

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

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

OCTI/RID/CE/39/11a

15 November 2002

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**RID: 39th Session of the Committee of Experts on the Transport of Dangerous Goods
(Berne, 18 - 21 November 2002)**

**Subject: Adapting the RID Committee of Experts Rules of Procedure to the working
methods adopted by the RID/ADR/ADN Joint Meeting and WP.15/ADR**

Suggestion from OCTI

Associated documents

Attached at Annex is Annex 1 of the report TRANS/WP.15/AC.1/84 of the Joint Meeting held from 28.5.2001 to 1.6.2001, at which these working methods were adopted. Also attached is an extract from the RID Committee of Experts Rules of Procedure adopted in November 1995 (32nd session), and paragraph 126 of the final report of the 38th session of the RID Committee of Experts (Prague, 19-23.11.2001), at which this matter was dealt with.

Introduction

If the working methods of the Joint Meeting had been strictly applied to this session of the RID Committee of Experts, we should have to have cancelled it or already sent you home at midday on Monday.

The situation would hardly have been any better if we had applied Article 12 of the Rules of Procedure of the Committee of Experts. By means of a simple order of motion in accordance with Article 15, adopted by the majority of the Committee of Experts in accordance with Article 10 § 5, you would already have returned home on Monday evening.

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.

Questions

Should we impose rules on ourselves that are even more strict than those of the Committee of Experts, which we will not in any case observe?

Should we in fact envisage relaxing the Rules of Procedure in order to conform to reality and to the crucial requirements for bringing regulations into force?

Considerations

The RID Committee of Experts has almost always operated under very good conditions, at least with regard to documentation.

Delegates have always received documents in the two working languages within a "reasonable" time, except of course last minute informal documents.

For this meeting, all the official documents have been submitted in three languages by e.mail or have been available from the OTIF website.

Bearing in mind the demands to which the Committee of Experts is subject, particularly with regard to harmonization with the Model Regulations, should we not prefer flexibility above strict rules?

If we take the case of harmonization, the Committee of Experts meets about 2 months after the latest Joint Meeting and two to three weeks after WP.15, and OCTI only has two months to notify the texts to the Governments. It is not possible under these conditions to observe the Committee of Experts Rules of Procedure, let alone the working methods of the Joint Meeting.

It should be recalled here that not so long ago, the September Joint Meeting was cancelled in order to give the secretariats time to prepare the documents submitted to the Committee of Experts and WP.15 according to the rules. A little later, OCTI agreed to maintain this Joint Meeting, provided that only those matters relating to later amendments were dealt with. Such strict rules are no longer realistic.

In order to meet these demands then, realistic rules should be adopted.

It should be recalled that these Rules of Procedure were established at a time when RID and ADR did not yet follow the same biennial cycle of amendments.

Suggestion

For the time being, OCTI proposes that only the standard presentation contained in Annex 1 to document TRANS/WP.15/AC.1/84 (paragraph 4) be adopted in the Rules of Procedure, as well as the conditions concerning consideration of informal documents (paragraph 6), without taking strict account of the time limits imposed.

Once English has been officially introduced following the entry into force of the new COTIF (predicted to be in the second half of 2004, all going well), the RID Committee of Experts Rules of Procedure will have to be adapted to this new situation, particularly with regard to reducing the period of notification of the new texts to the Governments and implementation from 11 to 6 months.

P.S. This document was examined at the 40th session of the RID Committee of Experts and the Secretariat's suggestion was accepted (see paragraph 131 of the report A 81-03/501.2004 dated 31 January 2004, attached at the annex).

Extract from document TRANS/WP.15/AC.1/84

Texts adopted by the Joint Meeting

METHODS OF WORK

Rules concerning documents to be submitted to the RID/ADR/ADN Joint Meeting

Official documents

1. Documents submitted in English, French or Russian for consideration under each agenda item of a session shall be transmitted as early as possible so that they reach the secretariat not less than 12 weeks before the opening of the session or, if they are transmitted simultaneously in English, French and Russian, not less than 6 weeks before. Documents submitted in German shall also reach OCTI not less than 12 weeks before the opening of the session.

2. They shall be transmitted in one of the following forms, in order of preference:

- (a) by e-mail
- (b) by post, in paper form, accompanied by a diskette
- (c) by post, in paper form.

They shall not be transmitted by fax.

3. Documents, including reports of working groups, shall be as brief and concise as possible and not exceed 20 pages, except in exceptional instances where long passages from regulations or recommendations are the subject of proposed draft amendments.

4. All documents containing proposed amendments to regulations or recommendations shall comply with the standard presentation shown in the appendix to these rules, include a brief summary and, where necessary, a justification taking into account the following criteria:

Safety: What are the safety implications?

Feasibility: Which economic sector or public service is concerned by the proposed amendments?

What are the consequences in terms of the advantages and disadvantages?

Is a transitional period required?

Enforceability: Once implemented, can the amendments be observed or monitored?

This rule shall not apply to editing amendments, amendments proposed by a working group or amendments proposed with a view to harmonization with the United Nations Recommendations on the Transport of Dangerous Goods or any other regulations.

5. The UN/ECE secretariat and OCTI may decide:

- (a) to postpone until the next session documents which have not reached it 12 weeks before the opening of a session;

(b) only to translate parts of documents more than 20 pages long, so as not to delay their distribution, when they contain lengthy explanatory technical annexes or tables which it is not intended to include in the regulations or recommendations;

(c) to return the document to the sender if the presentation does not conform to that of the appendix to these rules. In such cases the document may be recast in accordance with the presentation required in rule 4, provided that the revised version reaches the UN/ECE secretariat in French, English or Russian not less than 10 weeks before the opening of the session;

If this is not the case, the document will nevertheless be distributed in its initial form.

Informal documents

6. Documents which do not reach the UN/ECE secretariat or OCTI 12 weeks before the session may also be submitted for consideration at the session under the "INF" symbol (informal documents) provided:

(a) that they contain specific commentaries or additional information concerning a new document included in the provisional agenda and that it has not therefore been possible to submit them in time;

(b) that they are submitted solely for information purposes and require no decision from the Joint Meeting;

(c) that they are intended to correct flagrant errors in existing texts; or

(d) that they are intended to clarify the interpretation of existing texts;

(e) that they contain the report of an informal working group mentioned in the provisional agenda.

7. The UN/ECE secretariat and OCTI shall assign an "INF" symbol to informal documents which shall be transmitted to the author of the document who may send advance copies to other delegations. The author of an informal document shall indicate clearly the title of his communication, the official document to which it refers, where relevant, and the agenda item under which it should be considered.

8. Informal documents reaching the UN/ECE secretariat or OCTI four weeks before the opening of a session shall be reproduced by the UN/ECE secretariat or OCTI in the original language(s) of submission and shall be distributed to delegations at the opening of the session.

9. Informal documents which do not arrive four weeks before the opening of the session shall not be reproduced by the secretariat. Delegations wishing to submit these late informal documents shall copy them to the UN/ECE secretariat and OCTI by e-mail or fax. The UN/ECE secretariat and OCTI shall assign them an "INF" symbol which shall be transmitted to the author who shall be responsible for reproducing 100 copies of the document for distribution to the other delegations at the opening of the session.

10. Other documents may be distributed to delegations during the session, for example, informal documents unrelated to an agenda item, advance copies of future proposals, etc. These documents shall not be assigned an "INF" symbol, and must be reproduced and distributed by their author and not by the UN/ECE secretariat or OCTI. They shall not be considered during the session, unless the Joint Meeting decides otherwise.

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 marginals of ADR, ADN and RID to be amended

Related documents: Other key documents are listed.

Introduction Motive/developments, which urgently justify the amendment of ADR, ADN and 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.

Extract from the Rules of Procedure of the RID Committee of Experts

**Article 10
Chairmanship and conducting proceedings**

- § 1 Each meeting of the Committee of Experts shall be opened by the representative of the Central Office; 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 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. 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**

All questions submitted to the Committee of Experts for examination shall be the subject of proposals. Suggestions submitted by observers and experts in accordance with Article 5 shall only be discussed if they are sponsored as proposals by Members.

**Article 12
Examination of proposals**

- § 1 Proposals shall be submitted in writing and transmitted to the Central Office at least six weeks before the meeting opens.
- § 2 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 the two working languages. However, such a proposal shall not be discussed unless it is supported by at least two Members.
- § 3 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.
- § 4 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.
- § 5 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

Representatives may, at any time, submit motions of order. The Chairman shall take a decision immediately in accordance with Article 10 § 5.

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Extract from the final report of the 38th session of the RID Committee of Experts on the Transport of Dangerous Goods (Prague, 19 - 23 November 2001)
(document A 81-03/502.2002)

Adapting the Rules of Procedure of the RID Committee of Experts

126. The principle of applying the working methods adopted by WP.15 and the Joint Meeting to the RID Committee of Experts as well was adopted by 12 votes in favour and 4 abstentions. OCTI was requested to check these working methods to see if they satisfied their own needs and to submit a proposed text to amend the RID Committee of Experts Rules of procedure at its next session. It must be remembered that it is not always possible to adhere to a ten or twelve week deadline for the distribution of documents in the context of harmonisation with the UN Model Regulations, particularly in respect of the decisions of WP.15 that are taken shortly before the meeting of the RID Committee of Experts.

Extract from the final report of the 40th session of the RID Committee of Experts on the Transport of Dangerous Goods (Sinaia, 17 - 21 November 2003)
(document A 81-03/501.2004)

ITEM 10: ADAPTATION OF THE RULES OF PROCEDURE OF THE RID COMMITTEE OF EXPERTS

Document: OCTI/RID/CE/39/11a) (OCTI)

131. The RID Committee of Experts adopted the proposal from OCTI to accept as a first step only the standardized presentation of documents contained in the working methods adopted by WP.15 and the Joint Meeting and only to adapt the Rules of Procedure of the RID Committee of Experts once the new COTIF had entered into force (introduction of English and reducing the notification period to 6 months).
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