Council of the European Union

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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	12788/24 ADD 1
Subject:	ANNEX to the 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-24055-AG16/5
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. – On 19 August 2024, in response to an objection lodged by the European Commission on behalf of the Union and its Member States which are members of OTIF, the external relations department of the National Railway Administration of China provided additional explanations and justification for its request for associate membership of OTIF. However, the Union would need further elements of information in order to formulate its position. The Union's position at the 16th General Assembly is therefore to defer a vote on China's application to become an Associate Member of OTIF to a subsequent session of the General Assembly of OTIF, and to instruct the Secretary-General of OTIF to organise consultations with interested parties on China's application.
Comments:	In line with Article 37 paragraphs 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. On 28 August 2024, OTIF's Secretary-General submitted to the General Assembly a proposal regarding China's application for accession as an Associate Member for decision, according to Article 37 paragraph 4 of COTIF.

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 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:	Member States
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 set out 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 OTIF Member States to respect [not to undermine] the physical and functional integrity of the rail infrastructure of other OTIF 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:	Member States
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:	Member States
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:	Member States
Position:	As specified under the relevant agenda items.