Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem 'rolling stock — noise' amending Decision 2008/232/EC and repealing Decision 2011/229/EU (Text with EEA relevance)

COMMISSION REGULATION (EU) No 1304/2014

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on the technical specification for interoperability relating to the subsystem 'rolling stock — noise' amending Decision 2008/232/EC and repealing Decision 2011/229/EU

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community, and in particular Article 6(1) thereof[(1)],

Whereas:

(1) Article 12 of Regulation (EC) No 881/2004 of the European Parliament and of the Council[(2)] requires the European Railway Agency (the Agency) to ensure that the technical specifications for interoperability (TSIs) are adapted to technical progress, market trends and social requirements, and to propose to the Commission any amendments to the TSIs which it considers necessary.

(2) By Decision C(2010) 2576 of 29 April 2010, the Commission gave the Agency a mandate to develop and review the TSIs with a view to extending their scope to the whole rail system in the Union, and to carry out a study on the pertinence of merging the noise requirements for high-speed and conventional rolling stock ('HS' and 'CR' RST). The conclusion of the study ERA/REP/13-2011/INT was that one TSI should cover both CR and HS RST. In consequence, noise requirements for CR and HS RST should be merged.

(3) Section 7.2 of the Annex to Commission Decision 2011/229/EU[(3)] provides for a comprehensive review and updating by the Agency of the TSI relating to noise based on which a report and, if necessary, a proposal should be submitted to the Commission.

(4) On 3 September 2013 the Agency submitted recommendation ERA/REC/07-2013/REC on the adoption of the TSI relating to noise.

(5) In order to adapt to technological progress and encourage modernisation, innovative solutions should be promoted and their implementation should, under certain conditions, be accepted. Where an innovative solution is proposed, the manufacturer or his authorised representative should state in what way it deviates from or how it

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 1304/2014. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

complements the relevant provision of the TSI. The innovative solution should be assessed by the Commission. If this assessment is positive, the Agency should develop the appropriate functional and interface specifications of the innovative solution, as well as the relevant assessment methods.

(6) In a mid-term, an analysis should be made with a view to reducing noise emitted by existing vehicles while taking into account the competitiveness of the rail sector. It concerns especially freight wagons and is important in order to increase acceptance of rail freight traffic among the citizens.

(7) In accordance with Article 17(3) of Directive 2008/57/EC, Member States are to notify the Commission and the other Member States the conformity assessment and verification procedures to be used for specific cases as well as the bodies responsible for carrying out those procedures.

(8) Rolling stock currently operates under existing national, bilateral, multilateral or international agreements. It is important that those agreements do not hinder current and future progress towards interoperability. The Member States should therefore notify such agreements to the Commission.

(9) Decision 2011/229/EU should therefore be repealed.

(10) Commission Decision 2008/232/EC[(4)] should be amended accordingly as regards the limits for stationary noise, the interior noise levels and the boundary characteristics linked to exterior noise.

(11) The measures provided for in this Regulation are in accordance with the opinion of the Committee established in accordance with Article 29(1) of Directive 2008/57/EC,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the technical specification for interoperability (TSI) relating to the ‘rolling stock — noise’ subsystem of the rail system in the Union, as set out in the Annex.

Article 2

The TSI shall apply to the rolling stock which falls within the scope of Commission Regulation (EU) No 1302/2014[(5)] and Commission Regulation (EU) No 321/2013[(6)].

Article 3

Within six months of the entry into force of this Regulation, Member States shall notify the Commission of all agreements containing requirements relating to noise emission limits, provided they were not already notified under Commission Decisions 2006/66/EC[(7)] or 2011/229/EU.

The agreements to be notified shall be:

(a) national agreements between the Member States and railway undertakings or infrastructure managers, agreed on either a permanent or a temporary basis and necessitated by the specific or local nature of the intended transport service;

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(b) bilateral or multilateral agreements between railway undertakings, infrastructure managers or safety authorities which deliver significant levels of local or regional interoperability;

(c) international agreements between one or more Member States and at least one third country, or between railway undertakings or infrastructure managers of Member States and at least one railway undertaking or infrastructure manager of a third country which deliver significant levels of local or regional interoperability.

Article 4

The procedures for assessment of conformity, suitability for use and EC verification set out in Section 6 of the Annex to this Regulation shall be based on the modules defined in Commission Decision 2010/713/EU[8].

Article 5

[F1 1 With regard to specific cases listed in point 7.3.2 of the Annex, the conditions to be met for the verification of the essential requirements set out in Annex III to Directive (EU) 2016/797 shall be those laid down in point 7.3.2 of the Annex or by national rules in force in the Member State which is part of the area of use of the vehicles covered by this Regulation.**]**

2 Within six months of the entry into force of this Regulation, each Member State shall inform the Commission and the Member States about:

a the technical rules referred to in paragraph 1;

b the conformity assessment and verification procedures to be carried out in application of the technical rules referred to in paragraph 1;

[F1 c the bodies designated to carry out the conformity assessment and verification procedures with respect to the national rules relating to the specific cases set out in point 7.3.2 of the Annex.**]**

Textual Amendments

F1 Substituted by 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 (Text with EEA relevance).

[**F2 Article 5a

From 8 December 2024, wagons within the scope of Regulation (EU) No 321/2013 which are not covered by point 7.2.2.2 of the Annex to this Regulation shall not be operated on the quieter routes.

Textual Amendments

F2 Inserted by 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 (Text with EEA relevance).

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Article 5b

A 'quieter route' means a part of the railway infrastructure with a minimum length of 20 km on which the average number of daily operated freight trains during the night-time as defined in national legislation transposing Directive 2002/49/EC of the European Parliament and of the Council[9] was higher than 12. The freight traffic in the years 2015, 2016 and 2017 shall be the basis for the calculation of that average number. In case the freight traffic due to exceptional circumstances diverges in a given year from that average number by more than 25 %, the Member State concerned can calculate the average number on the basis of the remaining two years.

Textual Amendments

F2 Inserted by 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 (Text with EEA relevance).

Article 5c

1 Member States shall designate quieter routes in accordance with Article 5b and the procedure set out in Appendix D.1 of the Annex. They shall provide the European Union Agency for Railways ('the Agency') with a list of quieter routes six months after the date of publication of this Regulation at the latest. The Agency shall publish those lists on its website.

2 Member States shall update the list of quieter routes at least every five years after 8 December 2024, following the procedure set out in Appendix D.2 of the Annex.

Textual Amendments

F2 Inserted by 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 (Text with EEA relevance).

Article 5d

By 31 December 2028, the Commission shall evaluate the implementation of the quieter routes, in particular regarding the progress of retrofitting of wagons and the impact of the introduction of quieter routes on the overall noise exposure of the population and competitiveness of the rail freight sector.

Textual Amendments

F2 Inserted by 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 (Text with EEA relevance).

Article 5e

By 30 June 2020, the Commission shall issue a report regarding operations with wagons equipped with composite brake blocks in Nordic winter conditions, based on evidence

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gathered by the Agency, national safety authorities and rail companies. In particular, this report shall contain an assessment of the safety and braking performance of such wagons and existing or potential operational and technical measures applicable in Nordic winter conditions. The report shall be made public.

If the report provides evidence that the use of such wagons in Nordic winter conditions poses safety issues that cannot be addressed by operational and technical measures without severe adverse impact on rail freight operations, the Commission shall propose amendments to this TSI to address those issues while preserving cross border freight traffic to and from affected Nordic regions. In particular, the proposal may if necessary include an exemption permitting the continued operation on quieter routes throughout the Union of a limited number of wagons used frequently in such cross border freight traffic, and any operational restrictions appropriate to limit the impact of the use of such wagons on quieter routes, which are compatible with the purpose of preserving the above-mentioned cross-border freight traffic.

If the revision set out in the paragraph above takes place, the Commission shall report annually thereafter on the progress on technical and operational solutions for the operation of freight wagons in winter conditions. It shall provide an estimation of the number of wagons equipped with cast iron brake blocks necessary to ensure continued cross border traffic to and from such Nordic regions, with a view to ending the exemption in 2028 at the latest.**]**

Textual Amendments

F2 Inserted by 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 (Text with EEA relevance).

Article 6

Compliance with the lower exposure action values set out in Article 3 of Directive 2003/10/EC of the European Parliament and of the Council[10] shall be ensured by compliance with the driver's cabin interior noise level, as set out in point 4.2.4 of the Annex to this Regulation as well as by appropriate operational conditions to be defined by the railway undertaking.

Article 7

1 In order to adapt to technological progress, innovative solutions may be proposed by the manufacturer or its authorised representative which do not comply with the specifications set out in the Annex and/or for which the assessment methods set out in the Annex cannot be applied.

2 Innovative solutions may be related to the rolling stock subsystem, its parts and its interoperability constituents.

3 Where an innovative solution is proposed, the manufacturer or his authorised representative established within the Union shall state in what way it deviates from or how it complements the relevant provisions of this TSI and shall submit the deviations to the Commission for analysis. The Commission may request the opinion of the Agency on the proposed innovative solution.