



Council of the
European Union

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REPORT

From:	General Secretariat of the Council
To:	Council
No. prev. doc.:	11154/15 TRANS 246 + ADD 1
Subject:	Proposal for a COUNCIL DECISION establishing the position to be adopted by the Union at the 12th General Assembly of OTIF as regards certain amendments to the Convention concerning International Carriage by Rail (COTIF) and to its Appendices – <i>Adoption</i>

United Kingdom requests that its statement, annexed to this note, is recorded in the minutes of the Council meeting adopting the above-mentioned decision.

Statement by United Kingdom

“The United Kingdom regrets that Council Decision (EU) 2015/.... does not reflect the fact that the European Union shares competence with the Member States in relation to Appendix D (CUV UR) and the consequential amendment to Article 12 of the COTIF Convention, items 10 and 8 respectively in the annex to the Council Decision.

The division of competence concerning these amendments is the subject matter of proceedings pending before the Court of Justice of the EU in Case C -600/14 Germany v Council of the European Union.

The provisions of Appendix D are limited to the rights and obligations of parties to a contract of use of vehicles in international rail traffic. These provisions are completely distinct from EU regulatory rules governing vehicle maintenance and safety, and they could neither affect those rules nor alter their scope.

In order not to pre-empt the judgment of the CJEU in Case C-600/14, the United Kingdom is abstaining on this Council Decision.”
