



Organisation intergouvernementale
pour les transports internationaux
ferroviaires (OTIF)

Zwischenstaatliche Organisation
für den internationalen
Eisenbahnverkehr (OTIF)

Intergovernmental Organisation
for International Carriage
by Rail (OTIF)

Rules of Procedure of the Rail Facilitation Committee

**Version applicable
as from 16.11.2010**

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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 Rail Facilitation Committee has adopted these 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) "Member State" means a Party to the Convention;
- d) "regional organisation" means a regional economic integration organisation which has acceded to the Convention in accordance with Article 38 of the Convention;
- e) "representative" means the physical person nominated by a Member State, a regional organisation or another body entitled to be represented at the meetings of the Committee;
- f) "observer" means a person attending a meeting in accordance with Article 5;
- g) "Committee" means the Rail Facilitation Committee in accordance with Article 13 § 1 e) of the Convention;
- h) "Secretary General" means the Secretary General in accordance with Article 13 § 1 g) of the Convention;
- i) "working languages" means the working languages in accordance with Article 1 § 6 of the Convention.

Article 2

Composition and tasks

- § 1 The composition of the Committee shall be determined on the basis of Article 16 § 1 of the Convention.
- § 2 The tasks of the Committee shall be determined on the basis of Articles 2 § 1 b) and 19 § 1 of the Convention.

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, then for the purposes of voting, one representative shall be designated as head of delegation for the meeting. The head of delegation shall

exercise the right to cast the vote(s) of that Member State or regional organisation. The names of representatives shall be notified to the Secretary General in writing along with all the necessary particulars.

- § 2 A Member State may be represented by another Member State, provided the Secretary General is notified in writing by the Member State which has appointed the proxy. However, in accordance with Article 16 § 3 of the Convention, a State may not represent more than two other States.

Article 4 **Right to vote**

- § 1 With the exception of States whose right to vote has been suspended (Articles 26 § 7 and 40 § 4 b) of the Convention), each member of the Committee 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 has exclusive competence. 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 has exclusive competence.

Article 5 **Observers**

- § 1 Representatives of associated members of OTIF, representatives of States which are not members of the Organisation and representatives of international organisations and associations invited in accordance with Article 16 § 5 of the Convention as well as persons invited to a meeting of the Committee by the Secretary General on account of their specialist competencies in connection with the discussion of particular matters may take part in the meetings of the Committee in an advisory capacity (observers).
- § 2 The Committee may draw up a list of international associations and organisations that shall be invited to the meetings of the Committee in any case (permanently invited observers).
- § 3 Observers may submit suggestions in accordance with the conditions defined in the second sentence of Article 12 § 1.

Article 6 **Secretariat**

- § 1 The Secretary General shall provide the Secretariat of the Committee.
- § 2 He shall in particular:
- a) convene the Committee (Article 7);
 - b) prepare the documents included in the Committee's agenda (Article 8);

- c) prepare the report of the Committee meeting;
- d) distribute the report of the Committee meeting in accordance with Article 21;
- e) notify all Member States and regional organisations of the decisions of the Committee and the date of entry into force of the decisions;
- f) prepare such documents as the Committee may from time to time request.

§ 3 To the extent provided for in the Convention, the Secretary General may take part in the Committee's discussions in an advisory capacity.

Article 7 Meetings

§ 1 In accordance with Article 16 § 2 of the Convention, the Secretary General shall convene the Committee either on his own initiative or at the request of at least five Member States or the Administrative Committee.

§ 2 In addition to the requirements of Article 16 § 2 of the Convention, the Secretary General shall also convene the Committee in accordance with previous decisions of the Committee or at the request of a regional organisation, provided it enjoys the votes of at least five members of the Committee in accordance with Article 4 § 2.

Article 8 Convening - documents

§ 1 Not less than 10 weeks before the meeting opens, the Secretary General shall serve upon the members of the Committee and the observers:

- a) an invitation indicating the place, date and time of the opening of the meeting, and
- b) the provisional agenda.

§ 2 The Secretary General shall send the members of the Committee and observers the documents relating to the meeting, in the working languages, not less than 6 weeks before the opening of the meeting.

§ 3 The Secretariat shall distribute documents received from the members of the Committee and observers, provided they are submitted to the Secretariat in the working languages within the deadline specified in Article 12 § 3.

Article 9 Agenda

§ 1 Other than business that the meeting has been convened to discuss, the following shall be placed on the provisional agenda:

- a) all matters that the Committee has, at any previous meeting, requested to be included;

- b) all matters that a member of the Committee or an observer has requested to be placed on the agenda, provided they are notified to the Secretary General not less than 6 weeks before the meeting.

§ 2 If, in accordance with § 1, a request is made not less than 7 weeks prior to the meeting to place other business on the agenda, then the Secretary General shall send the adapted version of the provisional agenda to the addressees according to Article 8 not less than 4 weeks before the meeting opens.

§ 3 The provisional agenda shall be submitted to the Committee at the beginning of the meeting for adoption or amendment. The adoption of the agenda shall be the first item on the provisional agenda.

§ 4 During the meeting, new items may be added to the agenda, or existing items deleted from it, only with the unanimous agreement of the meeting.

Article 10 **Chair, Vice-Chair and conducting proceedings**

§ 1 The Committee shall elect from among the representatives of the Member States its Chair and one or more persons as its Vice-Chair. The Chair and the Vice-Chairs may be elected

- a) for one meeting, in which case there is no limit to the number of times they may be re-elected, or
- b) for an agreed period up to a maximum of five 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 OTIF 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, 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 meeting itself.

Article 11 **Work programme**

§ 1 The Committee shall adopt a work programme for a period of time which it shall determine.

§ 2 At the end of the work period determined in accordance with § 1, the Committee shall submit a report to the General Assembly containing specific recommendations for action, with the aim of issuing corresponding mandates.

Article 12

Proposals

- § 1 Proposals may be submitted by any member of the Committee, by the Secretary General and by observers. Suggestions by observers shall be considered as proposals for a vote provided they are supported by a member of the Committee.
- § 2 Documents shall be prepared in at least one of the working languages and follow the format of the model which can be downloaded from the OTIF website or is available on request in hard copy from the Secretary General. Documents shall be transmitted electronically to the Secretary General unless the proposer does not have access to electronic facilities.
- § 3 Documents shall be submitted in accordance with the following deadlines: the document must reach the Secretary General not less than 4 weeks before the meeting if it
- a) comprises not more than 200 lines of text in total,
 - b) contains no drawings or illustrations, and
 - c) is established in more than one working language.
- In all other cases the document must reach the Secretary General not less than 6 weeks before the meeting.
- § 4 Delegates may, when a session is opened, submit further items, provided that such items deal with questions included on the agenda and a meeting room document can be distributed in all the working languages. However, such an item shall not be discussed unless it is supported by at least two members of the Committee.

Article 13

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, then 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 Committee 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 14

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 Committee 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 12.

Article 15

Rediscussion

A proposal that has been adopted or rejected by a meeting of the Committee may only be examined again at that same meeting if the Committee so decides. In this event, the principle of re-examining the proposal shall be decided 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 19.

Article 16

Motions of order

Delegates may, at any time, submit motions of order. The Chair shall take a decision immediately. If a member of the Committee 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 19.

Article 17

Public nature of meetings

Unless the Committee decides otherwise, its meetings shall not be open to the public. The non public nature of the meetings has no influence on the procedures of OTIF regarding the distribution and publication of its documents.

Article 18

Quorum

- § 1 In accordance with Article 19 § 2 of the Convention, there shall be a quorum in the Committee when at least one third of the Member States are either present or represented in accordance with Article 3.
- § 2 In accordance with Article 13 § 3 of the Convention, in determining whether there is a quorum, account shall only be taken of Member States which have the right to vote in accordance with Article 4 § 1.

Article 19

Voting rules

- § 1 Voting in the Committee shall take place in accordance with Article 16 § 4 of the Convention and with the following rules:
- a) in accordance with Article 4, each member of the Committee 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 members of the Committee represented at the time of the vote and
 - greater than the number of votes against;
- c) members of the Committee 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 Committee whose representatives according to Article 3 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 Committee, 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.

§ 3 Where a matter arises outwith a meeting, and, if the Chair, the Secretary General or at least five members of the Committee believe a decision needs to be taken before the next meeting of the Committee, then 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 last meeting;
- b) all members shall be informed in writing about the subject of and reason for such a vote;
- c) independent issues are to be voted upon separately;
- d) the members shall be invited to send the Secretary General their written votes 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 in writing by the Secretary General;
- f) all responses received within the deadline shall be recorded;
- g) the quorum shall be the same as for the meetings of the Committee. 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 re-submitted at the next meeting of the Committee;

- h) if at least three Committee members request that the proposed measures be examined at a Committee meeting, the written procedure shall be terminated without result; a new Committee meeting shall be convened as soon as possible and
- i) all members shall be notified of the result of the voting procedure.

Article 20

Editorial team

- § 1 To prepare the meeting and the meeting documents, the Secretariat may choose to convene an ad hoc editorial team at short notice to provide support.
- § 2 The composition of the editorial team shall be determined in relation to the matter requiring attention and shall be headed by the Secretariat.
- § 3 The work shall take place in a working language decided by the Secretariat depending on the matter requiring attention.

Article 21

Reporting

- § 1 If specific draft texts are the subject of the negotiations, a written report of the results shall not be produced. The result of the discussions shall be specifically highlighted in an updated text, whether by including proposals for amendments in the text, setting out the delegation's position in footnotes or by the Chair and Secretariat making compromise proposals to develop the text further.
- § 2 In all other cases, a condensed report of proceedings at the meeting shall be produced. In accordance with Article 16 § 8 of the Convention, proposals and decisions which do not come under § 1 shall be reproduced in full. The same shall apply to any actions or deadlines placed upon the Secretary General or any member of the Committee.
- § 3 If there is a difference between the different language versions of the report, the original version by the author of the report shall prevail.
- § 4 The report shall be sent to the members of the Committee and the participating observers (Article 6 § 2 c)).

Article 22

Languages

- § 1 The proceedings of the Committee 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 At each meeting, the Committee may decide with no opposing vote to use only one of the working languages for discussions at future meetings or to dispense with interpretation and translation into and from all the working languages.

Article 23
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 Committee in accordance with Article 19. The Committee shall decide the date of entry into force of amendments.

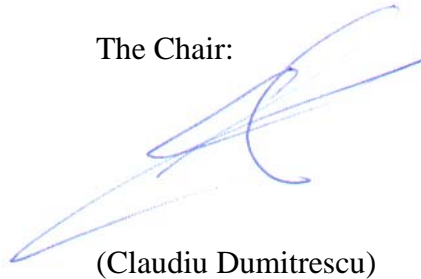
Article 24
Entry into force

These Rules shall enter into force on 16 November 2010.

Berne, 16 November 2010

On behalf of the Committee

The Chair:

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a horizontal line and a small loop.

(Claudiu Dumitrescu)

