

**Annex II**

**Rules of procedure of the joint coordinating group of experts (JCGE)**  
(Berne, 9 to10 September 2019)

**Table of Contents**

Article		Page
1	Definitions	3
2	Aims and actions	4
3	Composition	4
4	Chair and conducting proceedings	5
5	Secretariat	5
6	Meetings	5
7	Invitation, agenda and documents	6
8	Deliverables	6
9	Languages	7
10	Date of application of the Rules of Procedure	7

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

## **Article 1 Definitions**

For the purpose of these Rules, the term

- (a) "JCGE" shall apply to the Joint Coordinating Group of Experts;
- (b) "Member State" shall apply to one of the Member States or Associate Members of OTIF;
- (c) "OTIF" shall apply to the Intergovernmental Organisation for International Carriage by Rail;
- (d) "DG MOVE" shall apply to the Directorate-General for Mobility and Transport of the European Commission;
- (e) "ERA" shall apply to the European Union Agency for Railways;
- (f) "Sector organisations" shall apply to the following international associations: International Union of Railways (UIC), Community of European Railway and Infrastructure Companies (CER), International Union of Wagon Keepers (UIP), Association of the European Rail Industry (UNIFE), International Union of Combined Road-Rail Transport Companies (UIRR) and the European Chemical Industry Council (CEFIC);
- (g) "Representative" shall apply to the physical person nominated by the authority responsible for legislation concerning the transport of dangerous goods by rail or by the authority responsible for legislation concerning railway interoperability and safety in a Member State or by a sector organisation;
- (h) "Committees" shall apply to the RID Committee of Experts and the Committee of Technical Experts of OTIF and to the Committee on the transport of dangerous goods and the Railway Interoperability and Safety Committee (RISC) of the European Commission;
- (i) "RID" shall apply to the Regulation concerning the International Carriage of Dangerous Goods by Rail;
- (j) "UTP" shall apply to the Uniform Technical Prescriptions of OTIF;
- (k) "TSI" shall apply to the Technical Specifications for Interoperability of the European Union;
- (l) "Working languages" shall apply to the working languages of OTIF, i.e. German, English and French;
- (m) "Items" shall apply to matters of substance related to interfaces between RID and general railway law (railway legislation concerning interoperability and safety), which require analysis and coordination by the JCGE;
- (n) "Convention" means the 3 June 1999 Protocol version of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980;
- (o) "Secretary General" means the Secretary General in accordance with Article 13 § 1 g) of the Convention.

**Article 2**  
**Aim and actions**

- § 1 The aim of the JCGE is to contribute to consistent legislative development between RID and general railway law (railway legislation concerning interoperability and safety) and to avoid conflicting requirements for vehicles and rail operations in respect of the carriage of dangerous goods by rail.
- § 2 To achieve this aim, the JCGE may use the following process:
- (a) Receive items from the committees or identify items;
  - (b) Examine the items and, if necessary, and propose solutions to ensure compatibility and consistency between RID and general railway law (railway legislation concerning interoperability and safety);
  - (c) Issue advice to the committees in respect of the items and concerning appropriate interfaces between RID and general railway law (railway legislation concerning interoperability and safety), with the purpose of:
    - Proposing modifications to the provisions of RID (protection objectives),
    - Where applicable, proposing a process for similar items,
    - Proposing modifications to railway legislation concerning interoperability and safety (technical provisions to implement the protection objectives),
    - Identifying the applicability/impact of the proposed modifications,
    - Taking into account the multimodal aspects of the proposed modifications.

**Article 3**  
**Composition**

- § 1 The JCGE shall be composed of the representatives and staff members of DG MOVE, ERA and OTIF.
- § 2 The JCGE shall be composed of persons who have expertise in the field of legislation concerning the transport of dangerous goods by rail (dangerous goods expert) or in the field of railway legislation concerning interoperability and safety (railway expert). In general, the maximum number shall be: – One dangerous goods expert and one railway expert for each Member State represented;
- One dangerous goods expert and one railway expert for each sector organisation represented;
  - One dangerous goods expert and one railway expert representing ERA for a relevant TSI;
  - One dangerous goods expert and one railway expert from the Secretariat of OTIF;
  - One dangerous goods expert and one railway expert from DG MOVE.

- § 3 Member State authorities responsible for legislation concerning the transport of dangerous goods by rail or legislation concerning railway interoperability and safety, and sector organisations, shall notify the Secretariat in writing of their representatives, specifying their name and functions.

**Article 4**  
**Chair and conducting proceedings**

- § 1 The meetings shall be conducted by two co-chairs:
- One co-chair proposed by the Secretariat of OTIF with a background in the carriage of dangerous goods by rail and
  - One co-chair proposed by DG MOVE with a background in general railway law (railway legislation concerning interoperability and safety).

Alternatively, the meeting may be conducted by one chair, proposed by either DG MOVE or the Secretariat of OTIF:

- § 2 The JCGE shall approve the chair or the co-chairs at each meeting. The chair or the co-chairs remain in their role until the following meeting.

The chair or the co-chairs shall support the Secretariat in

- (a) Preparing advice and technical reports in accordance with Article 8;
- (b) Monitoring the follow-up to advice in the committees or their working groups and reporting to the JCGE.

- § 3 The chair or the co-chairs shall ensure that discussions take place in accordance with these Rules of Procedure, give the floor and announce decisions.

- § 4 Decisions related to advice shall be taken by consensus, where possible.

**Article 5**  
**Secretariat**

- §1 The Secretariat of the JCGE shall be provided by DG MOVE and the Secretary General of OTIF.
- § 2 DG MOVE and OTIF shall provide administrative and logistical support for each meeting on an alternating basis, in particular:
- (a) In coordination with the chair or the co-chairs, draft and send the participating representatives a technical report and advice;
  - (b) Make all the necessary arrangements for the organisation and holding of meetings, including the meeting venue.
  - (c) Unless agreed otherwise by the Secretariat of the JCGE, meetings shall be held in Bern.

**Article 6**  
**Meetings**

- § 1 JCGE meetings shall be convened on an ad-hoc basis.
- § 2 Unless the JCGE decides otherwise, its meetings shall not be open to the public.

**Article 7**  
**Invitation, agenda and documents**

- §1 At the latest two months before the meeting opens, the Secretary General of OTIF, in coordination with the chair or the co-chairs and DG MOVE, shall send the representatives, the Secretariat of OTIF, DG MOVE and ERA:
- an invitation showing the place, date and time of the opening of the meeting;
  - the provisional agenda, including a list of items submitted by the committees for discussion and analysis.
- These documents shall be sent to representatives, DG MOVE and ERA electronically.
- § 2 The documents relating to the meeting shall be placed on the website of OTIF.
- § 3 At the request of the committees or their working groups, additional items may be added to the agenda before it is adopted on the day of the meeting.

**Article 8**  
**Deliverables**

- § 1 The JCGE has two types of deliverables:
- (a) Technical reports summarising discussions concerning the items at the JCGE meetings. If no consensus can be reached on the technical reports, the majority view of the JCGE shall be indicated and, where necessary, diverging views included;
  - (b) Advice from the JCGE to the committees or their working groups, including, where relevant, proposals for legislative modifications. Advice shall take into account the technical reports.
- § 2 The JCGE technical reports and advice shall be drafted by the Secretariat in coordination with the chair or the co-chairs.
- § 3 The draft technical reports and advice shall be sent to the participants for review not later than two months after the meeting.
- § 4 Within two weeks of the day the draft technical report and advice are sent, representatives shall notify the Secretariat in writing of any corrections they wish to make to the text.

- § 5 The advice shall be subject to approval by the JCGE before being sent to the committees or their working groups. This may also be done by written consultation.
- § 6 The Committees or their working groups may require that the JCGE advice be revised.

**Article 9**  
**Languages**

- § 1 Representatives of the JCGE may speak in any of the working languages. If a speaker speaks in German or French, his statements shall be interpreted simultaneously, orally and in substance, into English. Statements made in English shall not be interpreted into German or French.
- § 2 Invitations, working documents, technical reports, draft advice and room documents shall be prepared in English only.
- § 3 Advice sent to the committees or their working groups shall, after the substance has been approved by the JCGE on the basis of the English version, be translated by OTIF into all three working languages.

**Article 10**  
**Date of Application**

These Rules of Procedure shall be applied from 9 September 2019.

Bern, 9 September 2019

On behalf of the Joint Coordinating Group of Experts (JCGE)

The chair or co-chairs:



Arne Bale

(Chair of meeting)

(Name)

\_\_\_\_\_