



Organisation intergouvernementale pour les
transports internationaux ferroviaires

Zwischenstaatliche Organisation für den
internationalen Eisenbahnverkehr

Intergovernmental Organisation for
International Carriage by Rail

TECH-20002-RoP-CTE

Rules of Procedure of the Committee of Technical Experts

applicable from 22.06.2021

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 Committee;
- g) "observer" means a person attending a meeting in accordance with Article 5;
- h) "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.
- k) "member of the Committee" means a Member State or regional organisation. When the Committee deliberates and takes decisions within its competence as defined in Article 20 of 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 Committee.

Article 2 **Competence**

The competence of the Committee shall be determined on the basis of Articles 20 §§ 1 and 3 and 33 § 6 of the Convention.

Article 3 Members of the Committee

- § 1 All members of the Committee shall be entitled to be represented at meetings of the Committee. Each member of the Committee shall designate one or more representatives. If a member of the Committee 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 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 Member States whose right to vote has been suspended (Articles 26 § 7 and 40 § 4 b) of the Convention), each Member State which is member of the 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 is competent. A regional organisation shall not have a vote of its own. Such members of a regional organisation may only exercise their right to vote to the extent that the items discussed do not fall within the competence of the regional organisation.

Article 5 Observers

- § 1 Representatives of associated members of OTIF, representatives of States which are not members of the 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 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 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 Committee at which this request is to be discussed. Such institutions may take part in an advisory capacity.

- § 3 The Committee may draw up a list of international associations and organisations that shall be invited to the sessions of the 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 Committee.
- § 2 The Secretary General shall, in particular:
- a) convene the Committee (Article 7);
 - b) prepare and distribute the working documents relating to items included in the Committee's agenda (Article 8);
 - c) prepare and distribute the draft and definitive minutes of meetings of the Committee, in accordance with Article 24;
 - d) notify all Member States and regional organisations of the decisions of the Committee, any objections within the meaning of Article 35 § 4 of the Convention and the date of entry into force of the decisions;
 - e) draft correspondence and maintain the archives.
- § 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 Convening

- § 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 members of the 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 Committee at the request of a regional organisation which, according to Article 4 § 2, enjoys the votes of at least five members of the Committee.
- § 3 Not less than 20 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.

Article 8 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 that the Committee or its working groups have, at any previous meeting, requested to be included;
 - b) all items notified in accordance with § 2 that a member of the Committee or an observer has requested to be placed on the agenda;
 - c) applications for validation of a technical standard in accordance with Articles 5 and 7 of the APTU Uniform Rules notified in accordance with § 2;
 - d) applications for adoption of a UTP or a provision amending it in accordance with Articles 6 and 7 of the APTU Uniform Rules notified in accordance with § 2.
- § 2 If, in accordance with § 1, letters b) to c), a request is made, not less than 18 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 not less than 16 weeks before the meeting opens. A request for an additional item shall contain a brief explanation of the proposed item.
- § 3 The provisional agenda shall be submitted to the Committee 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 has 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.
- § 5 Agenda items dealing with proposals for binding provisions in the meaning of Article 9 § 2 shall be indicated as such.

Article 9 Working documents

- § 1 The Secretary General shall make the working documents relating to the provisional agenda of the meeting available to the members of the Committee and observers.
- § 2 Working documents which contain proposals for binding provisions in the meaning of Article 20 § 1 letters a), b) and d) of the Convention shall be made available not less than 16 weeks before the opening of the meeting, if possible.
- § 3 Working documents which are not covered by § 2 shall be made available not less than 8 weeks before the opening of the meeting, if possible.
- § 4 Working documents submitted by a member of the Committee or observer in accordance with Article 11 §§ 2 and 3 shall, where necessary, be translated by the Secretary General into the three working languages. These documents shall be made available as soon as possible.

- § 5 The Secretary General shall place the working documents in the three working languages on the OTIF website. The Secretary General shall send digital copies by e-mail at the request of any member of the Committee. Paper copies shall be sent only at the request of members who cannot receive or obtain documents by electronic means.

Article 10
Chair and conducting proceedings

- § 1 The Committee shall elect, from among the representatives of its members, its Chair. The Chair 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 fixed-term Chair is elected, the Secretary General or another representative of the OTIF Secretariat shall open the meeting and shall conduct proceedings until the Chair is 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 item being examined or the suspension or adjournment of the session itself.
- § 5 In the exercise of his/her functions, the Chair shall remain under the authority of the Committee.

Article 11
Proposals on the agenda items

- § 1 Proposals may be submitted by any member of the Committee, by the Secretary General in accordance with Article 21 § 4 of the Convention and by observers. Proposals by observers shall be considered as proposals for a vote provided they are supported by a member of the Committee.
- § 2 A member of the Committee or observer who submits a proposal referred to in Article 9 § 2 shall send the working document to the Secretary General:
- a) not less than 16 weeks before the opening of the meeting if the working document is submitted in the three working languages, and
 - b) not less than 18 weeks before the opening of the meeting if the working document is submitted in one or two working languages.
- § 3 A member of the Committee or observer who submits a proposal referred to in Article 9 § 3 shall send the working document to the Secretary General:

- a) not less than 10 weeks before the opening of the meeting if the working document is submitted in the three working languages, and
- b) not less than 12 weeks before the opening of the meeting if the working document is submitted in one or two working languages.

§ 4 After the deadlines prescribed in §§ 2 and 3, including when a session is opened, members of the Committee and observers may submit further proposals in at least one of the working languages, provided that such proposals deal with items included on the agenda. Such proposals shall be submitted to the Secretary General, who shall 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 Committee if the proposal is in all the working languages;
- b) by the majority provided for in Article 21 § 1 if the proposal is not in all the working languages.

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 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 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 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 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 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. A representative submitting a motion of order may not speak on the substance of the matter under discussion.

Article 16
Adjournment or closure of discussion on an item

- § 1 During a session, any member of the 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 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 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 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
Non-public nature of meetings

Unless the 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

- § 1 There shall be a quorum (Articles 13 § 3 and 20 § 2 of the Convention) in the Committee when one-half of its members enjoying the right to vote according to Article 4 are represented 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 economic integration 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.
- § 3 At the start of each new agenda item, the Chair shall determine and inform the 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 Committee shall take place in accordance with Article 16 § 4 of the Convention and with the following rules:
- a) each member of the Committee shall have one vote according to Article 4, without prejudice to Article 4 § 2;
 - 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. Votes shall be recorded in the minutes of the relevant meeting.

- § 3 If the Chair, the Secretary General or at least five members of the Committee believe a decision needs to be taken which should not be postponed until 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 most recent session;
 - b) all members of the 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 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 a meeting 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 resubmitted 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 Member States shall be notified of the result of the voting procedure.

Article 22

Working groups

- § 1 If it considers it necessary, the Committee may set up one or more standing working groups.
- § 2 If the Committee or a standing working group considers it necessary, it may set up one or more “ad hoc” working groups to examine specific matters.
- § 3 The Rules of Procedure of the Committee shall be applied *mutatis mutandis* at meetings of the working groups.
- § 4 Unless defined otherwise by the Committee or by the working group concerned, the invitation and provisional agenda for a session of the working group shall be sent no later than 8 weeks before the meeting opens and working documents for the session shall be made available no later than 4 weeks before the meeting opens.

Article 23
Working methods of the working groups

- § 1 Except in cases provided for in § 2, meetings of the working groups referred to in Article 22 shall work in only one of the working languages. The respective language shall be determined by the Committee. In particular cases the Committee may leave it to the respective working 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 working 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, minutes and other written material necessary for the work of the respective working group.

Article 24
Minutes

- § 1 The minutes of the Committee shall summarise 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 Committee.
- § 2 If there is a difference between the different language versions of the minutes of the Committee, the text in the language used by the speaker shall prevail; however, with regard to the decisions of the Committee, the French text shall prevail.
- § 3 Each participant may request that his/her statements be reproduced in the minutes of the Committee in full, provided the text is given to the Secretary General in one of the working languages.
- § 4 The draft minutes of the Committee shall be sent to the participants at the meeting not later than 8 weeks after the meeting. Not later than six weeks after the day the draft minutes of the Committee are sent, participants shall notify the Secretary General in writing of any corrections they wish to make to the minutes of the Committee. 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 minutes of the Committee shall be sent to the members of the Committee and the participating observers (Article 6 § 2 c)) and shall be published on the website of the Organisation.
- § 6 The minutes of working groups shall summarise the main items of discussion and list conclusions and actions placed upon the Secretary General or any participant. Minutes of working groups shall be issued in the meeting language(s). Draft minutes of working groups shall be sent to participants before the next meeting and be submitted for

approval at the next meeting. If no next meeting is planned, §§ 4 and 5 shall apply mutatis mutandis.

Article 25
Entry into force of decisions

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

Article 26
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 27
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 21. The Committee shall decide the date of entry into force of amendments.

Article 28
Entry into force

These Rules shall enter into force on 22 June 2021.

St. Neots, Cambridgeshire, United Kingdom 22 June 2021 On behalf of the Committee

The Chair:

