


Procedure file

Basic information		
NLE - Non-legislative enactments Decision	2009/0121(NLE)	Procedure completed
International carriage by rail: agreement on the accession to the Convention COTIF 1980, as amended by the Vilnius Protocol in June 1999		
Subject 3.20.15.08 Rail transport agreements and cooperation		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		05/10/2009
		PPE KOCH Dieter-Lebrecht Shadow rapporteur Verts/ALE CRAMER Michael	
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	3098	16/06/2011
European Commission	Commission DG	Commissioner	
	Mobility and Transport	KALLAS Siim	

Key events			
31/08/2009	Legislative proposal published	COM(2009)0441	Summary
07/10/2009	Committee referral announced in Parliament		
10/11/2009	Vote in committee		Summary
11/11/2009	Committee report tabled for plenary, 1st reading/single reading	A7-0053/2009	
24/11/2009	Results of vote in Parliament		
24/11/2009	Decision by Parliament	T7-0080/2009	Summary
02/12/2009	Additional information		Summary
16/06/2011	Act adopted by Council after consultation of Parliament		Summary
16/06/2011	End of procedure in Parliament		
23/02/2013	Final act published in Official Journal		

Technical information	
Procedure reference	2009/0121(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 218-p6a; Treaty on the Functioning of the EU TFEU 091-p1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/00812

Documentation gateway					
Legislative proposal		COM(2009)0441	31/08/2009	EC	Summary
Committee draft report		PE430.320	13/10/2009	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0053/2009	11/11/2009	EP	
Text adopted by Parliament, 1st reading/single reading		T7-0080/2009	24/11/2009	EP	Summary

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Decision 2013/103 OJ L 051 23.02.2013, p. 0001 Summary

International carriage by rail: agreement on the accession to the Convention COTIF 1980, as amended by the Vilnius Protocol in June 1999

PURPOSE: to provide for 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.

PROPOSED ACT: Council Decision.

BACKGROUND: 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 the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999.

On 28 March 2003, the Council authorised the Commission to enter into negotiations with the Contracting Parties to COTIF in order to reach agreement on the Community's accession to that Convention. The Council Decision included negotiating directives and instructions for the Community's accession to the COTIF. Although a proposal for a Council Decision to accept the conditions of an agreement between the Community and the Intergovernmental Organisation for International Carriage by Rail (OTIF) was made in 2003, the accession of the Community to COTIF could not take place until the Vilnius Protocol had come into force and which was dependent on a number of ratifications being made by OTIF Member States. COTIF, as amended by the Vilnius Protocol, came into force in July 2006.

The [Commission proposal](#) of 2003 for the European Community's accession to COTIF was approved by the European Parliament without amendment after first reading. However, it was felt that the Community should seek clarifications and assurances from OTIF since there was a growing realisation that Article 3(2) of COTIF which purported to ensure compliance between the respective Community and OTIF legal regimes, in fact did not do this adequately. A legal review of the COTIF and its Appendices confirmed that a number of divergences existed between Community *acquis* and COTIF, relating both to the rules on jurisdiction in the COTIF (articles 12 and 28) and to the rules in some of the Appendices (E, F and G).

In order to protect the European Community legal regime, the Community proposed that a suitable provision (a so-called disconnection clause) should be added into the agreement to avoid any legal incompatibilities between COTIF and the existing and developing Community acquis.

Following negotiations between the Commission and OTIF in May and June 2009, the compatibility issues between European Community law and COTIF have been resolved in principle with the necessary changes to COTIF having been submitted to and adopted by the appropriate OTIF Committee. These changes will take effect 12 months after OTIF gives notice of them to its Member States.

CONTENT: with this Communication the Commission submits to the Council a revised proposal for a Decision authorising the Community to conclude an Agreement defining the terms of its accession to the Convention concerning International Carriage by Rail (COTIF), as amended by the Vilnius Protocol of 3 June 1999.

The Agreement shall be approved on behalf of the European Community, subject to the following conditions:

- upon accession a declaration shall be made by the Community concerning the exercise of its competence;
- upon accession a declaration shall be made by the Community concerning the non-application of Appendices E, F and G of COTIF.

In the light of these considerations and in accordance with the established procedures, the Commission withdraws the proposal for a Decision authorising the Community to conclude an Agreement defining the terms of its accession to the Convention concerning International Carriage by Rail (COTIF) which was adopted in 2003.

IMPACT ASSESSMENT: not applicable.

BUDGETARY IMPLICATIONS: the proposal has no impact on the Community budget.

International carriage by rail: agreement on the accession to the Convention COTIF 1980, as amended by the Vilnius Protocol in June 1999

The Committee on Transport and Tourism adopted the report drawn up by Dieter-Lebrecht KOCH (EPP, DE) approving unamended, under the consultation procedure, 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.

International carriage by rail: agreement on the accession to the Convention COTIF 1980, as amended by the Vilnius Protocol in June 1999

The European Parliament adopted by 640 votes to 17 with 10 abstentions, a legislative resolution approving unamended, under the consultation procedure, 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.

International carriage by rail: agreement on the accession to the Convention COTIF 1980, as amended by the Vilnius Protocol in 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 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, 300 paras 2, 3 - 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).

International carriage by rail: agreement on the accession to the Convention COTIF 1980, as amended by the Vilnius Protocol in June 1999

PURPOSE: to approve 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.

NON-LEGISLATIVE ACT: Council Decision 2013/103/EU 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.

CONTENT: under this Decision, 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 is hereby approved on behalf of the Union.

On behalf of the Union, the Commission negotiated an Agreement with the Intergovernmental Organisation for International Carriage by Rail ("OTIF") on the Accession of the Union to the Convention. The Union has exclusive competence or shared competence with its Member States in the areas covered by the Convention.

The adopted text recalls that the development of rail interoperability, both within the Union and between the Union and neighbouring countries, is a key component of the common transport policy, targeted in particular at establishing a better balance between the various modes of transport.

ENTRY INTO FORCE: 16/06/2011.

International carriage by rail: agreement on the accession to the Convention COTIF 1980, as amended by the Vilnius Protocol in June 1999

The Council authorised the signing and conclusion of an agreement between the EU and the Intergovernmental Organisation for International Carriage by Rail (OTIF) on the accession by the EU to the Convention concerning International Carriage by Rail (COTIF), which aims at promoting, improving and facilitating international rail traffic. By acceding to the convention, the Union wants to contribute to this objective and further develop rail interoperability between the EU and its neighbouring countries.

The agreement, initialled in April this year, is the result of negotiations launched in 2003 between the Commission and OTIF on various political, legal and technical issues. The signing of the convention is to take place on the sidelines of an extraordinary meeting of the OTIF general assembly in Berne on 23 June 2011.

OTIF has 43 member states, 25 of which are also EU Member States.