



OTIF/RID/CE/GTP/2024/3

5 April 2024

Original: German

RID: 17th Session of the RID Committee of Experts' standing working group
(Berne, 22 May 2024)

Subject: Adaptation of the RID Committee of Experts' Rules of Procedure

Proposal transmitted by the Secretariat

SUMMARY

<i>Explanatory summary:</i>	Update the Rules of Procedure of the RID Committee of Experts and include conditions for the submission of informal documents.
<i>Decision to be taken:</i>	Amend the Rules of Procedure.
<i>Related documents:</i>	OTIF/RID/CE/GTP/2023/11 OTIF/RID/CE/GTP/2023-A, paragraphs 8 and 9

Introduction

1. At the last session of the standing working group, the Secretariat submitted document OTIF/RID/CE/GTP/2023/11, which reproduced those discussions from the 114th session of WP.15 (Geneva, 6 to 10 November 2023) that might also have repercussions for the work of the standing working group. One point in this document concerned the adaptation of WP.15's rules for the submission of informal documents.
2. Following the discussion at the standing working group, the Secretariat was asked to submit preliminary draft updated Rules of Procedure to the next session of the standing working group in which other outdated provisions (e.g. sending documents by post) should also be adapted (see report OTIF/RID/CE/GTP/2023-A, paragraphs 8 and 9).

3. Attached to this document are the preliminary draft updated Rules of Procedure, in which all amendments are shown (deleted texts are crossed out and shown in bold, new texts are underlined and shown in bold). This draft is first submitted to the standing working group for discussion before a decision is taken by the RID Committee of Experts.
4. The justifications for the individual amendments are explained below.
 - a) The sentence before Article 1 can be deleted now that the Rules of Procedure have been written in a gender-neutral way in accordance with the Guidelines on the use of gender-neutral language.
 - b) In Article 1 (c), instead of a definition of “Member State”, a definition of “RID Contracting State” has been introduced in order to adapt the Rules of Procedure to the amended Appendix C to COTIF. The term “RID Contracting State” will now be used systematically in the text of the Rules of Procedure.
 - c) In Article 1 (g), a reference to Article 21 of COTIF has been added in relation to the Secretary General of OTIF, because in contrast to these draft Rules of Procedure of the RID Committee of Experts, the Convention has not yet taken gender-neutral writing into account.
 - d) In Article 5 § 1, which deals with the submission of suggestions by observers and experts, the Member States of OTIF that are not RID Contracting States have been added. A definition of “Member State of OTIF” is not considered necessary.
 - e) In Article 7, in accordance with Article 16 § 2 of COTIF, it has been clarified that the RID Committee of Experts may also be convened at the request of the Administrative Committee.
 - f) In Article 8 § 1, it has been made clear that the invitation (calling notice) and the agenda will be sent electronically and that they will be published on OTIF’s website in parallel.
 - g) In Article 8 § 2, it has been clarified in line with current practice that the documents are published on OTIF’s website and that they will not be sent to delegates. Article 8 § 3 can be deleted, as no recipients have requested a paper version of the documents for many years.
 - h) Article 11 § 3 now specifies that proposals and suggestions shall also be submitted electronically. This electronic transmission is also necessary to simplify and speed up the translation process through the use of translation programmes.
 - i) Article 11 § 4 currently deals with the submission of meeting documents. In line with the usual language used in the RID Committee of Experts, these documents will henceforth be referred to as informal documents. These are all documents submitted after the deadline for submitting proposals. In line with the Rules of Procedure of WP.15 and the Rules of Procedure of the RID/ADR/ADN Joint Meeting (see document OTIF/RID/RC/2008-B/Add.2 Annex), certain requirements for the submission of informal documents have been included. The Secretariat is of the view that these conditions are also necessary in view of the coordination meetings of the EU Member States prior to a meeting of the RID Committee of Experts. The last sentence has been taken over from the previous Rules of Procedure in square brackets, but in the Secretariat’s view, it can also be deleted due to the newly included conditions.

In order to address the concerns expressed by the Chair at the last session of the standing working group that such conditions could limit the flexibility of the standing

working group in view of the small number of meetings, the standing working group could decide not to apply Article 11 § 4 of the Rules of Procedure to its meetings.

- j) In the German version of Article 12 § 2, some ambiguous wording has been amended and adapted to the English and French versions.
- k) In Article 12 § 3, “representatives” has been amended to read “the delegations of RID Contracting States and regional organisations”, because according to Article 3 § 1, each RID Contracting State and each regional organisation may designate one or more representatives. When determining the majority therefore, only the delegations should be taken into account.
- l) Article 24 § 4 has been deleted in line with the practice whereby amendments are adopted when approving the report. It should be noted here that all decisions are prepared by the RID Committee of Experts’ standing working group before being adopted by the RID Committee of Experts.
- m) Article 24 § 5 (new § 4) again specifies that the draft report will be distributed electronically. Requests for corrections to the report must be made within two weeks instead of six weeks. This also corresponds to current practice in order to take account of the rapid succession of meetings of the various bodies in the dangerous goods sector.
- n) Article 26 § 1 now provides for the possibility of interpretation into Russian, bearing in mind the practice.



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 Committee of Experts on the Transport of Dangerous Goods

adopted by the ~~55th~~ 58th session of the RID Committee of Experts
(Berne, ~~30 May 2018~~ 23 May 2024)

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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.

~~The terms used to describe persons are general and may be understood as referring to both males and females.~~

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;~~ **"RID Contracting State" shall apply to any Member State of OTIF that has not made a declaration concerning Appendix C to the Convention in accordance with the first sentence of Article 42 § 1 of the Convention;**
- (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~~ **an RID Contracting 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 **in accordance with Article 21 of the Convention;**
- (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 Representation**

- § 1 Each ~~Member State~~ **RID Contracting State** and each regional organisation shall designate one or more representatives. If ~~a Member State~~ **an RID Contracting State** or a regional organisation designates more than one **representative person**, a head of delegation who shall exercise the right to vote shall be designated at the same time.

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

§ 3 ~~A Member State~~ An RID Contracting State may be represented by another ~~Member State~~ RID Contracting State provided the Secretary General is notified in writing.

§ 4 However, in accordance with Article 16 § 3 of the Convention, ~~a Member State~~ an RID Contracting State may not represent more than two other ~~Member States~~ RID Contracting States.

Article 4 Right to vote

§ 1 Subject to the rules in Articles 14 § 5, 26 § 7, 38 § 3 and 40 § 4 (b) of the Convention, each ~~Member State~~ RID Contracting State 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 is competent. 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 is competent.

Article 5 Observers and experts

§ 1 Representatives of Member States that are not RID Contracting States, 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 or she 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~~ RID Contracting States, the regional organisations, observers and experts ~~the a~~ report of each meeting (Article 24);
- (d) notify all ~~Member States~~ RID Contracting 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 or her own initiative or at the request of at least five **Member States RID Contracting States or the Administrative Committee**.

Article 8 Convening – Documents

§ 1 Two months before the meeting opens, the Secretary General shall ~~serve upon Member States~~ **send the RID Contracting States**, regional organisations, observers and experts **electronically**:

- an invitation showing the place, date and time of the opening of the meeting,
- the provisional agenda.

At the same time, the invitation and provisional agenda shall be published on OTIF's website.

§ 2 The documents relating to the meeting ~~shall be sent to Member States, regional organisations, observers and experts~~ **shall be published on OTIF's website** 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~~ **an RID Contracting State** 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
Chair and conducting proceedings

- § 1 Each meeting of the Committee of Experts shall be opened by the Secretary General or by ~~his designated representative~~ **a Member of the Secretariat designated by him or her**; he ~~or she~~ shall conduct the discussions concerning approval of the agenda.
- § 2 After it has adopted its agenda, the Committee of Experts shall elect the Chair and one or more deputy Chairs.
- § 3 The Chair 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 Chair may decide 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 or~~ 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 Chair shall decide motions of order and all questions concerning the interpretation or application of these Rules of Procedure. If a delegation disputes the Chair's decision, a vote shall be taken. The Chair'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~~ **RID Contracting States** or regional organisations.
- § 3 Proposals **and suggestions** shall be submitted in writing in one of the working languages and transmitted **electronically** to the Secretary General at least six weeks before the meeting opens.
- § 4 ~~Representatives may, when a session is opened, Once the deadline for the submission of proposals has expired, and during a session, representatives may~~ submit proposals **for consideration in the form of informal documents** ~~meeting documents~~, provided:
- (a) **they are in English and preferably in other working languages and are submitted electronically;**
- (b) **they deal with questions included on the agenda and that they are translated and distributed in all the working languages. 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;**
- (c) **they are submitted solely for information purposes and require no decision from the RID Committee of Experts.**
- (d) **they are intended to correct flagrant errors in existing texts;**

(e) they call for an initial opinion about the interpretation of existing texts, or

(f) they contain the report of an informal working group.

[However, such a proposal shall not be discussed. However, such a proposal can only be discussed unless if it is supported by at least two Member States RID Contracting States.]

Article 12 Examination of proposals

- § 1 If the same question is the subject of several proposals, the Chair 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~~ **the delegations of the RID Contracting States and regional organisations**, 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 Chair shall take a decision immediately in accordance with Article 10 § 5.
- § 3 If ~~his~~ **the Chair's** decision is disputed, a vote shall be taken. The Chair'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 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 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 Chair 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 Articles 13 § 3 and 18 § 2 of the Convention, there shall be a quorum in the Committee of Experts when at least one-third of the ~~Member States~~ **RID Contracting States** entitled to vote in accordance with Article 4 are either present or represented in accordance with Article 3.

- § 2 For the purpose of determining the quorum for an agenda item on a matter within the competence of a regional 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.

Article 21 **Voting rules**

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

- (a) subject to Article 4, each ~~Member State~~ RID Contracting 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~~ RID Contracting States represented at the time of the vote and
 - greater than the number of votes against.
- (c) ~~Member States~~ RID Contracting States ~~who~~ which 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~~ RID Contracting State may request a nominal vote. In this case, the vote shall take place in French alphabetical order of the ~~Member States~~ RID Contracting States present or represented. The vote of each ~~Member State~~ RID Contracting State participating in the vote shall be recorded in the report 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 Committee of Experts~~ RID Contracting States believe a decision needs to be taken which should not be postponed until the next meeting of the Committee of Experts, 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~~ RID Contracting States and regional organisations 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~~ RID Contracting States 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 Committee of Experts. 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 Committee of Experts; and

- (h) all ~~Member States~~ RID Contracting States and regional organisations shall be notified of the result of the voting procedure.

Article 22

Standing working group and temporary working groups

- § 1 The standing working group shall prepare the decisions of the Committee of Experts.
- § 2 In order to discuss particular questions, the Committee of Experts or the standing working group may, if necessary, set up one or more temporary working groups of their own.
- § 3 The Rules of Procedure of the Committee of Experts shall as a rule be applied analogously at meetings of the standing working group and of temporary 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 All participant representatives, observers or experts** may request that **his their** 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.**~~
- § **54** The draft report shall be sent **electronically** to representatives, observers and experts not later than two months after the meeting.

Within ~~six~~ **two** 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.

- § **65** Once ~~he~~ **the Secretary General** 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~~ **RID Contracting 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 **or she** shall be responsible for arranging for interpretation of **his their** statements into one of these languages. **In order to ensure the greatest possible harmonisation of RID and Annex 2 to SMGS, the Secretary General may also provide simultaneous interpretation into Russian as required.**

§ 2 **Participants'** ~~Interventions~~ **by representatives, observers and experts** 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.

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 1 June ~~2018~~ **2024**. The Rules of Procedure of ~~26 March 2007~~ **1 June 2019** shall then lapse.

Berne, ~~30 May 2018~~ **31 May 2024**

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

The Chair:

(Caroline Bailleux)

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.
