



Council of the
European Union

Brussels, 13 February 2024
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NOTE

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| From: | General Secretariat of the Council |
| To: | Delegations |
| No. Cion doc.: | ST 6230 2024 ADD 1 |
| Subject: | Annex to the Council Decision on the position to be taken on behalf of the European Union at the 12th session of the Preparatory Commission for the establishment of the International Registry for Railway Rolling Stock and at the 1st session of the Supervisory Authority established pursuant to Article XII of the Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock |

1. INTRODUCTION

The first session of the Supervisory Authority of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock adopted in Luxembourg on 23 February 2007 ('Luxembourg Protocol') will take place on 8 March 2024, back-to-back with the 12th and last session of the Preparatory Commission that will take place on 7 March 2024.

2. EU COMPETENCE

The European Union is a contracting party to the Luxembourg Protocol. In respect of this meeting's agenda items where the Supervisory Authority will be called upon to adopt acts having legal effects within the meaning of Article 218(9) TFEU – namely Agenda Items 3 (to the extent that it concerns the approval of the Statutes and Rules of Procedure of the Supervisory Authority), 4, 8 and 9, the European Union has exclusive competence.

3. COMMENTS ON AGENDA ITEMS OF THE 1ST SESSION OF THE SUPERVISORY AUTHORITY

Agenda Item 3 – Establishment of the Supervisory Authority (to be considered under Agenda Item 5 of the 12th session of the Preparatory Commission):

Approval of the Statutes of the Supervisory Authority

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| <i>Document(s):</i> | |
| <i>Exercise of voting rights:</i> | European Union |
| <i>Position:</i> | In favour of the approval and adoption of the draft Statutes, subject to the following amendment: <ul style="list-style-type: none">• In Article 2 (Composition): amend paragraph 2 to read: "Its membership is determined in accordance with Article XII (1) (a), (b) and (c) of the Protocol". |

Establishment of the Rules of Procedure of the Supervisory Authority

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| <i>Document(s):</i> | |
| <i>Exercise of voting rights:</i> | European Union |
| <i>Position:</i> | <p>In favour of the approval and adoption of the draft Rules of Procedures, subject to the following amendments:</p> <ul style="list-style-type: none"> • In Article 1 (Definitions): amend the definition of ‘Qualified Majority’ to read “for the first two years after entry into force of the Protocol, a simple majority of the votes of both (a) representatives of State Parties and (b) Members, and thereafter a two thirds majority of the votes of Members”; and amend the definition of ‘State Party’ to read “a State or a Regional Organization which has ratified or acceded both to the Convention and the Protocol”; • In Article 4 (Representation of Members): amend paragraph 3 to read “By way of derogation to paragraph 1, the person nominated to represent a Regional Organization may exercise, in any meetings of the Supervisory Authority, a number of votes equal to the number of its Member States which are entitled to participate and vote in such meetings. Whenever a Regional Organization exercises its right to vote, its Member States shall not exercise theirs, and conversely.” |

Agenda Item 4 – Approval of the Agreement between the Supervisory Authority and OTIF concerning the functions of the Secretariat (to be considered under Agenda Item 5 of the 12th session of the Preparatory Commission)

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| <i>Document(s):</i> | |
| <i>Exercise of voting rights:</i> | European Union |
| <i>Position:</i> | In favour of the approval of the Agreement |

Agenda Item 8 – Approval of the Regulations and Procedures for the International Registry for Railway Rolling Stock and their publication (to be considered under Agenda Item 6 of the 12th session of the Preparatory Commission)

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| <i>Document(s):</i> | |
| <i>Exercise of voting rights:</i> | European Union |
| <i>Position:</i> | In favour of the approval of the Regulations and Procedures, and their publication |

Agenda Item 9 – Approval of the Model Rules as amended on 15 November 2023 for the purposes of the Regulations for the International Registry for Railway Rolling Stock

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| <i>Document(s):</i> | |
| <i>Exercise of voting rights:</i> | European Union |
| <i>Position:</i> | In favour of the adoption of the Model Rules on Permanent Identification of Railway Rolling Stock |
