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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

Bern, 21-25 March 2011

Item 8 of the provisional agenda

Any other business

Rules of Procedure

Transmitted by the secretariat of the Intergovernmental Organisation for International Carriage by Rail (OTIF)^{1, 2}

Summary

Explanatory summary: In the voting rules, in Rule 35 of the Rules of Procedure of the Joint Meeting, the fact that not all the member States of OTIF apply RID needs to be taken into account.

Action to be taken: In Rule 35 of the Rules of Procedure, replace "member States of OTIF" with "RID Contracting States".

Related document: ECE/TRANS/WP.15/AC.1/112 and Add.2.

¹ In accordance with the programme of work of the Inland Transport Committee for 2010–2014 (ECE/TRANS/208, para.106, ECE/TRANS/2010/8, programme activity 02.7 (c)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2011/1.

Introduction

1. At the Joint Meeting session in September 2008 (Geneva, 15 – 18 September 2008), the Joint Meeting's new Rules of Procedure were adopted (see also– ECE/TRANS/WP.15/AC.1/112, paragraph 47 (b) and Annex III).
2. When dealing with a supplementary proposal from Germany concerning the Rules of Procedure (document ECE/TRANS/WP.15/AC.1/2010/10) at the last Joint Meeting (Geneva, 13 – 17 September 2010), the Secretariat of OTIF pointed out during the discussion that as a result of amendments to Appendix C to the Convention concerning International Carriage by Rail (COTIF), the Joint Meeting's Rules of Procedure would also have to be amended. The Secretariat of OTIF was asked to submit a written proposal to the next Joint Meeting.
3. The first sentence of Article 42 § 1 of the COTIF says that any Member State may declare, at any time, that it will not apply in their entirety certain Appendices to the Convention, so the Secretariat submitted a proposal to the RID Committee of Experts to define "RID Contracting States" in Appendix C to the Convention as those Member States of the Organisation that have not made a declaration on RID in accordance with the first sentence of Article 42 § 1 of the Convention. The RID Committee of Experts adopted this proposal (document OTIF/RID/CE/2009/8).
4. In connection with this, wherever the text of RID refers to "COTIF Member State", this was changed to "RID Contracting State" to make sure that the rights assigned to the Member States' competent authorities (e.g. issuing training certificates for dangerous goods safety advisors, approval of an alternative packaging by the competent authority of the first Member State reached by the consignment) can only be practised by those Member States that actually apply RID.
5. Although at present, the Rules of Procedure of the RID Committee of Experts do not differentiate between Member States and RID Contracting States, Member States that have entered a reservation in accordance with the first sentence of Article 42 § 1 of COTIF are not counted when deciding if there is a quorum or for the general voting rules.
6. This situation should also be taken into account in Rule 35 of the Joint Meeting's Rules of Procedure (see proposal 1).
7. When checking this Rule, it was also noticed that while the quorum relates to the ADR and ADN Contracting Parties, the number of votes in favour relates to all full participants, i.e. all the Member States of UNECE and OTIF, which are not necessarily Contracting Parties to ADR or ADN. A discussion on this point would also be worthwhile (see proposal 2).

Proposal 1

8. In the third sentence of Rule 35 of the Joint Meeting's Rules of Procedure, amend "member States of OTIF" to read: "RID Contracting States".

Proposal 2

9. Depending on the outcome of the discussion on paragraph 7, in the last sentence of Rule 35 of the Joint Meeting's Rules of Procedure, amend "full participants" to read: "Contracting Parties to ADR and ADN and RID Contracting States".