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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods

Geneva, 15-19 September 2008
Item 9 of the provisional agenda

ANY OTHER BUSINESS* **

Draft Terms of Reference and Rules of Procedure of the Joint Meeting

Note by the secretariat

1. At its March 2008 session, the Joint Meeting requested the ECE and OTIF secretariats to prepare a version of the rules of procedure of the ECE Working Party on the Transport of Dangerous Goods (ECE/TRANS/WP.15/190/Add.1) adapted to the specific context of the Joint Meeting (see ECE/TRANS/WP.15/AC.1/110, para. 71).
2. The Joint Meeting may wish to view the draft terms of reference and rules of procedure prepared by the secretariats.

* In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (c)).

** Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) in document OTIF/RID/RC/2008/18.

CONTENTS*Page***Part 1**

TERMS OF REFERENCE OF THE JOINT MEETING OF THE RID COMMITTEE OF EXPERTS AND THE WORKING PARTY ON THE TRANSPORT OF DANGEROUS GOODS (WP.15)	3
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Part 2

RULES OF PROCEDURE OF THE JOINT MEETING OF THE RID COMMITTEE OF EXPERTS AND THE WORKING PARTY ON THE TRANSPORT OF DANGEROUS GOODS (WP.15)	3
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Chapter

I. Participation	5
II. Sessions	6
III. Agenda	7
IV. Representation	8
V. Officers	8
VI. Secretariat	9
VII. Conduct of business	10
VIII. Vote	11
IX. Languages	12
X. Ad hoc groups	12
XI. Amendments	12

Annex

Rules concerning documents to be submitted to the Joint Meeting	13
Appendix. Standard format for documents (for proposals regarding regulatory texts or recommendations)	15

Part 1

TERMS OF REFERENCE OF THE JOINT MEETING OF THE RID COMMITTEE OF EXPERTS AND THE WORKING PARTY ON THE TRANSPORT OF DANGEROUS GOODS (WP.15)

1. The Joint Meeting, acting within the framework of the policies of the United Nations and the Economic Commission for Europe (hereinafter ECE), and those of the Intergovernmental Organisation for International Carriage by Rail (OTIF), and under the general supervision of the Inland Transport Committee (hereinafter ITC) and OTIF, shall, provided that such actions are in conformity with the Terms of Reference of ECE (document E/ECE/778/Rev.4) and with those of OTIF:

(a) Initiate and pursue actions aimed at enhancing the safety and security of the inland transport (by road, rail and inland navigation) of dangerous goods and protecting the environment during such transport, to the extent that such measures relate to at least both road and rail transport;

(b) Promote the facilitation of international transport of dangerous goods by harmonizing the relevant regulations and rules and the administrative procedures and documentation requirements to which this transport is subject;

(c) Develop and update the common provisions of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), concluded in Geneva in 1957, of Appendix C of the Convention concerning International Transport by Rail (COTIF) (Regulations concerning the International Transport of Dangerous Goods by Rail) and, when applicable, of the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN), concluded in Geneva in 2000;

(d) Encourage the accession of new countries to the agreements and the convention mentioned above;

(e) Ensure harmonization of ADR, RID and ADN with one another, and with other relevant legal instruments on the transport of dangerous goods by other modes of transport, on the basis of the recommendations of the Committee of Experts on the Transport of Dangerous Goods and the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) of the United Nations Economic and Social Council;

(f) Encourage participation in its activities by fostering cooperation and collaboration with countries, the European Commission, international governmental and non-governmental organizations concerned with the transport of dangerous goods and with the other United Nations regional commissions and other organizations or bodies of the United Nations system with a view, among other things, to discussing and resolving problems relating to the interpretation or enforcement of the provisions of ADR, RID and ADN;

(g) Collaborate closely with the other relevant ECE or OTIF bodies on matters of common interest relating to at least both RID and ADR;

(h) Draw up and implement a programme of work relating to its activities;

(i) Create a working environment that facilitates fulfilment by the ADR or ADN Contracting Parties and by the States members of OTIF of the obligations set forth in the legal instruments concerned by the activities of the Joint Meeting, and an exchange of views on the interpretation of these instruments or the resolution of problems connected with their enforcement;

(j) Ensure openness and transparency during its meetings.

2. These Terms of Reference and the Rules of Procedure apply to the Joint Meeting and do not modify the provisions of the relevant legal instruments.

Part 2

RULES OF PROCEDURE OF THE JOINT MEETING OF THE RID COMMITTEE OF EXPERTS AND THE WORKING PARTY ON THE TRANSPORT OF DANGEROUS GOODS (WP.15) (RID/ADR/ADN JOINT MEETING)

CHAPTER I

Participation

Rule 1

(a) Member countries of ECE and the member States of OTIF shall be considered full participants of the Joint Meeting;

(b) Non-member countries of ECE and OTIF as defined in paragraph 11¹ of the Terms of Reference of ECE may participate in a consultative capacity in the Joint Meeting on any matter of particular concern to them. These countries may, however, participate as full members at sessions of the Joint Meeting devoted to matters relating to a legal instrument to which they are Contracting Parties;

(c) Specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council may, in accordance with paragraphs 12² and 13³ of the Terms of Reference of ECE, participate in a consultative capacity in the Joint Meeting in discussions that it may hold on any matter of particular concern to those agencies or organizations;

¹ Paragraph 11: “The Commission shall invite any Member of the United Nations not a member of the Commission to participate in a consultative capacity in its consideration of any matter of particular concern to that non-member.”

² Paragraph 12: “The Commission shall invite representatives of specialized agencies and may invite representatives of any intergovernmental organizations to participate in a consultative capacity in its consideration of any matter of particular concern to that agency or organization, following the practices of the Economic and Social Council.”

³ Paragraph 13: “The Commission shall make arrangements for consultation with non-governmental organizations which have been granted consultative status by the Economic and Social Council, in accordance with the principles approved by the Council for this purpose and contained in Council resolution 1996/31, parts I and II.”

(d) Non-governmental organizations not in consultative status with the Economic and Social Council may, subject to the approval of the Joint Meeting and respecting the principles set forth in Economic and Social Council resolution 1996/31, parts I and II, participate with consultative status in discussions that the Joint Meeting may hold on any matter of interest to these organizations;

(e) Consultations with specialized agencies and the International Atomic Energy Agency (IAEA) shall be conducted in accordance with Rule 51 of the Rules of Procedure of ECE;

(f) Consultations with non-governmental organizations shall be conducted in accordance with Rules 52 and 53 of the Rules of Procedure of ECE. Non-governmental organizations with consultative status under paragraph (d) shall be treated as non-governmental organizations included on the list.

CHAPTER II

Sessions

Rule 2

Sessions shall be held on dates fixed by the ECE and OTIF secretariats in accordance with the programme of work.

Rule 3

Sessions shall ordinarily be held on an alternating basis at the United Nations Office at Geneva and at the headquarters of the Universal Postal Union in Bern. The Joint Meeting may decide to hold a particular session elsewhere. Wherever the session is held, the relevant United Nations rules and regulations shall apply.

Rule 4

(a) The secretariats shall, at least twelve (12) weeks before the commencement of a session, announce the opening date of the session and distribute a copy of the provisional agenda via the ECE⁴ and OTIF⁵ websites;

(b) The basic documents prepared by participants must be submitted to one of the two secretariats in electronic form at least twelve (12) weeks before the commencement of a session, in accordance with the procedures and rules contained in the Annex;

⁴ <http://www.unece.org/trans/danger/danger.htm>.

⁵ www.otif.org.

(c) The basic documents relating to each item on the agenda of a session shall be available on the ECE website⁴ in all official languages of ECE and on the OTIF website⁵ in German before the session at the latest forty-two days before the opening of the session; however, in exceptional cases, translated texts may be made available on this site twenty-one days before the opening of the session;

(d) In exceptional cases, the secretariat may distribute basic documents at the session, but in this case such documents may be used only for preliminary consideration unless the Joint Meeting decides otherwise;

(e) Any participant, as well as the secretariats, may also submit informal documents, provided that the procedures and rules in the Annex are respected.

CHAPTER III

Agenda

Rule 5

The provisional agenda for each session shall be drawn up by the secretariats in coordination with the Chairperson or Vice-Chairperson (acting as Chairperson).

Rule 6

The provisional agenda for any session may include:

- (a) Items stipulated in the programme of work agreed at the previous session;
- (b) Items proposed by ECE, the ECE Inland Transport Committee or OTIF;
- (c) Any other item proposed by a participant, in so far as it relates to the Terms of Reference of the Joint Meeting;
- (d) Any other items which the Chairperson or Vice-Chairperson or the secretariats may see fit to include.

Rule 7

The first item on the provisional agenda for each session shall be the adoption of the agenda.

Rule 8

The Joint Meeting may amend the order of agenda items at any time during the session.

CHAPTER IV

Representation

Rule 9

Each participant as defined in Rule 1 shall be represented at sessions of the Joint Meeting by an accredited representative.

Rule 10

The representative may be accompanied by alternate representatives, advisers or experts. If absent, a representative may be replaced by an alternate representative.

Rule 11

(a) The names of representatives, alternate representatives, advisers and experts shall be submitted to the ECE and OTIF secretariats at the latest one week before the opening of the session;

(b) The ECE secretariat shall prepare a provisional list of persons scheduled to attend the session and make it available to the permanent missions of participating countries to the Office of the United Nations in Geneva two working days before the opening of the session. Unless notified otherwise by the permanent mission concerned before the opening of the session, the persons appearing in this list shall be considered as duly accredited;

(c) The ECE secretariat (when the session is held in Geneva) or the OTIF secretariat (when the session is held in Bern) shall prepare a list of the names of all persons attending the session and make it available to them at the end of the session.

CHAPTER V

Officers

Rule 12

Every year, the Joint Meeting shall, at the end of the last session of the year, elect a Chairperson and a Vice-Chairperson from among the representatives of full participants as defined in Rule 1. They shall take office at the start of the first session in the year following their election. The officers may be re-elected.

Rule 13

If the Chairperson is absent from a session, or part thereof, or if the Chairperson so requests, the Vice-Chairperson shall preside.

Rule 14

If the Chairperson ceases to represent a participating country or can no longer hold office, the Vice-Chairperson designated in accordance with Rule 12 shall become Chairperson for the unexpired portion of the term. In that case, the Joint Meeting shall elect another Vice-Chairperson for the unexpired portion of the term. The same shall apply if the designated Vice-Chairperson ceases to represent a participating country or can no longer hold office.

Rule 15

The Vice-Chairperson acting as Chairperson shall have the same powers and carry out the same duties as the Chairperson.

Rule 16

The Chairperson shall participate in the Joint Meeting in this capacity and not as the representative of his/her country. The Joint Meeting shall admit an alternate representative to represent that participant and to exercise its right to vote. However, if there is no alternate representative or if the alternate representative is absent, the Chairperson may exercise his/her right to vote as the representative of his/her country.

CHAPTER VI

Secretariat

Rule 17

The Executive Secretary of ECE and the Secretary-General of OTIF shall act in that capacity at all sessions of the Joint Meeting. They may appoint other members of the secretariats of ECE and of OTIF to take their places.

Rule 18

The secretariats shall make all necessary arrangements for the organization and holding of sessions.

Rule 19

During sessions, the secretariats shall assist the Joint Meeting in complying with these Rules of Procedure.

Rule 20

The secretariats may submit written or oral statements on any item considered.

CHAPTER VII

Conduct of business

Rule 21

Unless otherwise decided, the Joint Meeting shall meet in private session.

Rule 22

The Chairperson shall announce the opening and the closing of each session, direct the discussion, ensure the application of these Rules of Procedure, give the floor to speakers, put questions to the vote and announce the decisions taken. The Chairperson may also call a speaker to order if his/her remarks are not relevant to the subject under discussion. The Chairperson may limit the time allowed to each speaker.

Rule 23

At the end of each session, the Joint Meeting shall adopt a report based on a draft prepared by the secretariat.

Rule 24

The Chairperson may decide, in consultation with the secretariats, to reduce the length of a session or to postpone it in the event of force majeure.

Rule 25

During the discussion of any matter, a representative may raise a point of order. In this case, the Chairperson shall immediately state his/her ruling. If it is challenged, the Chairperson shall put it to a vote immediately. The ruling shall stand unless opposed by the majority.

Rule 26

During the discussion of any matter, a representative may move the adjournment of the debate. Any such motion shall have priority. In addition to the proposal of the motion, one representative shall be allowed to speak in favour of, and one representative against, the motion.

Rule 27

A representative may at any time move the closure of the debate whether or not any other representative has signified his/her wish to speak. Two other representatives may be authorized to speak in order to oppose the closure.

Rule 28

The Chairperson shall take the sense of the Joint Meeting on a motion for closure. If the Joint Meeting is in favour of the closure, the Chairperson shall declare the debate closed.

Rule 29

Principal motions and resolutions shall be put to the vote in the order of their submission unless the Joint Meeting decides otherwise.

Rule 30

When an amendment revises, adds to or deletes from a proposal, the amendment shall be put to the vote first and, if it is adopted, the amended proposal shall then be put to the vote.

Rule 31

If two or more amendments are moved to a proposal, the Joint Meeting shall vote first on the amendment furthest removed in substance from the original proposal, then, if necessary, on the amendment next furthest removed and so on, until all the amendments have been put to the vote.

Rule 32

The Joint Meeting may, at the request of a representative, decide to put a motion or resolution to the vote in parts. If this is done, the text resulting from the series of votes shall be put to the vote as a whole.

Rule 33

Every representative has the right to declare his or her position and may request that it be reflected, in summarized form, in the report of the session.

CHAPTER VIII

Voting

Rule 34

Full participants shall have one vote in the Joint Meeting.

Rule 35

Decisions of the Joint Meeting shall chiefly be taken by consensus. In the absence of consensus, decisions shall be taken by a majority of the full participants present and voting. Decisions regarding a legal instrument in force shall be taken only in the presence of at least one third of the total number of Contracting Parties to ADR and ADN and States members of OTIF, with each country being counted once, and on condition that the number of affirmative votes is equal to at least one third of the full participants represented during the vote.

Rule 36

The Joint Meeting shall normally vote by show of hands. If any representative requests a roll call, a roll call shall be taken in the English alphabetical order of the names of the members.

Rule 37

All elections shall be decided by secret ballot unless, in the absence of any objection, the Joint Meeting decides to proceed without taking a ballot on an agreed candidate or slate.

Rule 38

If a vote is equally divided on matters other than elections, a second vote shall be taken at the next meeting. If this vote also results in equality, the proposal shall be regarded as rejected.

CHAPTER IX

Languages

Rule 39

English, French, German and Russian are the working languages of the Joint Meeting. Statements made in one of these languages shall be interpreted into the other three languages.

CHAPTER X

Ad hoc groups

Rule 40

(Reserved)

Rule 41

(Reserved)

Rule 42

(Reserved)

Rule 43

Between sessions, the Joint Meeting may be assisted in its tasks by ad hoc groups. To be established and hold meetings, such groups must be hosted and invited by a participant in the Joint Meeting as defined in Rule 1.

CHAPTER XI

Amendments

Rule 44

Any of these Rules of Procedure may be amended in accordance with Rule 35. However, any proposed amendment shall require the approval of the Inland Transport Committee and the endorsement of the Executive Committee of ECE on the one hand, and OTIF on the other.

Annex

Rules concerning documents to be submitted to the Joint Meeting

Official documents

1. Documents for consideration under each agenda item of a session shall be transmitted as early as possible so that they reach the secretariat not less than 12 weeks before the opening of the session or, if they are transmitted simultaneously in English, French, German and Russian, not less than 6 weeks before.
2. They shall be transmitted to one of the secretariats by e-mail.
3. Documents, including reports of working groups, shall be as brief and concise as possible and not exceed 16 pages (8,500 words), except in exceptional instances where long passages from regulations or recommendations are the subject of proposed draft amendments.
4. All documents containing proposed amendments to regulations or recommendations shall comply with the standard presentation shown in the appendix to these rules, include a brief summary and, where necessary, a justification taking into account the following criteria:

Safety:	What are the safety implications?
Feasibility:	Which economic sector or public service is concerned by the proposed amendments?
	What are the consequences in terms of the advantages and disadvantages?
	Is a transitional period required?
Enforceability:	Once implemented, can the amendments be observed or monitored?

This rule shall not apply to editing amendments, amendments proposed by a working group or amendments proposed with a view to harmonization with the United Nations Recommendations on the Transport of Dangerous Goods or any other regulations.

5. The secretariats may decide:
 - (a) To postpone until the next session documents which have not reached them 12 weeks before the opening of a session;
 - (b) To translate only parts of documents more than 16 pages (8,500 words) long, so as not to delay their distribution, when they contain lengthy explanatory technical annexes or tables which it is not intended to include in the regulations or recommendations;

(c) To return the document to the sender if the presentation does not conform to that of the appendix to these rules. In such cases, the document may be recast in accordance with the presentation required in Rule 4, provided that the revised version reaches the secretariats not less than 10 weeks before the opening of the session; if this is not the case, the document will nevertheless be distributed in its initial form.

Informal documents

6. Documents which do not reach the secretariats 12 weeks before the session may also be submitted for consideration at the session under the “INF” symbol (informal documents), provided:

(a) That they contain specific commentaries or additional information concerning a new document included in the provisional agenda and that it has not therefore been possible to submit them in time;

(b) That they are submitted solely for information purposes and require no decision from the Joint Meeting;

(c) That they are intended to correct flagrant errors in existing texts;

(d) That they are intended to clarify the interpretation of existing texts; or

(e) That they contain the report of an informal working group mentioned in the provisional agenda.

7. These informal documents must be sent to the secretariats by e-mail, allowing sufficient time to post them on the ECE website.^a As a rule, save in exceptional circumstances, the secretariats shall neither reproduce nor distribute paper copies of these informal documents.

8. The secretariats shall assign an “INF” symbol to informal documents, which shall be transmitted to the author of the document who may send advance copies to other delegations. The author of an informal document shall indicate clearly the title of his communication, the official document to which it refers, where relevant, and the agenda item under which it should be considered.

9. Other documents may be distributed to delegations during the session, for example, informal documents unrelated to an agenda item, advance copies of future proposals, etc. These documents shall not be assigned an “INF” symbol, and must be reproduced and distributed by their author and not by the secretariat. They shall not be considered during the session, unless the Joint Meeting decides otherwise.

^a <http://www.unece.org/trans/danger/danger.htm>.

Appendix

Standard format for documents

(for proposals regarding regulatory texts or recommendations)

TITLE OF AGENDA ITEM

Title of proposal, setting out the question

Submitted by ...

SUMMARY

Executive summary: This description outlines the proposed objective (amendment, information only; etc.)

Action to be taken: Reference is made to the paragraphs of the regulations or other texts to be amended.

Related documents: Other key documents are listed.

Introduction Motive/developments which urgently justify the amendment.

Proposal Description of the proposed amendment,
Including: Amended text of paragraphs and ensuing amendments.

Justification Safety: What are the safety implications?

Feasibility: Which economic sector or public service is concerned by the proposed amendment?

What are the consequences in terms of advantages and disadvantages?

Is a transitional period required?

Enforceability: Once implemented, can the amendments be observed or monitored?
