

**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/42/8a)**

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**RID:** 42<sup>nd</sup> Session of the Committee of Experts on the Transport of Dangerous Goods  
(Madrid, 21 - 25 November 2005)

**Subject:** Amending the Rules of Procedure of the RID Committee of Experts in connection with the implementation of COTIF 1999

**Proposal transmitted by the Secretariat**

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The entry into force of the new COTIF will mean that the Rules of Procedure of the RID Committee of Experts will have to be adapted.

In this document, the Secretariat has proposed amendments which, unless they are editorial, have each been justified.

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Gelöscht: .

Gelöscht: Safety Committee

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:

Gelösch: 8

Gelösch: 1

Gelösch: on the Transport of Dangerous Goods

## 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.

Gelösch: currently in force;

Gelösch: the term

Gelösch: the term

Gelösch: the term

Gelösch: on the Transport of Dangerous Goods

Gelösch: the term "Central Office" shall apply to the Central Office for International Carriage by Rail instituted under Article 9 of COTIF

### Justification:

- *Clearer layout.*
- *As regional economic integration organisations have the opportunity of acceding to the Convention, it would seem appropriate to use the term "Member State" instead of "Member" where it is the States that are being referred to rather than an organisation that has acceded.*
- *As Article 38 of COTIF 1999 provides for the accession of regional economic integration organisations, the regional organisations should be referred to as well as the Member States, as the former have voting rights, even if they do not intend exercising them themselves.*
- *Incorporation of English as a new working language. The various Articles in which the working languages are referred to can be worded more simply using a definition.*

## 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.

Gelöscht: 8

Gelöscht: COTIF

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

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Gelöscht: , second sub-paragraph

Gelöscht: 19

Gelöscht: 4

Gelöscht: COTIF

## 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.

Gelöscht: However, each Member shall have only one vote.

§ 2 Each Member State shall notify the Secretary General in writing of the information concerning its representatives.

Gelöscht: Central Office

Gelöscht: names of

§ 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.

### Justification:

- Once the European Community's accession has been approved, Article 38 of CO-TIF must be taken into account and the conditions set out in Article 7 of the accession agreement must be referred to.

## Article 4 Representation

§ 1 A Member State may be represented by another Member State provided the Secretary General is notified in writing.

Gelöscht: Central Office

§ 2 However, a Member State may not represent more than two other Member States.

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## 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.

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Gelöscht: 8

Gelöscht: 6

Gelöscht: COTIF

§ 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).

*Justification:*

– New § 2 means that in the invitations to the meetings of the RID Committee of Experts, the invitation to international organisations and associations need no longer be subject to reservation.

### Article 6 Secretariat

§ 1 The **Secretary General** shall provide the Secretariat of the Committee of Experts.

Gelösch: Central Office

§ 2 **He** shall, in particular:

Gelösch: The Central Office

(a) convene the Committee of Experts in accordance with the conditions defined in Article **16 § 2 of the Convention (Article 7)**;

Gelösch: 8

(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**);

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(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;

Gelösch: 21

Gelösch: 2

Gelösch: COTIF

(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**.

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Gelösch: COTIF

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Gelösch: Central Office

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### 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.

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§ 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.

**Justification:**

- Establishes electronic delivery as the rule for sending documents.

**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;

**Gelöscht:** concerns the convening of the Committee of Experts

**Gelöscht:** s

**Gelöscht:** Central Office

§ 3 The adoption of the agenda shall be the first item on the provisional agenda.

**Gelöscht:** - all questions the Committee of Experts has requested to be included at previous meetings.¶  
¶

**Justification:**

**Sequence amended.**

**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.

**Gelöscht:** of the Central Office

§ 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.**

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#### *Justification:*

- *Existing §§ 1 and 2 of Article 12 have been moved to Article 11 as §§ 3 and 4 with editorial amendments, as these paragraphs do not deal with the actual examination of proposals.*

### 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.

Gelöscht: § 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.¶

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Gelöscht: 4

Gelöscht: 5

### 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.

**Gelöscht:** the question under examination

#### **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.

#### **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.

Gelöscht: the question under examination

(d) closure of the discussions on an item.

Gelöscht: the question under examination

### 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.

Gelöscht: 4

Gelöscht: COTIF

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§ 2 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).

#### Justification:

- *According to Article 14 § 5 of COTIF, States which have made a declaration concerning the non-application of a particular Appendix of COTIF in accordance with the first sentence of Article 42 § 1 shall not have the right to vote. According to Article 26 § 7 of COTIF, non-payment of contributions may lead to a Member State's right to vote being suspended. Article 40 of COTIF deals with the suspension of membership when international rail traffic is no longer carried out on a Member State's territory. These conditions should be taken into account in deciding whether there is a quorum and for the general voting rules (see Article 21).*
- *In order to take account of the possibility of the non-application of a particular Appendix of COTIF, the draft Rules of Procedure of the Committee of Technical Experts included a definition in Article 1 of the "Contracting State" rather than the "Member State" ("Contracting State" shall apply to one of the Member States of OTIF which has not made a declaration in accordance with Article 42 § 1 of the Convention in respect of the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID – Appendix C to the Convention)). Throughout the text, only the term "Contracting State" is then used.*

## 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**, 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

Gelöscht: s

– 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.

Gelöscht: s

§ 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.

Gelöscht: s

## Article 22 Standing working groups

§ 1 In order to prepare the decisions, the Committee of Experts may, if it considers it necessary, set up one or more standing working groups.

§ 2 The Rules of Procedure of the Committee of Experts shall be applied analogously at meetings of the standing working groups.

## Article 22bis RID/ADR/ADN Joint Meeting

Amendments to RID that must be co-ordinated with the provisions for the carriage of dangerous goods by other modes, particularly ADR [and ADN] 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.

### *Justification:*

– *Existing Article 22 contains the provisions for the so-called Safety Committee. As this Safety Committee only comes into existence at the RID/ADR/ADN Joint Meeting, the question arises as to whether it is really necessary to set up a separate committee for this or whether this work can be carried out in a special meeting of the RID Committee of Experts, as is the case with WP.15. It is proposed to have a general Article for standing working groups and in addition, to have another Article dealing with the work of the Joint Meeting, but omitting the term "Safety Committee". The full name of the Joint Meeting would then be "Joint Meeting of the*

**RID Committee of Experts and the Working Party on the Transport of Dangerous Goods”:**

- **The Working Group on tank and vehicle technology, which is to be made into a standing working group at the request of the RID Committee of Experts (see paragraph 50 of the report of the 41<sup>st</sup> session (document A 81-03/511.2004)), would then come under the new Article 22.**

**Article 23  
"Ad hoc" working groups**

- § 1 **If the Committee of Experts or a standing working group set up in accordance with Article 22 § 1 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 Committee of Experts shall be applied analogously at meetings of the "ad hoc" working groups.**

**Article 24  
Report**

- § 1 **The minutes referred to in Article 16 § 3 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 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.**

**Gelöscht: Article 22  
Safety Committee**

¶  
The "RID Safety Committee" is a permanent working group of the Committee of Experts; all Members may take part in its work. Its task is to prepare the decisions of the Committee of Experts. If a proposal for amendment prescribes provisions requiring harmonization with the provisions on the transport of dangerous goods by other modes of transport, particularly ADR, the decisions of the Committee of Experts shall be prepared by the Safety Committee within the framework of the Joint Meeting, with the UN/ECE's Working Party on the transport of dangerous goods.¶

**Gelöscht: 8**

**Gelöscht: 9**

**Gelöscht: COTIF**

**Gelöscht: French and German texts**

**Gelöscht: Secretariat**

**Gelöscht: French or German**

**Gelöscht: participants**

**Gelöscht: ¶**

**Gelöscht: participants**

**Gelöscht: Central Office**

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**Gelöscht: Central Office**

**Gelöscht: every participant and to all Members of the Organisation**

**Article 25**  
**Entry into force of decisions**

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

Gelöscht: 21

Gelöscht: COTIF

**Article 26**  
**Languages**

§ 1 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.

Gelöscht: French or German

Gelöscht: two

§ 2 Participants' interventions shall be interpreted immediately, orally and in substance, into the other language. 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].

Gelöscht: 8 November 1995

Berne, [date]

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

Gelöscht: 7 November 1995

Gelöscht: on the Transport of Dangerous Goods

The Chairman:

Signed [name of Chairman]

Gelöscht: Friedrich Lohrmann