designate quieter routes in accordance with Article 5b and the procedure set out in Appendix D.1 of the Annex. They shall provide the Agency with a list of quieter routes six months after the date of publication of this Regulation at the latest. The Agency shall publish those lists on its website.
2. Member States shall update the list of quieter routes at least every five years after 8 December 2024, following the procedure set out in Appendix D.2 of the Annex.

#### *Article 5d*

By 31 December 2028, the Commission shall evaluate the implementation of the quieter routes, in particular regarding the progress of retrofitting of wagons and the impact of the introduction of quieter routes on the overall competitiveness of the rail freight sector.

- (2) The Annex to Regulation (EU) No 1304/2014 is amended in accordance with the Annex to this Implementing Regulation.

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<sup>9</sup> Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise OJ L 189, 18.7.2002, p. 12).’

*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*