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# OPINION

*OPI 2020-1*

OF THE EUROPEAN UNION AGENCY FOR RAILWAYS

for

THE EUROPEAN COMMISSION

regarding

Requirements for providing information on rail quieter routes in  
NOI TSI

## Disclaimer:

The present document is a non-legally binding opinion of the European Union Agency for Railways. It does not represent the view of other EU institutions and bodies, and is without prejudice to the decision-making processes foreseen by the applicable EU legislation. Furthermore, a binding interpretation of EU law is the sole competence of the Court of Justice of the European Union.

## 1. General Context

In its note dated 3<sup>rd</sup> January 2020 and referenced MOVE.DDG2.C/JC (see Annex 1), the European Commission has requested the European Union Agency for Railways to issue an opinion concerning a potential deficiency identified by EIM in its letter of 5<sup>th</sup> December 2019. This potential deficiency concerns the provision of information on quieter routes in the following regulations:

- Commission Implementing Regulation (EU) 2019/774 of 16 May 2019 amending Regulation (EU) 1304/2014<sup>1</sup> (Amended TSI Noise) and
- Regulation (EU) 2019/777<sup>2</sup> (RINF)

This present opinion agrees that there exists a risk of double reporting and both regulations should be amended.

## 2. Legal Background

According to the provisions of Articles 10(2) and 19 of Regulation (EU) 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<sup>3</sup> (Agency Regulation), the European Commission has the possibility to request the opinion of the European Union Agency for Railways on the regulations referred to in the first section of this Technical Opinion (General Context).

## 3. Analysis

### 3.1. EIM letter

EIM identified two main issues in its letter:

- Double reporting obligation, as both regulations require to report the quieter routes:
  - Amended TSI Noise requests to report the quieter routes following the template supplied in its appendix D.1:
  - RINF has a dedicated parameter to identify the quieter routes: '1.1.1.1.7.11 Belonging to a quieter route'
- Misalignment on the reporting dates for the information related to the 'quieter routes':
  - Amended TSI Noise request to report the quieter routes 6 months after its publication (27<sup>th</sup> February 2020)
  - RINF requests to report the quieter routes by 1st January 2021

EIM proposed the following solutions in its letter:

- The Quieter Routes template described in Appendix D1 of the Amended TSI Noise should be seen as a temporary solution until the RINF is ready to hold this data, thus the Template described in the Appendix D1 continues in place, as a temporary solution, until 1<sup>st</sup> January 2021.

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<sup>1</sup> Commission Implementing Regulation (EU) 2019/774 of 16 May 2019 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

<sup>2</sup> Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of railway infrastructure and repealing Implementing Decision 2014/880/EU (Text with EEA relevance.)

<sup>3</sup> OJ L 138, 26.5.2016, p. 1.

- From 1<sup>st</sup> January 2021, the RINF and more specifically its parameter ‘1.1.1.1.7.11 Belonging to a quieter route’ will replace the template described in the Amended TSI Noise in order to avoid duplication of efforts and misalignments.
- The RINF OP Name parameter ‘1.2.0.0.0.1 Name of operational point’ as described in the RINF is used where the Amended TSI Noise Template refers to RINF geographical code location (POINT A - POINT B).
- The RINF National Line parameter ‘1.1.0.0.0.2 National line identification’ as described in the RINF is used where the Amended TSI Noise Template refers to Unique section ID.

### 3.2. State of reporting from Member States

By beginning of November 2020, the state of reporting was as follows:

- All Member States except two have reported the quieter routes in accordance with the template specified in the Amended TSI Noise.
- By beginning November 2020, the following Member States have reported the quieter routes in RINF: AT, BE, Channel Tunnel Authority, CZ, ES, FR and NL.

### 3.3. ERA analysis

ERA agrees that EIM has correctly detected a double reporting issue. This was done on purpose during the drafting process of the Amended TSI Noise, as stakeholders desired to have the information on quieter routes available as soon as possible in order to identify the wagons to be operated on these quieter routes and ensure their retrofitting within the 6-year maintenance cycle. The deadline to operate Noise-TSI compliant freight wagons on the quieter routes is 8<sup>th</sup> December 2024<sup>4</sup>.

The EIM proposal will result in a reduction of administrative costs for the railway sector. No negative impact for stakeholders is expected. In addition the proposal will mitigate the risk of inconsistent data reporting on quieter routes.

However, ERA considers that RINF database should be populated according to the update cycles specified by the Amended TSI Noise for the quieter routes instead of 1<sup>st</sup> January 2021. This would avoid the Member States which already supplied the quieter routes in accordance with the Amended TSI Noise (deadline 27<sup>th</sup> February 2020) to report them again via RINF, thus avoiding the risk of double reporting.

The Member States which did not supply the quieter routes information in accordance with the Amended TSI Noise should supply them before 1<sup>st</sup> January 2021 directly in RINF.

## 4. The opinion

The Agency is of the opinion of amending Appendix D.2 of the Amended TSI Noise as follows:

*‘The freight traffic data used for the update of quieter routes in accordance with Article 5c(2) of this Regulation shall refer to the last three years preceding the update for which the data is available. In case the freight traffic due to exceptional circumstances diverges in a given year from that average number by more*

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<sup>4</sup> see Article 5a of Amended TSI Noise.

*than 25 %, the Member State concerned can calculate the average number on the basis of the remaining two years. ~~Member States shall provide the Agency with the updated quieter routes. Updates of quieter routes shall be done in the Register set out in Regulation (EU) 2019/777.~~*

*The routes designated as quieter routes shall remain as such following the update unless during the period concerned the volume of traffic has decreased by more than 50 % and the average number of daily operated freight trains during the night-time is lower than 12.*

*In case of new and upgraded lines, the expected volume of traffic shall be used for the designation of those lines as quieter routes.*

*~~The Agency shall publish the updated quieter routes on its website (<http://www.era.europa.eu>) no later than 3 months after their reception and they shall apply from the next December timetable change following one year after their publication.~~*

*~~The Agency shall inform the Commission of any changes to the quieter routes. The Commission shall inform the Member States of these changes through the committee referred to in Article 51 of Directive (EU) 2016/797.~~*

The Agency proposes to add the following explanations in the Application Guide of the Amended TSI Noise:

*'For the periodical update of RINF, it should be checked whether the parameter 'Quieter route' needs to be updated in accordance with the criteria set out in Article 5c(2) of Commission Regulation (EU) No 1304/2014.'*

The Agency proposes to amend Table 1 of Items for the register of infrastructure in RINF by replacing the deadline to provide data for the parameter 1.1.1.1.7.11 'Belonging to quieter route' from 1<sup>st</sup> January 2021 to:

*'In accordance with Article 5c(2) of Commission Regulation (EU) No 1304/2014'*

Valenciennes, 17/12/2020

  
Josef DOPPELBAUER  
Executive Director

## **ANNEX 1**

Ref. Ares(2020)8639 - 03/01/2020



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT  
Directorate C - Land  
The Director

Brussels  
MOVE.DDG2.C/JC

**NOTE FOR THE ATTENTION OF MR J. DOPPELBAUER  
EXECUTIVE DIRECTOR – EUROPEAN UNION AGENCY FOR RAILWAYS**

**Subject: Request for opinion pursuant to Articles 10(2) and 19(1) of  
Regulation (EU) 2016/796 on the European Union Agency for  
Railways**

Please find attached a request for opinion regarding Commission Regulation (EU) N° 1304/2014 (NOI TSI) and its implementation in relation to the implementation of Commission Implementing Regulation (EU) 2019/777 (RINF Regulation).

I would be grateful if you could provide the ERA opinion within two months from the reception of the present letter.


Elisabeth WERNER

c.c.: P. Guido, O. Piron, ERA,  
K. Fitch, J. Colé, N. Zambara, MOVE

Encl: Request to ERA on implementation of NOI TSI in relation to RINF;  
Letter from EIM

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 Electronically signed on 20/12/2019 17:11 (UTC+01) in accordance with article 4.2 (Validity of electronic documents) of Commission Decision 2004/563



**Request of the Commission to the Agency for an Opinion/Advice**

<b>Requesting Organisation (name, address)</b>	DG MOVE, C4	
<b>Contact information</b>	Jonathan COLÉ	
<b>Legal base</b>	<b>Opinion</b>	<ul style="list-style-type: none"> <li>➤ <del>Agency Regulation Art. 25 and 26</del></li> <li>➤ <del>Agency Regulation Art. 10.1</del></li> <li>➤ Agency Regulation Art. 10.2</li> <li>➤ Agency Regulation Art. 19</li> <li>➤ <del>Agency Regulation Art. 42</del></li> </ul>
	<b>Advice</b>	<ul style="list-style-type: none"> <li>➤ <del>Agency Regulation Art. 41</del></li> </ul>
<b>Objective</b>	<p>To give a technical opinion on the requirements for providing information on rail quieter routes in Regulation (EU) 1304/2014 (NOI TSI) while considering the information to be provided under Regulation (EU) 2019/777 (RINF) by 1 January 2021.</p> <p>To give a technical opinion on the RINF parameters to be used for providing the information required on Appendix D of Regulation (EU) 1304/2014</p>	
<b>Scope</b>	Regulation (EU) 1304/2014	
<b>Task Description</b>	<p>EIM informed DG MOVE of a potential unnecessary duplication of obligations incumbent on Member States and infrastructure managers for the provision of information on quieter routes.</p> <p>Under Article 5c of Regulation (EU) No 1304/2014, Member States must designate quieter routes and provide the European Union Agency for Railways (ERA) with a list of quieter routes six months after the date of publication of Regulation (EU) 2019/774 at the latest (ie 16 January 2020). Section D1 in Appendix D of Regulation (EU) No 1304/2014 sets out the content of the information to be provided. Member States must update the list of quieter routes at least every five years after 8 December 2024.</p> <p>Under section D1, Member States must identify start and end points of the quieter routes and their corresponding sections using the</p>	

	<p>geographical location code as defined in Regulation (EU) 2019/777. Section D1 refers also to the unique section ID, which is a unique identifier for the concerned section of line. Member States may provide maps illustrating the quieter routes on a voluntary basis.</p> <p>Under Regulation (EU) 2019/777, Member States must, by 1 January 2021, populate the register of infrastructure with information on section of lines belonging to a quieter route. The RINF application developed and managed by ERA will enable the display of quieter routes on a map.</p> <p>EIM also requested confirmation on the RINF parameters to be used for the submission of information to the Agency under Appendix D of Regulation (EU) 1304/2014.</p> <p>The requirements on quieter routes in Regulation (EU) 2019/777 and Regulation (EU) 1304/2014 need to be analysed in view to avoiding unnecessary duplication of requirements. The proposal from EIM needs to be analysed as well.</p>
<b>Key input documents</b>	Regulation (EU) 1304/2014
Request to be sent to:	opinionadvice@portal.era.europa.eu