Council of the European Union

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TRANS 92

'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	5895/19 TRANS 72
Subject:	Proposal for a Council Decision on the position to be taken on behalf of the European Union at the 14th General Assembly of the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards the election of the Secretary General of OTIF for the period from 8 April 2019 to 31 December 2021 – Endorsement of suggested approach

I. INTRODUCTION

1. The Commission submitted to the Council on 1 February 2019 the above-mentioned proposal for a Council Decision on the Union position at the 14th General Assembly of the Intergovernmental Organisation Convention for International Carriage by Rail (OTIF) as regards the election of the Secretary General of OTIF. The election will take place in Bern, Switzerland on 27 February 2019.

2. The Working Party on Land Transport discussed the election of the Secretary General of OTIF on 10 and 28 January 2019 based on advance information from the Commission. On 7 February 2019 the Working Party examined the proposal for a Council Decision.

II. ANALYSIS OF THE DISCUSSIONS

3. The following observations were made during the discussions at the Working Party by a number of delegations:

   a) the discussions on the need for a coordinated Union position were initiated when the period to present candidatures was already underway. Five Member States of OTIF have presented a candidate, these all are also Member States of the Union;

   b) no legal effects in the sense of Article 218(9) of the Treaty on the Functioning of the European Union could be identified;

   c) all the candidates are from Member States of the Union and therefore the primary political concern of having a Secretary General from the Union is ensured in any case. Hence there is no need for political or strategic concertation.

4. No delegation expressed a preference to adopt the said decision.

5. The Council Legal Service agreed in its analysis with the legal concerns raised by the delegations.

III. CONCLUSION

6. In the light of the observations listed above, the Presidency concludes that in this case no further work needs to be undertaken on this proposal.

7. The Permanent Representatives Committee is invited to endorse this approach.