



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

**Commission de révision
Revisionsausschuss
Revision Committee**

**LAW-17125-CR 26/4
27.10.2017**

Original: EN

26TH SESSION

Modification of the Rules of Procedure

Proposals from the Secretary General

I. PURPOSE OF MODIFICATIONS

1. The objective of rules of procedure is to ensure orderly proceedings and fairness for all participants, particularly to protect the rights of individual members. It is therefore important periodically to review and improve the Rules of Procedure in line with OTIF's own practice and relevant international practice.

According to the Convention, each organ of OTIF is entitled to establish its Rules of Procedure. For the Revision Committee this right is foreseen in Article 16 § 10 of the Convention.

2. At its 25th session (Berne, 25 – 26 June 2014), the Revision Committee mandated the SG to carry out the following for the next session of the Revision Committee:

- to submit proposals to amend the Revision Committee's Rules of Procedure with regard to the question of the language regime;
- to produce a comprehensive review of the issues in connection with the language regime and to propose amendments to ensure that it is applied with all the necessary rigour, particularly to deal with the issue of documents submitted late.

The Secretariat has therefore proposed a modification to Article 9 (former Article 8) in line with the modification adopted by the 124th Administrative Committee, which introduces an alert and discussion procedure if there is a delay in the translation process. Moreover, the requirement to issue documents in all working languages simultaneously is explicitly included in Article 25. The Secretariat would like to highlight the care that is taken to ensure that all translations are submitted within the deadlines. Since the glitches that occurred in 2014, the internal procedures have been reviewed and no further problems have been noted.

3. At the same time, in order to deal with all the potential subjects, a number of additional adaptations have been proposed.

Member States and regional economic integration organisations (European Union) requested that documents for the Revision Committee be submitted earlier than prescribed by the Rules of Procedure currently in force, as two months is insufficient to produce a position. Therefore, the OTIF Secretariat is convinced that preparation for the meetings will be improved by sending out the relevant documents earlier. The modifications concerning the new deadlines (Articles 7, 8, 9 and 11) are summarised in the following table:

Article	<i>Deadline for members of the Revision Committee and observers to submit a request for the agenda/working document/proposal to Secretary General</i>	<i>Deadline for Secretary General to send an agenda/working document/proposal to members of the Committee and to observers</i>
Provisional agenda		
Article 7 § 3		Provisional agenda 20 weeks before the meeting in 3 working languages
Article 8 § 2	Request for an additional item on agenda 16 weeks before the meeting	Adapted provisional agenda 14 weeks before the meeting in 3 working languages

Working documents

Article 9 § 1		Working documents prepared by the Secretary General 16 weeks before the meeting in 3 working languages
Article 9 § 2	Working documents prepared by the members of the Committee and observers on agenda items they have requested 16 weeks before the meeting, if in one working language 12 weeks before the meeting, if in three working languages	Working documents prepared by the members of the Committee and observers on agenda items they have requested 10 weeks before the meeting in 3 working languages
Proposals on agenda items and working documents		
Article 11 § 2	8 weeks before the meeting, if in one working language 5 weeks before the meeting, if in three working languages	4 weeks before the meeting in 3 working languages
Article 11 § 3	After the deadline prescribed in Article 11 § 2	<i>At the meeting</i> in original language and in the 3 working languages only if possible

The last round of modifications to the Rules of Procedure were considered and adopted by the 24th session of the Revision Committee (23 – 25 June 2009), i.e. before the accession of the European Union to COTIF. The OTIF Secretariat identified that the provisions governing the right to vote of the regional organisation and establishing the quorum (Articles 4, 20 and 21) have to be modified in order to comply with provisions of the Convention (Article 38) and the EU Accession Agreement (Article 6).

Moreover, certain structural improvements and especially clarification with regard to working documents and proposals will contribute to the more efficient management and conduct of the Revision Committee, namely:

- providing a definition of “member of the Revision Committee” (Article 1);
- clarification of requirements applicable to representatives (Article 3);
- explicitly stating that an entity which has made a request for an additional agenda item shall also provide a relevant working document on this proposed item (Article 9);
- inclusion of the principle that in the exercise of his/her functions, the Chair remains under the authority of the Committee (Article 10);
- inclusion of the principle that a representative submitting a motion of order may not speak on the substance of the matter under discussion (Article 15);
- improving the submission of working documents and proposals by establishing general requirements applicable to them (Article 26).

4. The current proposals have been prepared on the basis of the best available international practice and a review of OTIF's practice, in particular:

- the rules of procedure and practice of OTIF's General Assembly, the UN General Assembly, including recommendations and conclusions of special committees on procedures, the ICAO Assembly, UPU Congress and Postal Operations Council etc.;
- the amendment of the Rules of Procedure of the Administrative Committee adopted by the 124th session of the Administrative Committee (Article 7 § 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”;

- recommendations made in the Report of the UN Joint Inspection Unit entitled “Multilingualism in the United Nations system organizations: status of implementation” (JIU/REP/2011/4);
- Note by the UN Secretariat entitled “Control and limitation of documentation” (A/58/CRP.7).

II. PROPOSALS FOR MODIFICATION OF THE RULES OF PROCEDURE OF THE REVISION COMMITTEE

5. The proposals for modification of the Revision Committee's Rules of Procedure and the justification for these proposals are attached at annex. Based on the discussions and decisions of the Revision Committee on the proposed modifications, the Secretary General will propose relevant improvements to the Rules of Procedure of the General Assembly.

Proposal for decision

The Revision Committee adopts its Rules of Procedure. These revised Rules will enter into force on 27 February 2018.

Annex



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 Revision Committee

version applicable
as from ~~23.6.2009~~ [Date]

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In accordance with Article 16 § 10 of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Protocol of 3 June 1999, the Revision Committee has adopted the following Rules of Procedure.

Article 1 Definitions

For the purpose of these Rules, the term:

- (a) "Convention" means the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Protocol of 3 June 1999;
- (b) "OTIF" means the Intergovernmental Organisation for International Carriage by Rail;
- (c) "regional organisation" means a regional economic integration organisation which has acceded to the Convention in accordance with Article 38 of the Convention;
- (d) "representative" means the physical person nominated by a Member State, a regional organisation or another body entitled to be represented at the sessions of the Revision Committee;
- (e) "Secretary General" means the Secretary General according to Article 13 § 1 g) of the Convention;
- (f) "working languages" means the working languages according to Article 1 § 6 of the Convention.

(g) “member of the Revision Committee” means a Member State or a regional organisation. When the Revision Committee deliberates and takes decisions on modifications to the Appendices to the Convention, Member States that have made a declaration in respect of the Appendices in question pursuant to Article 42 § 1, first sentence of the Convention shall not be members of the Revision Committee.

Justification

Most Articles of the Rules of Procedure refer to “member of the Revision Committee. The composition of the Revision Committee is defined in Article 16 § 1 of the Convention and it has to be defined separately for each individual agenda item, as only Member States applying a particular Appendix are considered to be members of the Revision Committee for the purpose of modifying it.

It is therefore necessary to define “member of the Revision Committee”.

Article 2

~~Composition and tasks~~ Competence

~~§ 1 — The composition of the Revision Committee shall be determined on the basis of Article 16 § 1 of the Convention.~~

§ 2 — The ~~tasks~~ competence of the Revision Committee shall be determined on the basis of Articles 17 § 1 and 33 § 4 of the Convention.

Justification

§ 1 is superfluous because the rule on determining the composition of the Revision Committee is included in the definition of “member of the Revision Committee” to be inserted in Article 1, letter (g).

§ 2 of this article should become the single paragraph of this Article. Moreover, the term “tasks” should be replaced with the more general term “competence”, which also corresponds to the terminology of Article 33 of the Convention.

Article 3

Representatives

§ 1 All members of the Revision Committee have an equal right to be represented at the meetings of the Revision Committee. Each ~~M~~member of the Revision Committee ~~State and each regional organisation~~ shall designate one or more representatives. If a ~~m~~member of the Revision Committee ~~State or a regional organisation~~ designates more than one representative, a head of delegation who shall exercise the right to vote shall be designated at the same time. The ~~names of~~ representatives shall be notified to the Secretary General in writing, specifying along with all the necessary particulars, their names and functions and indicating the capacity in which they are to serve.

§ 2 A Member State may be represented by another Member State, provided the Secretary General is notified in writing. However, in accordance with Article 16 § 3 of the Convention, a State may not represent more than two other States.

Justification

The principle of equal representation has been added.

The ambiguous term “all necessary particulars” has been replaced by an explicit requirement to indicate the name and function of members of a delegation and the capacity in which they are to serve (e.g. who is to act as the head of delegation).

Article 4 Right to vote

- § 1 With the exception of **Member** States whose right to vote has been suspended (Articles 26 § 7 and 40 § 4 b) of the Convention), each member of the Revision Committee shall have one vote.
- § 2 Each regional organisation shall enjoy the number of votes equal to those of its members which at the time of the vote are entitled to vote according to § 1, to the extent that the items discussed cover matters for which it ~~has~~**is exclusive** competent~~ee~~. Such members of a regional organisation may only exercise their right to vote to the extent that the items discussed do not cover matters for which the regional organisation ~~has~~**is exclusive** competent~~ee~~.

Justification

The last round of modifications to the Rules of Procedures were considered and adopted by the 24th session of the Revision Committee (23 – 25 June 2009), i.e. before the accession of the European Union to COTIF.

The allocation of competences between the regional organisation and its members may be complex and may not even be static. The allocation and limits of competences are governed by the constitutional acts of regional organisations and cannot be regulated by OTIF's legal acts. In fact, the regional organisation may enjoy the right to vote not only when it has exclusive competence, but also in certain cases when it has shared competence.

The current wording of the Article implies that the regional organisation is only entitled to exercise the right to vote on matters which fall within its exclusive competence. This provision does not correspond to Article 38 of the Convention:

“§ 2 The regional organisation may exercise the rights enjoyed by its members by virtue of the Convention to the extent that they cover matters for which it is competent. [...].”

§ 3 For the purposes of the exercise of the right to vote and the right to object provided for in Article 35 §§ 2 and 4, the regional organisation shall enjoy the number of votes equal to those of its members which are also Member States of the Organisation. The latter may only exercise their rights, in particular their right to vote, to the extent allowed by § 2. [...].”

or Article 6 of the EU Accession Agreement:

“1. For decisions in matters where the Union has exclusive competence, the Union shall exercise the voting rights of its Member States under the Convention.

2. For decisions in matters where the Union shares competence with its Member States, either the Union or its Member States shall vote.

3. Subject to Article 26, paragraph 7, of the Convention, the Union shall have a number of votes equal to that of its Member States who are also Parties to the Convention. When the Union votes, its Member States shall not vote.

4. The Union shall, on a case-by-case basis, inform the other Parties to the Convention of the cases where, with regard to the various items on the agendas of the General Assembly and the

other deliberating bodies, it will exercise the voting rights provided for in paragraphs 1 to 3. That obligation shall also apply when decisions are taken by correspondence. That information is to be provided early enough to the OTIF Secretary-General in order to allow its circulation together with meeting documents or a decision to be taken by correspondence.”

In view of the above, it is proposed to align the provisions of this Article with the provisions of Article 38 of the Convention and Article 6 of the EU Accession Agreement.

Article 5 Observers

- § 1 Representatives of associated members of OTIF, representatives of States which are not members of the Revision Committee and representatives of international organisations and associations invited in accordance with Article 16 § 5 of the Convention as well as persons invited to a session of the Revision Committee by the Secretary General on account of their specialist competencies in connection with the discussion of particular matters may take part in the meetings of the Revision Committee in an advisory capacity (observers).
- § 2 Observers may submit suggestions in accordance with the conditions defined in Article 11 § 1.

Article 6 Secretariat

- § 1 The Secretary General shall provide the Secretariat of the Revision Committee.
- § 2 The Secretary General shall, in particular:
- (a) convene the Revision Committee (Article 7);
 - (b) prepare the **working** documents relating to items included in the Revision Committee's agenda (Article **89**);
 - (c) draft and send to the members of the Revision Committee as well as to participating observers the report of each meeting (Article 23);
 - (d) notify all Member States and regional organisations of the decisions of the Revision Committee, any objections within the meaning of Article 35 § 2 of the Convention and the date of entry into force of the decisions;
 - (e) draft correspondence and maintain the archives.
- § 3 To the extent provided for in the Convention, the Secretary General may take part in the Revision Committee's discussions in an advisory capacity.

Article 7
Meetings Convening

- § 1 In accordance with Article 16 § 2 of the Convention, the Secretary General shall convene the Revision Committee either on his own initiative or at the request of at least five members of the Revision Committee or at the request of the Administrative Committee according to Article 15 of the Convention.
- § 2 In addition to the requirements of Article 16 § 2 of the Convention, the Secretary General shall also convene the Revision Committee at the request of a regional organisation which, according to Article 4 § 2, enjoys the votes of at least five members of the Revision Committee.
- § 3 Not less than **20 weeks** ~~three months~~ before the meeting opens, the Secretary General shall serve upon the members of the Revision Committee and the observers:
- (a) an invitation indicating the place, date and time of the opening of the meeting, and
 - (b) the provisional agenda **and annotated provisional agenda. The latter shall provide a brief explanation of each item proposed for inclusion on the agenda.**

Justification

The title has been changed to “Convening” to better reflect the substance of the Article. § 3 has been transferred from Article 9 § 1 (former Article 8).

Following the request of the Member States and the regional organisation to submit the Revision Committee documents earlier in order to allow sufficient time for the preparation of proposals/positions, the Secretariat proposes that the invitation and provisional agenda be sent at least 20 weeks (five months) before the opening of the session.

Based on the practice of other international organisations, it is proposed to distribute an annotated provisional agenda with the provisional agenda. The purpose of the former is to explain the substance of agenda items before distributing the working documents.

Article 98
Agenda

- § 1 Other than business that the meeting has been convened to discuss, the following shall be placed on the provisional agenda of each meeting:
- (a) all ~~questions~~ **items** the Revision Committee has, at any previous meeting, requested to be included;
 - (b) all ~~questions~~ **items notified in accordance with § 2** that a member of the Revision Committee or an observer has requested to be placed on the agenda; ~~provided they are notified to the Secretary General at least ten weeks before the meeting.~~

- § 2 If in accordance with § 1, a request is made, not less than ~~ten~~ **16** weeks prior to 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 8~~ not less than ~~four~~ **14** weeks before the meeting opens. **A request for an additional item shall contain a brief explanation of the proposed item.**
- § 3 The provisional agenda shall be submitted to the Revision Committee at the beginning of the meeting for adoption or amendment. **As a rule, the adoption of the agenda shall be the first item to be dealt with once on the provisional agenda. the Chair and Vice-Chairs have been elected.**
- § 4 New items may be added to the agenda, or existing items deleted from it, only with the unanimous agreement of the meeting.

Justification

First of all, it is proposed to change the order of the articles; first, the agenda (Article 8), and then working documents (Article 9).

In accordance with the proposal, members of the Revision Committee will have four weeks (instead of the current two weeks) after receiving a provisional agenda prepared by the Secretary General to request that an additional item be placed on the agenda. As such requests should contain only a brief explanation of the proposed additional item, two weeks should be sufficient for the Secretariat to translate them and distribute an adapted provisional agenda.

In view of the fact that there might be discussions on adopting the agenda, it is proposed that as a rule, the Chair should be elected before proceeding to the adoption of the agenda. This proposal also corresponds to Article 10 of the General Assembly's Rules of Procedure, which stipulate that as a rule, the first item on the provisional agenda is the election of the Chair and Vice-Chair.

Article 8~~9~~ **Convening—Working Documents**

~~§ 1 Not less than three months before the meeting opens, the Secretary General shall serve upon the members of the Revision Committee and the observers:~~

~~(c) an invitation indicating the place, date and time of the opening of the meeting, and~~

~~(d) the provisional agenda.~~

§ ~~21~~ The Secretary General shall send the **working** documents relating to the **provisional agenda of the session of the Revision Committee, except items referred to in Article 8 § 1, letter (b), meeting** to the members of the Revision Committee and observers not less than ~~two months~~ **16 weeks** before the opening of the meeting.

§ 2 A member of the Revision Committee or observer who submits a request in accordance with Article 8 § 1, letter (b) shall send the Secretary General, in at least one of the working languages, a working document on the proposed

agenda item no later than 16 weeks before the opening of the meeting or 12 weeks if the working document has been prepared in all the working languages.
~~If ¶The Secretary General shall provide receives a document of more than 10 pages which is not in all of the working languages, the deadline shall only apply to the version(s) of the document received. ¶translation(s) into the other working language(s) shall be made available as soon as possible~~ **and send the working documents to the members of the Revision Committee and to observers not less than 10 weeks before the opening of the meeting.**

§ 3 The Secretary General shall place the documents of the Revision Committee on the OTIF website for access to the members of the Revision Committee and shall distribute them electronically to the members of the Revision Committee **and to observers**. The Secretary General shall provide hard copies at the request of any member of the Revision Committee who cannot receive or obtain documents by electronic means.

§ 4 If, by the deadlines prescribed in §§ 1 and 2, 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 in accordance with Article 21.

Justification

§ 1 has been transferred to Article 7 § 3 and the paragraphs have been renumbered accordingly.

The working documents (i.e. documents accompanying an agenda item) are to be prepared by the person proposing the agenda item, i.e. the Secretary General, a member of the Revision Committee or an observer.

Following the request of the Member States and the regional organisation to submit the Revision Committee documents earlier in order to allow sufficient time for the preparation of proposals/positions, the Secretariat proposes that working documents prepared by the Secretary General be sent at least 16 weeks (four months) before the opening of the session. When a member of the Revision Committee makes a proposal to include an agenda item, it must send the Secretary General the corresponding working documents 16 weeks - or 12 weeks in case of submission in all the working languages - before the session opens. The Secretary General must ensure that the working documents are translated into the other working languages and distribute them no later than 10 weeks before the opening of the session.

§ 4 is based on the amendment of the Rules of Procedure of the Administrative Committee adopted by the 124th session of the Administrative Committee (Article 7 § 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”.

The general voting principle applicable to decisions of the Revision Committee is also applicable in the case of § 4.

Article 10 **Chair, Vice-Chairs and conducting proceedings**

- § 1 The Revision Committee shall elect, from among the representatives of its members, its Chair and one or more persons as its Vice-Chair. The Chair and the Vice-Chairs may be elected
- (a) for each meeting or a part of it, in which case there is no limit to the number of times they may be elected; or
 - (b) for an agreed period up to a maximum of five years, with the possibility of being re-elected once.
- § 2 If no permanent Chair or Vice-Chairs are elected, the Secretary General or another representative of **the** OTIF **Secretariat** shall open the meeting and shall conduct proceedings until the Chair and the Vice-Chairs are elected.
- § 3 The Chair shall direct discussions, ensure that discussions take place in accordance with these Rules, ensure that these Rules are applied, give the floor, direct the voting procedure and announce decisions.
- § 4 The Chair may propose to limit the time the floor is given to each speaker and the number of times each delegation may take the floor on a question and to close the discussion. He may propose the suspension or adjournment of the discussion on the **question-item** being examined or the suspension or adjournment of the session itself.

§ 5 In the exercise of his/her functions, the Chair remains under the authority of the Revision Committee.

Justification

In addition to editorial amendments, the principle that the Chair remains under the authority of the Revision Committee has been explicitly included.

Article 11 **Submissions-Proposals on the agenda items**

- § 1 Proposals may be submitted by any member of the Revision Committee, by the Secretary General in accordance with Article 21 § 4 of the Convention and by observers. Suggestions by observers shall be considered as proposals for a vote provided they are supported by a member of the Revision Committee.
- § 2 ~~A document for an agenda item~~ **Proposals regarding an item included on the agenda shall be made in at least one of the working languages and shall normally be submitted in writing to the Secretary General not less than 8 weeks before the opening of the session. Where the proposals are made in all the working languages, they shall be submitted not less than 5 weeks before the opening of the session. The Secretary General shall circulate the proposals to the members of the Revision Committee and to observers in all the working languages not less**

~~than 4 weeks before the opening of the session, and follow the format of the model which can be downloaded from the OTIF website or is available on request in hard copy from the Secretary General. It shall be transmitted electronically to the Secretary General unless the proposer does not have access to electronic facilities.~~

~~§ 3 Submissions shall be made in accordance with the following deadlines :~~

~~The document must reach the Secretary General not less than 10 weeks before the meeting.~~

~~In cases where the document~~

~~(a) comprises not more than 200 lines of text in total and~~

~~(b) contains no drawings or illustrations; and~~

~~(c) is established in more than one working language~~

~~it must be submitted 4 weeks before the meeting.~~

~~§ 43 Representatives may~~ **After the deadline prescribed in § 2 or** when a session is opened, **members of the Revision Commission and observers may** make further ~~submissions~~ **proposals in at least one of the working languages**, provided that such ~~submissions~~ **proposals** deal with ~~questions~~ **items** included on the agenda. **Such proposals shall be submitted to the Secretary General, who should ensure translation, if possible, and distribute them at the meeting.** ~~and are translated and distributed at the meeting in all the working languages. However, such a submission~~ **a proposal** shall **only** ~~not~~ be discussed ~~unless if~~ it is supported:

a) by at least two members of the Revision Committee if the proposal is in all the working languages;

b) by the majority provided for in Article 21 §1 if the proposal is not in all the working languages.

Justification

The purpose of these modifications is to establish clear rules with regard to deadlines for the submission of proposals on the agenda items. These deadlines are necessary in order to give the Secretariat the minimum time necessary to translate proposals into all the working languages and distribute them to members of the Revision Committee. However, members of the Revision Committee should still be able to submit proposals after the deadline, even in only one working language. The Secretariat will ensure that such late proposals are translated only if this is possible, depending on the volume of documents and other circumstances. Moreover, such late proposals will only be discussed if there is support from the members of the Revision Committee.

Article 12

Examination of proposals and voting

§ 1 If the same issue is the subject of several proposals, the Chair shall decide the order in which they are dealt with and voted upon, beginning in principle with the proposal

that appears to him to differ most from the original text or, if there is no original text, from the original proposal.

§ 2 If a proposal concerns amendments to a proposal, then the amendments shall be dealt with and voted upon first. If a proposal is the subject of two or more amendments, the vote shall first take place on the amendment that appears to the Chair to differ the most, with regard to its substance, from the original proposal. If the Revision Committee does not adopt any amendment, the vote shall take place on the original proposal.

§ 3 If a proposal can be separated into different parts, with the agreement of the proposer, each part may be dealt with and voted on separately. Once the different parts have been adopted, a vote must be taken on the proposal as a whole.

Article 13 Withdrawal of a proposal

§ 1 Any proposal may be withdrawn by the proposer, at any time before voting on it has begun and provided that the Revision Committee has not already voted to amend it.

§ 2 A proposal thus withdrawn may be immediately reintroduced by any other representative according to the requirements of Article 11.

Article 14 Redisussion

A proposal that has been adopted or rejected by a meeting of the Revision Committee may only be examined again at the same meeting if the Revision Committee so decides. In this event, the principle of re-examining the proposal shall be approved by means of a vote carried out in the same way as the initial vote on the proposal in question was taken, in accordance with Article 21.

Article 15 Motions of order

Representatives may, at any time, submit motions of order. The Chair shall take a decision immediately. If a member of the Revision Committee disputes the Chair's decision, a vote shall be taken. The Chair's decision shall stand if it is not rejected by a majority in accordance with Article 21. **A representative submitting a motion of order may not speak on the substance of the matter under discussion.**

Justification

It is a classic rule in rules of procedure of the organs of international organisations that the person submitting a motion on a point of order may not, in his submission, deal with the substance of the question under discussion. The proposed wording is based on Rule 113 of the Rules of Procedure of the UN General Assembly. A similar provision may also be found in Article 18 of the Rules of Procedure of the General Assembly, Rule 36 of the Rules of Procedure of the ICAO Assembly or Article 22 (8) of the Rules of Procedure of the Postal Operations Council etc.

Article 16
Adjournment or closure of discussion on an item

- § 1 During a session, any member of the Revision Committee may propose that discussions on an item be adjourned or closed.
- § 2 This motion shall immediately be opened for discussion. Apart from the proposer, the floor shall only be given to one supporter and two opponents of the motion, after which a vote on the motion shall be taken immediately.
- § 3 If the Revision Committee approves the motion, the Chair shall immediately declare that the discussions on this item are adjourned or closed.

Article 17
Suspension or adjournment of a session

- § 1 During a session, any member of the Revision Committee may propose that the session be suspended or adjourned.
- § 2 Such a motion shall be put to the vote immediately, without discussion.
- § 3 If the Revision Committee approves such a motion, the Chair shall immediately declare that the session is suspended or adjourned.

Article 18
Sequence of motions of order

Subject to the provisions of Article 15, the following proposals take priority over all other proposals or motions, in the order shown below:

- (a) Suspension of the session,
- (b) Adjournment of the session,
- (c) Adjournment of the discussions on an item,
- (d) Closure of the discussions on an item.

Article 19
Non Public nature of meetings

Unless the Revision Committee decides otherwise, its meetings and those of its working groups shall not be open to the public. The non public nature of a meeting has no influence on the procedures of OTIF regarding the distribution and publication of its documents.

Justification

The modification is editorial in order that the title better reflects the content of this Article.

Article 20 Quorum

§ 1 There shall be a quorum (Article 13 § 3 and 17 § 2 of the Convention) in the Revision Committee when the majority of its members enjoying the right to vote according to Article 4 are represented there at the time of the vote.

§ 2 For the purpose of determining a quorum for an agenda item on a matter within the competence of a regional economic integration organisation, that organisation shall be counted to the extent of the number of votes it is entitled to cast in accordance with Article 4 § 2.

§ 3 At the start of each new agenda item, the Chair shall determine and inform the Revision Committee whether or not the meeting is quorate for the purpose of that item, notwithstanding that this may change prior to any vote.

Justification

For transparency and clarity, a rule has been included on how a quorum has to be calculated when a regional organisation is competent and votes on a particular agenda item.

Article 21 Voting rules

§ 1 Voting in the Revision Committee shall take place in accordance with Article 16 § 4 of the Convention and with the following rules:

- (a) each member of the Revision Committee shall have one vote according to Article 4, without prejudice to Article 4 § 2;
- (b) a proposal shall be adopted if the number of votes in favour is
 - equal to at least one third of the members of the Revision Committee represented at the time of the vote and
 - greater than the number of votes against;
- (c) members of the Revision Committee which abstain in the vote shall nevertheless be considered to be represented at the time of the vote;
- (d) determination of the majority shall be based on the number of members of the Revision Committee whose representatives according to Article 3 are present in the meeting room at the time of the vote. Non-participation of a representative present in the meeting room at the time of the vote shall be considered as an abstention.

§ 2 During a meeting of the Revision Committee, voting shall take place by show of hands. Any delegation may request a nominal vote. In this case, the vote shall take place in French alphabetical order, beginning with the delegation whose name the Chair draws out. Votes shall be recorded in the minutes of the relevant meeting.

- § 3 Where a matter arises outwith a meeting, and if the Chair, the Secretary General or at least five members of the Revision Committee believe a decision needs to be taken which should not be postponed until the next meeting of the Revision Committee, the Chair shall conduct a vote by written procedure in accordance with the following rules:
- (a) if no permanent Chair is elected, the Chair shall be defined as that of the most recent session;
 - (b) all Member States shall be informed in writing about the subject of and reason for such a vote;
 - (c) independent issues are to be voted upon separately, but if appropriate, during the same procedure;
 - (d) the members shall be invited to send the Secretary General their written votes (yes/no/abstention) within a specific deadline (date and time), which must allow them no less than twenty one calendar days;
 - (e) receipt of each vote shall be confirmed by the Secretary General;
 - (f) all responses received within the deadline shall be recorded;
 - (g) the quorum shall be the same as for a meeting of the Revision Committee. If the number of responses received before the deadline does not reach the required quorum, the proposal shall be considered to be rejected. It may, however, be resubmitted at the next meeting of the Revision Committee; and
 - (h) all Member States shall be notified of the result of the voting procedure.

Justification

The sole purpose of the modification is to make a reference to a provision defining voting rights of a regional organisation. This clarification is needed as a regional organisation is also a member of the Revision Committee but the number of votes it disposes is defined in Article 4 § 2.

Article 22 **“Ad hoc” working groups**

- § 1 If the Revision Committee considers it necessary, it may set up one or more "ad hoc" working groups to examine specific matters.
- § 2 The Rules of Procedure of the Revision Committee shall be applied mutatis mutandis at meetings of the “ad hoc” working groups unless specified otherwise by the Revision Committee.

Article 23 **Report**

- § 1 The minutes shall be in the form of a report summarizing the discussions; in accordance with Article 16 § 8 of the Convention proposals and decisions shall be

reproduced in full. The same shall apply to any actions or deadlines placed upon the Secretary General or any member of the Revision Committee.

- § 2 If there is a difference between the different language versions, the text in the language used by the speaker shall prevail; however, with regard to the decisions of the Revision Committee, the French text shall prevail.
- § 3 Each participant may request that his / her statements be reproduced in the report in full, provided the text is given to the Secretary General in one of the working languages.
- § 4 The draft report shall be sent to the participants at the meeting not later than two months after the meeting. Not more than six weeks after the day the draft report is sent, participants shall notify the Secretary General in writing of any corrections they wish to make to the report. If multiple corrections are requested which would cause the same content to be reproduced differently, the Secretary General shall agree a compromise or shall place the matter on the agenda of the next meeting.
- § 5 The definitive version of the report shall be sent to the members of the Revision Committee and the participating observers (Article 6 § 2 c)).

Article 24 **Entry into force of decisions**

The decisions of the Revision Committee shall enter into force in accordance with Article 35 §§ 2 to 4 of the Convention.

Article 25 **Languages**

- § 1 The proceedings of the Revision Committee shall be conducted in the working languages. If a speaker uses another language, he / she shall be responsible for arranging for interpretation of his / her statements into one of the working languages.
- § 2 Participants' interventions shall be interpreted immediately, orally and in substance, into the other working languages. Proposals, decisions and the Chair's statements shall be interpreted in full.
- § 3 All the documents referred to in Articles 7, 8, 9 and 11 shall be distributed simultaneously in all the working languages to the members of the Revision Committee and to observers within the applicable deadlines, except in the cases foreseen by Article 11 § 3.**

Justification

§ 3 explicitly enshrines the general principle that all documents have to be distributed in all the working languages and simultaneously within the applicable deadlines..

Article 26
Requirements for working documents and proposals

Working documents and proposals not originating from the Secretariat shall be as brief as possible. Working documents should not exceed 10,700 words (around 20 physical pages). Proposals should not exceed 5,300 words (around 10 physical pages). Working documents and proposals, including graphical representation, shall be submitted in an editable format to simplify translation.

Justification

In order to facilitate deliberations and the translation of documents, some basic requirements concerning the working documents and proposals are included in a new Article 26. The most important principle is that the documents should be as brief as possible. The recommended limit is 10,700 words for working documents and 5,300 words for proposals.

Article 27~~6~~
Amending the Rules of Procedure

Provided a proposal for amendment is on the provisional agenda, these Rules may be amended in whole or in part by a decision of the Revision Committee in accordance with Article 21. The Revision Committee shall decide the date of entry into force of amendments.

Article 28~~7~~
Entry into force

These Rules shall enter into force on ~~23 June 2009~~ **[Date]**.

Berne, ~~23 June 2009~~ **[Date]**

On behalf of the Revision Committee

The Chair:

(Name)