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**Our reference**

IENW/BSK-2018/35554

**Your reference**

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**Enclosure(s)**

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Date **26 MAART 2018**  
Subject Reply on ERA consultation on the draft revision TSI Noise

Dear Sir/Madam,

Thank you for giving us the opportunity to reply to the ERA consultation on the Draft revision of the TSI Noise (006REC1072).

The contribution of the Dutch Ministry of Infrastructure and Water Management to the stakeholder consultation as received by email on the 22<sup>nd</sup> of December, 2017 is attached in Annex 1. This contribution is without prejudice to the further political decision making on the TSI Noise regulatory decisions.

In addition, we would like to make a general remark concerning the TSI Noise approach on phasing out noisy wagons. This approach must be accompanied with an active retrofitting policy in order to make this feasible. In this respect, the CEF funding for retrofitting must be continued until noisy wagons are phased out in a mandatory way according to the TSI Noise and successful measures of the Noise Differentiated Track Access Charging. In addition source-related measures on noise reduction should be included in the relevant EU innovation programs for railways.

We remain at your disposal for further explanation on our position.

Yours sincerely,

THE ACTING DIRECTOR PUBLIC TRANSPORT AND RAILWAYS,

Ms. Heidi Boussem



## **Annex 1: Dutch contribution to the Draft revision of the TSI Noise (006REC1072)**

*Please note: This is a limited revision of the existing TSI subsystem rolling stock Noise.*

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Railway noise reduction at the source is a critical issue for the further development of railway transport in Europe. Especially where railway lines are crossing conurbations. Railway noise must be reduced at the source because this is by far the most cost-effective means of noise reduction.

Freight wagons are responsible for much of the noise produced. In 1996 the European Commission had already published a "Green paper" where rail freight wagons were identified as a source of noise production and pinpointed for measures. Research has shown that, in order to make freight transport by railway less noisy, at least 80% of all wagons in a certain train should be 'silent'. From 2006, all new wagons have to comply to standards (TSI) that can only be installed by modern brakes. Policy aimed at the existing wagons has until now resulted in approximately 50% silent wagons in the Netherlands, due to an active retrofitting policy.

The issue of noise reduction for railway freight wagons should be addressed at the European level. This is because wagons are used internationally. In the Netherlands, we have a specific legal regime for rail and road noise which consist of about 60.000 noise emission points with each its own ceiling. In order to accommodate the growth of the rail traffic and limit its impact on people living near the tracks 80-100% on the wagons needs to be silent by 2020 traffic and keep the effects for railway infrastructure investments are being made on the assumption that 80-100% of railway freight wagons will be 'silent' by 2020 (either new TSI compliant wagons or retrofitted existing wagons).

German, Swiss and Dutch ministries have cooperated closely on the issue of noise reduction for railway freight wagons and have made a proposal (Annex 2) for the EC in June 2017 on phasing out noisy wagons by 2021. The scope of the proposal encompasses the entire European rail network. In addition, the proposal includes the possibility of derogation for member states in order to allow for some flexibility in implementation.

The draft of the TSI Noise (006REC1072) now in consultation, assumes a quieter routes approach. Targeting lines with more than 12 freight trains per night. This is not the preferred approach for the Netherlands. We foresee issues pertaining to communication with our stakeholders and with citizens. More specifically, we foresee the following issues:

- The application of this criterion may cause issues in communication because it is based on specific locations and does not apply to an entire corridor. For example, it is possible that a specific route is not classified as a 'quieter route' in the Netherlands, but is designated as such more directly over the border with Belgium or Germany.
- IM's do not and should have a mandate to stop trains entering a quieter route and check the wagons. This would hinder operations.
- The draft refers to 'quieter routes', but the perception or experience of individual or groups of citizens may be different. While we acknowledge that the use of 'quieter routes' throughout the EU will indirectly lead to



more wagons becoming 'silent', the use of this term may create expectations.

- The quieter routes approach could have adverse effects in NL: we have invested billions in the dedicated Betuweroute from the Port of Rotterdam to the German 'hinterland'. This route avoids densely populated areas and is established with many noise mitigation measures. Not allowing noise wagons on this route and forcing these to ride elsewhere would have an effect which is adverse from the aim of the Noise TSI.

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For an effective European approach the following elements must be addressed:

- Next to the draft for 'quieter routes', the phasing out of noisy wagons in the EU should be researched. We see this draft, in combination with the aforementioned research, as a first step in the direction of totally phasing out noisy wagons.
- In the Netherlands we prefer more 'quieter routes' on our railways instead of solutions based on specific locations. So that we can reduce noise for more citizens along the railway routes.
- As communicated earlier, in regards to the phasing out of noisy wagons we prefer a timeline where noisy wagons are phased out by 2021, because that is realistic for Member States that introduced retrofitting policy on time.
- The supervision concerning the TSI should become the responsibility of National Safety Authority of each Member State.
- There aren't safety risks by the use of silent brake blocks.

In considering the proposal on 'quieter routes' from the ERA, the following conditions apply:

- The proposal is the only one with sufficient support at European level at short term;
- Noisy wagons will effectively be phased out by 2021 from densely used railway networks such as the Netherlands has.
- Supervisory and regulatory costs of the measures envisaged will remain under control.



## **Annex 2: Note for July 2017 EC Railway Interoperability and Safety committee. Issue: report ERA task force on TSI NOI revision**

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Date: 22 June 2017

NL ministry of Infrastructure and the Environment, prepared in cooperation with CH / DE

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Objective: broaden the scope of scenario's to be analyzed for TSI NOI revision as included in the mandate from EC to ERA following RIS committee July 2017

### 1. introduction

The report from ERA task force well identifies the need for action at European level looking at the impact assessment weighing costs and benefits of phasing out noisy wagons. The RIS committee shall review the report from ERA task force in the context of the preparation of the Commission's mandate to the ERA for a working group to develop a formal recommendation on TSI NOI revision. The issuing of the mandate is dependent also on the adoption of the delegated act under the 4<sup>th</sup> railway package allowing EC to make proposals for applying TSI values/norms on existing rolling stock. In this note NL argues the mandate should include one more scenario to be looked at before the ERA director shall make a recommendation to EC on revising TSI NOI. Background is that NL has serious doubts about effectiveness and monitoring / administrative aspects of ERA scenario "silent sections". ERA scenario "international / national" is for NL and DE acceptable to elaborate but complicated number of members of the task force for the revision of the NOISE TSI seemed to be rather skeptical about this approach. This is why NL and DE propose to add following scenario number 3 (European ban with derogations) to the ERA analysis.

### 2. Proposal to add following scenario to be analysed

- A. European ban of noisy wagons by 1.1.2021 (or with timetable change 2020/2021 with possibility for Member States to ask for derogations.

In this scenario, a European ban is introduced by 1.1.2021 (or with timetable change 2020/2021) and allows Member States to ask a derogation for a period until when wagons can realistically be silent in this Member State (up to 2030-2040). The (technical) exceptions noted in the ERA report remain unchanged. A derogation for circulation of non TSI NOI compliant wagons in the territory of their Member State could be requested by a Member State under (one of) the following conditions:

- Renewal and retrofitting of the relevant fleet is not at advanced stage;
- Retrofitting with a longer transitional period has a more positive cost-benefit ratio given e.g. age of the fleet and renewal investments expected.

In this way the noisy wagons would be phased out by e.g. 2030, the same date set as for the completion of the TEN T core network corridors. Realistic final date of end of derogations has to be analysed by ERA working group but should not be later than 2040.

During the derogation period National Safety Authority for this specific Member State shall supervise the retrofitting progress even if the TSI NOI compliance of existing wagons is not yet mandatory. For Member States without a derogation National Safety Authorities shall supervise the application of the TSI NOI limits



also for existing wagons including for international and domestic rail freight operations in their country.

The Commission should evaluate the progress achieved by 01.01.2026 (i.e. after a period of 5 years).

The benefits of this scenario are:

- High positive impact on reducing noise for citizens thus reducing negative health impacts from rail noise for affected citizens;
- Interoperability of European rail system ensured;
- No difference between international wagons and national operating wagons;
- Realistic transitional period;
- Clearly to explain at European and domestic political level and in dialogue with citizens;
- Simple to apply, monitor and supervise by the respective National Safety Authorities;
- Allows flexibility for Member States that need more time for (financing) retrofitting process

Possible disadvantages / open issues to be looked at:

- Can wagons registered from non-EU but OTIF member countries continue to run with non-TSI NOI compliant wagons? Would this be substantially impacting the scenario?

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