



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

Statement of the Czech Republic

Statement of the Czech Republic to the amendments of COTIF

According to the Czech law and regulation, for national negotiation and approval of the amendments to the international treaty proceeds in the same way as the original treaty has negotiated and approved. The same applies to the annexes to the treaty, which form an integral part thereof.

In this respect, it is not decisive for the Czech Republic, which OTIF Competent Authority has approved the amendment to the COTIF. Any changes to COTIF would still have to be approved by the same procedure.

Article 22 of the “Directive on the negotiation of ... international treaties” (approved by Government Resolution No. 131/2004) states, that *when adopting a multilateral treaty, access to it, as well as amending a bilateral and multilateral treaty, it shall proceed analogously to the negotiation of the treaty unless, upon its approval, the competent authority has provided otherwise*. Theoretically, it would be possible, for example, that the Parliament of the Czech Republic could approve the exemptions for approving of the amendments to the COTIF Annexes in the sense, that all or some of them would not require its prior assent for the ratification.

From the draft of the solutions contained in document no. LAW 1720 would probably be the **second solution** the least appropriate for the Czech Republic. It leads to some legal uncertainty because the Article 35 § 2 of COTIF establishes the possibility, that the COTIF amendment will not enter into force.

While the **third solution** states, that Member States should no longer approve the changes and communicate them to the Secretary-General. On the other hand, if the State decides not to approve it, it will have to notify the Secretary General. Of course the national negotiation procedure and the COTIF change decision will have to take place.

The **first solution** seems to be optimal for the Czech Republic. The changes would be implemented provisionally from a predetermined date until their formal approval. The provisional implementation of the draft amendments could be speeded up. The Member States could be encouraged to approve them in time.

We add to this issue, that most of the provisions, to which the change in the form of the national negotiation and approval should apply, are in the shared or exclusive competence of the EU. The Czech Republic can agree with the proposed change to COTIF revision procedures, if this change will be approved by other EU MS and EU Competent Authorities.