

**RID/ADR/ADN**

Joint Meeting of the RID Committee of Experts and the  
Working Party on the Transport of Dangerous Goods  
(Geneva, 23 - 27 March 2009)

**Item 9 of the agenda: Any other business**

**Rules of Procedure of the Joint RID/ADR/ADN Meeting Rule 38 (equality of votes)**

**Submitted by Germany**

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**SUMMARY**

<b><i>Executive Summary</i></b>	In the Rules of Procedure of the Joint Meeting, the case of equality of votes is to be unambiguously regulated. Moreover, provisions on the “Withdrawal of a proposal” and the “Rediscussion of proposals already examined” are to be included.
<b><i>Action to be taken:</i></b>	Adopt the revised Rule 38 and supplement the Rules of Procedure with the cases “Withdrawal of a proposal” and “Rediscussion of proposals already examined”.
<b><i>Related documents:</i></b>	Section 47 b) of the Report of the last Joint Meeting (document OTIF/RID/RC/2008-B or ECE/TRANS/WP.15/AC.1/112) and Annex III “Rules of Procedure of the Joint Meeting”.

## Introduction

At the last Joint Meeting (Geneva, 15 to 18 September 2008), the Rules of Procedure were adopted with the exception of Rule 38 (equality of votes), see also Annex III of the report.

The representative of Germany announced at this meeting that he would prepare a proposal for the next meeting to unambiguously regulate the case of an equality of votes. Moreover, he announced that in this new proposal he would also include certain other rules from the Rules of Procedure of the RID Committee of Experts (Article 13 “Withdrawal of a proposal” and Article 14 “Rediscussion of proposals already examined”) [see also Section 47 b) of the report of the last Joint Meeting].

## Proposal

In the case of equality of votes, it is common practice to regard the proposal as rejected.

The Rules of Procedure of the RID Committee of Experts are also based on this principle; in Article 14 (“Rediscussion of proposals already examined”), however, they also provide for the possibility to re-examine a rejected proposal (or an adopted proposal) under certain conditions. Germany proposes to include this possibility also in the Rules of Procedure of the Joint RID/ADR/ADN Meeting.

The possibility of „Withdrawal of a proposal” (Article 13 of the Rules of Procedure of the RID Committee of Experts) should also be included as this possibility is made use of at times in the meetings and, therefore, it makes sense to regulate this procedure in the Rules of Procedure.

Thus, it is proposed to make the following amendments to the Rules of Procedure of the Joint RID/ADR/ADN Meeting:

1. The current text of Rule 38 (equality of votes) from document OTIF/RID/RC/2008/18 or ECE/TRANS/WP.15/AC.1/2008/18 is amended as follows:

### **“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.”

*Note: The text in bold and square brackets is to be deleted.*

2. A new text on the „Rediscussion of proposals already examined“ is inserted which, in the opinion of Germany, should, however, not be included in Rule 38 as the procedure does not belong in “CHAPTER VIII - Voting” but in “CHAPTER VII - Conduct of business”. The same applies to the „Withdrawal of a proposal“.

Germany therefore proposes to include two new rules and insert them between the current rules 32 and 33:

**“Rule [33a]**

A proposal or a motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative

**Rule [33b]**

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Joint Meeting so decides. Permission to speak on a motion to reconsider shall be accorded to two representatives opposing the motion, after which it shall be put to the vote immediately

3. The current Rule 33 should become „Rule [33c] – or the rules are renumbered by the Secretariats.

Justification

The proposed amendments correspond to standard practice in the conduct of the Joint Meeting. So the amendments have no further impact. The only objective is to reflect these already practiced procedures in the Rules of Procedure of the Joint RID/ADR/ADN Meeting.

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