Council of the European Union

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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	19 August 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2024) 380 final - ANNEX
Subject:	ANNEX to the Proposal for a Council Decision on the position to be taken on behalf of the European Union at the 16th General Assembly of the Intergovernmental Organisation for International Carriage by Rail (OTIF)

Delegations will find attached document COM(2024) 380 final - ANNEX.

Encl.: COM(2024) 380 final - ANNEX

EUROPEAN
COMMISSION

Brussels, 19.8.2024
COM(2024) 380 final

ANNEX

ANNEX

to the

Proposal for a Council Decision

on the position to be taken on behalf of the European Union at the 16th General Assembly of the Intergovernmental Organisation for International Carriage by Rail (OTIF)

ANNEX

1. INTRODUCTION

The 16th session of the General Assembly of the Intergovernmental Organisation for International Carriage by Rail (OTIF) will take place on 25 and 26 September 2024. The meeting documents are available on the website of OTIF (with credentials) at the following link: https://extranet.otif.org/en/?page_id=256

2. POSITION OF THE UNION ON CERTAIN AGENDA ITEMS

Agenda item 5 – Status if the Convention and OTIF membership

Document(s):	SG-24032-AG 16/5 *[Nota bene: This is the document available so far but it expected it will be amended by the OTIF Secretariat before the 16th session of the General Assembly]*
Exercise of voting rights:	Union
Position:	Regarding China's application to become an Associate Member of OTIF: – The European Commission lodged an objection to China's application, on behalf of the Union, with the number of votes equal to those of its Members which are also Member States of OTIF. – To date, China has not yet provided the additional information on the motivation and objectives for their application for associated membership, which was requested as part of the above-mentioned objection. The Union's position is therefore to defer any vote on China's application to become an Associate Member of OTIF to a subsequent session of the General Assembly of OTIF. – Should such a deferral not be possible, and should a vote thus take place already at the 16th session of the General Assembly, the Union's position is to vote against China's accession to OTIF as an Associate Member, in particular given the absence of the above-mentioned additional information.
Comments:	In line with Article 37 §§ 2 to 5 of COTIF, by the deadline of 26 July 2024, the European Commission lodged an objection to China's application to become an Associate Member of OTIF, on behalf of the Union, with the number of votes equal to those of its Members which are also Member States of OTIF. As announced by OTIF's Secretary General in the Depository Note of 31 July 2024, China's application will be submitted to the General Assembly for decision, according to Article 37 § 4 of COTIF. It is necessary to anticipate the decisions that may be submitted to the 16th General Assembly.

Agenda item 7 – OTIF long-term strategy

Document(s):	SG-24024-AG 16/7
Exercise of voting rights:	Union
Position:	Reiterate support for the Secretary General's initiative to develop a long-term strategy for OTIF, and support the adoption of the long-term strategy as submitted by the Secretary General in document SG-24024-AG 16/7.
Comments:	The revised long-term strategy for OTIF submitted to the 16th General Assembly adequately addresses the comments made by the European Union at the 6th session of the OTIF ad hoc Committee on Legal Affairs and International Cooperation (Vienna, 16-18 April 2024).

Agenda item 9 – Election of a Secretary General for the period from 1 January 2025 to 31 December 2027

Document(s):	SG-24038-AG 16/9 - Restricted distribution - Confidential
Exercise of voting rights:	Member States
Position:	The Member States shall cast their vote for the candidate who: (a) is a citizen of the Union, has been proposed by a Member State, meets all requirements set out in Annex 3 to the call for applications for the election of the Secretary General of OTIF for the period from 1 January 2025 to 31 December 2027 (document SG-23024 of 2 October 2023), and (b) best meets the following criteria: – knowledge of the European Union institutional framework and of the Union's rail *acquis* and policies (linked to the criterion referred to in point 4 of Annex 3 to the call for applications); – the criteria referred to in points 4, 5, 6, 8, 9, 11 and 12 of Annex 3 to the call for applications.

Agenda item 13 – Report of the ad hoc Committee on Legal Affairs and International Cooperation

Document(s):	SG-24028-AG 16/13 - Restricted distribution
Exercise of voting rights:	Union
Position:	Support the adoption of the following proposals for decision annexed to document SG-24029-AG16/13,: – endorsing the 'Guidelines on the application of procedures for the modification of COTIF', recommending that they are followed in the preparation of modifications to COTIF within the competence of the General Assembly, and instructing the ad hoc Committee to monitor and assess the application of the guidelines and to revise them as necessary; – approving the basic regulatory principles as laid out in the report of the ad hoc Committee and as reflecting the Union position in Council Decision (EU) 2023/2582 to guide the ad hoc Committee and the Revision Committee in preparing modifications to modify COTIF and corresponding notes in the Explanatory Report to COTIF, with the aim of introducing an obligation for Member States to respect [not to undermine] the physical and functional integrity of the rail infrastructure of other Member States, as well as substantive and procedural provisions on sanctions to ensure compliance with the obligations under COTIF that are essential to achieve OTIF's aim; – endorsing the 'Recommendation on the use of electronic signatures in official communications between OTIF and its members'; – adopting the 'Decision on the symbols, name and abbreviation of the Intergovernmental Organisation for International Carriage by Rail' and approving the related 'Explanatory Notes'; – adopting the 'Decision on copyright and open access' and approving the related 'Explanatory Notes'.
Comments:	The above proposals submitted to the 16th General Assembly for decision, as laid out in the report of the ad hoc Committee and annexed to document SG-24029-AG16/13, have been discussed, amended and agreed in the relevant sessions of the ad hoc Committee, in line with the Union positions that have been established on those occasions.

Agenda item 14 – Modification of the General Assembly's Rules of Procedure and accompanying notes

Document(s):	SG-24029-AG 16/14
Exercise of voting rights:	Union
Position:	Support the adoption of the proposals for decision annexed to document SG-24029-AG16/14, namely: – amending the 'Rules of Procedure of the General Assembly' and adopting the revised version accordingly; – amending the 'Explanatory Notes on the Rules of Procedure of the General Assembly (Articles 4 to 7, 10 and 22)' and approving the revised version accordingly.
Comments:	The revised versions of the 'General Assembly's Rules of Procedure' and the 'Explanatory Notes on the Rules of Procedure of the General Assembly (Articles 4 to 7, 10 and 22)' are adapted in accordance with the 'Guidelines on the use of gender-neutral language'. The explanatory notes also incorporate the ad hoc Committee's proposal in the 'Recommendation on the use of electronic signatures in official communications between OTIF and its members'. The proposals also include some purely editorial corrections. The proposals submitted to the 16th General Assembly for decision have been discussed, amended and agreed in the relevant sessions of the ad hoc Committee, in line with the Union positions that have been established on those occasions.

Agenda item 15 – Revision of rules on the election and conditions of service of the Secretary General

Document(s):	SG-24032-AG 16/15
Exercise of voting rights:	Union
Position:	Support the adoption of the proposals for decision annexed to document SG-24029-AG16/15, namely: – amending the 'Regulation on the election and conditions of service of the Secretary General' and adopting the revised version accordingly; – amending the 'Explanatory Notes on the regulation on the election and conditions of service of the Secretary General' and approving the revised version accordingly.
Comments:	The revised versions of the 'Regulation on the election and conditions of service of the Secretary General' and the 'Explanatory Notes on the regulation on the election and conditions of service of the Secretary General' are adapted in accordance with the 'Guidelines on the use of gender-neutral language'. The explanatory notes also incorporate the ad hoc Committee's proposal in the 'Recommendation on the use of

	electronic signatures in official communications between OTIF and its members'. The proposals also include some purely editorial corrections. The proposals submitted to the 16th General Assembly for decision have been discussed, amended and agreed in the relevant sessions of the ad hoc Committee, in line with the Union positions that have been established on those occasions.

Agenda item 20 – Adoption of decisions, mandates, recommendations and other General Assembly documents (final document)

Document(s):	None
Exercise of voting rights:	Union
Position:	As specified under the relevant agenda items.