



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 Committee of Technical Experts

**version applicable
as from 11.02.2009**

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In accordance with 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 Technical 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) "Member State" means a Party to the Convention;
- d) "Contracting State" means a Contracting State as defined in the APTU Uniform Rules (Appendix F to the Convention) and the ATMF Uniform Rules (Appendix G to the Convention);
- e) "regional organisation" means a regional economic integration organisation which has acceded to the Convention in accordance with Article 38 of the Convention;
- f) "representative" means the physical person nominated by a Member State, a regional organisation or another body entitled to be represented at the sessions of the Technical Committee;
- g) "observer" means a person attending a meeting in accordance with Article 5;
- h) "Technical Committee" means the Committee of Technical Experts in accordance with Article 20 of the Convention;
- i) "Secretary General" means the Secretary General according to Article 13 § 1 g) of the Convention;
- j) "working languages" means the working languages according to Article 1 § 6 of the Convention.

Article 2 Composition and tasks

- § 1 The composition of the Technical Committee shall be determined on the basis of Article 16 § 1 of the Convention.
- § 2 The tasks of the Technical Committee shall be determined on the basis of Articles 20 §§ 1 and 3 and 33 § 6 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 Technical Committee shall have one vote. When taking decisions concerning the provisions of the Annexes to the APTU Uniform Rules, Member States which have formulated objections against the relevant provisions in accordance with Article 35 § 4 of the Convention or Contracting States which have made a declaration in accordance with Article 9 § 1 of the APTU Uniform Rules shall not be entitled to 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.
- § 3 The procedure for the determination of the right to vote is indicated in the Annex to these Rules of Procedure.

Article 5 Observers

- § 1 Representatives of associated members of OTIF, representatives of States which are not members of the Technical Committee and representatives of international organisations and associations invited in accordance with Article 16 § 5 of the Convention as well as persons invited to a session of the Technical 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 Technical Committee in an advisory capacity (observers).

- § 2 Institutions which have made a request for validation of a technical standard or adoption of a uniform technical prescription in accordance with Article 5 § 1 c) and d) or in accordance with Article 6 § 1 c) of APTU shall be invited to the session of the Technical Committee at which this request is to be discussed. Such institutions may take part in an advisory capacity.
- § 3 The Technical Committee may draw up a list of international associations and organisations that shall be invited to the sessions of the Technical Committee in any case (permanently invited observers).
- § 4 Observers may submit suggestions in accordance with the conditions defined in Article 11 § 2.

Article 6 Secretariat

- § 1 The Secretary General shall provide the Secretariat of the Technical Committee.
- § 2 The Secretary General shall, in particular:
- a) convene the Technical Committee (Article 7);
 - b) prepare the documents included in the Technical Committee's agenda (Article 8);
 - c) prepare draft and definitive reports of meetings of the Technical Committee;
 - d) distribute the draft and definitive reports of meetings of the Technical Committee, in accordance with Article 25;
 - e) notify all Member States and regional organisations of the decisions of the Technical Committee, any objections within the meaning of Article 35 § 4 of the Convention and the date of entry into force of the decisions;
 - f) prepare such documents as the Technical Committee may from time to time request and
 - g) establish and maintain a full and accurate record of all matters pertaining to the business of the Technical Committee.
- § 3 To the extent provided for in the Convention, the Secretary General may take part in the Technical 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 Technical Committee either on his own initiative or at the request of at least five members of the Technical Committee or at the request of the Administrative Committee according to Article 15 of the Convention.

- § 2 In addition to the requirements of Article 16 § 2 of the Convention, the Secretary General shall also convene the Technical Committee at the request of a regional organisation which, according to Article 4 § 2, enjoys the votes of at least five members of the Technical Committee.

Article 8 Convening - Documents

- § 1 Not less than three months before the meeting opens, the Secretary General shall serve upon the members of the Technical 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 documents relating to the meeting to the members of the Technical Committee and observers not less than two months before the opening of the meeting. If the Secretary General receives a document of more than 10 pages which is not in all of the working languages, the deadline shall only apply to the version(s) of the document received. Translation(s) into the other working language(s) shall be made available as soon as possible.
- § 3 The Secretary General shall place the documents of the Technical Committee on the OTIF website for access to the members of the Technical Committee and shall distribute them electronically to the members of the Technical Committee. The Secretary General shall provide hard copies at the request of any member of the Technical Committee who cannot receive or obtain documents by electronic means.

Article 9 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 matters that the Technical Committee has, at any previous meeting requested to be included;
 - b) all matters that a member of the Technical Committee or an observer has requested to be placed on the agenda, provided they are notified to the Secretary General not less than six weeks before the meeting.
- § 2 If, in accordance with § 1, a request is made, not less than ten 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 four weeks before the meeting opens.
- § 3 The provisional agenda shall be submitted to the Technical 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 New items may be added to the agenda, or existing items deleted from it, only with the unanimous agreement of the meeting.
- § 5 For each item, the agenda shall indicate whether it shall be subject solely to a discussion or whether the discussion may be followed by a vote and in case of voting, who in each individual case enjoys voting rights.

Article 10
Chair, Vice-Chairs and conducting proceedings

- § 1 The Technical Committee 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, in which case there is no limit on the number of times they may be 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 his designated representative 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 session itself.

Article 11
Proposals

- § 1 Proposals relating to the validation of technical standards and the adoption of uniform technical prescriptions shall be submitted in accordance with Articles 5 and 6 of the APTU Uniform Rules.
- § 2 Proposals relating to any other matters may be submitted by any member of the Technical Committee, 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 Technical Committee.
- § 3 A document for an agenda item shall be made 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. It shall be transmitted electronically to the Secretary General unless the proposer does not have access to electronic facilities.

§ 4 Documents shall be made in accordance with the following deadlines:

The document must reach the Secretary General not less than 10 weeks before the meeting if it

- a) comprises not more than 200 lines of text in total and
- 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 12 weeks before the meeting.

§ 5 Representatives may, when a session is opened, submit further items, provided that such items deal with questions included on the agenda and are translated and distributed at the meeting in all the working languages. However, such an item shall not be discussed unless it is supported by at least two members of the Technical Committee.

Article 12 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, with 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 Technical 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 13 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 Technical 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 11.

Article 14
Redisussion

A proposal that has been adopted or rejected by a meeting of the Technical Committee may only be examined again at that same meeting if the Technical Committee 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 21.

Article 15
Motions of order

Representatives may, at any time, submit motions of order. The Chair shall take a decision immediately. If a member of the Technical 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 21.

Article 16
Adjournment or closure of discussion on an item

- § 1 During a session, any member of the Technical Committee 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 Technical Committee 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 member of the Technical Committee 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 Technical Committee approves such a motion, the Chair shall immediately declare that the session is suspended or adjourned.

Article 18
Sequence of motions of order

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 Technical Committee decides otherwise, its meetings and those of its 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 20
Quorum

There shall be a quorum (Articles 13 § 3 and 20 § 2 of the Convention) in the Technical Committee when no fewer than one-half of its members enjoying the right to vote according to Article 4 are represented in the meeting room at the time of the vote.

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

Article 21
Voting rules

§ 1 Voting in the Technical Committee shall take place in accordance with Article 16 § 4 of the Convention and with the following rules:

- a) each member of the Technical Committee shall have one vote according to Article 4;
- 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 Technical Committee represented at the time of the vote and
 - greater than the number of votes against;
- c) members of the Technical 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 Technical 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 Technical 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. Votes shall be recorded in the minutes 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 Technical Committee believe a decision needs to be taken which should not be postponed until the next meeting of the Technical 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 most recent session;
 - b) all members of the Technical Committee 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 twentyone 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 a meeting of the Technical 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 resubmitted at the next meeting of the Technical 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 22

Standing working groups and committees

- § 1 In order to prepare its decisions, the Technical Committee may, if it considers it necessary, set up one or more standing working groups or committees.
- § 2 The Rules of Procedure of the Technical Committee shall be applied mutatis mutandis at meetings of the standing working groups and committees.

Article 23

“Ad hoc” working groups

- § 1 If the Technical Committee or the standing working groups and committees set up in accordance with Article 22 § 1 consider it necessary, they may set up one or more "ad hoc" working groups to examine specific matters.
- § 2 The Rules of Procedure of the Technical Committee shall be applied mutatis mutandis at meetings of the “ad hoc” working groups.

Article 24
Working methods of the groups and committees

- § 1 Except in cases provided for in § 2, meetings of the groups and committees referred to in Articles 22 and 23 shall work in only one of the working languages. The respective language shall be determined by the Technical Committee. In particular cases the Technical Committee may leave it to the respective committee or group to choose the most appropriate working language. If a speaker uses another language, he / she shall be responsible for arranging for interpretation of his / her statements into the respective working language.
- § 2 The work of the committees and groups may only take place in more than one of the working languages if appropriate financial provision has been made in the Organisation's budget. In each case, the Secretary General's opinion in this regard shall be ascertained. This shall be the case irrespective of whether consecutive or simultaneous interpretation is intended.
- § 3 The working language(s) determined according to § 1 and § 2 shall also be used for the documents, reports and other written material necessary for the work of the respective committee or group.

Article 25
Report

- § 1 The minutes shall be in the form of a report summarizing the discussions; in accordance with Article 16 § 8 of the Convention 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 Technical Committee.
- § 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 Technical Committee, 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 more than two months 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 agree 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 Technical Committee and the participating observers (Article 6 § 2 c)).

Article 26
Entry into force of decisions

The decisions of the Technical Committee shall enter into force in accordance with Article 35 §§ 3 and 4 of the Convention.

Article 27
Languages

- § 1 The proceedings of the Technical 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 Technical 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 28
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 Technical Committee in accordance with Article 21. The Technical Committee shall decide the date of entry into force of amendments.

Article 29
Entry into force

These Rules shall enter into force on 11 February 2009.

Berne, 11 June 2009

On behalf of the Technical Committee

The Chair:

A handwritten signature in blue ink, appearing to read "R. Bacher". The signature is written in a cursive style with a large initial "R" and a long horizontal stroke.

(Roland Bacher)

**Annex
Right to vote (Article 4)**

