



Organisation intergouvernementale pour les
transports internationaux ferroviaires

Zwischenstaatliche Organisation für den
internationalen Eisenbahnverkehr

Intergovernmental Organisation for
International Carriage by Rail

Rules of Procedure of the Administrative Committee

applicable from 01.02.2016

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In application of Article 15 § 5 a) of the 3 June 1999 Protocol version of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, the Administrative Committee has adopted the following Rules of Procedure.

Article 1 Definitions

For the purpose of these Rules, the term:

- (a) "Convention" means the 3 June 1999 Protocol version of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980;
- (b) "OTIF" means the Intergovernmental Organisation for International Carriage by Rail;
- (c) "Member State" means one of the Member States of OTIF;
- (d) "Member" means one of the Member States of OTIF which is a Member of the Committee;
- (e) "Committee" means the Administrative Committee of OTIF;
- (f) "Delegate" means the person designated by a Member to represent it in the Committee;
- (g) "Secretary General" means the Secretary General in accordance with Article 13 § 1 (g) of the Convention;
- (h) "Secretariat" means the Secretariat of the Committee;
- (i) "Working languages" means the working languages in accordance with Article 1 § 6 of the Convention.

Article 2 Composition and functions

The composition and functions of the Committee are determined on the basis of Article 15 of the Convention.

Article 3 Participants

- § 1 Each Member shall appoint a delegate; a Member may also appoint a deputy.
- § 2 Each delegate may be accompanied by his deputy.
- § 3
 - (a) Each Member shall notify the Secretary General of the name of his delegate and, if applicable, of his deputy; the Secretary General shall then notify all the other Members.
 - (b) However, if a Member establishes that his appointed delegate and, if applicable, his deputy, are unable to attend, he shall appoint a representative simply by

means of a letter to the Secretary General, notwithstanding the provisions of (a).

- § 4 The Secretary General or his representative shall take part in the Committee's discussions in an advisory capacity. The Secretary General or, in his absence, his representative, shall be entitled to introduce proposals.
- § 5 The Auditor shall be invited to attend Committee meetings for which the agenda includes the approval of the accounts. He shall, at the request of the Committee, provide explanations on his written Report. In addition, he may submit any comments on the accounts and on his Report that he considers appropriate.
- § 6 The Committee may invite a regional economic integration organisation which has acceded to the Convention in accordance with Article 38 thereof to participate in its discussions, without the right to vote, when it wishes to consult it on matters of common interest that have been placed on the agenda.
- § 7 The Committee may exceptionally invite other experts whom it wishes to consult on matters which have been placed on the agenda, to attend its meetings, without the right to vote.

Article 4 Chairmanship

- § 1 The Member State which assumes the chairmanship shall be elected by the General Assembly.
- § 2 In addition to exercising the powers conferred upon him by virtue of other provisions in these Rules of Procedure, the Chairman shall declare each meeting open and closed, direct discussions, ensure that these Rules of Procedure are applied, give the floor, put to the vote and announce decisions.
- § 3 The Chairman shall decide all motions of order and all questions concerning the interpretation or application of these Rules of Procedure. If a delegate disputes the Chairman's decision, a vote shall be taken. The Chairman's decision shall stand if a majority of delegates present do not oppose it.
- § 4 The Committee may, within the limits of its own responsibilities, instruct the Chairman to carry out certain specific tasks.

Article 5 Secretariat

- § 1 The Secretary General shall provide the Secretariat of the Committee.
- § 2 The Secretary General shall be entrusted, in particular, with:
- (a) submitting the budget, the work programme, the management report and OTIF's accounts to the Committee for approval and following their approval by the Committee, sending them to all the Member States;

- (b) in application of Article 15 § 5 m) of the Convention, preparing a report of the Committee's activities and, following its approval, sending the text to the Member States at least two months before the opening of each session of the General Assembly convened once every three years in accordance with Article 14 § 3 of the Convention;
- (c) making written proposals, accompanied by summaries, on the matters included on the Committee's agenda;
- (d) sending participants the provisional minutes of the sessions;
- (e) carrying out the Committee's decisions and, if need be, examining certain specific matters entrusted to it by the Committee;
- (f) settling, with the Chairman's agreement, the Committee's pending matters;
- (g) drafting correspondence and maintaining archives.

Article 6 Meetings

- § 1 The Chairman shall convene the Committee at least once a year as well as at the request of four of its Members or of the Secretary General.
- § 2
- (a) At each regular meeting the Committee shall fix the date of the next meeting. If so required by circumstances, the Chairman, after consulting the Secretary General, may modify this date, provided that all delegates are notified in time.
 - (b) If it is necessary to convene an extraordinary session, the date shall be fixed by the Chairman, after consulting the Secretary General. Except for cases of urgency, such session shall be prepared and convened within the time-limit, and in accordance with the procedure, in Articles 7 and 9 of these Rules of Procedure.
- § 3 Unless it decides otherwise, the Committee shall meet at the headquarters of OTIF.

Article 7 Convening. Documents

- § 1 At least two months before the meeting opens, the Chairman shall send:
- delegates an invitation showing the place, date and time of the opening of the meeting,
 - the provisional agenda to delegates and to a regional economic integration organisation which has acceded to the Convention in accordance with Article 38 thereof.
- § 2 At least four weeks before the meeting opens, the Secretary General shall serve upon delegates all the documents relating to the meeting.

- § 3 If, by the deadlines prescribed in the Rules of Procedure, a Member State has not received the documents relating to one or more items of the agenda in the language version requested, the inclusion of these items on the agenda shall be discussed when the agenda is being adopted. If there is no consensus on the decision on whether to maintain these items on the agenda or not, a decision shall be adopted by majority.

Article 8 **Urgent matters**

- § 1 Urgent matters raised between meetings shall be dealt with by the Chairman. If necessary, the Chairman, in agreement with the Secretary General, may submit these matters to delegates in accordance with Article 14 § 6.
- § 2 Where matters of principle are concerned, the Chairman shall consult the delegates. Furthermore he may, with the unanimous consent of the delegates, consult all the Member States. If he cannot obtain unanimity on the question raised or on the principle of consulting all the Member States, the Chairman may convene an extraordinary meeting of the Committee.

Article 9 **Agenda**

- § 1 The agenda of each meeting of the Committee shall be prepared by the Chairman in agreement with the Secretary General and shall be submitted to the Committee at its first session for adoption or amendment, without the addition of new business.
- § 2 Other than business that is part of the Committee's regular functions, the following shall be placed on the provisional agenda of each ordinary meeting:
- (a) all questions the Committee has, at any previous meeting, requested to be included on the agenda;
 - (b) all questions that a delegate has requested to be placed on the agenda between ordinary sessions, provided they are notified to the Secretary General at least six weeks before the meeting;
 - (c) all questions that the Secretary General has requested to be placed on the agenda on the basis of his competences, provided they are notified to the Chairman at least six weeks before the meeting;
 - (d) all questions that a Member State has requested to be placed on the agenda by virtue of Article 15 of the Convention, provided they are notified to the Secretary General at least six weeks before the meeting.
- § 3 If, in accordance with § 2, a request is made, not less than six weeks before the meeting, to place other business on the agenda, then the Secretary General shall send the adapted version of the provisional agenda to the addressees according to Article 7 not less than four weeks before the meeting opens.

§ 4 If it is necessary to convene an extraordinary meeting, the Chairman may place on the provisional agenda questions other than the ones pertaining to such session, provided that the delegates are notified within the time-limit and in accordance with the procedure in Article 7 of these Rules of Procedure.

§ 5 In all events, adoption of the agenda shall be the first item on the provisional agenda.

Article 10 Motions of order

Delegates may, at any time, submit motions of order, provided they do not concern the substance of the question being dealt with. The Chairman shall take a decision immediately. If a delegate disputes the Chairman's decision, a vote shall be taken. The Chairman's decision shall stand if a majority of delegates present do not oppose it.

Article 11 Rediscussion

§ 1 The Committee may reopen discussions on a question which has already been the subject of a positive or negative decision during the same meeting or at a previous meeting.

§ 2 Rediscussion of a proposal shall be approved in a vote carried out in the same way as the vote previously applied to the proposal in question in accordance with Article 14.

Article 12 Quorum

There shall be a quorum in the Committee when two-thirds of the delegates, including the Chairman, are present or represented there. At least half the delegates shall be physically present.

Article 13 Representation

A delegate may be represented by another delegate, provided he notifies the Chairman in writing. However, a delegate may not represent more than one other delegate.

Article 14 General voting rules

§ 1 Voting in the Committee shall take place in accordance with Article 15 § 7 of the Convention and the following rules:

- (a) Each Member shall have one vote.
- (b) The Committee shall take its decisions by the majority of the Members represented at the time of the vote.

- § 2 Voting in the Committee shall normally take place by show of hands. However, any delegate may request that a vote be taken by roll-call in French alphabetical order of the Members. In this case, the vote of each delegate taking part in the vote shall be recorded in the minutes of the session in which voting took place.
- § 3 (a) If so requested by two delegates, a secret ballot shall be held, provided this is approved by a majority of the voting delegates present.
- (b) If a secret ballot is held, two scrutineers shall be designated from amongst the delegates present on the basis of a proposal from the Chairman to count the votes; all invalid ballot papers shall be reported to the Committee.
- § 4 If the votes are divided equally, a second vote shall take place, if necessary after a break in the session. If the votes are equally divided after the second vote, the Chairman shall have the casting vote.
- § 5 Once voting has begun, no delegate may interrupt it, unless for the purpose of a motion of order concerning the manner in which the vote is taking place.
- § 6 If an urgent matter arises in the interval between meetings and if the Chairman, in agreement with the Secretary General, considers that a decision must be taken and that it cannot be postponed to the next meeting, the Chairman shall carry out a vote using the written procedure in accordance with the following rules:
- (a) delegates shall be informed in writing of the subject of and reason for such a vote;
- (b) independent matters shall be the subject of separate votes, within the same procedure if necessary;
- (c) delegates shall be invited to send the Secretary General their votes in writing (yes/no/abstention) within a specific deadline (date and time) giving them at least two weeks;
- (d) the Secretary General shall acknowledge receipt of each vote;
- (e) all replies received within the deadline shall be recorded;
- (f) the quorum shall be identical to that required for a meeting of the Committee. If the number of replies received before the deadline expires does not reach a quorum, the proposal shall be deemed to be rejected. However, it may be submitted again at the next session of the Committee; and
- (g) delegates shall be notified of the result of the voting procedure.

Article 15

Minutes

- § 1 The minutes shall summarize the discussions; however, proposals and decisions shall be reproduced in full.

- § 2 If there is a difference between the texts in the working languages, the text in the language used by the speaker shall prevail; however, with regard to Committee decisions, the French text shall prevail.
- § 3 Each delegate may request that his statements be reproduced in the minutes in full, provided the text is given to the Secretariat in one of the working languages.
- § 4 The provisional minutes shall be sent to participants no longer than two months after the meeting.
- § 5 Within six weeks of the day the provisional minutes are sent, participants shall inform the Secretary General in writing of any corrections they wish to make to the text of their interventions.
- § 6 The provisional minutes shall be submitted to the Committee for adoption at the following meeting. Corrections requested by the participants shall be made available to the Committee beforehand.
- § 7 Once adopted, the definitive version of the minutes shall be sent to every delegate and every Member State.

Article 16 Languages

- § 1 The proceedings shall be conducted in the working languages. If a delegate uses another language, he shall be responsible for arranging for interpretation into one of these working languages.
- § 2 Delegates' interventions shall be interpreted into the other working languages immediately, orally and in substance. The Chairman's proposals and communications shall be interpreted in full.

Article 17 Amending the Rules of Procedure

Provided this question is on the provisional agenda of the Committee, these Rules of Procedure may be amended in whole or in part by a decision of the Committee in accordance with Article 14 § 1.

Article 18
Entry into force

These Rules of Procedure shall enter into force on 1 February 2016.

Berne, 1 February 2016

On behalf of the Administrative Committee

The Chairman



Nikola Milivojević