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Consultation on the draft of the limited revision of the TSI relating to the subsystem rolling stock - Noise (TSI NOI, Draft Recommendation N. 006REC1072)

Dear Madam, dear Sir,

We thank you for the opportunity to comment on the limited revision of the TSI NOI during the consultation. We highly appreciate that the EU tackles the issue of noisy freight wagons. Traffic of noisy freight wagons is the most serious environmental problem of rail transport for a large number of railway residents.

Measures in this field are a mandatory prerequisite for the acceptance of night-time freight transport on rail. Noise abatement is crucial for shifting freight traffic from road to rail, a central pillar of Swiss and European transport policy. Last but not least, the solution of the problem is essential for health protection of railway residents.

From Switzerland's point of view, applying the emission limit values of the TSI NOI (in force since 2006) to the whole fleet of freight wagons in international traffic is still the most appropriate approach:

- It defines a clear framework for railway undertakings and wagon keepers. Certainty in the planning process is ensured.

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- Retrofitting with LL-blocks (approved since 2013) can be carried out for the majority of the international freight wagons as part of maintenance process at relatively low cost. Retrofitting can be considered as maintenance according to the state of the art.

Switzerland followed this approach by introducing limit values by law (1 March 2013) and the corresponding ordinance (4 December 2015). Therefore, the limit values of the TSI NOI will be mandatory to all running freight wagons in Switzerland from 1 January 2020 (exceptions for special vehicles, in particular for rail maintenance as well as for historical vehicles).

At request of the European Commission (EC), the Swiss law includes the possibility of a postponement of up to two years. This flexibility was introduced based on the discussions in the Joint Committee on the Land Transport Agreement and the Swiss notification to the EC and the WTO. The latest date of entry into force is thus 1 January 2022.

In the draft for the consultation the starting date for the "Quieter Routes" is still missing. In the meantime the date has been fixed to 8 December 2024 during the 4th meeting of the working party. It is therefore not possible to coordinate the timing with an European solution in our current legal framework. This would require a new decision of the Swiss parliament (legislative level). In view of the unanimous vote in both chambers of parliament on banning noisy freight wagons (emission limits) on the Swiss network from 2020 onwards, a further postponement is hardly to achieve.

The current draft TSI NOI provides to define so-called "Quieter Routes" based on number of freight trains during the night in every member state. Only on these routes noisy freight wagons with cast iron blocks should be banned. In accordance with the Swiss solution noisy wagons would be banned from important parts of the railway network. However the law and the ordinance in Switzerland prescribe limit values on the whole Swiss railway network. The approach of the "Quieter Routes" proposed in the draft revised TSI NOI is therefore in conflict with the Swiss legislation also in this respect.

We welcome the fact that with "Quieter Routes" rail noise can be reduced on important parts of the network. However we do not consider the approach of the "Quieter Routes" to be appropriate for the following reasons:

- The implementation for the industry is very complex. The planning of the use of international freight wagons will be very difficult. The need for retrofitting will only be clear after the definition of the "Quieter Routes" by the member states. It will take too much time to clarify this.
- In many Member States, retrofitting of freight wagons used in a limited geographical area is being enforced, although the problem of noise is considered to be of little urgency.

The application of limit values to the existing fleet is a temporary solution for speeding up the retrofitting process. This helps to solve noise problems in densely populated areas with a high volume of rail freight traffic. More flexibility should be given to Member States to adapt this solution to their specific needs and possibilities. The competence to define the "Quieter Routes" should therefore be allocated to the Member States in accordance with the principle of subsidiarity. This solution would only compromise the principle of legal unity in the European Union during the transition period of a few years.

In any case, we are currently noticing that the ongoing discussions have led to extensive retrofitting of freight wagons. In addition to the renewal of the vehicle fleet, this has led to a significant increase in the number of vehicles equipped with low-noise braking equipment. Many freight wagons from other European countries also contribute to this positive development in Switzerland. We would appreciate, if a solution to the problem of noisy freight wagons could be found at European level in accordance with Switzerland. It would be an important step for a successful railway transport in Europe.

If you have any further questions, please do not hesitate to contact us.

Yours sincerely

Federal Office of Transport



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