



2024/327

22.1.2024

**COMMISSION IMPLEMENTING REGULATION (EU) 2024/327**

**of 19 January 2024**

**repealing Implementing Regulation (EU) 2015/429 setting out the modalities to be followed for the application of the charging for the cost of noise effects**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area <sup>(1)</sup>, and in particular Article 31(5) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2015/429 <sup>(2)</sup> sets out the modalities to be followed by the infrastructure manager for the application of the charging for the cost of noise effects caused by rail freight rolling stock. It applies when a Member State, in accordance with Article 31(5), first subparagraph of Directive 2012/34/EU, has decided to introduce a differentiation of infrastructure charges to take account of the level of noise caused by rolling stock.
- (2) Implementing Regulation (EU) 2015/429 empowers infrastructure managers to adopt noise-differentiated track access charges (NDTAC) schemes entailing bonuses for 'silent' freight wagons and a malus for 'noisy' train wagons. The objective is to incentivise, in particular, the retrofitting of existing rail freight wagons with composite brake blocks by allowing the reimbursement of relevant costs linked with their installation.
- (3) Article 3(2) of Implementing Regulation (EU) 2015/429 stipulates that noise-differentiated track access charges (NDTAC) schemes should apply until 31 December 2021.
- (4) Only four such schemes were implemented: two Member States introduced a NDTAC scheme based on Implementing Regulation (EU) 2015/429, and two Member States, which had adopted NDTAC schemes before the entry into force of the Regulation, aligned those schemes according to Article 11 thereof. All four schemes have now expired.
- (5) In 2021, the Commission published a Staff Working Document evaluating Implementing Regulation (EU) 2015/429 <sup>(3)</sup>. The evaluation concluded that, while the Implementing Regulation's impact was positive, it was rather limited. It noted that only two Member States had introduced a new NDTAC scheme after the entry into force of the Regulation, and it was not possible to determine whether they would have been implemented also in the absence of the Regulation.
- (6) The evaluation found that, instead of introducing NDTAC schemes to reduce rail noise, some Member States used State aid schemes to co-finance retrofitting. Moreover, other tools, such as CEF funding <sup>(4)</sup>, were used to achieve the objectives of Implementing Regulation (EU) 2015/429.
- (7) In view of the limited effectiveness of NDTAC schemes implemented according to Implementing Regulation (EU) 2015/429, the expiry of all such schemes, and the availability of other instruments under EU law, Implementing Regulation (EU) 2015/429 should be repealed.

<sup>(1)</sup> OJ L 343, 14.12.2012, p. 32.

<sup>(2)</sup> Commission Implementing Regulation (EU) 2015/429 of 13 March 2015 setting out the modalities to be followed for the application of the charging for the cost of noise effects (OJ L 70, 14.3.2015, p. 36).

<sup>(3)</sup> Commission Staff Working Document, Evaluation of Commission Implementing Regulation (EU) 2015/429 and the rules for noise differentiated track access charges [SWD(2021) 72] <https://op.europa.eu/o/opportal-service/download-handler?identifier=a48ce71e-8e1f-11eb-b85c-01aa75ed71a1&format=pdf&language=en&productionSystem=cellar&part=>

<sup>(4)</sup> CEF funding for retrofitting has been made available in CEF calls 2014, 2016, 2019 and 2021. Under these calls, approximately 216 000 freight wagons have been retrofitted with composite brake blocks.

- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 62(3) of Directive 2012/34/EU,

HAS ADOPTED THIS REGULATION:

*Article 1*

Implementing Regulation (EU) 2015/429 is repealed.

*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 January 2024.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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