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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION establishing the position to be adopted on behalf of the European Union at the 13th General Assembly of the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards certain amendments to the Convention concerning International Carriage by Rail (COTIF) and to the Appendices thereto

COUNCIL DECISION (EU) 2018/...

of ...

**establishing the position to be adopted on behalf of the European Union
at the 13th General Assembly of the Intergovernmental Organisation
for International Carriage by Rail (OTIF)
as regards certain amendments to the Convention
concerning International Carriage by Rail (COTIF)
and to the Appendices thereto**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91,
in conjunction with Article 218(9), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union acceded to the Convention concerning International Carriage by Rail of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 (the ‘COTIF Convention’), pursuant to Council Decision 2013/103/EU¹.
- (2) Decision 2013/103/EU specifies that the Commission is to represent the Union at the meetings of the Intergovernmental Organisation for International Carriage by Rail (OTIF).
- (3) The Member States, with the exception of Cyprus and Malta, are contracting parties to and apply the COTIF Convention.
- (4) The General Assembly of OTIF was set up in accordance with point (a) of Article 13(1) of the COTIF Convention (the ‘General Assembly’). At its 13th session, due to take place from 25 to 26 September 2018, the General Assembly is expected to decide upon certain amendments to the COTIF Convention as well as to the Appendices E (Contract of Use of Infrastructure in International Rail Traffic – CUI) and G (Technical Admission of Railway Material used in International Traffic – ATMF) thereto. At this session, the General Assembly is also expected to decide upon the adoption of a new Appendix H to the COTIF Convention regarding the safe operation of trains in international traffic.

¹ Council Decision 2013/103/EU of 16 June 2011 on the signing and conclusion of the Agreement between the European Union and the Intergovernmental Organisation for International Carriage by Rail on the Accession of the European Union to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 (OJ L 51, 23.2.2013, p. 1).

- (5) It is appropriate to establish the position to be adopted on behalf of the Union at the 13th General Assembly OTIF, as the envisaged amendments to the COTIF Convention and the Appendices thereto will be binding on the Union and capable of decisively influencing the content of Union law, namely Directives (EU) 2016/797¹ and (EU) 2016/798² of the European Parliament and of the Council.
- (6) The amendments to the Rules of Procedure of the General Assembly of OTIF aim to update certain provisions as a result of the accession of the Union to the COTIF Convention in 2011, in particular with regard to provisions governing the right to vote of the regional organisation and establishing the quorum.
- (7) The amendments to the COTIF Convention aim to improve and facilitate the procedure for revising the COTIF Convention with a view to the consistent and rapid implementation of amendments to the Appendices thereto, and in order to prevent adverse effects of the current lengthy revision procedure, including the risk of internal misalignment between amendments adopted by the Revision Committee and those adopted by the General Assembly, as well as external misalignment, in particular with Union law.

¹ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

² Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102).

- (8) The amendments to Appendix E (CUI) to the COTIF Convention aim to clarify the scope of application of the CUI Uniform Rules to ensure that those rules are more systemically applied for their intended purpose, namely in international railway traffic such as in freight corridors or for international passenger trains.
- (9) The amendments to Appendix G (ATMF) to the COTIF Convention aim to achieve harmonisation between the OTIF rules and the Union rules, in particular after the adoption of the fourth railway package by the Union in 2016.
- (10) Most of the proposed amendments are in line with the law and the strategic objectives of the Union, and should therefore be supported by the Union.
- (11) The position of the Union at the 13th General Assembly of OTIF should therefore be based on the Attachment,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on behalf of the Union at the 13th General Assembly of the Intergovernmental Organisation for International Carriage by Rail (OTIF) is set out in the Attachment.
2. Minor changes to the positions set out in the Attachment may be agreed by the representatives of the Union at the General Assembly without further decision of the Council.

Article 2

The Decisions of the 13th General Assembly, once adopted, shall be published in the *Official Journal of the European Union*, indicating the date of their entry into force.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council

The President
