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'I/A' ITEM NOTE

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

Subject: OTIF: Position to be taken on behalf of the European Union at the 8th session of the OTIF Ad Hoc Committee on Legal Affairs and International Cooperation, 2-4 December 2025, Berne, Switzerland
- Approval

I. INTRODUCTION

1. The 8th session of the OTIF Ad Hoc Committee on Legal Affairs and International Cooperation is scheduled to be held on 2-4 December 2025 in Berne, Switzerland.
2. The ad hoc Committee will consider issues that: (i) have an impact on the functioning of OTIF, including membership and stakeholders' involvement, (ii) concern the adaptation of uniform rules concerning carriage of goods and passengers by rail, (iii) promote and facilitate the functioning and the implementation of the Convention concerning International Carriage by Rail (COTIF). While at this stage those agenda items do not entail the adoption of acts having legal effects, they fall in the scope of EU competence, therefore it is appropriate to establish the position to be taken on behalf of the European Union.

3. To this end, on 7 November 2025, the Commission services sent to the Council an information note with an outline of a possible position to be taken on the Union's behalf at the 8th session of the Ad Hoc Committee. A formal Commission non-paper followed on 17 November.

II. WORK AT THE PREPARATORY BODY

4. The Working Party on Land Transport held an initial discussion on the draft position in its meeting on 13 November.
5. Based on the comments made by the delegations during and after the meeting, the Presidency prepared a compromise text which was subsequently discussed, together with the Commission's non-paper, in the Working Party meeting on 20 November.
6. Taking into account comments expressed during that meeting, the Presidency submitted a revised compromise text for a written consultation. In the absence of further comments, the text was considered agreed at the working party level on 21 November.
7. The main changes concern the issue of competences and exercise of voting rights. Furthermore, an additional point was added under the agenda item 3 'Sanctions to ensure compliance with the obligations under COTIF', to condemn recent acts of sabotage on the railway infrastructure in Poland. Finally, some editorial changes were made to the positions on certain agenda points, to improve balance of the text.

III. CONCLUSION

8. In light of the above, the Permanent Representatives Committee is invited to approve the draft Union position as outlined in the annex to this note and to agree to forward it to the Council for approval.

**Position to be taken on behalf of the European Union at the 8th session
of the OTIF Ad Hoc Committee on Legal Affairs and International Cooperation,
2-4 December 2025, Berne, Switzerland**

Introduction

The OTIF ad hoc Committee on Legal Affairs and International Cooperation (‘the ad hoc Committee’) was established by the 15th General Assembly of the Organisation for International Carriage by Rail (OTIF). Its mandate was renewed for an additional six-year period by the 16th General Assembly. It held its 7th session on 8-10 April 2025.

Its mandate is set out in Article 2 of its Rules of Procedure: a) to prepare draft amendments or supplements to the Convention; b) to provide legal advice on its own initiative or at the request of the organs referred to in Article 13 §§ 1 and 2 of the Convention or at the request of organs established by them; c) to promote and facilitate the functioning and implementation of the Convention; d) to monitor and assess legal instruments; e) to take decisions on cooperation with other international organisations and associations, including establishing and dissolving consultative contact groups with other international organisations and associations and monitoring the functioning of contact groups.

Whenever applicable, the Committee shall submit its conclusions and proposals to the competent organs referred to in Article 13 § 1 of COTIF for consideration or decision.

This document aims at establishing the European Union position (*italic*) on each of the agenda items, to be expressed during the 8th session of the ad hoc Committee, except for those that are just information points and where a Union position is not necessary. The text of the annotated agenda is reproduced under each relevant agenda item, at the beginning (frame, *italic*). The comments sections are EU internal only.

Union competence and exercise of voting rights

The European Union is a contracting party to the Convention concerning International Carriage by Rail (COTIF).

Pursuant to Article 6(1), (2) and (3) 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 COTIF approved by Council Decision of 16 June 2011¹:

“1. For decisions in matters where the Union has exclusive competence, the Union shall exercise the voting rights of its Member States under the Convention.

¹ OJ L 51, 23.2.2013, p. 8.

2. For decisions in matters where the Union shares competence with its Member States, either the Union or its Member States shall vote.

3. Subject to Article 26, paragraph 7, of the Convention, the Union shall have a number of votes equal to that of its Member States who are also Parties to the Convention. When the Union votes, its Member States shall not vote”.

In respect of this meeting’s agenda item 8, considered to deal with matters falling under the exclusive competence of the Union, point 3.1 of the “Internal Arrangements” (Annex III of Council Decision 2013/103/EU²) should be followed. Agenda item 8 refers to a discussion on digital ticketing and passenger rights within the framework of Appendix A to COTIF (Uniform Rules concerning the Contract of International Carriage of Passengers by Rail (CIV UR)), a set of rules which is already fully covered by Union rules, namely Regulation (EU) 2021/782 of the European Parliament and of the Council on rail passengers’ rights and obligations³. Therefore, on this agenda item, the Commission will speak and vote for the Union.

In respect of this meeting’s agenda items 1, 2, 3, 4, 5, 6, 7, 9, 13 and 14, considered to deal with matters containing elements of both shared and exclusive competence of the Union, point 3.3 of the “Internal Arrangements” (Annex III of Council Decision 2013/103/EU) should be followed. According to point 3.3, “the decision on who will be voting is made in the light of where the preponderance of the competence lies (e.g. mainly national or mainly Union competence)”. Therefore, on agenda items 3, 13 and 14, the Commission and the Presidency will express the common position, and the Commission will exercise the voting rights. On agenda items 1, 2, 4, 5, 6, 7 and 9, the Presidency and the Commission will express the common position, and Member States will exercise the voting rights. Member States may intervene to support or develop the common position.

Agenda item 15 refers to the adoption of decisions following the discussions on the other agenda items, and therefore reference should be made, where appropriate, to those items. Agenda items 10, 11, 12, 16 and 17 are information points only, and thus do not require the establishment of a Union position.

² 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).

³ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers’ rights and obligations (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

Agenda Item 1 – Adoption of the agenda

Annotated agenda: The agenda prepared by the Secretariat, adapted if necessary, depending on requests received from the members of the ad hoc Committee on Legal Affairs and International Cooperation (ad hoc Committee), will be submitted for approval.

Comments

Documents for the session: LAW-25106-JUR 8/1; LAW-25131-JUR 8/1.

Proposed EU position

- *In favour of the adoption of the draft agenda*

Agenda Item 2 –Monitoring and assessment of the implementation of COTIF

Annotated agenda:

The monitoring and assessment of the implementation of COTIF is a very important function of the ad hoc Committee. It is also a topic included in the 2025-2027 Work Programme with high priority.

An update will be given on the work done in this area, which will include a report from the 1st OTIF Roundtable meeting titled “Delivering the Modifications Adopted by the 12th and 13th General Assemblies”.

Comments

Documents for the session: LAW-25114-JUR 8/2.

Reference is made to the position of the EU on this issue at the 16th General Assembly⁴ and at the 6th⁵ and 7th⁶ sessions of the ad hoc Committee. In particular, the EU had agreed to urge OTIF members that have not yet approved the modifications adopted by the General Assembly at its 12th and 13th sessions to expedite the procedures for the approval of these modifications, and stressed the importance to strengthen the enforcement of COTIF rules.

At the 7th session of the ad hoc Committee, the General Secretary of OTIF announced orally that informal online or hybrid meetings could be arranged for interested members of the ad hoc Committee to discuss specific topics of the 2025-2027 Work Programme. These meetings would be held in

⁴ ST 13299/24, under agenda item 13 (Report of the ad hoc Committee), and Council Decision (EU) 2024/2586 of 23 September 2024 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) (OJ L, 2024/2586, 1.10.2024, p. 1, ELI: <http://data.europa.eu/eli/dec/2024/2586/oj>), under agenda item 7 (OTIF long-term strategy).

⁵ ST 8572/24, under agenda item 2 (Development of a long-term strategy for OTIF)

⁶ ST 7428/25, under agenda item 2 (Sanctions to ensure compliance with the obligations under COTIF) and agenda item 4 (OTIF’s long-term strategy and 2025-2027 Work Programme)

English only and open to all interested parties. The first such meeting took place on 18 September 2025 in the format of an online roundtable on national approval of the modifications adopted by the 12th and 13th General Assemblies. While it is certainly important to make progress on certain priority issues, this must not be done at the expense of established OTIF procedures. It is necessary to ensure that proper conditions are in place for establishing an EU position when needed.

Proposed EU position

- *Note the information provided by the Secretariat, in particular the new format of informal online meetings announced by the OTIF General Secretary at the 7th session of the ad hoc Committee. Request the OTIF Secretariat to further clarify the role it envisages for these informal meetings and how they would interact with formal meetings of the OTIF bodies. Stress the importance of transparent, open and structured communication towards all OTIF members regarding OTIF meetings, including such informal meetings. Reiterate the view that this new practice should not replace or circumvent any established OTIF procedures and meetings. In particular, it is necessary to ensure appropriate conditions to enable the EU and its Member States to discuss and establish their position.*
- *Concerning specifically the issue that was the subject of the informal OTIF Roundtable of 18 September 2025, and in line with the EU position expressed at the 16th General Assembly and at the 6th and 7th sessions of the ad hoc Committee, agree to urge OTIF members that have not yet approved the modifications adopted by the General Assembly at its 12th and 13th sessions to expedite the procedure for the approval of these modifications, and more generally emphasise the importance to strengthen the enforcement of COTIF rules.*

Agenda Item 3 – Sanctions to ensure compliance with the obligations under COTIF

Annotated agenda: The Secretariat presented document LAW-25011-JUR 7/2 “Sanctions to ensure compliance with the obligations under COTIF – Discussion paper on the implementation of basic regulatory principles” (discussion paper) to the ad hoc Committee at its 7th session in April 2025. Following consideration of the discussion paper and detailed deliberations at that session, the Secretariat was instructed to update the discussion paper and submit it to the ad hoc Working Group for consideration at its 2nd session. The update to that discussion paper will also be presented to the ad hoc Committee at this session.

The 2nd session of the ad hoc Working Group on sanctions to ensure compliance with the obligations under COTIF took place on 23 and 24 September 2025. The report on progress made at that session will be presented to the ad hoc Committee and the ad hoc Committee will be asked for its input into the work of the ad hoc Working Group and to extend the mandate of the ad hoc Working Group for 2026.

Comments

Documents for the session: LAW-25115-JUR 8/3; LAW-25116-JUR 8/3; LAW-25065-JUR-WGS 2 01 Cor.1. With regard to the last document, it should be noted that the OTIF secretariat on 17 October 2025 issued a Corrigendum to LAW-25065-JUR-WGS 2/1 with editorial corrections, which the Secretariat deems to not alter the substance as compared to the version that was discussed at the second meeting of the working group.

Relevant documents from previous meetings: LAW-25011-JUR 7/2; LAW-25065-JUR-WGS 2/1.

Discussions and actions have taken place within OTIF bodies in the past in relation to this agenda item (all in line with the EU positions established on those occasions), in particular:

- At its 5th session⁷ in 7-9 November 2023, the ad hoc Committee set up a dedicated ad hoc Working Group to prepare a proposal to provide basic regulatory principles or draft modifications to COTIF. This working group was subsequently renamed ‘ad hoc Working Group on sanctions to ensure compliance with the obligations under COTIF’ at the 6th session on 16-18 April 2024⁸. The ad hoc Working Group is currently composed of 12 members: Belgium, France, Finland, Germany, Latvia, Poland, Portugal, Russia, Türkiye, Ukraine, the United Kingdom and the European Union.
- At its 16th session⁹ in 25-26 September 2024, the OTIF General Assembly approved seven basic regulatory principles to guide the ad hoc Committee and the Revision Committee in preparing modifications to 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.
- At its 7th session¹⁰ in 8-10 April 2025, the ad hoc Committee considered a *discussion paper on the implementation of basic regulatory principles*, which was subsequently updated in the form of an addendum and convened a second session of the ad hoc Working Group.
- At its second session¹¹ on 23-24 September 2025, the ad hoc Working Group examined certain specific issues raised by the OTIF secretariat, with a view to reporting back to the 8th session of the ad hoc Committee. The EU was represented by the Commission (DG MOVE).

At the 8th session, the ad hoc Committee will discuss the report from the second session of the ad hoc Working Group (LAW-25116-JUR 8/3), in conjunction with the addendum to the discussion paper (LAW-25065-JUR-WGS 2/1), and next steps.

The ad hoc Committee is being held shortly after a number of sabotage incidents that occurred within Polish territory. On November 16, 2025, the following sabotage activities were revealed on railway line No. 7 on the Warsaw East – Dorohusk route (border with Ukraine): the blowing up of railway tracks near Mika, damage to railway tracks near Gołąb, and damage to the overhead lines along a

⁷ Council Decision (EU) 2023/2582 of 8 November 2023 on the position to be taken on behalf of the European Union at the 5th session of the OTIF ad hoc Committee on Legal Affairs and International Cooperation (OJ L 2023/2582, 16.11.2023, ELI: <http://data.europa.eu/eli/dec/2023/2582/oj>)

⁸ ST 8572/24

⁹ Council Decision (EU) 2024/2586 of 23 September 2024 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) (OJ L, 2024/2586, 1.10.2024, p. 1, ELI: <http://data.europa.eu/eli/dec/2024/2586/oj>)

¹⁰ ST 7428/25

¹¹ ST 12282/25

60-meter section near Puławy. In the context of the discussion on sanctions, it is pertinent to condemn such acts of sabotage.

Proposed EU position

- *Condemn acts of deliberate sabotage committed on railway lines located on the territory of Poland.*
- *Take note of the information presented in the documents prepared for the session (LAW-25116-JUR 8/3 ‘Sanctions to ensure compliance with the obligations under COTIF: Report following the 2nd session of the ad hoc Working Group on 23 and 24 September 2025’ and LAW-25065-JUR-WGS 2/1 ‘(Cor.) Addendum to discussion paper LAW-25011-JUR 7/2’)*
- *In particular, thank the OTIF Secretariat for having conducted the discussions in the ad hoc Working Group in a constructive and informed manner and for having produced a detailed report, which captures the essence of those discussions.*
- *Agree to endorse the ad hoc Working Group’s working proposals contained in document ref. LAW-25116-JUR 8/3 ‘Sanctions to ensure compliance with the obligations under COTIF: Report following the 2nd session of the ad hoc Working Group on 23 and 24 September 2025’. Support the progress made, note that for many aspects further work will be necessary to elaborate concrete proposals that can be put forward for an agreement of the ad hoc committee (and General Assembly, as relevant).*
- *Agree, therefore, to instruct the Secretariat to convene a 3rd session of the ad hoc Working Group on sanctions to ensure compliance with the obligations under COTIF during 2026.*

Agenda Item 4 – Stakeholder involvement and international cooperation

Annotated agenda: This is a standing agenda item to keep the ad hoc Committee regularly informed about issues relating both to stakeholder involvement in the activities of the ad hoc Committee and to international cooperation generally.

Comments

Documents for the session: LAW-25117-JUR 8/4.

Reference is made to the position of the EU on this issue at the 7th session of the ad hoc Committee.

At the 8th session of the ad hoc Committee, there are essentially two issues to be considered under agenda item 4:

- (i) Whether to grant registered stakeholder status to railway law expert Mr Johannes Weisner (Deutsche Bahn AG.), after the Russian Federation has lodged an objection to that individual application, just as they had objected at the 7th session to the granting of registered stakeholder status to Mr Peter Pázmány (České dráhy, a.s.).

From the European Union perspective, the present application of Mr Johannes Weisner is considered legitimate, in particular given his professional background in rail, and should be supported. This is also the recommendation of the OTIF Secretariat.

- (ii) Following the discussion held at the 7th session, amend the procedure for granting registered stakeholder status, either by modifying point 3 of agenda item 3 ‘Enhancing stakeholder involvement’ of OTIF-22001-JUR 2 ‘Décisions 07.04.2022/Beschlüsse 07.04.2022/Decisions 07.04.2022’ (hereafter ‘the Decision’), or by modifying OTIF-22002-JUR 2 ‘Recommendation on involving stakeholders in OTIF’s work’ (hereafter ‘the Recommendation’), point 4.3.

According to the proposed amendments, whether to the Decision or to the Recommendation, an application to become a registered stakeholder would be deemed accepted if fewer than one third of the members of the relevant OTIF organ object (currently, if only one member rejects, the relevant OTIF organ should consider the application at its next session). The proposed amendments also bring further legal clarity as to the procedure¹².

Overall, the proposed amendments are in line with the EU position expressed at the 7th session of the ad hoc Committee, except for the deadline to lodge an objection. The OTIF Secretariat proposes to extend the current 14-day deadline to one month, instead of the two months advocated by the European Union in order to anticipate cases where coordination at EU level would be necessary.

Also, the question remains as to whether the amendments should only concern the Decision (thus affecting only the ad hoc Committee) or the Recommendation itself (thus also affecting the practice of the General Assembly). Since the registered stakeholders can be invited to the sessions of the General Assembly as observers, and since the European Union asked the OTIF Secretariat to make the rules applying to Associate Members and observers consistent across the various OTIF organs, it would make sense to support the alternative proposal to amend the Recommendation itself. It should be noted, however, that for this amended version of the Recommendation to apply to the General Assembly, it must first be endorsed by the General Assembly itself. Besides, the amended Recommendation would in any case not apply to the RID Committee of Experts or to the Committee of Technical Experts, as explained in document LAW-25117-JUR 8/4.

Proposed EU position

- *Grant registered stakeholder status to Mr Johannes Weisner (Deutsche Bahn AG).*
- *Agree to the alternative proposal put forward by the Secretariat, namely to modify OTIF-22002-JUR 2 ‘Recommendation on involving stakeholders in OTIF’s work’, point 4.3, however with one additional change (**in bold underlined**), to read as follows:*

*‘The Secretariat of the relevant OTIF organ should examine compliance with the formal requirements. The relevant OTIF organ should grant the status of registered stakeholder on the basis of the application, taking into account the opinion of the Secretariat. To the extent possible, such decisions should be taken by means of a written procedure. The members of the relevant OTIF organ must be given at least **two months** from the Secretariat’s submission of an application for decision to express objections. If fewer than one third of the members of the relevant OTIF organ object, the application shall be deemed to be accepted; otherwise, the relevant OTIF organ shall consider the application in question at its next session.’*

¹² See the minutes of the 7th session of the ad hoc Committee in document LAW-25060-JUR 7.

Agenda Item 5 – Wagon law

Annotated agenda: In line with the instructions of the ad hoc Committee, taking into account the questions it approved, the Secretariat carried out a survey in relation to movement of empty freight wagons and liability for damage caused by a wagon under Article 7 of the CUV UR.

That survey closed on 5 September and the report on the survey, responses received and proposals for next steps on each topic will be presented to the ad hoc Committee for discussion.

Comments

Documents for the session: LAW-25118-JUR 8/5; LAW-25119-JUR 8/5.

Reference is made to the positions taken at the 25th and 26th sessions of the OTIF Revision Committee, at the 6th session of the ad hoc Committee, and to the contribution of the European Union and its Member States to the consultation on potential revisions to COTIF and its appendices on railway contract law, submitted to OTIF on 15 January 2025¹³.

Building on those discussions, the OTIF Secretariat has carried out surveys on (i) the movement of empty wagons and (ii) liability under Article 7 of the CUV UR. The surveys closed on 5 September 2025, and the Secretariat has now presented its findings in the report LAW-25119-JUR 8/5 and the accompanying cover paper LAW-25118-JUR 8/5. These documents summarise stakeholder input and point to the need for greater clarity regarding the respective scope of application of the CIM and CUV UR and the allocation of liability between railway undertakings, wagon keepers and entities in charge of maintenance (ECM).

The discussion at the 8th session is expected to focus on possible clarifications to be introduced in the Explanatory Report, as a first step towards ensuring consistent application of the rules, before assessing whether any targeted amendments to the CIM or CUV UR may be necessary at a later stage.

Proposed EU position

- *Take note of Law-25119-JUR 8/5 ‘Wagon Law. Report on survey in relation to vehicles.*
- *On the issue of “empty wagons”, support a two-step approach:*
 - *Propose clear guidelines in the Explanatory Report addressing the topics listed by the secretariat and categorising the main use cases relating to the liability for loss of or damage to a wagon during empty wagon movements where such movements are to be treated either as goods/cargo (CIM UR) or as means of transport (CUV UR), with corresponding requirements framing such cases.*
 - *Based on these clarifications, the ad hoc Committee may later reflect on whether limited amendments to the CIM/CUV UR would be relevant to ensure consistent application and clear allocation of liability.*

¹³ WK 83 2025 INIT.

- Recall the safety and maintenance provisions of Commission Implementing Regulation (EU) 2019/779 (the ECM Regulation)¹⁴ that lay down detailed provisions on a system of certification of entities in charge of maintenance of vehicles pursuant to Directive (EU) 2016/798¹⁵, and of Annex A to the ATMF UR.
- For Article 7 to the CUV UR, invite the Secretariat to present to the ad hoc Committee a document explaining from a COTIF perspective how responsibilities and liability between the railway undertaking, the keeper, and the entity in charge of maintenance (ECM) should be interpreted in light of the ECM Regulation and the safety management obligations under Directive (EU) 2016/798. Based on those elements the ad hoc Committee may reflect on whether to include clarifications in the Explanatory report and/or whether targeted amendments would be needed.
- Confirm the understanding that “railway vehicle” covers vehicles with and without traction, and that no amendments in that regard should be required at this stage.

Agenda Item 6 – Application of the CIV UR and the CIM UR: lists of services

Annotated agenda: This topic is included in the 2025-2027 Work Programme with an objective to assess whether the lists of services maintained in accordance with Article 24 § 1 of COTIF relating to the maritime and inland waterway services referred to in Article 1 of each of the CIV UR and of the CIM UR should be maintained as they are or if they should be simplified.

Comments

Documents for the session: LAW-25120-JUR 8/6; LAW-25121-JUR 8/6.

Reference is made to the positions of the European Union on this issue at the 5th and 6th sessions of the ad hoc Committee, as well as to the ongoing discussions in OTIF on the application of the CIV and CIM Uniform Rules to multimodal carriage.

At its 8th session, the ad hoc Committee will be invited to discuss documents LAW-25120-JUR 8/6 and LAW-25121-JUR 8/6, which address the lists of maritime and inland waterway services maintained under Article 24 § 1 of COTIF. The Secretariat proposes to consider whether these lists should be simplified so that they contain only the identification of the routes, without reference to the individual service operators.

In line with the Secretariat’s approach, and taking into account the relevant EU acquis, the discussion should focus on ensuring that the application of the CIV and CIM UR depends solely on the inclusion

¹⁴ Commission Implementing Regulation (EU) 2019/779 of 16 May 2019 laying down detailed provisions on a system of certification of entities in charge of maintenance of vehicles pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 445/2011 (OJ L 139I, 27.5.2019, p. 360, ELI: http://data.europa.eu/eli/reg_impl/2019/779/oj).

¹⁵ Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102, ELI: <http://data.europa.eu/eli/dir/2016/798/oj>).

of a route in the list and on the existence of a single contract of carriage covering that route, while maintaining coherence with ongoing EU work on multimodal passenger rights.

Proposed EU position

- *Take note of LAW-25121-JUR 8/6 ‘Application of the CIV UR and the CIM UR: lists of services. Inception paper’.*
- *Support, in principle, the simplification of the CIV and CIM lists of maritime and inland waterway services so that they identify only the routes, without reference to the specific service operators. It would be desirable that application of the CIV or CIM UR depends solely on the inclusion of a route in the list and on the existence of a single contract of carriage covering that route.*
- *Note, however, legal obstacles: In addition to the provision mentioned by the secretariat in its concept note (Article 38 § 4), Article 38 § 1 lists content that must be maintained and published together with the routes. That content should not include information related to the carriers. Moreover, any OTIF work on these lists should take into account ongoing and forthcoming discussions on multimodal and rail passenger rights.*
- *Invite the secretariat to explore the legal feasibility of simplifying the lists of routes in light of the points mentioned before and report to the ad hoc Committee for decision.*

Agenda Item 7 – Digitalisation under the CIM Uniform Rules

Annotated agenda: At its 7th session, following deliberations on the topic after considering the analytical working paper presented at that session, the ad hoc Committee instructed the Secretariat to prepare proposals to amend and update the provisions of the CIM UR to provide fully and expressly for the use of electronic transport documents.

The Secretariat will present its paper on proposals for modifications in this area and the ad hoc Committee will be asked to discuss this topic in detail, to provide views on the proposals and to consider the next steps.

Comments

Documents for the session: LAW-25122-JUR 8/7; LAW-25123-JUR 8/7; LAW-25124-JUR 8/7.

Reference is made to the previous discussions at the 6th and 7th sessions of the ad hoc Committee and to the Union’s contribution to the consultation on potential revisions of COTIF and its Appendices on railway contract law, submitted on 15 January 2025.

At its 8th session, the ad hoc Committee will be invited to discuss the OTIF Secretariat’s proposals to amend the CIM UR (LAW-25124-JUR 8/7), which aim to provide fully and expressly for the use of electronic transport documents. These amendments introduce detailed functional and technical requirements for electronic consignment notes in new Articles 6 §9–14. They also clarify in Article 12 §1 that an electronic consignment note that complies with the applicable requirements is considered equivalent to a consignment note in paper form.

A revision of the EU specifications of the interoperability of data sharing in rail transport (the “TSI Telematics”) is ongoing. The TSI Telematics will repeal the existing TAF TSI, adopted under

Directive (EU) 2016/797¹⁶. These new specifications leverage existing TAF TSI requirements for electronic consignment data, and additionally cover technical aspects relating to electronic Consignment Notes (eCN) such as authentication requirements to ensure the equivalence of the electronic consignment note with a consignment note in paper form.

The current TAF TSI is currently reflected in the Uniform Technical Prescriptions (UTP) developed under Appendix F (APTU UR) to COTIF. It is to be evaluated whether elements related to the digitalisation of the consignment note should be better covered as part of the CIM UR or the APTU UR. In any case, the content of these rules should be aligned with the corresponding EU acquis, namely with the rules defined in the TSI adopted under Directive (EU) 2016/797.

The proposed approach goes beyond the legal remit of the CIM UR, as the functional and technical requirements for electronic consignment data exchange are currently addressed in the UTP developed under Appendix F to COTIF. The corresponding requirements should therefore leverage existing technical requirements set out in the UTP TAF, rather than duplicating or re-inventing them in the context of the CIM UR only.

The proposed position set out below is without prejudice to the Union position to be established when the amendments to these Appendixes are to be adopted, through the appropriate procedures.

Proposed EU position

- *Take note of LAW-25123-JUR8/7 ‘Digitalisation under the CIM UR: Initial proposals’ and LAW-25124-JUR8/7 ‘Digitalisation of the CIM UR: Proposed modifications to the Uniform Rules Concerning the Contract of International Carriage of Goods by Rail (CIM - Appendix B to the Convention)’ and the proposals for modification.*
- *Commend the Secretariat for its careful work and consideration of all relevant international conventions, in particular the ones adopted at UNCITRAL in recent years. Latest UNCITRAL instruments use “medium neutral” language, combined with a few additional rules specific to digital documents, which offer a very elegant way to draft rules that are both easily understandable and future-proof. However, regret that the EU legislation covering those matters was not considered [in particular the recently voted TSI Telematics and TSI TAF].*
- *Note that as the proposals are very complex and require thorough analysis, the EU would need more time to finalise its position. Therefore, propose to continue the discussions on this point in the next meeting of the ad hoc committee, in order to allow sufficient time for the EU to consolidate the aforementioned position. In particular, reserve the EU’s position on any work on the digitalisation of transport documents under the CIM UR, taking into account the TSI Telematics repealing the existing TAF TSI adopted under Directive (EU) 2016/797.*
- *Nevertheless, offer some preliminary comments and suggestions:*
 - *Support, in principle, the equal legal treatment of paper and electronic consignment notes. In that spirit, agree with the proposed amendment to Article 12 §1. Note, however, that similar amendment in Article 6 §2 might unintentionally create an impression that*

¹⁶ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, pp. 44, ELI: <http://data.europa.eu/eli/dir/2016/797/oj>).

consignment note is equivalent to the contract of carriage. Therefore, to avoid such a confusion, and in line with the simplification ambitions as regards consignment notes, ask whether it would be reasonable to remove the second sentence in Article 6 §2, which reads: “The consignment note shall be made out on paper or in electronic form.”. Should the sentence be kept, ask to replace “in electronic form” by “electronically”.

- *In Article 6 §9, wonder whether it is appropriate to introduce detailed functional requirements (subparagraphs a–e) or whether a reference to the requirements for Consignment Note data set out in point 4.2.1 of the UTP TAF developed under Appendix F to the Convention (APTU UR) would not be sufficient.*
- *Alternatively, such requirements could be included in a distinct Annex to the CIM UR.*
- *Without prejudice to future EU positions on the matter, look positively towards the Secretariat’s suggestion to accommodate electronic consignment notes and electronic communication comprehensively by reviewing all relevant CIM provisions, as stated in the chapter Necessary and related modifications to the CIM UR (paragraphs 86 to 92).*

Agenda Item 8 – Digital ticketing and passenger rights

Annotated agenda: Digital ticketing and passenger rights are two topics included in the 2025-2027 Work Programme with high priority. These two topics will be combined and a paper presented to the ad hoc Committee which will provide some initial considerations and set out proposals to examine these topics in greater detail during 2026.

Comments

Documents for the session: LAW-25125-JUR 8/8; LAW-25126-JUR 8/8.

Reference is made to the contribution of the European Union and its Member States to the consultation on potential revisions to COTIF and its appendices on railway contract law, submitted to OTIF on 15 January 2025.

The near majority of Appendix A (CIV UR) has been incorporated in Annex I of Regulation (EU) 2021/782 on rail passenger rights and obligations. As mentioned in Agenda Item 7 above, a revision of the EU specifications of the interoperability of data sharing in rail transport (the “TSI Telematics”) is ongoing, which will repeal the existing TAP TSI adopted under Directive (EU) 2016/797. This revision includes technical aspects relating to the digitalisation of ticketing data and of tickets. The Commission also plans to put forward legislative proposals that cover markets aspects of rail ticketing in 2026. This is likely to include a targeted revision of Regulation (EU) 2021/782.

The preliminary discussion paper issued by the OTIF secretariat outlines initial considerations on potentially updating the CIV, in view of modern rail travel:

On digital ticketing, the paper mentions possible updates to the CIV UR to take into account:

- the increased use of digital tickets (where the CIV UR is sometimes worded with paper tickets in mind); and

the increasing complexity of ticketing, where several actors may be involved (e.g. one railway undertaking selling, as ticket vendor, tickets for another railway undertaking; presence of third-party ticket vendors).

On passenger rights, the paper considers adapting the CIV on the following topics:

- **Article 32 of the CIV UR on delays, cancellations and missed connections:** the question is raised whether “*the provisions could be considered in light of developments in this area and to make sure that they are appropriate in all circumstances*” and “*how far the CIV UR should provide for the provision of assistance and updates to passengers during delay and cancellation events and missed connections and if the provisions of the CIV UR need to be better aligned with modern practice*”. It is to be noted that Article 32, in its current form, contains a liability regime that the Court of Justice considers to be complementary to the passenger rights regime in Article 18 to 20 of Regulation (EU) 2021/782¹⁷.
- **“Passengers with additional needs”** (i.e. persons with reduced mobility, PRM): the question is raised as to “*how far the CIV UR should expressly support passengers with additional needs, with principles and minimum standards that carriers are required to adopt*”. To be noted that, unlike Regulation (EU) 2021/782, currently the CIV UR is silent on PRM.
- **Registered luggage** (Chapter III of the CIV UR): The discussion paper gives no clear indication as to the possible changes considered.

Proposed EU position

- *Take note of LAW-25126-JUR 8/8 ‘Digital Ticketing and Passenger Rights. Preliminary discussion paper’.*
- *Welcome efforts to support the digitalisation of tickets. Underline that any discussion on the CIV UR touching upon digital ticketing should take into account the ongoing discussions on the new EU technical specifications for the interoperability of data sharing in rail transport (“TSI Telematics”).*
- *Welcome efforts to enhance rules on passenger rights in CIV UR, including for passengers with special needs. Recall that the EU has long-standing experience regulating passenger rights. The existing Union acquis, in particular Regulation (EU) 2021/782 on rail passengers’ rights and obligations, as well as developments in the Union acquis provide the best practice in that field, which should be taken into account in any discussions on CIV UR touching upon passenger rights.*
- *Emphasise that, in addition to considerations directly related to the EU acquis, any possible attempts to amend the CIV UR in the future should focus on elements that are actually necessary to facilitate international carriage by rail, and should avoid making OTIF rules too complex.*

¹⁷ See judgment of the Court of Justice (first chamber) of 26 September 2013, Case C-509/11 *ÖBB-Personenverkehr*, EU:C:2013:613, paragraphs 36-40. It is to be noted that, while this judgment refers to Regulation (EU) No 1371/2007, repealed by Regulation (EU) 2021/782, the same conclusions should apply to this latter regulation.

Agenda Item 9 – Review of the 2025-2027 Work Programme

Annotated agenda: The Secretariat will present a brief review of progress so far under the 2025-2027 Work Programme and provide a look forward to the intended areas of focus for 2026.

Comments

Documents for the session: LAW-25127-JUR 8/9.

The ad hoc Committee adopted its work programme for 2025-2027 at its 7th session in 8-10 April 2025. The ad hoc Committee is invited to:

- review the topics in the 2025-2027 Work Programme with high priority and confirm that they all still remain high priority topics, to be progressed during 2026;
- identify any topics in the 2025-2027 Work Programme with medium priority that should become high priority topics and that should be focussed on during 2026;
- propose and justify any additional topics for inclusion in the 2025-2027 Work Programme.

Reference is made to the positions of the European Union adopted for the 6th and 7th session of the ad hoc Committee, which are reflected in the work programme.

Given the length and density of the 2025-2027 Work Programme, which includes some new and high priority topics that are resource-intensive, it is advisable not to propose any additional topics. Any additional topic that may be proposed by non-EU OTIF members during the ad hoc Committee meeting will need to be assessed and coordinated on the spot within the EU delegation.

Proposed EU position

- *Take note of LAW-25127-JUR 8/9 ‘Review of the 2025-2027 Work Programme.’*
- *Support the identified areas of high priority, with the following exceptions:*
 - *With regard to Appendix A to COTIF (CIV UR), the Commission is planning to put forward legislative proposals on ticketing in 2026, which will probably include a targeted review of Regulation (EU) 2021/782 on rail passengers’ rights and obligations. Pending the outcome of this legislative process, it will be difficult for the Union to take clear positions on this matter. Propose therefore to treat this topic as medium priority for the time being.*
 - *With regard to Appendix B to COTIF (CIM UR), the revision of EU technical specifications for the interoperability of data sharing in rail transport (the “TSI Telematics”, current TAF TSI) adopted under Directive (EU) 2016/797 is ongoing. Pending the outcome of this legislative process, it will be difficult for the Union to take clear positions on this matter. Propose to take this into consideration for the timing of OTIF work on the same issue.*
- *In line with the position on Agenda Item 14 and the position expressed when discussing the work programme at the 7th session of the ad hoc committee, highlight the importance of the review of the rules applying to the rights and obligations of Associate Members, in particular with a view to making these rules consistent across the various OTIF organs. Those aspects should be clarified, and the Rules of Procedure of the various OTIF organs amended accordingly, before a decision is taken on China’s accession as an Associate Member.*

Agenda Item 10 – Information from registered stakeholders and intergovernmental organisations

Annotated agenda: Registered stakeholders and intergovernmental organisations may wish to inform the ad hoc Committee about relevant developments and activities in the field of international railway transport.

Comments

No document available.

Agenda Item 11 – Information from members of the ad hoc Committee

Annotated agenda: Members may wish to inform the ad hoc Committee about relevant developments and activities in the field of international railway transport.

Comments

No document available.

Agenda Item 12 – Information from the Secretariat

Annotated agenda: The Secretariat will inform the ad hoc Committee about relevant developments as well as a look forward to 2026.

Comments

No document available.

Agenda Item 13 – China’s application for accession as an Associate Member of OTIF

Annotated agenda: The Secretary General and the ad hoc Committee were instructed by the General Assembly at its 16th session to organise consultations with interested parties on China’s application before convening the extraordinary session of the General Assembly in the first half of 2026.

At its 7th session, the ad hoc Committee adopted a road map to support it in properly considering China’s application for accession in advance of convening an extraordinary session of the General Assembly. It also approved a list of questions it would require China to answer in order to allow the ad hoc Committee to better understand the drivers and focus of its application.

Under this agenda item, the Secretariat will inform the ad hoc Committee of progress made since the 7th session in relation to this matter and there will be a discussion on the next steps.

Comments

Documents for the session: LAW-25128-JUR 8/13.

Reference is made to the position of the EU on this issue at the OTIF 16th General Assembly and at the 7th session of the ad hoc Committee.

In July 2024, the Commission, on behalf of the Union, lodged an objection to China's application to become an Associate Member of OTIF. The subsequent steps and discussions are summarised in document LAW-25128-JUR 8/13. In particular, at its 7th session, the ad hoc Committee agreed that it should progress discussions and further consider China's application. To date, China has not yet responded to the detailed questions which were agreed in the 7th session of the ad hoc Committee, and sent by the OTIF Secretariat to the National Railway Administration of the People's Republic of China (NRA) on 29 April 2025, with a request to reply by 30 May 2025.

In the meeting document, the OTIF Secretariat informs about their informal meeting with the NRA on 15 October, where the NRA confirmed its intention to respond to the questions, however specifying that if that response is deemed not to be sufficient for, nor acceptable to, the members of the ad hoc Committee, the NRA would probably decide not to proceed further with the application. The OTIF Secretariat further informs that it anticipates receiving a response from the NRA in November, which the members of the ad hoc Committee will need to consider very carefully, and stresses that it is of crucial importance that, despite the late delivery, the ad hoc Committee considers the NRA's response at its 8th session.

On 23 October 2025, the Commission services (DG MOVE) informally recalled via email to the OTIF secretariat that the EU is bound by specific procedures and deadlines to establish its position on such matters, and therefore cannot take any commitment at this stage in this respect.

The NRA response will need to be carefully assessed and discussed at EU level before the 8th session of the ad hoc Committee. In case it comes too late, the conditions will not be in place for the EU to define its position within the set timeframe, and the EU cannot be held responsible for any delays in this regard. In such a case, bearing in mind both the need to have the NRA's response properly reviewed by the ad hoc Committee and the advance time needed for the secretariat to prepare and convene an extraordinary General Assembly, it may be necessary to postpone once again the decision on China's accession as an Associate Member until the next ordinary General Assembly, to be held in September 2027.

As specified in the meeting document, the topic of China's accession is directly linked to the request made by the EU at the 7th session of the ad hoc Committee to harmonise the Rules of Procedure of OTIF's organs regarding the status and rights of Associate Members and observers. The OTIF Secretariat should deliver the appropriate proposals in this respect (issue to be considered more in-depth under Agenda Item 14).

Proposed EU position

- *Emphasise that the [expected] response from the National Railway Administration of the People's Republic of China (NRA) needs to be carefully assessed and discussed at EU level, and that the EU is bound by specific procedures and deadlines to establish its position when it comes to the assessment of the NRA's response. Recall that the Rules of Procedure of the ad hoc Committee on legal affairs and international cooperation provide that the English version of the working documents should be circulated at least six weeks prior to the meeting. Stress that the EU cannot be held responsible for any delays in this regard.*
- *In the absence of a response from the NRA to OTIF's detailed questions in due time, no EU position can be established on the substance of that response, and its assessment will need to be*

postponed to a subsequent session of the ad hoc Committee. Under these circumstances, bearing in mind the need to have the NRA's response properly reviewed by the ad hoc Committee and the advance time needed for the secretariat to prepare and convene an extraordinary General Assembly, propose to postpone the decision on China's accession as an Associate Member until the next ordinary General Assembly, to be held in September 2027.

- *Recall that the European Union expects the OTIF Secretariat to deliver on the review of the rules applying to the rights and obligations of Associate Members with a view to making these rules consistent across the various OTIF organs, namely by carrying out the necessary procedures to amend the Rules of Procedure of these organs accordingly, before a decision is taken on China's accession as an Associate Member (with due attention also to be paid to the rights of observers).*

Agenda Item 14 – Accession to COTIF and Associate Membership

Annotated agenda: The Secretariat will present an inception paper on accession to COTIF and Associate Membership, setting out the relevant applicable provisions from COTIF and current international practice in this area. This topic is included in the 2025-2027 Work Programme with high priority.

As part of this agenda item, a review of the rules applying to the rights and obligations of Associate Members and observers set out in the rules of procedure of each of OTIF's organs will be presented. This review will assess the appropriateness of the rules as they apply to Associate Members and observers and focus on ensuring greater consistency between the various organs in this area. Outline proposals for modification will be presented to the ad hoc Committee.

Comments

Documents for the session: LAW-25129-JUR 8/14; LAW-25130-JUR 8/14.

Reference is made to the position of the EU on this issue at the 7th session of the ad hoc Committee.

At its 7th session, the ad hoc Committee¹⁸:

- Instructed the Secretariat to prepare a proposal on possible harmonisation of the Rules of Procedure of the OTIF organs regarding the status and rights of Associate Members and observers, including a provisional timetable for adoption by these organs at the earliest opportunity and the actions to be taken by the Secretariat in this regard, for consideration at the 8th session of the ad hoc Committee. This proposal should in particular (i) ensure that a request from an Associate Member to submit proposals on agenda items must systematically be subject to the support of at least one OTIF Member State, and (ii) pay due attention to the rights of observers in order to avoid a situation where observers have broader rights than Associate Members;
- Instructed the Secretariat to table a proposal to amend the Rules of Procedure of the ad hoc Committee in line with the above-mentioned principles, for consideration at the 8th session of the ad hoc Committee.”

¹⁸ OTIF-25011-JUR 7, ‘Decisions 10.04.2025’, item 3, points 4, 5 and 6.

For the 8th session, the OTIF Secretariat has prepared an inception paper, in which it acknowledges the inconsistencies in terminology and practices across the various OTIF organs with regard to the rights of Associate Members and observers and proposes to remedy them by harmonising the wording of the relevant provisions of the Rules of Procedure. An overview of the rights of Associate Members and observers across OTIF organs according to their current Rules of Procedure is annexed to the inception paper.

Proposed EU position

- *Thank the OTIF Secretariat for its proposal to harmonise the Rules of Procedure within OTIF organs, regarding the status and rights of Associate Members and observers, as instructed by the ad hoc Committee at its 7th session.*
- *Endorse the recommended principles and wording outlined in Section V, letter A to G, of the OTIF inception paper aimed at harmonising the Rules of Procedure across all OTIF organs with regard to the rights of Associate Members and observers, with the following additional comments and questions to the OTIF Secretariat:*
 - *Under A. 'Definitions': explain the sentence "the term 'Associated Member' should no longer be used, to ensure consistency with the definition of Article 39 of COTIF"; explain why there would be a difference in the definition of 'observers' between the General Assembly and other organs.*
 - *Under A. 'Definitions', B. 'Participation of associate members and observers in OTIF organs', and F. 'Voting and quorum': explain the reasons for a different definition and rules applying to 'Associate Members' and 'observers' between the General Assembly and other OTIF organs.*
 - *Under C. 'Access to documents': specify whether the term 'observers' would encompass 'Associate Members' also in the case of the General Assembly.*
 - *Under E. 'Proposals': clarify the difference between 'regional organisations having voting rights' and those 'not having voting rights' in this context.*
- *Agree to request the OTIF Secretariat to submit the provisions recommended above to the next possible session of the relevant OTIF organs, and request the OTIF Secretariat to clarify how these submissions translate or will translate into concrete proposals for amendments to the respective Rules of Procedure.*
- *Ask the OTIF Secretariat to clarify its recommendation outlined in Section V, letter G. 'Assessment of the proposed amendments' in the inception paper, namely why the proposed amendments to streamline the Rules of Procedure across all OTIF organs would be submitted to the General Assembly for approval, before every OTIF organ is tasked with aligning its Rules of Procedure with the Recommendation adopted by the ad hoc Committee. This recommendation seems inconsistent with the above-mentioned proposed decision to request the OTIF Secretariat to submit the provisions recommended above to the next possible session of the relevant OTIF organs. Moreover, this does not seem in line with the decisions taken at the 7th session on the harmonisation of the Rules of Procedures, which did not foresee any previous approval by the General Assembly, except for its own Rules of Procedure.*

- *Recall that the ad hoc Committee, at its 7th session, also instructed the OTIF Secretariat to table proposals for a provisional timetable for the rules of procedure to be adopted by the relevant OTIF organs, for the actions to be taken by the OTIF Secretariat in that regard, and for amendments to the Rules of Procedure of the ad hoc Committee, for consideration at its 8th session. Ask the OTIF Secretariat to explain why these proposals have not been presented at the 8th session and request that updated proposals are tabled at the 9th session, namely:*
 - *A state of play of the adoption by the OTIF organs of their respective amended rules of procedure, and a provisional timetable for adoption by the remaining OTIF organs of their respective amendments, at the earliest opportunity;*
 - *The actions taken so far and still to be taken by the OTIF Secretariat in this regard;*
 - *A proposal for amendments to the Rules of Procedure of the ad hoc Committee.*
- *Acknowledge that the European Union’s request to the OTIF Secretariat at the 7th session of the ad hoc Committee to review the rules applying to the rights and obligations of Associate Members and observers (before a decision is taken on China’s accession as an Associate Member) still requires efforts to be fully implemented, and that this task should be given priority.*
- *Consequently, adjourn to a subsequent session of the ad hoc Committee the question newly raised by the OTIF Secretariat of whether to request the Secretariat to draft a proposal for a General Assembly recommendation containing a list of questions to be addressed to prospective applicants for associate membership of OTIF.*

Agenda Item 15 – Adoption of decisions

Annotated agenda: The opportunity for the ad hoc Committee to adopt the decisions from the session and to deal with items that were postponed during the session and should only be discussed with Member States present.

Comments

No document available

Proposed EU position

- *As specified under the relevant agenda items.*

Agenda Item 16 – Date and venue of next session

Annotated agenda: The ad hoc Committee will be informed about planning for 2026. For the 9th session of the ad hoc Committee, the week commencing 22 June (in Bern) was identified and the date shared with focal points in May 2025. This date was proposed because of its fit with the plan to hold an extraordinary General Assembly that week.

Comments

No document available

Agenda Item 17 – Any other business

Annotated agenda: An opportunity for members and the Secretariat to raise any additional issues.

Comments

No document available
