



**COUNCIL OF
THE EUROPEAN UNION**

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TRANS 323

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. Cion doc.:	10823/14 TRANS 316 + ADD 1
Subject:	Proposal for a COUNCIL DECISION on the position to be adopted by the Union at the 25th session of the OTIF Revision Committee as regards certain amendments to the Convention concerning International Carriage by Rail (COTIF) and to its Appendices
	- Adoption

Delegations will find in the annex a statement by Germany on the above proposal.

Unilateral statement by the Federal Republic of Germany on EU coordination for the 25th session of the OTIF Revision Committee from 25 to 27 June 2014:

The Federal Republic of Germany takes the view that the EU is not competent as regards the amendments to Appendix B (CIM Uniform Rules), Appendix D (CUV Uniform Rules) and Appendix E (CUI Uniform Rules) to the Convention concerning International Carriage by Rail (COTIF 1999), and consequently that there is no need to coordinate an EU position for the 25th session of the OTIF Revision Committee from 25 to 27 June 2014. To date, the EU has not exercised its legislative competence in the areas of private transport law governed by those appendices. Member States may therefore continue to exercise their competence in accordance with the second sentence of Article 2(2) TFEU. Moreover, in cases where competence is shared, Article 6(2) of the Agreement between OTIF and the EU on the EU's accession to the COTIF of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999, explicitly provides that Member States may continue to vote independently in these areas. Germany hereby asserts, as a precaution, that it refuses any casting of Germany's vote by the European Commission.
