

DECISIONS

COUNCIL DECISION (EU) 2021/935

of 3 June 2021

on the position to be taken on behalf of the European Union at the 13th meeting 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 locomotives and passenger rolling stock, freight wagons, accessibility of the rail system for persons with disabilities and persons with reduced mobility, the adoption of the uniform technical prescriptions applicable to train composition and route compatibility checks and to the subsystem infrastructure, the updating of references to the technical documents referred to in Appendix I of the uniform technical prescription concerning telematic applications for freight, and regarding the revision of ATMF with regard to entities in charge of maintenance

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'), 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 point (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 point (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, the uniform technical prescriptions ('UTP') concerning locomotives and passenger rolling stock ('UTP LOC PAS'), freight wagons ('UTP WAG'), accessibility of the rail system for persons with disabilities and persons with reduced mobility ('UTP PRM'), the technical documents of technical specification for interoperability relating to the telematic applications for freight ('TAF TSI') referred to in Appendix I of UTP concerning telematic applications for freight ('UTP TAF'), UTP applicable to train composition and route compatibility checks ('UTP TCRC') and UTP applicable to the subsystem infrastructure ('UTP INF').
- (5) Finally, in accordance with Article 15 § 2 of Appendix G ('ATMF'), the CTE is competent to propose the revision of ATMF with regard to entities in charge of maintenance ('ECM').
- (6) The CTE has included in the agenda of its 13th session that will take place on 22 June 2021, proposals for decisions to amend UTP LOC PAS, UTP WAG and UTP PRM, for the adoption of UTP TCRC and UTP INF, for the updating of the references to the technical documents of TAF TSI listed in Appendix I of UTP TAF and for the revision of ATMF with regard to ECM.

⁽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) It is appropriate to establish the position to be taken on the Union's behalf in the CTE and, as regards the revision of ATMF, the Revision Committee of OTIF, as the proposed decisions will be binding on the Union.
- (8) The objectives of the proposed decisions are to align UTP LOC PAS, UTP WAG and UTP PRM with Commission Implementing Regulation (EU) 2020/387 ⁽²⁾ and Commission Implementing Regulation (EU) 2019/772 ⁽³⁾ respectively, to adopt new UTP TCRC and UTP INF in line with Commission Implementing Regulation (EU) 2019/773 ⁽⁴⁾ and Commission Regulation (EU) No 1299/2014 ⁽⁵⁾ as amended by Commission Implementing Regulation (EU) 2019/776 ⁽⁶⁾ and to propose to the Revision Committee of OTIF a revision of ATMF with regard to ECM to align it with Directive (EU) 2016/798 ⁽⁷⁾.
- (9) The proposed decisions are in line with the law and the strategic objectives of the Union by contributing 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 13th session of the Committee of Technical Experts of the Convention concerning International Carriage by Rail of 9 May 1980 as regards the adoption of amendments to the uniform technical prescriptions concerning locomotives and passenger rolling stock, freight wagons, accessibility of the rail system for persons with disabilities and persons with reduced mobility, as regards the adoption of the uniform technical prescriptions applicable to train composition and route compatibility checks and applicable to the subsystem infrastructure, as regards the update of references to the technical documents of technical specification for interoperability relating to the telematic applications for freight listed in Appendix I of the uniform technical prescription concerning the telematic applications for freight, and on the revision of ATMF with regard to entities in charge of maintenance shall be the following:

- (1) to vote in favour of the CTE proposed amendments to UTP concerning locomotives and passenger rolling stock, as set out in the CTE Working Document TECH-20041-CTE13-UTP LOC PAS annex and TECH-20041 LOC PAS decision;
- (2) to vote in favour of the CTE proposed amendments to UTP concerning rolling stock – freight wagons, as set out in the CTE Working Document TECH-20042-CTE13 WAG draft amendments and TECH-20042 WAG decision;
- (3) to vote in favour of the CTE proposed amendments to UTP concerning accessibility of the rail system for persons with disabilities and persons with reduced mobility, as set out in the CTE Working Document TECH-20043-CTE UTP PRM draft amendments and TECH-20043 PRM decision;
- (4) to vote in favour of the CTE proposed adoption of the UTP applicable to train composition and route compatibility checks, as set out in the CTE Working Document TECH-20039 UTP TCRC and TECH-20039 TCRC decision;

⁽²⁾ Commission Implementing Regulation (EU) 2020/387 of 9 March 2020 amending Regulations (EU) No 321/2013, (EU) No 1302/2014 and (EU) 2016/919 as regards the extension of the area of use and transition phases (OJ L 73, 10.3.2020, p. 6).

⁽³⁾ Commission Implementing Regulation (EU) 2019/772 of 16 May 2019 amending Regulation (EU) No 1300/2014 as regards inventory of assets with a view to identifying barriers to accessibility, providing information to users and monitoring and evaluating progress on accessibility (OJ L 139 I, 27.5.2019, p. 1).

⁽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 Regulation (EU) No 1299/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'infrastructure' subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 1).

⁽⁶⁾ 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).

⁽⁷⁾ 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).

- (5) to vote in favour of the CTE proposed adoption of the UTP applicable to the subsystem infrastructure, as set out in the CTE Working Document TECH-20040-UTP INF draft and TECH-20040 INF decision;
- (6) to vote in favour of the CTE proposal to update the references to the technical documents of TAF TSI listed in Appendix I of UTP TAF, as set out in the CTE Working Document TECH-21009-CTE UTP TAF decision;
- (7) to vote in favour of the revision of ATMF with regard to entities in charge of maintenance, as set out in the CTE Working Document TECH-20045 ATMF Decision.

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 Luxembourg, 3 June 2021.

For the Council
The President
P. N. SANTOS
