



2023/2116

6.10.2023

COUNCIL DECISION (EU) 2023/2116

of 22 May 2023

on the position to be taken on behalf of the European Union at the 15th 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 the qualifications and independence of assessing entities and concerning a common safety method on risk evaluation and assessment, the modification of the rules of procedure of the Committee of Technical Experts, and the modification of the references to the technical documents of TAF TSI listed in Appendix I to the uniform technical prescriptions concerning telematics applications for freight

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 the COTIF, and in accordance with Article 6 of 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 (APTU – Appendix F to the Convention), the CTE is competent to adopt or to amend, inter alia, the uniform technical prescriptions (UTPs) concerning the qualifications and independence of assessing entities (UTP GEN-E), concerning a common safety method on risk evaluation and assessment (UTP GEN-G), and concerning telematics applications for freight (UTP TAF).
- (4) Pursuant to Article 16(10) of COTIF, the CTE is competent to establish its rules of procedure.
- (5) The CTE has included in the agenda of its 15th session, which will take place on 13 and 14 June 2023, a proposal for decisions to fully revise UTP GEN-E, to revise UTP GEN-G, to modify its rules of procedure and to update the references to the Technical Documents of the technical specifications for interoperability relating to the telematics applications for freight (TAF TSI) listed in Appendix I to the UTP TAF.
- (6) The objectives of the envisaged CTE decisions are to align UTP GEN-E with Directive (EU) 2016/797 of the European Parliament and of the Council ⁽²⁾, to revise the UTP GEN-G, to modify the rules of procedure of the CTE and to align the UTP TAF with EU rules, namely Commission Implementing Regulation (EU) 2021/541 ⁽³⁾.
- (7) It is appropriate to establish the position to be taken on the Union's behalf in the CTE, as the proposed decisions will be binding on the Union.

⁽¹⁾ OJ L 51, 23.2.2013, p. 8.

⁽²⁾ 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).

⁽³⁾ 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).

- (8) 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 15th session of the Committee of Technical Experts (CTE) of the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards the modification of the uniform technical prescriptions (UTPs) concerning the qualifications and independence of assessing entities (UTP GEN-E); and concerning a Common Safety Method on risk evaluation and assessment (UTP GEN-G); as regards the modification of the rules of procedure of the CTE; and as regards the modification of the references to the Technical Documents of TAF TSI listed in Appendix I to the uniform technical prescriptions concerning telematics applications for freight (UTP TAF) shall be the following:

- (1) to vote in favour of the CTE proposed revision of UTP GEN-E (CTE Working Document TECH-23005);
- (2) to vote in favour of the CTE proposed revision to UTP GEN-G (CTE Working Document TECH-23006);
- (3) to vote in favour of the CTE proposed revision of the rules of procedure of the CTE (CTE Working Document TECH-23002);
- (4) to vote in favour of the CTE proposal to update the references to the Technical Documents of TAF TSI listed in Appendix I to the UTP TAF (CTE Working Document TECH-23007).

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.

This Decision is addressed to the Commission.

Article 3

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

Done at Brussels, 22 May 2023.

For the Council
The President
E. BUSCH