

General comments from CER to the Agency on the Task Force Report 11.09.2017

1. CER clarifies that it has no common position yet for or against one of the discussed approaches. The sector supports a pragmatic and cost efficient solution. Many Task Force members so far not expressed their view on the recent modifications (see Section 4.2.2) of the quieter routes approach and some expressed objections and stated that the proposal needs to be further developed. It is therefore necessary to state that no final decision from the Task Force to go further with this approach is taken.
2. A detailed impact assessment of the quieter routes approach has not been performed so far. Updated Impact Assessment including an assessment of the quieter routes approach has to be done before concluding the Task Force Report as a precondition to start with the Working Party (as the report will form the basis for its work). The pros and cons of the original, vehicle-based approach and the quieter routes approach have to be carefully assessed and the view of all relevant stakeholders has to be taken into account for this purpose; in particular the situation in those countries which have already invested into noise mitigation measures. Given the ultimate aim of reducing rail freight noise by extending the NOI TSI to existing wagons, it should be avoided that these countries cannot ban noisy wagons from using (the sensitive parts of) their network because of previous investments.
3. Freight RUs and some IMs represented by CER have expressed their concern of operational difficulties that would arise from the implementation of a quieter routes approach. This would lead to further weakening of rail freight's competitiveness. Therefore CER believes that an assessment from a pure economical perspective will not be sufficient for making a final decision on the implementation strategy. Operational, administrative and political aspects have to be taken into account as well as economic impacts.
4. As a consequence, some CER members believe that it will hardly be possible to start with the Working Party in October. It will be preferable to continue with the work of the Task Force to clarify all the open points before launching the Working Party with a comprehensive mandate, equally addressing both approaches.
5. Regarding the original Commission's approach (deadlines for international and then national), CER suggests a small modification by a gradual application of the revised NOI TSI to existing freight wagons to address different degrees of noise affectedness in the EU states. The following implementation strategy is currently

discussed and supported by the majority of RUs at CER. In a first step NOI TSI limits for existing wagons could be applicable in those states having a significant noise problem. For other states a later date could be applicable:

- a. a short-term deadline such as 2022 for all freight traffic passing through those states, where there is high political sensitivity on rail freight noise (like Germany, the Netherlands and Switzerland; other member states might follow);
 - b. a mid-term deadline such as 2026 only for international traffic of the remaining member states, with the possibility of bilateral exemptions between bordering states, where the political sensitivity is lower.
 - c. a long-term-deadline with a general application of the revised NOI TSI for all freight traffic in Europe as of 2036, except in those countries which have a specific case to NOI TSI.
6. There are number of specific cases to be discussed further to be properly address under the implementation strategy. Among them:
- a. Railway networks that are undergoing major overhaul and temporary peaks (harvest, diversionary traffic) e.g. Poland's planned big-scale infrastructure modernization for 2023, which will cover 46% of total railway network (9,000 km of lines out of 19,500 km). This will lead to diversion of traffic. This will eventually impact the deadline to define quieter routes.
 - b. Access to workshops, which are only reached by (or situated on) a "quieter route".