

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

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Addendum 3: New Rules of Procedure of the RID Committee of Experts

Aus Kostengründen wurde dieses Dokument nur in begrenzter Auflage gedruckt. Die Delegierten werden daher gebeten, die ihnen zugesandten Exemplare zu den Sitzungen mitzubringen. Das Zentralamt verfügt nur über eine sehr geringe Reserve.

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In application of 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 Committee of Experts has adopted the following Rules of Procedure:

Article One Definitions

For the purpose of these Rules, the term

- (a) "Convention" shall apply to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Protocol of 3 June 1999;
- (b) "OTIF" shall apply to the Intergovernmental Organisation for International Carriage by Rail;
- (c) "Member State" shall apply to one of the Member States of OTIF;
- (d) "regional organisation" shall apply to a regional economic integration organisation which has acceded to the Convention in accordance with Article 38;
- (e) "representative" shall apply to the physical person nominated by a Member State or by a regional organisation;
- (f) "Committee of Experts" shall apply to the RID Committee of Experts instituted under Article 18 of the Convention;
- (g) "Secretary General" shall apply to the Secretary General of OTIF;
- (h) "Working languages" shall apply to the working languages of OTIF, i.e. German, English and French.

Article 2 Composition and attributions

- § 1 The composition of the Committee of Experts is determined on the basis of Article 16 § 1 of the Convention.
- § 2 The attributions of the Committee of Experts are determined on the basis of Articles 18 § 1 and 33 § 5 of the Convention.

Article 3 Representatives

- § 1 Each Member State and each regional organisation shall designate one or more representatives. If a Member 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.
- § 2 Each Member State shall notify the Secretary General in writing of the information concerning its representatives.

- § 3 The European Community shall be represented by the European Commission which, on its part, shall as a rule mandate the Member States of the European Community to represent it, as the latter possess expert technical knowledge. However, the European Community may at any time exercise the right laid down in Article 33 § 5 of the Convention, which allows one third of the Member States represented in the Committee of Experts to request that a proposal submitted to the Committee of Experts be submitted to the General Assembly for decision.

Article 4 Representation

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

Article 5 Observers and experts

- § 1 Representatives of non-Member States, international organisations and associations, and experts invited in accordance with Article 16 § 5 of the Convention may submit suggestions in accordance with the conditions defined in Article 12 of these Rules.
- § 2 The Committee of Experts may draw up a list of international organisations and associations that shall be invited to the sessions of the Committee of Experts in any case (permanently invited observers).

Article 6 Secretariat

- § 1 The Secretary General shall provide the Secretariat of the Committee of Experts.
- § 2 He shall, in particular:
- (a) convene the Committee of Experts in accordance with the conditions defined in Article 16 § 2 of the Convention (Article 7);
 - (b) prepare the proposals included in the Committee of Experts' agenda (Article 8);
 - (c) draft and send to the Member States, the regional organisations, observers and experts the report of each meeting (Article 24);
 - (d) notify all Member States and regional organisations of the decisions of the Committee of Experts, any objections within the meaning of Article 35 § 4 of the Convention and the proposed date of entry into force of the decisions;
 - (e) draft correspondence and maintain the archives.

Article 7 Meetings

In accordance with Article 16 § 2 of the Convention, the Secretary General shall convene the Committee of Experts either on his own initiative or at the request of at least five Member States.

Article 8 Convening – Documents

- § 1 Two months before the meeting opens, the Secretary General shall serve upon Member States, regional organisations, observers and experts:
- an invitation showing the place, date and time of the opening of the meeting,
 - the provisional agenda.
- § 2 The documents relating to the meeting shall be sent to Member States, regional organisations, observers and experts as soon as possible.
- § 3 As a rule, documents shall be sent electronically and shall be placed on the OTIF website at the same time. However, recipients who cannot receive documents electronically may request a hard copy in writing.

Article 9 Agenda

- § 1 The provisional agenda shall be submitted to the Committee of Experts at its first session for adoption or amendment; new items may be added to the agenda with a majority of two-thirds.
- § 2 Other than business that the meeting has been convened to discuss, the following shall be placed on the provisional agenda of each meeting:
- all questions the Committee of Experts has requested to be included at previous meetings;
 - all questions that Member States or a regional organisation have requested to be placed on the agenda, provided they are notified to the Secretary General six weeks before the meeting;
- § 3 The adoption of the agenda shall be the first item on the provisional agenda.

Article 10 Chairmanship and conducting proceedings

- § 1 Each meeting of the Committee of Experts shall be opened by the Secretary General or by his designated representative; he shall conduct the discussions concerning approval of the agenda.
- § 2 After it has adopted its agenda, the Committee of Experts shall elect the Chairman and one or more Deputy Chairmen.

- § 3 The Chairman shall direct discussions, ensure that discussions take place in accordance with the rules, ensure that these Rules of Procedure are applied, give the floor, direct the votes and announce decisions.
- § 4 The Chairman may propose to limit the time the floor is given to each speaker, to limit 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 being examined or the suspension or adjournment of the session itself.
- § 5 The Chairman shall decide motions of order and all questions concerning the interpretation or application of these Rules of Procedure. If a delegation disputes the Chairman's decision, a vote shall be taken. The Chairman's decision shall stand if a majority of Members present do not oppose it.

Article 11 Proposals

- § 1 All questions submitted to the Committee of Experts for examination shall be the subject of proposals.
- § 2 Suggestions submitted by observers and experts in accordance with Article 5 shall only be discussed if they are sponsored as proposals by Member States or regional organisations.
- § 3 Proposals shall be submitted in writing in one of the working languages and transmitted to the Secretary General at least six weeks before the meeting opens.
- § 4 Representatives may, when a session is opened, submit proposals in meeting documents, provided they deal with questions included on the agenda and that they are translated and distributed in all the working languages. However, such a proposal shall not be discussed unless it is supported by at least two Member States.

Article 12 Examination of proposals

- § 1 If the same question is the subject of several proposals, the Chairman shall decide the order in which they are dealt with, beginning in principle with a vote on the proposal that differs most from the text of RID in force.
- § 2 If a proposal concerns amendments to a main proposal, the amendments shall be put to the vote first, in principle voting firstly on those that differ most from the main proposal.
- § 3 If a proposal can be divided, each part may, with the agreement of the author and the majority of representatives, be examined and put to the vote separately. After the different parts have been approved, the text of the proposal shall be adopted in its entirety.

Article 13
Withdrawal of a proposal

- § 1 Any proposal may be withdrawn by its author, at any time before voting on it has begun and provided it has not been amended.
- § 2 A proposal thus withdrawn may be immediately reintroduced by any other representative under the conditions of Article 12.

Article 14
Rediscussion of proposals already examined

A proposal that has been adopted or rejected at the same meeting may only be examined again if the Committee of Experts 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 (show of hands, nominal vote).

Article 15
Motions of order

- § 1 Representatives may, at any time, submit motions of order.
- § 2 The Chairman shall take a decision immediately in accordance with Article 10 § 5.
- § 3 If his decision is disputed, a vote shall be taken. The Chairman's decision shall stand unless a majority objects in accordance with Article 21.

Article 16
Adjournment or closure of discussions on an item

- § 1 During a session, any representative 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 Committee of Experts approves the motion, the Chairman 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 representative may propose that it be suspended or adjourned.
- § 2 Such a motion shall be put to the vote immediately, without discussion.
- § 3 If the Committee of Experts adopts such a motion, the Chairman shall immediately announce the suspension or adjournment of the session.

Article 18
Order of proposals concerning procedure

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
Public nature of meetings

Unless the Committee of Experts decides otherwise, its meetings and those of its working groups shall not be open to the public.

Article 20
Quorum

§ 1 In accordance with Article 18 § 2 of the Convention, there shall be a quorum in the Committee of Experts when at least one-third of the Member States are either present or represented in accordance with Article 4.

§ 2 In accordance with Article 13 § 3 of the Convention, in deciding whether there is a quorum, account shall not be taken of Member States which do not have the right to vote (see Article 14 § 5 of the Convention) or whose right to vote has been suspended (see Article 26 § 7 and 40 § 4 (b) of the Convention).

Article 21
General voting rules

§ 1 Voting in the Committee of Experts shall take place in accordance with the following rules:

- (a) subject to the rules in Articles 14 § 5, 26 § 7 and 40 § 4 (b) of the Convention and in Article 38 § 3 of the Convention in conjunction with Article 3 § 3, each Member State shall have one vote;
- (b) a proposal shall be adopted if the number of votes in favour is
 - equal to at least one third of the Member States represented at the time of the vote and
 - greater than the number of votes against.
- (c) Member States who abstain in the vote shall nevertheless be considered to be represented at the time of the vote.

- § 2 In principle, voting shall take place by show of hands. However, any Member State may request a nominal vote. In this case, the vote shall take place in French alphabetical order of the Member States present or represented. The vote of each Member State participating in the vote shall be recorded in the report of the relevant meeting.

Article 22 Working groups

- § 1 In order to prepare the decisions or to discuss particular questions, the Committee of Experts may, if it considers it necessary, set up one or more standing or temporary working groups.
- § 2 The Rules of Procedure of the Committee of Experts shall as a rule be applied analogously at meetings of the working groups.

Article 23 RID/ADR/ADN Joint Meeting

Amendments to RID for which co-ordination with the provisions for the carriage of dangerous goods by other modes, particularly ADR [and ADN], is necessary or practical shall be prepared by the RID Committee of Experts in special meetings during the RID/ADR/ADN Joint Meeting with the UNECE Working Party on the Transport of Dangerous Goods (WP.15).

Article 24 Report

- § 1 The minutes referred to in Article 16 § 8 of the Convention shall here be taken to mean a report summarizing the discussions; decisions shall be reproduced in full.
- § 2 If there is a difference between the different language versions, the text in the language used by the author shall prevail; however, with regard to the decisions of the Committee of Experts, the French text shall prevail.
- § 3 Each participant may request that his statements be reproduced in the report in full, provided the written text is given to the Secretary General in one of the working languages.
- § 4 At the end of the meeting, the Committee of Experts shall as a rule read and approve the amendments to the text of RID that have been adopted.
- § 5 The draft report shall be sent to representatives, observers and experts not later than two months after the meeting.

Within six weeks of the day the draft report is sent, representatives, observers and experts shall notify the Secretary General in writing of any corrections they wish to make to the text of their own interventions.

- § 6 Once he has brought together the corrections requested within the period prescribed, the Secretary General shall send the definitive version of the report to the Member States, the regional organisations, observers and experts. If 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.

Article 25
Entry into force of decisions

The decisions shall enter into force in accordance with the provisions of Article 35 of the Convention.

Article 26
Languages

- § 1 In accordance with Article 16 § 7 of the Convention, the proceedings shall be conducted in the working languages. If a speaker uses another language, he shall be responsible for arranging for interpretation of his statements into one of these languages.
- § 2 Participants' interventions shall be interpreted immediately, orally and in substance, into the other working languages. Proposals, decisions and the Chairman's statements shall be interpreted in full.

Article 27
Amending the Rules of Procedure

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

Article 28
Entry into force

These Rules of Procedure shall enter into force on [date of entry into force of COTIF 1999]. The Rules of Procedure of 8 November 1995 shall then lapse.

Berne, [date]

On behalf of the RID Committee of Experts of
the Intergovernmental Organisation for Inter-
national Carriage by Rail (OTIF)

The Chairman:
Signed Helmut Rein

APPENDIX

Standard format for documents

TITLE OF AGENDA ITEM

Title of proposal, setting out the question

Submitted by ...

SUMMARY

Executive summary: This description outlines the proposed objective (amendment, information only)

Action to be taken: Reference is made to the paragraphs of RID to be amended

Related documents: Other key documents are listed.

Introduction Motive/developments, which urgently justify the amendment of RID.

Proposal Description of the proposed amendment, including amended text of paragraphs and ensuing amendments.

Justification

Safety:	What are the safety implications?
Feasibility:	Which economic sector or public service is concerned by the proposed amendment? What are the consequences in terms of advantages and disadvantages? Is a transitional period required?
Enforceability:	Once implemented, can the amendments be observed or monitored?

Dates of the session.

Number of the agenda item.
