



VALENCIENNES, 29TH JANUARY 2010
Interoperability/JCP/BLE/aek/2010/I-018/0009

Stichting Stop Geluidsoverlast HSL
Mr R. Wendel, President
P.O. Box 306
NL-2650 AH Berkel en Rodenrijs
info@stopherriehsl.nl

Stichting Geen Gehoor
Mr H. Schildt, President
Zuidweg 11
NL-2375 AR Rijpwetering
geengehoor@geengehoorhsl.nl

Dear Mr Wendel and Mr Schildt,

We have received your letter dated 28 December 2009, requesting a clarification of the application of TSIs. In the present letter we will try to answer your question and clarify the issues raised in your letter.

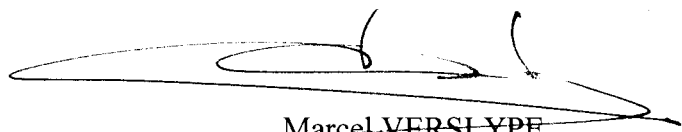
The competence of the Agency is in the field of rolling stock authorisation procedures, we cannot advise you in the field of national noise abatement programmes, nor about noise levels perceived in populated areas. This letter therefore mainly focuses on the legal aspect related to authorisation of rolling stock which is covered by the Interoperability Directive 2008/57/EC. Authorisation is done on vehicle level and not on train level, this implicates that HST-Prio coaches and the Traxx locomotives are separately authorised. The use of them in the formation of a train is the responsibility of the railway undertaking.

In general TSIs apply to new rolling stock which is first authorised for placing into service after a TSI enters into force. Additionally, most TSIs have a gradual implementation strategy to limit the impact to projects which are in the course of performance when a TSI enters into force. In case of upgrade or renewal of existing rolling stock, Member States are responsible for deciding to which extend TSIs should be applicable. For this, the Member State shall take into account the implementation strategy as set out in the respective TSI. In case of the Noise TSI the implementation strategy for passenger coaches requires that the rolling stock will not become noisier after the upgrade than it was before.

It appears that for the HST-Prio coaches, the Dutch authorities have decided that during the upgrade or renewal of the coaches, it was not necessary to apply the provisions in the Noise TSI. The interoperability Directive gives no legal base for imposing noise abatement measures on the HST-Prio rolling stock. Based on your information and the Interoperability Directive, decision of the Dutch authority seems consistent with EU legislation.

From the documentation that you have provided we understand that some noise abating measures are planned, including acoustic grinding of the track and ensuring a smooth running surface of the HST-Prio wheels. I sincerely hope that the proposed modification and the phasing-in of new V250 rolling stock will mitigate the problems that you are facing today.

Yours sincerely,



Marcel VERSLYPE
Executive Director