

# Procedure file

Basic information		
NLE - Non-legislative enactments Decision	<a href="#">2003/0269(NLE)</a>	Awaiting final decision
International Carriage by Rail: accession to the COTIF Convention, as amended by the Vilnius Protocol, June 1999		
Subject 3.20.02 Rail transport: passengers and freight		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<span style="background-color: #e67e22; color: white; padding: 2px;">RETT</span> Regional Policy, Transport and Tourism	ELDR <a href="#">COSTA Paolo</a>	17/02/2004
Council of the European Union European Commission	Commission DG <a href="#">Mobility and Transport</a>	Commissioner KALLAS Siim	

Key events			
17/11/2003	Legislative proposal published	<a href="#">COM(2003)0696</a>	Summary
28/01/2004	Committee referral announced in Parliament		
17/02/2004	Vote in committee		Summary
17/02/2004	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0070/2004</a>	
10/03/2004	Decision by Parliament	<a href="#">T5-0157/2004</a>	Summary
02/12/2009	Additional information		Summary

Technical information	
Procedure reference	2003/0269(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 091-p1; Treaty on the Functioning of the EU TFEU 218-p6a
Stage reached in procedure	Awaiting final decision

## Documentation gateway

Legislative proposal		<a href="#">COM(2003)0696</a>	17/11/2003	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0070/2004</a>	17/02/2004	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0157/2004</a> <a href="#">OJ C 102 28.04.2004, p. 0517-0565 E</a>	10/03/2004	EP	Summary

## International Carriage by Rail: accession to the COTIF Convention, as amended by the Vilnius Protocol, June 1999

PURPOSE : proposal to conclude an Agreement defining the terms of the EC's accession to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999. PROPOSED ACT : Council Decision. CONTENT : the development of rail interoperability, both within the Community and between the Community and neighbouring countries, is a key component of the transport policy, targeted in particular at establishing a better balance between the various modes of transport. The European Community has exclusive competence or shared competence with its Member States in the areas covered by COTIF, as amended by the Vilnius Protocol. The Community's accession to COTIF for the purpose of exercising its competence is permitted by virtue of Article 38 of the COTIF as amended by the Vilnius Protocol and will be able to take effect once the latter has entered into force following the period of ratification. On behalf of the Community, the Commission has negotiated an Agreement on the Accession of the European Community to COTIF with the Contracting Parties to COTIF. The commission proposes that the Accession Agreement be concluded in order to be applied immediately after the Vilnius Protocol enters into force. The Vilnius Protocol needs to have entered into force following ratification by at least two thirds of the signatories. Consequently, it is important that Member States continue and complete the ratification procedure in order that the Community may accede.?

## International Carriage by Rail: accession to the COTIF Convention, as amended by the Vilnius Protocol, June 1999

The committee adopted the report by its chairman, Paolo COSTA (ELDR, I), approving the proposal unamended under the consultation procedure.?

## International Carriage by Rail: accession to the COTIF Convention, as amended by the Vilnius Protocol, June 1999

The European Parliament adopted the report drafted by Paolo COSTA (ELDR, I), and approved the conclusion of the agreement.?

## International Carriage by Rail: accession to the COTIF Convention, as amended by the Vilnius Protocol, June 1999

The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Council Decision on the conclusion by the European Community of the Agreement on the Accession of the European Community to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999, the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis ? Treaty/EC/Art.71, Art.300(2) first para and (3) first para.? became Art. 91, Art. 218 (6)(a) of the TFEU. Please note that the numbering of the old legal basis corresponds to the consolidated version of the Treaty that was applicable immediately before the entry into force of the Lisbon Treaty, and may differ from the references in the original Commission proposal;
- the proposal, which had previously fallen under the old consultation procedure (CNS), was classified as an interinstitutional non-legislative procedure (NLE).