



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 Working Group of Legal Ex- perts**

**version applicable**

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The working group of legal experts has adopted the following Rules of Procedure.

### **Article 1 Definitions**

For the purpose of these Rules, the term:

- (a) "Convention" means the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Protocol of 3 June 1999;
- (b) "OTIF" means the Intergovernmental Organisation for International Carriage by Rail;
- (c) "regional organisation" means a regional economic integration organisation which has acceded to the Convention in accordance with Article 38 of the Convention;
- (d) "working group" means the working group of legal experts set up by the Secretary General;
- (e) "Contact point" means the physical person nominated by a Member State or regional organisation as the official correspondent responsible for receiving, submitting and disseminating information concerning the working group's activities to the Member State or regional organisation that nominated him;
- (f) "observers" means the Associate Members of OTIF, the Member States that are not members of the working group, the non Member States interested in acceding to COTIF and the international organisations and associations and experts invited to a session of the working group;
- (g) "Secretary General" means the Secretary General according to Article 13 § 1 g) of the Convention;
- (h) "working languages" means the working languages according to Article 1 § 6 of the Convention;
- (i) "member of the working group" means a Member State or a regional organisation. When the working group prepares draft modifications to the Appendices to the Convention, Member States that have made a declaration in respect of the Appendices in question pursuant to Article 42 § 1, first sentence of the Convention shall not be members of the working group.

### **Article 2 Attributions**

The working group shall have the following attributions:

- (a) preparation of draft amendments or supplements to the Convention;
- (b) provision of legal advice and assistance;
- (c) promotion and facilitation of the functioning and implementation of COTIF;
- (d) monitoring and assessing the application and implementation of COTIF;

- (e) acting as a forum and think-tank for OTIF's members to raise and discuss relevant legal questions.

**Article 3**  
**Contact points**

- § 1 Each Member State and each regional organisation shall designate one or two contact points. The contact points shall be notified to the Secretary General in writing, specifying their names and functions.
- § 2 The Secretary General shall serve upon the contact points the calling notice and provisional agenda of each session. He shall also serve upon them all the documents that he sends to the members of the working group and their representatives.

**Article 4**  
**Members of the working group**

- § 1 All members of the working group have an equal right to be represented at the meetings of the working group. Each member of the working group shall designate one or more representatives. If a member of the working group designates more than one representative, a head of delegation who shall exercise the right to vote shall be designated at the same time. The representatives shall be notified to the Secretary General in writing, specifying their names and functions and indicating the capacity in which they are to serve.
- § 2 A Member State may be represented by another Member State, provided the Secretary General is notified in writing. However, a State may not represent more than two other States.

**Article 5**  
**Right to vote**

- § 1 With the exception of Member States whose right to vote has been suspended (Articles 26 § 7 and 40 § 4 b) of the Convention), each member of the working group 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 6**  
**Observers**

- § 1 The representatives of Associate Members of OTIF and the representatives of Member States that are not members of the working group invited to a session of the working group by the Secretary General may attend sessions of the working group in an advisory capacity.
- § 2 The representatives of non Member States interested in acceding to COTIF and of international organisations and associations, as well as experts in particular fields invited by the Secretary General with the agreement of the Chair may attend sessions of the working group in an advisory capacity.

- § 3 Observers may submit suggestions in accordance with the conditions defined in Article 14 § 1.

### **Article 7 Secretariat**

- § 1 The Secretary General shall provide the Secretariat of the working group.
- § 2 The Secretary General shall, in particular:
- (a) convene the working group (Article 8);
  - (b) prepare the working documents relating to items included in the working group's agenda (Article 10);
  - (c) draft and send to the members of the working group as well as to participating observers the report of each meeting (Article 26);
  - (d) notify all the Member States and regional organisations of the working group's decisions;
  - (e) draft correspondence and maintain the archives.
- § 3 The Secretary General or the members of the Secretariat designated by him may take part in the discussions of the working group or its "ad hoc" sub-groups in an advisory capacity.

### **Article 8 Convening**

- § 1 The Secretary General shall convene the working group either on his own initiative or at the request of the bureau or at the request of at least five members of the working group.
- § 2 In addition to the requirements of § 1, the Secretary General shall also convene the working group at the request of a regional organisation which, according to Article 5 § 2, enjoys the votes of at least five members of the working group.
- § 3 At least two months before the meeting opens, the Secretary General shall serve upon the members of the working group and the observers:
- (a) an invitation indicating the place, date and time of the opening of the meeting, and
  - (b) the provisional agenda prepared, as far as possible, with the Chair, and the annotated provisional agenda. The latter shall provide a brief explanation of each item proposed for inclusion on the agenda.

### **Article 9 Establishing and updating a work programme**

The working group shall establish and update a work programme which shall include all the business proposed by the working group itself. The work programme may also include business proposed by the members of the working group. It shall also include all business proposed by the organs referred to in Article 13 of the Convention.

**Article 10**  
**Agenda**

- § 1 Other than business that the meeting has been convened to discuss, the following shall be placed on the provisional agenda of each meeting:
- (a) all items the working group has, at any previous meeting, requested to be included;
  - (b) all items notified that a member of the working group has requested to be placed on the agenda, provided they are notified to the Secretary General at least six weeks before the meeting;
  - (c) all items that the organs referred to in Article 13 of the Convention have requested to be placed on the agenda, provided they are notified to the Secretary General at least six weeks before the meeting.
- § 2 A request for an additional item shall contain a brief explanation of the proposed item.
- § 3 The provisional agenda shall be submitted to the working group at the beginning of the meeting for adoption or amendment. As a rule, the adoption of the agenda shall be the first item to be dealt with once the Chair and Vice-Chairs have been elected.
- § 4 New items may be added to the agenda, or existing items deleted from it, only with the unanimous agreement of the meeting.

**Article 11**  
**Working documents**

- § 1 The Secretary General shall send the working documents relating to the provisional agenda of the session of the working group to the members of the working group and observers at least four weeks before the opening of the working group's meeting.
- § 2 A member of the working group or an organ referred to in Article 13 of the Convention that submits a request in accordance with Article 10 § 1, letters (b) and (c), shall send the Secretary General, in at least one of the working languages, a working document on the proposed agenda item no later than six weeks before the opening of the meeting. The Secretary General shall provide translation(s) into the other working language(s). The period shall be four weeks if the document is submitted in all three working languages.
- § 3 The Secretary General shall place the documents of the working group on the OTIF website and shall inform the members of the working group and observers.

**Article 12**  
**Chair, Vice-Chairs and conducting proceedings**

- § 1 The working group shall elect, from among the representatives of its members, its Chair and one or more persons as its Vice-Chair. The Chair and the Vice-Chairs may be elected:
- (a) for each meeting or a part of it, in which case there is no limit to the number of times they may be elected;



(b) or for a period up to a maximum of three years, with the possibility of being re-elected once.

§ 2 If no permanent Chair or Vice-Chairs are elected, the Secretary General or another representative of the OTIF Secretariat shall open the meeting and shall conduct proceedings until the Chair and the Vice-Chairs are elected.

§ 3 The Chair shall direct discussions, ensure that discussions take place in accordance with these Rules, ensure that these Rules are applied, give the floor, direct the voting procedure and announce decisions.

§ 4 The Chair may propose to limit the time the floor is given to each speaker and 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 item being examined or the suspension or adjournment of the session itself.

### **Article 13 Bureau**

§ 1 The Chair and Vice-Chairs of the working group shall form the Bureau of the working group. The Secretary General or a member of the Secretariat designated by him shall attend the meetings of the Bureau in an advisory capacity.

§ 2 The functions of the Bureau are:

- (a) to assist the Chair in conducting and co-coordinating the business;
- (b) to supervise the preparation of meetings at the working group's request;
- (c) to ensure continuity between meetings as necessary;
- (d) to execute other additional specific tasks delegated by the working group.

§ 3 No decision on substantive issues shall be taken by the Bureau on behalf of the working group.

### **Article 14 Proposals on the agenda items**

§ 1 Proposals may be submitted by any member of the working group, by the Secretary General in accordance with Article 21 § 4 of the Convention and by observers. Suggestions by observers shall be considered as proposals for a vote provided they are supported by a member of the working group.

§ 2 Proposals regarding an item included on the agenda shall be made in at least one of the working languages and shall normally be submitted in writing to the Secretary General not less than six weeks before the opening of the session. Where the proposals are made in all the working languages, they shall be submitted not less than four weeks before the opening of the session. The Secretary General shall circulate the proposals to the members of the working group and to observers in all the working languages not less than four weeks before the opening of the session.

§ 3 After the deadline prescribed in § 2 or when a session is opened, members of the working group may make further proposals, provided that such proposals deal with items included on the agenda. Such proposals shall be submitted to the Secretary

General, who should ensure translation, if possible, and distribute them at the meeting. However, such a proposal shall only be discussed if it is supported:

- (a) by at least two members of the working group if the proposal is in all the working languages;
- (b) by the majority provided for in Article 24 § 1 if the proposal is not in all the working languages.

### **Article 15** **Examination of proposals and voting**

- § 1 If the same issue is the subject of several proposals, the Chair shall decide the order in which they are dealt with and voted upon, beginning in principle with the proposal that appears to him to differ most from the original text or, if there is no original text, from the original proposal.
- § 2 If a proposal concerns amendments to a proposal, then the amendments shall be dealt with and voted upon first. If a proposal is the subject of two or more amendments, the vote shall first take place on the amendment that appears to the Chair to differ the most, with regard to its substance, from the original proposal. If the working group does not adopt any amendment, the vote shall take place on the original proposal.
- § 3 If a proposal can be separated into different parts, with the agreement of the proposer, each part may be dealt with and voted on separately. Once the different parts have been adopted, a vote must be taken on the proposal as a whole.

### **Article 16** **Withdrawal of a proposal**

- § 1 Any proposal may be withdrawn by the proposer, at any time before voting on it has begun and provided that the working group has not already voted to amend it.
- § 2 A proposal thus withdrawn may be immediately reintroduced by any other representative according to the requirements of Article 14.

### **Article 17** **Rediscussion**

A proposal that has been adopted or rejected by a meeting of the working group may only be examined again at the same meeting if the working group 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, in accordance with Article 24.

### **Article 18** **Motions of order**

Members of the working group may, at any time, submit motions of order. The Chair shall take a decision immediately. If a member of the working group disputes the Chair's decision, a vote shall be taken. The Chair's decision shall stand if it is not rejected by a majority in accordance with Article 24. A member of the working group submitting a motion of order may not speak on the substance of the matter under discussion.

**Article 19**  
**Adjournment or closure of discussion on an item**

- § 1 During a session, any member of the working group 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 working group approves the motion, the Chair shall immediately declare that the discussions on this item are adjourned or closed.

**Article 20**  
**Suspension or adjournment of a session**

- § 1 During a session, any member of the working group may propose that the session be suspended or adjourned.
- § 2 Such a motion shall be put to the vote immediately, without discussion.
- § 3 If the working group approves such a motion, the Chair shall immediately declare that the session is suspended or adjourned.

**Article 21**  
**Sequence of motions of order**

Subject to the provisions of Article 18, 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 22**  
**Non public nature of meetings**

Unless the working group decides otherwise, its meetings and those of its “ad hoc” sub-working groups shall not be open to the public. The non public nature of a meeting has no influence on the procedures of OTIF regarding the distribution and publication of its documents.

**Article 23**  
**Quorum**

- § 1 There shall be a quorum in the working group when at least one quarter of its members enjoying the right to vote according to Article 5 are represented there at the time of the vote.
- § 2 For the purpose of determining a 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 5 § 2.

- § 3 At the start of each new agenda item, the Chair shall determine and inform the working group whether or not the meeting is quorate for the purpose of that item, notwithstanding that this may change prior to any vote.

**Article 24**  
**Voting rules**

- § 1 Voting in the working group shall take place in accordance with the following rules:

- (a) each member of the working group shall have one vote according to Article 5, without prejudice to Article 5 § 2;
- (b) decisions shall normally be taken by consensus. If this is not the case, decisions shall be taken by a majority of the members represented at the time of the vote;
- (c) members of the working group which abstain in the vote shall nevertheless be considered to be represented at the time of the vote;
- (d) determination of the majority shall be based on the number of members of the working group whose representatives according to Article 4 are present in the meeting room at the time of the vote. Non-participation of a representative present in the meeting room at the time of the vote shall be considered as an abstention.

- § 2 During a meeting of the working group, voting shall take place by show of hands. Any delegation may request a nominal vote. In this case, the vote shall take place in French alphabetical order, beginning with the delegation whose name the Chair draws out. Votes shall be recorded in the minutes of the relevant meeting.

- § 3 If the votes are divided equally, a second vote shall take place, if necessary after a break in the session. If the votes are again divided equally, the proposal shall be considered as rejected. It may, however, be resubmitted at the next meeting of the working group.

- § 4 Where a matter arises outwith a meeting, and if the bureau, the Secretary General or at least five members of the working group believe a decision needs to be taken which should not be postponed until the next meeting of the working group 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 members of the working group 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 of the working group 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 working group. 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 working group;
- (h) all members of the working group shall be notified of the result of the voting procedure.

**Article 25**  
**“Ad hoc” sub-working groups**

- § 1 If the working group considers it necessary, it may set up one or more "ad hoc" sub-working groups to examine specific matters.
- § 2 The Rules of Procedure of the working group shall be applied mutatis mutandis at meetings of the “ad hoc” sub-working groups unless specified otherwise by the working group.

**Article 26**  
**Report**

- § 1 The minutes shall be in the form of a report summarizing the discussions. Proposals and decisions shall be reproduced in full. The same shall apply to any actions or deadlines placed upon the Secretary General or any member of the working group.
- § 2 If there is a difference between the different language versions, the text in the language used by the speaker shall prevail; however, with regard to the decisions of the working group, the French text shall prevail.
- § 3 Each participant may request that his/her statements be reproduced in the report in full, provided the text is given to the Secretary General in one of the working languages.
- § 4 The draft report shall be sent to the participants at the meeting not later than eight weeks after the meeting. Not more than six weeks after the day the draft report is sent, participants shall notify the Secretary General in writing of any corrections they wish to make to the report. If multiple corrections are requested which would cause the same content to be reproduced differently, the Secretary General shall propose a compromise or shall place the matter on the agenda of the next meeting.
- § 5 The definitive version of the report shall be sent to the members of the working group and the participating observers (Article 7 § 2 c)).

**Article 27**  
**Languages**

- § 1 The proceedings of the working group shall be conducted in the working languages. If a speaker uses another language, he/she shall be responsible for arranging for interpretation of his/her statements into one of the working languages.
- § 2 Participants' interventions 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.

§ 3 All the documents referred to in Articles 8, 9, 10 and 11 shall be distributed simultaneously in all the working languages to the members of the working group and to observers within the applicable deadlines, except in the cases foreseen by Article 14 § 3.

**Article 28**  
**Requirements for working documents and proposals**

Working documents and proposals not originating from the Secretariat shall be as brief as possible. Working documents and proposals, including graphical representation, shall be submitted in an editable format to simplify translation.

**Article 29**  
**Amending the Rules of Procedure**

Provided a proposal for amendment is on the provisional agenda, these Rules may be amended in whole or in part by a decision of the working group in accordance with Article 24. The working group shall decide the date of entry into force of amendments.

**Article 30**  
**Publication**

These Rules shall be freely accessible on OTIF's website.

**Article 31**  
**Entry into force**

These Rules shall enter into force on 26 March 2019.