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TRANS 64

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION establishing the position to be adopted on behalf of the European Union at the 26th session of the Revision Committee of the Intergovernmental Organisation for International Carriage by Rail as regards certain amendments to the Convention concerning International Carriage by Rail and to the Appendices thereto
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COUNCIL DECISION (EU) 2018/...

of ...

**establishing the position to be adopted
on behalf of the European Union at the 26th session
of the Revision Committee of the Intergovernmental Organisation
for International Carriage by Rail
as regards certain amendments to the Convention
concerning International Carriage by Rail
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 has 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’), in accordance with Council Decision 2013/103/EU¹.
- (2) All Member States, with the exception of Cyprus and Malta, apply the COTIF Convention.
- (3) The Revision Committee of the Intergovernmental Organisation for International Carriage by Rail (OTIF) (the ‘Revision Committee’) was set up in accordance with point (c) of Article 13(1) of the COTIF Convention. At its 26th session, which is due to take place from 27 February to 1 March 2018, the Revision Committee is expected to decide upon certain amendments to the COTIF Convention as well as to certain Appendices thereto, namely Appendices E (Uniform Rules concerning the Contract of Use of Infrastructure in International Rail Traffic — CUI), F (Uniform Rules concerning the Validation of Technical Standards and the Adoption of Uniform Technical Prescriptions applicable to Railway Material intended to be used in International Traffic — APTU) and G (Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic — ATMF).

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).

- (4) At its 26th session, the Revision Committee is also to decide on the adoption of a new Appendix H regarding the safe operation of trains in international traffic.
- (5) The amendments to the Rules of Procedure of the Revision Committee 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.
- (6) 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 COTIF Convention and 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 of the OTIF, as well as external misalignment, in particular with Union law.
- (7) The amendments to Appendix E (CUI) 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, i.e. in international railway traffic such as in freight corridors or in international passenger trains.

- (8) The amendments to Appendices F (APTU) and G (ATMF) 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.
- (9) The new Appendix H is intended to improve interoperability beyond the Union based on the concept of harmonised criteria for the issuance by State authorities of Safety Certificates for railway undertakings as proof that the railway undertakings are able to operate trains safely in the State concerned.
- (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. Some amendments need more discussion within the Union and should be rejected at the 26th session of the Revision Committee.
- (11) The position of the Union at the 26th session of the Revision Committee should therefore be based on the attachment to this Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on behalf of the European Union at the 26th session of the Revision Committee set up by the Convention concerning International Carriage by Rail of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999, shall be based on the attachment to this Decision.
2. Minor changes to the documents referred to in the attachment to this Decision may be agreed by the representatives of the Union in the Revision Committee without further decision of the Council.

Article 2

After its adoption, the Decision of the Revision Committee shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Brussels,

For the Council

The President
