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TRANS 145

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union at the third session of the Supervisory Authority established pursuant to the Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock

COUNCIL DECISION (EU) 2026/...

of ...

**on the position to be taken on behalf of the European Union
at the third session of the Supervisory Authority
established pursuant to the Luxembourg Protocol
to the Convention on International Interests in Mobile Equipment
on Matters Specific to Railway Rolling Stock**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91,
in conjunction with Article 218(9), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union approved 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 (the ‘Luxembourg Protocol’) by means of Council Decision 2014/888/EU¹, and acquired the status of a Regional Economic Integration Organisation under that Protocol.
- (2) The Supervisory Authority established pursuant to Article XII of the Luxembourg Protocol (the ‘Supervisory Authority’) is able to amend its Statutes in accordance with Article 12 thereof and its Rules of Procedure in accordance with Article 18 thereof. Under Article 5(8) of the Statutes, the Supervisory Authority is to approve the Model Rules on the Permanent Identification of Railway Rolling Stock developed in the framework of the Inland Transport Committee of the United Nations Economic Commission for Europe (UNECE) (the ‘Model Rules’) and amendments to the Model Rules.
- (3) During its third session on 14 April 2026, among other agenda items, the Supervisory Authority is expected to revise its Statutes and its Rules of Procedure and to take note of the third revision of the Model Rules (the ‘Model Rules (Revision 3)’).

¹ Council Decision 2014/888/EU of 4 December 2014 on the approval, on behalf of the European Union, 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 (OJ L 353, 10.12.2014, p. 9, ELI: <http://data.europa.eu/eli/dec/2014/888/oj>).

- (4) It is appropriate to establish the position to be taken on the Union's behalf at the third session of the Supervisory Authority, as any action by the Supervisory Authority regarding the Model Rules is capable of decisively influencing the content of Union law, namely Directive (EU) 2016/797 of the European Parliament and of the Council², Commission Implementing Regulation (EU) 2019/773³ and Commission Implementing Decision (EU) 2018/1614⁴. Furthermore, the amendments to the Statutes and to the Rules of Procedure to be adopted by the Supervisory Authority are capable of decisively influencing the participation of the Union in the Supervisory Authority.

² 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, p. 44, ELI: <http://data.europa.eu/eli/dir/2016/797/oj>).

³ Commission Implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (OJ L 139I, 27.5.2019, p. 5, ELI: http://data.europa.eu/eli/reg_impl/2019/773/oj).

⁴ Commission Implementing Decision (EU) 2018/1614 of 25 October 2018 laying down specifications for the vehicle registers referred to in Article 47 of Directive (EU) 2016/797 of the European Parliament and of the Council and amending and repealing Commission Decision 2007/756/EC (OJ L 268, 26.10.2018, p. 53, ELI: http://data.europa.eu/eli/dec_impl/2018/1614/oj).

- (5) With regard to the proposed decision of the Secretariat of the Supervisory Authority to note and to publish the Model Rules (Revision 3), it is to be noted that that proposal is not supported by the legal framework of the Supervisory Authority, as Article 5(8) of its Statutes requires the Supervisory Authority to approve the Model Rules and its amendments. Considering that the Model Rules (Revision 3) have not yet entered into force, the proposal to publish the Model Rules (Revision 3) should not be supported. The Union should support taking note of the Model Rules (Revision 3) and propose to postpone any other action until they have entered into force. If the Model Rules (Revision 3) enter into force before the third session of the Supervisory Authority and correspond to the unofficial version published on the website of the UNECE, the Union should propose that the Supervisory Authority approve the Model Rules (Revision 3).
- (6) The proposed amendments to the Statutes of the Supervisory Authority are mostly limited to the clarification of the work of the Commission of Experts as an advisory body to the Supervisory Authority. Those amendments are in the interest of the Union as they clarify the role of the Commission of Experts and facilitate the work of the Supervisory Authority. They should therefore be supported.

- (7) The proposed amendments to the Rules of Procedure of the Supervisory Authority are numerous and have different impacts. Those amendments include the elimination of qualified majority voting as the default voting option in the Supervisory Authority, with consequences in respect of the quorum, the deletion of the requirement for the nomination of an officer of the Supervisory Office to be seconded by another Member of the Supervisory Authority, and the systematic relocation and clarification of the voting rights of the Union. The majority of the proposed amendments will result in important clarifications of those Rules of Procedure and improve the working procedures of the Supervisory Authority. However, the rules on voting by written procedure and tacit approval set deadlines that are too short to allow for the completion of the internal procedures required for the adoption of a decision. Furthermore, the subject matters on which decisions are able to be adopted by tacit approval need to be clearly and expressly defined. The amendments to the Rules of Procedure of the Supervisory Authority should therefore be supported, subject to certain amendments as regards the rules on voting by written procedure and tacit approval,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf at the third session of the Supervisory Authority established pursuant to the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock (the 'Supervisory Authority') is set out in the Annex to this Decision.

Minor changes to the position set out in the Annex to this Decision may be agreed upon by the representatives of the Union at the third session of the Supervisory Authority without a further decision of the Council.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at ..., ...

For the Council

The President
