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'I/A' ITEM NOTE

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

No. Cion doc.: 9827/26

Subject: Council Decision on the position to be taken on behalf of the European Union within the 9th session of the ad hoc Committee on Legal Affairs and International Cooperation of the Intergovernmental Organisation for International Carriage by Rail (OTIF) concerning the proposed amendments to the Rules of Procedure of the ad hoc Committee
- Adoption

I. INTRODUCTION

1. The 9th session of the OTIF ad hoc Committee on Legal Affairs and International Cooperation is scheduled to be held on 23-24 June 2026 in Berne, Switzerland.
2. The ad hoc Committee is expected to adopt a decision amending its Rules of Procedure, with regard to the rights of members, associate members and observers, so as to ensure consistency with the rules of procedure of other OTIF organs. The envisaged act will become binding on the parties in accordance with Article 16 §10 of the Convention concerning International Carriage by Rail (COTIF), according to which the OTIF Committees are to establish their rules of procedure, and with Article 30 of the Rules of Procedure of the ad hoc Committee, according to which these Rules may be amended, in whole or in part, by a decision of this body.

3. As the Union is a contracting party to COTIF, the envisaged act will be binding upon the Union under international law. It is therefore necessary to establish a position to be taken on behalf of the Union in the 9th session of the ad hoc Committee.
4. On 28 May 2026, the Commission transmitted to the Council a proposal for a Council Decision on the position to be taken on behalf of the European Union at the 9th session of the Ad Hoc Committee on Legal Affairs and International Cooperation of the Intergovernmental Organisation for International Carriage by Rail (OTIF) with regard to the amendment of its Rules of Procedure¹.

II. WORK AT THE PREPARATORY BODY

5. The Working Party on Land Transport examined the proposal at its meeting on 5 June 2026.
6. Delegations agreed that the position to be taken on the Union's behalf with regard to the Rules of Procedure should be in favour of the adoption of proposed amendments. However, the discussions during the meeting led to the conclusion that the competence on the horizontal organisational matters, such as the envisaged amendment of the Rules of Procedure, should follow substantive competence under which falls COTIF. Therefore, it should be mixed, and not EU exclusive as claimed by the Commission.
7. The text of the recitals of the Council Decision has been subsequently amended to reflect that fact.
8. Furthermore, delegations agreed for the Commission to express the position in question at the ad hoc Committee meeting and, if required, exercise voting rights.

¹ Document 9827/26.

III. CONCLUSION

9. In light of the above, the Permanent Representatives Committee is invited to approve the draft Decision as set out in the document 9930/26, revised by the lawyer-linguists, and to submit it to the Council for adoption.
 10. Once adopted, the European Parliament will be informed about the Council Decision.
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