



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 9 April 2014
(OR. en)**

**Interinstitutional File:
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REV 1**

**JUSTCIV 83
TRANS 187**

REVISED "A" ITEM NOTE

From: the Presidency

To: Council

No Cion doc.: 11140/13 JUSTCIV 146 TRANS 335

Subject: Proposal for a Council Decision on the approval, on behalf of the European Union, of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock, adopted in Luxembourg on 23 February 2007
- Request for the consent of the European Parliament

1. By letter of 12 June 2013 the Commission transmitted to the Council a proposal for a Council Decision on the approval, on behalf of the European Union, of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock, adopted in Luxembourg on 23 February 2007.
2. The proposal is based on Article 81(2) of the Treaty on the Functioning of the European Union in conjunction with point (a) of Article 218(6) thereof. The consent of the European Parliament is therefore required.

3. The proposal was examined by the Working Party on Civil Law Matters (General Questions) and amended slightly in the light of that examination.
4. On 4 April 2014 Coreper agreed to request the consent of the European Parliament on the draft Council Decision and decided to submit the text of the draft Decision to the Council for approval.
5. The United Kingdom and Ireland are bound by a number of Union instruments which govern some of the matters which are also dealt with in the Luxembourg Protocol on Matters Specific to Railway Rolling Stock and are therefore taking part in the adoption and application of the proposed Decision.
6. In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of the proposed Decision and is not bound by it or subject to its application.
7. In the light of the above, Council is invited to:
 - (a) approve the text of the draft Council Decision on the approval, on behalf of the European Union, of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock, adopted in Luxembourg on 23 February 2007, as set out in document 15113/13 JUSTCIV 224 TRANS 544 + COR 1¹;
 - (b) take note of the statement made by the United Kingdom, set out in addendum 1 to this note, to be included in the minutes of the Council when the text of the draft Decision is approved;
 - (c) decide to transmit the draft Council Decision to the European Parliament for consent in accordance with point (a) of Article 218(6) of the Treaty on the Functioning of the European Union.

¹ Text revised by the lawyer-linguists.