



Secretariat

**Distr.
GENERAL**

**ST/SG/AC.10/1998/43
25 September 1998**

Original: ENGLISH

**COMMITTEE OF EXPERTS ON THE
TRANSPORT OF DANGEROUS GOODS**

**(Twentieth session,
Geneva, 7-16 December 1998,
agenda item 3 (a))**

ACTIVITIES RELATED TO THE IMPLEMENTATION OF AGENDA 21

**Global Harmonization of Systems of Classification
and Labelling of Chemicals (General)**

**Terms of Reference and Rules of Procedure of the Joint Committee
on the Globally Harmonized System for the Classification and Labelling of Chemicals
and on the Safe Transport of Dangerous Goods**

Transmitted by the Observer from Austria

Based on the results of discussions held so far and on the principle agreement laid down in the report of the sub-committee of experts on its fifteenth session at Geneva on 29 June-9 July 1998 (ST/SG/AC.10/C.3/30, see in particular paragraph 198) we would like to contribute to and promote further discussion on the new system in presenting the attached draft for Terms of Reference and Rules of Procedure of the Joint Committee on the Globally Harmonized System for the Classification and Labelling of Chemicals and on the Safe Transport of Dangerous Goods.

Having examined potential models, in particular the ECOSOC as it is established by the UN Charter and the ECOSOC Rules of Procedure (E/5715/Rev.2) we came to the conclusion, that the ECOSOC Rules of Procedure which reflect very much the high political character of that body and the representation in this body on a high diplomatic level do not seem to be an adequate basis for our project. For example the composition of the ECOSOC of 54 member nations that take 3-year rotating terms to serve on the council (at the end of every year the terms of office for 18 countries end and another 18 countries take their place) do not seem to fit very well with the proposed parent committee for two subcommittees of a highly specialized technical character.

We therefore believe that the terms of reference and the rules of procedure of the ECE (E/ECE/778/Rev.3) could be taken as a starting point, as this has been done in other cases such as for the establishment of the ADN (AC.6/4/Add.1) and for WP. 29 as proposed by the United States (TRANS/WP.29/1998/2) and modifications could be introduced where this seems necessary to meet the special requirements (and the voiced concerns) in relation to the new body.

In particular we would like to draw attention to the following:

Terms of reference

The proposed text constitutes a minimum and it is expected that proposals would be made to add further items. Rule 3 makes clear that there shall be no formal limit for participation in the JC. Concerns connected with that are being dealt with in the voting procedure (see Rules of Procedure, in particular rules 22, 23 and 26). Care should also be taken to avoid any contradiction between the Terms of Reference and the Rules of Procedure (see rule 39 of the Rules of Procedure).

Rules of Procedure

Rule 1 maintains the biennial periodicity.

Rule 2 anticipates that there is a general understanding to have Geneva as the venue for meetings of the JC.

Rule 3 may be adapted to the actual needs and wishes of the secretariat.

Rule 8 should be so worded that formal submission and examination of credentials is avoided.

Rule 10 provides for officers in the JC being selected from the officers of the two subcommittees. The text could of course be made more specific in this regard.

Rule 22 states that - in order to meet concerns and in particular to avoid as much as possible frequent rediscussion of technical details at the JC meetings - the texts proposed by the subcommittees shall either be adopted as proposed or be rejected and sent back to the relevant subcommittee for rediscussion.

Rule 23 sets up the conditions where, based on broad agreement, modifications by the JC are possible. These conditions should ensure that decisions by the subcommittees in most cases would be definite.

Rule 24 makes clear that there shall be no denial for the right to vote in the JC.

Rule 26 constitutes specific majority requirements for the exceptional cases where decisions of the subcommittees were intended to be modified.

Rule 29 foresees the same working languages as are foreseen for the ECOSOC (see rule 32 of the ECOSOC Rules of Procedure).

DRAFT

*Terms of Reference and Rules of Procedure
of the
Joint Committee on the Globally Harmonized System
for the Classification and Labelling of Chemicals
and
on the Safe Transport of Dangerous Goods
(Joint Committee - JC)*

TERMS OF REFERENCE OF THE JOINT COMMITTEE

1. The Terms of Reference and Rules of Procedure of the Joint Committee on the Globally Harmonized System for the Classification and Labelling of Chemicals and on the Safe Transport of Dangerous Goods (Joint Committee - JC), acting within the framework of the Economic and Social Council (ECOSOC) shall
 - (a) promote and support the work of the Subcommittee of Experts on the Transport of Dangerous Goods (SCETDG) and of the Subcommittee of Experts on the Global Harmonized System for the Classification and Labelling of Chemicals (SCEGHS);
 - (b) approve the work programmes for the Subcommittees in the light of available resources;
 - (c) coordinate strategic and policy directions in areas of shared interests and overlap;
 - (d) give formal endorsement to the recommendations of the Subcommittees and provide the mechanism for channelling these to ECOSOC;
 - (e) facilitate and coordinate the smooth running of the Subcommittees.
2. Starting from and at the end of every following biennium the Joint Committee shall submit to the ECOSOC a full report on its activities and plans, including those of the two Subcommittees for the past biennium.
3. The members of the Joint Committee are the Members of the United Nations.
4. The Joint Committee 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.
5. The Joint Committee 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 1296 (XLIV) parts I and II.
6. The Joint Committee shall adopt its own rules of procedure, including the method of selecting its Chairperson.
7. The administrative budget of the Joint Committee shall be financed from the funds of the United Nations.
8. Offices of Secretariat of the Joint Committee shall be provided by the Transport Division of the United Nations Economic Commission for Europe.
9. The meetings of the Joint Committee shall take place at the seat of the European Office of the United Nations.
10. The first session of the Joint Committee shall be called by the Secretary-General of the United Nations as soon as practicable after the Joint Committee has been created by the Economic and Social Council.
11. The Economic and Social Council shall, from time to time, make special reviews of the work of the Joint Committee.

RULES OF PROCEDURE OF THE JOINT COMMITTEE

CHAPTER I

Sessions

Rule 1

Sessions of the Joint Committee shall be held

- (a) within the last two months before the expiry of the biennium, which is a period of two years beginning at the first of January of a year X and ending at the 31st December of the year X+1 on a date fixed by the Joint Committee after consultation with the Executive Secretary, at previous meetings;
- (b) within thirty days of the communication of a request to that effect by the Economic and Social Council;
- (c) at the request of the majority of the members of the Joint Committee after consultation with the Executive Secretary;
- (d) on such other occasions as the Chairperson, in consultation with the Vice-Chairpersons and the Executive Secretary, deems necessary.

Rule 2

Sessions shall ordinarily be held at the United Nations Office at Geneva (UNOG). The Joint Committee may, with the concurrence of the Secretary-General, decide to hold a particular session elsewhere.

Rule 3

The Secretariat on the Transport Division shall, at least forty-two days before the commencement of a session of the Joint Committee, distribute a notice of the opening date of the session, together with a copy of the provisional agenda. The basic documents relating to each item appearing on the provisional agenda of a session shall be transmitted not less than forty-two days before the opening of the session, provided that in exceptional cases the Executive Secretary may, for reasons to be stated in writing, transmit such documents not less than twenty-one days before the opening of the session.

CHAPTER II

Agenda

Rule 4

The provisional agenda for each session shall be drawn up by the Secretariat of the Transport Division.

Rule 5

- The provisional agenda for any session shall include:
- (a) items arising from previous sessions of the Joint Committee;
 - (b) items proposed by the Economic and Social Council;

- (c) items proposed by the Subcommittee of Experts on the Transport of Dangerous Goods (SCETDG) and by the Subcommittee of Experts on the Global Harmonized System for the Classification and Labelling of Chemicals (SCEGHS);
- (d) items proposed by any member of the Joint Committee;
- (e) any other items which the Chairperson or the Executive Secretary sees fit to include.

Rule 6

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

Rule 7

The Joint Committee may amend the agenda at any time.

CHAPTER III Representation

Rule 8

Each member shall be represented in the Joint Committee by an accredited representative.

Rule 9

A representative may be accompanied to the sessions of the Joint Committee by alternate representatives and advisers and, when absent, he may be replaced by an alternate representative.

CHAPTER IV Officers

Rule 10

The Joint Committee shall, at its first meeting, elect from among its representatives a Chairperson, who shall hold office until his/her successor is elected. The Chairperson shall be eligible for re-election. The Joint Committee may, however, decide to elect the Chairperson for its next session at its last meeting.

The Chairperson shall be elected from the persons who acted as chairpersons at the meetings of the SCEGHS and of the SCETDG held in the past biennium.

All other persons who acted as officers at these meetings shall act as Vice-Chairpersons to the Joint Committee.

Rule 11

If the Chairperson is absent or by any other reason not in the position to hold office at a meeting, or any part thereof, one of the Vice-Chairpersons, designated by the Chairperson, shall preside.

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

Rule 12

The Chairperson or the Vice-Chairperson acting as Chairperson shall participate in the meetings of the Joint Committee as such and not as the representative of the member by whom he/she was accredited.

CHAPTER V
Secretariat

Rule 13

The Secretariat of the Transport Division shall act in that capacity at all meetings of the Joint Committee and of the SCEGHS and the SCETDG.

Rule 14

A member of the Secretariat may at any meeting make either oral or written statements concerning any question under consideration.

Rule 15

The Secretariat shall be responsible for the necessary arrangements being made for meetings.

CHAPTER VI
Conduct of business

Rule 16

A majority of the members of the Joint Committee shall constitute a quorum.

Rule 17

In addition to exercising the powers conferred upon him/her elsewhere by these rules, the Chairperson shall declare the opening and closing of each meeting of the Joint Committee, shall direct the discussion, ensure the observance of these rules, and shall accord the right to speak, put questions to the vote, and announce decisions. The Chairperson may also call a speaker to order if his/her remarks are not relevant to the subject under discussion.

Rule 18

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 forthwith submit his/her ruling to the Joint Committee for decision and it shall stand unless overruled.

Rule 19

During the discussion of any matter a representative may move the adjournment or closure of the debate. Any such motion shall have priority. In addition to the proposer of the motion, one representative shall be allowed to speak in favour of, and one representative against, the motion. The Chairperson shall put the motion for adjournment or closure to a vote. If the Joint Committee is in favour of the adjournment or closure, the Chairperson shall declare the debate adjourned or closed.

Rule 20

The Joint Committee may limit the time allowed to each speaker.

Rule 21

Motions shall be put to the vote in the order of their submission unless the Joint Committee decides otherwise.

Rule 22

With the exception of the cases mentioned in Rules 18, 19 and 23, voting shall concern the proposed adoption (endorsement) of decisions of the SCEGHS or of the SCETDG respectively without amendments. Where a proposal is not adopted (endorsed) by the Joint Committee it shall be sent back to the relevant Subcommittee for rediscussion.

Rule 23

As an exception to Rule 22 a proposal to adopt a decision of the SCEGHS or the SCETDG respectively in an amended form may be put to a vote provided the following conditions are met:

- (a) the proposal shall be put forward in written form as a joint proposal by at least five members of the Joint Committee;
- (b) the proposal shall be adopted by the procedure described in Rule 26.

CHAPTER VII
Voting

Rule 24

Each member of the Joint Committee shall have one vote.

Rule 25

Decisions of the Joint Committee shall be made by a majority of the members present and voting. If a vote results in a tie, the proposal shall be regarded as rejected.

Rule 26

In the cases of decision according to Rule 22 a proposal shall not be deemed as adopted (endorsed) unless the following conditions are met:

- (a) the minimum of affirmative votes shall be one third of the members present and voting;
- (b) the maximum of negative votes shall be four members.

Rule 27

The Joint Committee 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 28

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

CHAPTER VIII
Languages

Rule 29

English, French, and Spanish shall be the working languages of the Joint Committee.

Rule 30

Speeches made in any of the working languages shall be interpreted into the other working languages.

CHAPTER IX
Records

Rule 31

As soon as possible, the text of all reports and decisions made by the Joint Committee shall be communicated to the members of the Joint Committee and to the specialized agencies.

CHAPTER X
Publicity of meetings

Rule 32

The meetings of the Joint Committee shall ordinarily be held in private. The Economic and Social Council may decide that a particular meeting or meetings shall be held in public.

CHAPTER XI
Consultation with specialized agencies and the
International Atomic Energy Agency

Rule 33

Where an item proposed for the provisional agenda for a session contains a proposal for new activities to be undertaken by the United Nations relating to matters which are of direct concern to one or more specialized agencies or the International Atomic Energy Agency, the Secretariat shall enter into consultation with the agency or agencies concerned and report to the Joint Committee on the means of achieving coordinated use of the resources of the respective agencies. Before deciding on proposals referred to above, the Joint Committee shall satisfy itself that adequate consultations have taken place with the agencies concerned.

CHAPTER XII
Relations with non-governmental organizations

Rule 34

Non-governmental organizations in categories I and II may designate authorized representatives to sit as observers at meetings of the Joint Committee. Organizations on the Roster may have representatives present at such meetings which are concerned with matters within their field of competence. Non-governmental organizations in category I may circulate to the members of the Joint Committee written statements and suggestions on matters within their competence. Non-governmental organizations in category II and on the Roster may submit such statements and suggestions to the Secretariat. The Secretariat will prepare and distribute at each session of the Joint Committee a list of such communications received, briefly indicating the substance of each of them. On the request of any member of the Joint Committee the Secretariat will reproduce in full and distribute any such communication.

Rule 35

The Joint Committee at its discretion may consult with non-governmental organizations in categories I and II and on the Roster on matters in which the Joint Committee regards these organizations as having special competence or knowledge. Such consultations may be arranged on the invitation of the Joint Committee or on the request of the organization. In the case of non-governmental organizations in category I, consultations should normally be held with the Joint Committee itself. In the case of non-governmental organizations in category II and on the Roster consultations might be effected either directly or through ad hoc committees.

CHAPTER XIII

Subcommittees

Rule 36

The SCEGHS and the SCETDG shall act as subsidiary bodies for the Joint Committee. They shall report to the Joint Committee and put forward proposals for adoption (endorsement). These proposals shall include the envisaged programme of work for the next biennium and the meeting time to be allocated to the elements of this programme.

Rule 37

The Subcommittees shall adopt and act on their own rules of procedure unless otherwise decided by the Joint Committee.

CHAPTER XIV

Reports

Rule 38

The Joint Committee shall submit to the Economic and Social Council a full report on its activities and plans, including those of the Subcommittees once in a biennium.

CHAPTER XV

Amendments and suspensions

Rule 39

Any of these rules of procedure may be amended or suspended by the Joint Committee provided that the proposed amendments or suspensions do not attempt to set aside the terms of reference laid down by the Economic and Social Council.
