



Organisation intergouvernementale pour les transports internationaux ferroviaires
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr
Intergovernmental Organisation for International Carriage by Rail

**Groupe de travail «Modification de la
procédure de révision de la COTIF »
Arbeitsgruppe „Änderung
Revisionsverfahren COTIF“
Working group to amend the
procedure for revising COTIF**

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WORKING GROUP TO AMEND THE PROCEDURE FOR REVISING COTIF

Feasibility of amending the procedure for revising COTIF

Position of Serbia

Our national approval procedure is similar to that of Germany. The only difference is that in Serbia, not all the ministries are involved, only the relevant ministries – the Ministry of Transport and the Ministry of Foreign Affairs, and the agreement of the Ministry of Finance is also required. The ratification act is binding.

In general, we are of the view that the provisions of the COTIF Convention that are of legal substance cannot be adopted under the opting out procedure.

Our position on the first proposal is that the texts of all the COTIF Appendices constitute the substance of the law, so we cannot accept that only the Revision Committee is competent in these areas. This means that for us, the opting out procedure is not acceptable.

It is practically the same for proposal 2 – and our position on this is the same as for proposal 1.

Unfortunately, proposal 3 with the fixed timeframe for entry into force again amounts to the opting out procedure. It could be acceptable to some extent, as a fixed timeframe could be a legal basis for adopting the law in a quick procedure.

In my view, proposal 4 does not ensure legal certainty.

For proposal 5, the same applies as for proposal 4.

Proposal 6 would be a smoother way in the sense of a formal suggestion for the step by step acceleration of the procedure to approve the amendments and we could accept this.

With regard to proposal 7, we are not quite clear what the position is, i.e. to make the procedure to produce a new proposal, which was not specifically the purpose of COTIF, equivalent to the procedure to amend the existing proposal.

We can accept proposal 8, because the simplified procedure would only apply to those provisions of the Convention which do not affect the OTIF Member States' existing obligations.