



Council of the
European Union

Brussels, 25 September 2018
(OR. en)

11892/18

Interinstitutional File:
2018/0234 (NLE)

UD 190
CID 6
TRANS 360

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the United Nations Economic Commission for Europe (UNECE) Working Party on Customs Questions affecting Transport and within the UNECE Inland Transport Committee concerning the adoption of the Convention on the facilitation of border crossing procedures for passengers, luggage and load-luggage carried in international traffic by rail

COUNCIL DECISION (EU) 2018/...

of ...

**on the position to be taken on behalf of the European Union
within the United Nations Economic Commission for Europe
(UNECE) Working Party on Customs Questions affecting Transport
and within the UNECE Inland Transport Committee
concerning the adoption of the Convention on the facilitation
of border crossing procedures for passengers, luggage and load-luggage
carried in international traffic by rail**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 33 and the first subparagraph of Article 207(3), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Russian Federation has proposed a new UNECE Convention on the facilitation of border crossing procedures for passengers, luggage and load-luggage carried in international traffic by rail ('the draft Convention'). The Organisation for Cooperation between Railways (OSJD) has supported the draft Convention.
- (2) The Working Party on Customs Questions affecting Transport (WP.30) acts within the framework of the policies of UNECE and subject to the general supervision of the Inland Transport Committee (ITC). The role of the WP.30 is to initiate and pursue actions aimed at harmonisation and simplification of regulations, rules and documentation for border crossing procedures for the various modes of inland transport.
- (3) The WP.30 will take a decision on the endorsement of the draft Convention and on its transmission to the ITC for formal approval.
- (4) The Union is represented in the WP.30 and the ITC by the Member States of the Union. All Member States of the Union are members of the WP.30 and the ITC with a right to vote. In matters which fall within the exclusive competence of the Union, the position of the Union is expressed by the Commission on behalf of the Union and its Member States.
- (5) The draft Convention regulates a variety of aspects, some falling within fields of exclusive competence of the Union, some within fields of shared competence between the Union and its Member States.

- (6) As the draft Convention concerns matters which fall within the exclusive competence of the Union, it is necessary for the Council to establish a Union position on the draft Convention.
- (7) The draft Convention contains general provisions on how to organise border controls of passenger trains. It can be seen as a basis for any multilateral and bilateral agreements in the absence of which none of the elements covered by the draft Convention could work.
- (8) For the Member States of the Union, such multilateral and bilateral agreements can be concluded even without the draft Convention. For the Russian Federation and some other countries represented in the OSJD, the legal framework seems to necessitate such a convention in order to make it easier to conclude multilateral and bilateral agreements.
- (9) The substance of the draft Convention appears to have neither beneficial nor adverse effects for the Member States of the Union. Therefore the Union should not support the draft Convention but has no reason to block its adoption.
- (10) Even if it does not appear to be in the Union's interest to accede to the draft Convention, in accordance with its general policy on institutional aspects, any new international convention should contain a clause allowing for the participation of regional economic integration organisations. The draft Convention does not contain a clause which would allow the Union to accede to the Convention.

- (11) Therefore, the Union position within the WP.30 and the ITC should be neutral if a clause allowing for the participation of regional economic integration organisations is inserted. In that case, the Member States of the Union should abstain. Otherwise the Member States of the Union should vote against the adoption of the draft Convention.
- (12) It is appropriate to establish the position to be taken on the Union's behalf within the WP.30 and the ITC,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the UNECE Working Party on Customs Questions affecting Transport and within the UNECE Inland Transport Committee concerning the draft UNECE Convention on the facilitation of border crossing procedures for passengers, luggage and load-luggage carried in international traffic by rail shall be the following:

The Member States of the Union shall abstain if the clause allowing for the participation of regional economic integration organisations is introduced in the draft Convention. If that clause is not introduced, the Member States of the Union shall vote against.

Article 2

The position referred to in Article 1 shall be expressed by the Commission on behalf of the Union and its Member States.

Article 3

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

Done at ...,

For the Council

The President
