



Council of the
European Union

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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. prev. doc.: WK 2210/2021

Subject: Declaration of Locarno on developing the railway system
– Authorisation to sign on behalf of the European Union
– Approval of the Council statement

Please find in Annex the Statement of the Council as regards the above mentioned matter.

STATEMENT OF THE COUNCIL

“In light of the fact that the Commission did not fully respect the Arrangements for non-binding instruments (NBI) with regard to the Locarno Declaration, the Council calls on the Commission to ensure the correct implementation of those Arrangements in all policy areas. In particular, it is important that the Council is seized sufficiently in advance before the Commission enters into discussions on drawing up a NBI with third partners, as well as before the intended signature or agreement on the final text of the instrument. Failing to do so prevents the Council from duly exercising its policy-making prerogatives in accordance with Article 16(1) of the Treaty of the European Union and with relevant case-law of the Court. The failure to seize the Council in accordance with the Arrangements also risks undermining the unity in the external representation of the Union and its credibility towards other members of the international community and the Council regrets, in this case, that the Locarno Declaration could not be signed on behalf of the Union at the same time as it was signed by other signatories.”
