

Position Paper

Brussels, 7 March 2018

CER reply to the ERA consultation on the draft of the limited revision of the TSI relating the subsystem rolling stock – Noise (TSI Noise)

1. CER's general statement on the TSI Noise revision

- Rolling noise, the major source of noise associated with the railway system, is regulated at EU level by the TSI Noise limit values imposed to wagons. On noise TSI complying reference tracks, new and refurbished wagons are already complying with the strict values set in the TSI Noise. The sector is also accelerating the retrofitting of existing wagons. This is clearly reflected in the oversubscription of the 2016 noise call under the Connecting Europe Facility (CEF), which proves that public funding is key in implementing a rapid retrofitting programme at EU level.
- CER appreciates the work undertaken by the European Union Agency for Railways (ERA) following the mandate of the Commission to draft a recommendation for the limited revision of the TSI Noise with the aim of making the European wagon fleet quieter. CER has been part of the Working Party and actively contributed to the development of the draft recommendation.
- CER is committed to supporting noise reduction at source through a step by step migration towards a quieter freight wagon fleet. For this reason, a one-size-fits-all approach is not feasible to solve the noise problem effectively. Instead, solutions have to be found that ensure both complementary requirements:
 - on the one hand safeguard a smooth operation of rail freight transport from, to and through countries with high noise sensitivity and,
 - on the other hand, minimise the administrative and financial burden of implementing measures such as retrofitting in those member states, where citizens are less exposed to noise and thus having lower public concern.

Therefore, an EU approach on rail freight noise should be proportionate. In doing so, the policy makers should also learn from the experience from other regulations (e.g. ETCS) and refrain from generalising regulations taking into account a lacking intermodal level playing field (see CER funding requests).

- Regarding the quieter routes approach, the Task Force meetings and the two workshops held in 2017 could hardly deliver a firm conclusion to go further with this approach. CER, also, clearly expressed that the sector did not have a common position on the preferred approach and requested both approaches to be equally evaluated at the ERA Working Party. CER therefore regrets that the Commission adopted a narrow mandate, thus excluding the original "vehicle based approach". Nevertheless, CER suggested a small modification of this approach by a gradual application of the revised TSI Noise to existing freight wagons to address different degrees of noise affectedness in the member states (see attached CER comments to the ERA dated 11 September 2017). The proposed implementation strategy that is based on deadlines from 2022 to 2036 was supported by the majority of RUs at CER.
- CER believes that retrofitting existing wagons with composite brake blocks is the most effective noise mitigation measure. It is already embedded in the sector strategy for reducing rail freight noise and will mandatorily be requested and therefore accelerated by the limited revision of the TSI Noise. The deployment of this technology, however, must not undermine railway safety, in particular to freight operations in winter conditions and/or related to track circuits once retrofitted freight wagons are massively introduced on the network.

2. CER comments on the draft Recommendation

- CER values the hybrid nature of all analysed approaches. They are contributing (among other noise action plans) to realising the objectives of the Environmental Noise Directive, therefore making it possible to utilise the EU interoperability policy by contributing to reduce rail freight noise.
- CER clarifies that the idea of the quieter routes approach was to have a common approach that addresses the different degrees of noise affectedness in the member states and as a consequence to concentrate the retrofitting and relating costs on areas where it is urgently needed. The approach should, therefore, provide the flexibility to those member states with a significant noise sensitivity to declare all routes as quiet.
- The proposed harmonised noise indicator-based quieter routes approach should focus on the population receiving the highest levels of noise. Some exceptions should, however, be allowed at national level.
- A common understanding on the operating rules of rolling out quieter routes at European level needs to be developed before the revised TSI Noise enters into force. CER reiterates that the complexity of running freight businesses must not be further increased. Freight RUs and some IMs represented by CER have already expressed their concerns on daily operational difficulties that would arise from the implementation of quieter routes in the EU. Overall, this approach could lead to further weakening of rail freight's competitiveness.
- CER objects to any retroactive application of legislation. The revision of the TSI Noise shall not lead to the removal of existing authorisation of vehicles. The TSI Noise limit values should gradually be applied to existing freight wagons.

3. CER funding requests

- Sufficient direct funding is a pre-condition for speeding up the retrofitting of wagons. The EU support to retrofitting is provided via dedicated CEF calls but the budget is currently capped at 1% of the 2014-2020 CEF transport envelope. Besides, the co-funding rate covers only up to 20% of the eligible costs. For the Cohesion countries, ESIF funding could be claimed as well. National funding is available in Germany for all national and foreign wagon keepers operating on the German network and was provided to Swiss wagon keepers in Switzerland, too. Additionally, retrofitting is incentivised by noise-differentiated track access charges (NDTAC). Today, NDTAC systems are applicable in Austria, Germany, the Netherlands and Switzerland.
- CER demands that the availability of public funding be consistent with the policy goals set by decision makers. Today, the availability of public funding corresponds to only one third of the investment costs (estimated to be minimum € 700 million) and the scope of funding is limited (20% of eligible costs are covered).
- CER welcomes the 2014 and 2016 noise reduction-dedicated CEF calls and the resulting allocation of more than € 33 million. CER would also welcome a third dedicated CEF call in 2019 with an extension of the eligible costs (e.g. to additional operational costs of retrofitted wagons) and an increased budget compared to the 2016 CEF call. Finally, CER reminds that the European Commission is legally entitled to allocating more than € 200 million to noise reduction actions under the 2014-2020 Multi-Annual Financial Framework.
- Reduction of rail freight noise, including the retrofitting of existing rolling stock should continue to be co-funded by CEF grants under the post-2020 Multi-Annual Financial Framework, with a co-funding rate of 50% of the eligible costs. The proper funding for investments in noise barriers should also be ensured in the context of the Multi-Annual Financial Framework and CEF.
- CER is ready to support the ongoing evaluation of the Implementing Regulation 2015/429 on noise charges. Depending on its outcome, it might be useful to extend the Regulation's application to cover increased operational costs for running retrofitted wagons.
- CER understands that allocating financial sources is a challenge for the EU and the member states due to budget constraints. CER suggests providing additional capital for retrofitting by taking into account socio-economic cost savings (e.g. health costs) both at European and national level thanks to quieter rail freight traffic.

About CER

The Community of European Railway and Infrastructure Companies (CER) brings together more than 70 railway undertakings, their national associations as well as infrastructure managers and vehicle leasing companies. The membership is made up of long-established bodies, new entrants and both private and public enterprises, representing 73% of the rail network length, 77% of the rail freight business and about 93% of rail passenger operations in EU, EFTA and EU accession countries. CER represents the interests of its members towards EU policymakers and transport stakeholders, advocating rail as the backbone of a competitive and sustainable transport system in Europe. For more information, visit www.cer.be or follow us on Twitter @CER_railways.

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