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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

Bern, 22-26 March 2010
Item 8 of the provisional agenda

ANY OTHER BUSINESS

Rules of Procedure of the RID/ADR/ADN Joint Meeting

Rules 38 (Equality of votes

Submitted by the government of Germany^{1,2}

Summary

Executive Summary:	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.
Action to be taken:	Adopt the revised Rule 38 and supplement the Rules of Procedure with the cases “Withdrawal of a proposal” and “Rediscussion of proposals already examined”.
Related documents:	Report of the Joint Meeting on its September 2008 session (document OTIF/RID/RC/2008-B or ECE/TRANS/WP.15/AC.1/112, para 47 (b)) and Annex III “Rules of Procedure of the Joint Meeting”).

¹ 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)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2010/10.

Introduction

1. At September 2008 session of the 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 ECE/TRANS/WP.15/AC.1/112, para 47 (b), and annex III).

2. 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 ECE/TRANS/WP.15/AC.1/112, para. 47 (b)).

Proposal

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

4. The Rules of Procedure of the RID Committee of Experts are also based on this principle. However Article 14 (“Rediscussion of proposals already examined”), also provides 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 Meeting.

5. 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 proposals are sometime withdrawn during sessions and, therefore, it would make sense to regulate this withdrawal.

6. Thus, it is proposed to amend the Rules of Procedure of the Joint Meeting as follows:

- (a) Amend the Joint text proposed for Rule 38 (equality of votes) in ECE/TRANS/WP.15/AC.1/2008/18 (OTIF/RID/RC/2008/18) to read:

“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.”

- (b) Add a new rule on the “Rediscussion of proposals already examined“ which, in the opinion of Germany, should, however, not be included in Rule 38 as the procedure does not belong to “CHAPTER VIII - Voting” but to “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.”.

- (c) The current Rule 33 should become “Rule [33c]”, – or the rules should be renumbered by the secretariats.

Justification

7. The proposed amendments correspond to standard practice in the conduct of the Joint Meeting sessions. So the amendments have no further impact. The only objective is to reflect the current procedures in the Rules of Procedure of the Joint Meeting.
