

COUNCIL DECISION (EU) 2022/936**of 13 June 2022**

on the position to be taken on behalf of the European Union at the 14th meeting of the Committee of Technical Experts of the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards the modification of the uniform technical prescriptions concerning telematics applications for freight and the revision of Annex B to the ATMF Uniform Rules on derogations, and in the written procedure of the Revision Committee of OTIF as regards the modification of the ATMF Uniform Rules

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 (COTIF) by means 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 ⁽¹⁾.
- (2) Pursuant to Article 13 § 1, point (f), of the COTIF, the Committee of Technical Experts ('CTE') of the OTIF was set up.
- (3) Pursuant to Article 20 § 1, point (b), of COTIF, and in accordance with Article 6 of Appendix F to COTIF on the Uniform Rules concerning the Validation of Technical Standards and the Adoption of Uniform Technical Prescriptions applicable to Railway Material intended to be used in International Traffic, the CTE is competent to adopt or to amend, inter alia, the Uniform Technical Prescriptions ('UTP') concerning telematics applications for freight ('UTP TAF').
- (4) In accordance with Article 20 § 1, point (e), of COTIF and Articles 7a and 21 of Appendix G to COTIF on the Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic ('the ATMF Uniform Rules'), the CTE is competent to adopt or to amend Annex B to the ATMF Uniform Rules concerning derogations from the application of UTP.
- (5) The CTE has included in the agenda for its 14th session, which will take place on 14 and 15 June 2022, a proposal for decisions to amend the UTP TAF and the revision of the Annex B to the ATMF Uniform Rules concerning derogations from the application of UTP.
- (6) The objectives of the envisaged CTE decisions are to align the UTP TAF with Commission Implementing Regulation (EU) 2021/541 ⁽²⁾ and to align Annex B to the ATMF Uniform Rules to Directive (EU) 2016/797 of the European Parliament and of the Council ⁽³⁾.

⁽¹⁾ OJ L 51, 23.2.2013, p. 8.

⁽²⁾ Commission Implementing Regulation (EU) 2021/541 of 26 March 2021 amending Regulation (EU) No 1305/2014 as regard the simplification and improvement of data calculation and exchange and the update of the Change Control Management process (OJ L 108, 29.3.2021, p. 19).

⁽³⁾ 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).

- (7) The Revision Committee set up in accordance with Article 13 § 1, point (c), of COTIF ('the Revision Committee') is expected to carry out a written procedure to decide upon the amendment of Article 3a § 5 and Article 15 § 2 of the ATMF Uniform Rules.
- (8) The objective of the envisaged Revision Committee decision is to align the ATMF Uniform Rules with Directive (EU) 2016/798 of the European Parliament and of the Council (*).
- (9) It is appropriate to establish the position to be taken on the Union's behalf in the CTE and, as regards the revision of the ATMF Uniform Rules, in the Revision Committee, as the proposed decisions will be binding on the Union.
- (10) The envisaged OTIF decisions 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 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 14th session of the CTE of OTIF as regards the modification of the UTP TAF and the revision of Annex B to the ATMF Uniform Rules with regard to derogations from the application of UTP shall be as follows:

- (1) to vote in favour of the CTE proposal to update the UTP TAF (CTE working document TECH-22004-CTE14);
- (2) to vote in favour of the CTE proposal to update Annex B to the ATMF Uniform Rules concerning derogations from the application of UTP (CTE working document TECH-22005-CTE14).

Article 2

The position to be taken on the Union's behalf in the written procedure of the Revision Committee as regards the partial revision of the ATMF Uniform Rules shall be to vote in favour of the CTE proposal to amend Article 3a § 5 and Article 15 § 2 of the ATMF Uniform Rules (CTE working document TECH-22019-CTE14-7).

Article 3

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

Article 4

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

Done at Luxembourg, 13 June 2022.

For the Council
The President
M. FESNEAU

(*) Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102).