COUNCIL DECISION (EU) 2020/791

of 10 June 2020

on the position to be taken on behalf of the European Union at the 13th session of the Committee of Technical Experts of the Intergovernmental Organisation for International Carriage by Rail regarding the adoption of amendments to the Uniform Technical Prescriptions concerning freight wagons, vehicle marking and rolling stock noise, and regarding the adoption of a full revision of the rules for the certification and auditing of entities in charge of maintenance and of the specifications concerning national vehicle registers

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 acceded to the Convention concerning International Carriage by Rail of 9 May 1980 as amended by the Vilnius Protocol of 3 June 1999 (the 'COTIF') in accordance with Council Decision 2013/103/EU ([1]).

(2) All Member States, with the exception of Cyprus and Malta, are parties to the COTIF.

(3) Pursuant to letter f) of Article 13 § 1 of the COTIF, the Committee of Technical Experts (CTE) of the Intergovernmental Organisation for International Carriage by Rail (OTIF) was set up.

(4) Pursuant to letter b) of Article 20 § 1 of the COTIF, and in accordance with Article 6 of Appendix F (APTU), the CTE is competent to adopt or to amend, inter alia, uniform technical prescriptions (UTP) concerning freight wagons, vehicle marking and rolling stock noise. In accordance with Article 13 §§ 1, 4 and 5 of Appendix G (ATMF), the CTE is also competent to take decisions on the set-up or modification, merging or withdrawal of the national vehicle registers (NVR). Finally, in accordance with Article 15 § 2 of Appendix G (ATMF), the CTE is competent to adopt and to amend rules for the certification and auditing of entities in charge of maintenance (ECM).

(5) The CTE has included in the agenda of its 13th session, to take place on 16 and 17 June 2020, proposals for decisions to amend the UTP concerning freight wagons, vehicle marking and rolling stock noise, on a full revision of the rules for the certification and auditing of ECM and on a full revision of the specifications concerning NVR.

(6) It is appropriate to establish the position to be taken on the Union's behalf in the CTE, as the proposed amendments will be binding on the Union.

([1]) Council Decision 2013/103/EU of 16 June 2011 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 (OJ L 51, 23.2.2013, p. 1).

(7) The objective of those proposed amendments is to align the UTP concerning freight wagons, vehicle marking and rolling stock noise, as well as the rules for certification and auditing of ECM, with Commission Implementing Regulations (EU) 2019/774 ([2]), (EU) 2019/776 ([3]), (EU) 2019/773 ([4]) and (EU) 2019/779 ([5]) respectively. The specifications concerning NVR have been updated in light of Commission Implementing Decision (EU) 2018/1614 ([6]).

(8) The proposed amendments are in line with the law and the strategic objectives of the Union, as they contribute to the alignment of OTIF legislation with the equivalent provisions of Union law, and those proposed amendments should therefore be supported by the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf at the 13th session of the Committee of Technical Experts (CTE) of the Intergovernmental Organisation for International Carriage by Rail (OTIF) on the amendments to the uniform technical prescriptions (UTP) concerning freight wagons, vehicle marking and rolling stock noise, on a full revision of the rules for certification and auditing of entities in charge of maintenance (ECM) and on a full revision of the specifications concerning national vehicle registers (NVR) shall be as set out in document ST 7725/20 ([7]).

Article 2

Once adopted, the decisions of the CTE shall be published in the *Official Journal of the European Union*, indicating the date of their entry into force.

Article 3

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

Done at Brussels, 10 June 2020.

For the Council
The President
A. METELKO-ZGOMBIĆ

([2]) Commission Implementing Regulation (EU) 2019/774 of 16 May 2019 amending Regulation (EU) No 1304/2014 as regards application of the technical specification for interoperability relating to the subsystem 'rolling stock – noise' to the existing freight wagons (OJ L 139 I, 27.5.2019, p. 89).

([3]) Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 amending Commission Regulations (EU) No 321/2013, (EU) No 1299/2014, (EU) No 1301/2014, (EU) No 1302/2014, (EU) No 1303/2014 and (EU) 2016/919 and Commission Implementing Decision 2011/665/EU as regards the alignment with Directive (EU) 2016/797 of the European Parliament and of the Council and the implementation of specific objectives set out in Commission Delegated Decision (EU) 2017/1474 (OJ L 139 I, 27.5.2019, p. 108).

([4]) 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 139 I, 27.5.2019, p. 5).

([5]) Commission Implementing Regulation (EU) 2019/779 of 16 May 2019 laying down detailed provisions on a system of certification of entities in charge of maintenance of vehicles pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 445/2011 (OJ L 139 I, 27.5.2019, p. 360).

([6]) 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).

([7]) Document ST 7725/20 can be found at http://register.consilium.europa.eu