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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Diplomatic Conference for the adoption
of a European Agreement concerning the
International Carriage of Dangerous
Goods by Inland Waterway (ADN)
(Geneva, 22-26 May 2000,*
agenda item 4)

ADOPTION OF THE RULES OF PROCEDURE

Draft rules of procedure**

RULES OF PROCEDURE OF THE DIPLOMATIC CONFERENCE***
FOR THE ADOPTION OF A DRAFT EUROPEAN AGREEMENT
CONCERNING THE INTERNATIONAL CARRIAGE OF DANGEROUS
GOODS BY INLAND WATERWAY

Note: In the rules of procedure set out below, "ECE" shall mean the United Nations Economic Commission for Europe and "CCNR" shall mean the Central Commission for the Navigation of the Rhine.

* Organized jointly by the Economic Commission for Europe and the Central Commission for the Navigation of the Rhine (CCNR).

** Distributed by the Central Commission for the Navigation of the Rhine under the symbol CCNR/MD/ADN/CONF/2.

*** Hereinafter referred to as the "Conference".

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CHAPTER I - PARTICIPATION, REPRESENTATION AND CREDENTIALS

Rule 1

Participation

Every member State of ECE, particularly States engaging in inland navigation on the network of interconnected European inland waterways, shall be entitled to participate in the Conference.

Any Member State of the United Nations which so requests may participate in a consultative capacity in the Conference.

The following may also participate in a consultative capacity in the discussions of the Conference on the invitation of the secretariat or if they so request:

- (a) representatives of specialized institutions of the United Nations and the International Atomic Energy Agency;
- (b) representatives of intergovernmental organizations to which the United Nations General Assembly has granted the status of observer;
- (c) non-governmental organizations to which the United Nations Economic and Social Council has granted consultative status in categories I and II or on the Roster, and other non-governmental organizations designated by the Ad Hoc Working Group for the Elaboration of a draft European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway.*

Rule 2

Representative

Each member State shall be represented in the Conference by an accredited representative.

Rule 3

Alternates or advisers

A representative may be accompanied at the Conference by alternate representatives and advisers and, when absent, he may be replaced by an alternate representative.

* These are the following: European Petroleum Industry Association (EUROPIA), International Union of River Navigation (UINF) and the International Consortium of Rhine Inland Navigation.

Rule 4

Presentation of credentials

The credentials of representatives and the names of alternate representatives, experts and advisers shall be submitted to the secretariat of the Conference, if possible not later than 24 hours after the opening of the Conference. The credentials shall be issued by the Head of State or Government, the Minister for Foreign Affairs or any other person or authority duly empowered to do so by one of these.

Rule 5

Verification of credentials

The secretariat of the Conference shall examine the credentials and report to the Conference without delay.

Rule 6

Provisional participation in the Conference

(a) Pending a decision on their credentials by the Conference, representatives have the right to participate provisionally in the Conference.

(b) Any representative to whose admission a State participating in the Conference has submitted objections may sit provisionally with the same rights as the other representatives until the secretariat has given its opinion and the Conference has taken its decision.

CHAPTER II - OFFICERS

Rule 7

Election of officers

The Conference shall elect a President and a Vice-President from among the representatives of a State member of CCNR, a State member of the Danube Commission and a State member of ECE which is neither a member of CCNR nor a member of the Danube Commission.

Rule 8

President

In addition to exercising the powers conferred upon him/her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Conference, 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 President may also call a speaker to order if his/her remarks are not relevant to the subject under discussion.

Rule 9

President ad interim

If the President is absent from a meeting or any part thereof, he shall be replaced by a Vice-President.

Rule 10

Powers of the President ad interim

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

Rule 11

Replacement of the President

If the President is so incapacitated that he/she can no longer hold office, the Conference shall elect one of the two Vice-Presidents as the new President. If the new President is so incapacitated that he/she can no longer hold office, the other Vice-President elected by the Conference shall act as President for the unexpired portion of the term.

Rule 12

Non-participation of the President in voting

The President or the Vice-President acting as President shall participate in the meetings of the Conference as such and not as the representative of the member State by whom he/she was accredited. The Conference shall admit an alternate representative to represent that member State in the meetings of the Conference and to exercise its right to vote.

CHAPTER III - SECRETARIAT

Rule 13

Secretariat

The secretariat of the Conference shall be composed of the secretariat of ECE acting on behalf of the Secretary-General of the United Nations and the secretariat of CCNR. The distribution of tasks shall be determined by consultation. The secretariat shall participate in all the meetings of the Conference.

Rule 14

Statements by the secretariat

The secretariat may at any meeting make either oral or written statements concerning any question under consideration.

Rule 15

Duties of the secretariat

The secretariat shall be responsible for all necessary arrangements for meetings of the Conference.

CHAPTER IV - CONDUCT OF BUSINESS

Rule 16

Quorum

A quorum shall be constituted when half of the members of ECE participating in the Conference are present.

Rule 17

Point of order

During the discussion of any matter a representative may raise a point of order. In this case the President shall immediately state his/her ruling. If it is challenged, the President shall forthwith submit his/her ruling to the Conference for decision and it shall stand unless overruled by the majority.

Rule 18

Limitation of speaking time

The Conference may limit the time allowed to each speaker.

Rule 19

Adjournment of the debate

A representative may at any time move the adjournment of the debate. In addition to the proposer of the motion, one representative shall be allowed to speak in favour of, and one representative against, the motion.

Rule 20

Closure of the debate

(a) A representative may at any time move the closure of the debate whether or not any other representative has signified his wish to speak. Not more than two representatives may be granted permission to speak against the closure.

(b) The President shall take the sense of the Conference on a motion for closure. If the Conference is in favour of the closure, the President shall declare the debate closed.

Rule 21

Adjournment or closure of the meeting

During the discussion of an issue, a representative may request the adjournment or closure of the meeting. Motions of this nature shall not be debated but immediately put to the vote.

Rule 22

Order of motions and resolutions

Subject to rule 18, the following motions shall take precedence, in the order given below, over all other proposals or motions submitted:

- (i) adjournment of the meeting;
- (ii) closure of the meeting;
- (iii) adjournment of the debate on the question under discussion;
- (iv) closure of the debate on the question under discussion.

Other motions and resolutions shall be put to the vote in the order in which they were submitted, unless the Conference decides otherwise.

Rule 23

Basic proposals

The drafts of the text of the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway, its Annexes A, B.1 and B.2, its Annex C, its Annexes D.1 and D.2 and the draft resolution, which are contained respectively in documents TRANS/WP.15/AC.2/5 and corrigenda, ECE/TRANS/ADN/CONF/3, ECE/TRANS/ADN/CONF/4, ECE/TRANS/ADN/CONF/5 and ECE/TRANS/ADN/CONF/6

(CCNR symbols: CCNR/MD/ADN/CONF/A, B.1, B.2, CCNR/MD/ADN/CONF/3, CCNR/MD/ADN/CONF/4, CCNR/MD/ADN/CONF/5 and CCNR/MD/ADN/CONF/6) constitute the basic proposals before the Conference for discussion.

Rule 24

Other proposals and amendments

Other proposals and amendments shall normally be introduced in writing and submitted to the secretariat of the Conference, which shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Conference unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments or motions as to procedure even though these amendments or motions have not been circulated or have only been circulated the same day.

Rule 25

Amendments

(a) 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.

(b) If two or more amendments are moved to a proposal, the Conference 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 26

Voting by sections

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

Rule 27

Withdrawal of a proposal, an amendment or a motion

A proposal, amendment or 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 28

Decision concerning competence

Any motion to the effect that a decision must be taken on the competence of the Conference to adopt a proposal before it shall be put to the vote before the proposal in question is voted.

Rule 29

Reopening of the discussion on a proposal or amendment

When a proposal or an amendment has been adopted or rejected, it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on the motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately.

CHAPTER V - VOTING

Rule 30

Right of vote

Each ECE member State participating in the Conference shall have one vote.

Rule 31

Majority required

- (a) The decisions of the Conference concerning all substantive issues, including the adoption of the draft ADN Agreement, shall be made by a two-thirds majority of the representatives of ECE member States present and voting;
- (b) The decisions of the Conference concerning all procedural issues shall be made by a majority of the ECE member States present and voting;
- (c) If the question arises as to whether an issue is substantive or procedural, the Conference shall decide by a majority of ECE member States present and voting;
- (d) When a vote is equally divided, the proposal or the motion shall be regarded as rejected.

Rule 32

Meaning of the expression “representatives present and voting”

Within the meaning of these rules of procedure, the expression “representatives present and voting” shall mean representatives who vote in favour or against. Representatives who abstain from voting or who cast an invalid vote shall be considered as not voting.

Rule 33

Roll-call vote

The Conference 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 34

Rules to be observed during the vote

After the President has announced the commencement of voting, no representative shall interrupt the vote except on a point of order in connection with the actual process of voting. Explanations of their votes by representatives may, however, be permitted by the President either before or after the voting. The President may limit the time to be allowed for such explanations.

Rule 35

Division of proposals

Parts of a proposal may be voted on separately if a representative requests that the proposal should be divided. Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered rejected as a whole. For the purpose of this rule, the word “proposal” shall be considered as including amendments.

Rule 36

Vote on amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on. A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 37

Vote on proposals

If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, vote on the proposals in the order in which they were submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 38

Elections

All elections shall be by secret ballot, unless, in the absence of any objection, the Conference decides to proceed without taking a ballot on one or more agreed candidates.

CHAPTER VI - LANGUAGES

Rule 39

Official and working languages

English, French, Russian and German shall be the official and working languages of the Conference.

Rule 40

Interpretation

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

CHAPTER VII - RECORDS

Rule 41

The secretariat shall prepare the records of the decisions of plenary meetings of the Conference.

CHAPTER VIII - PUBLICITY OF MEETINGS

Rule 42

The meetings of the Conference shall be held in private.

CHAPTER IX - AMENDMENTS TO THE RULES OF PROCEDURE

Rule 43

The Conference shall itself decide on the amendments to be made to these rules of procedure by a majority of representatives present and voting.

CHAPTER X - SIGNATURE OF THE INSTRUMENTS

Rule 44

Signature of the Final Act

The Final Act resulting from the proceedings of the Conference shall be submitted to the delegations for signature.

Rule 45

Signing of the Agreement

(a) The representatives or alternate representatives who sign the Agreement or any other treaty instrument which may be established by the Conference and opened for signature must have full powers.

(b) The full powers shall be issued either by the Head of State or Government or the Minister for Foreign Affairs.
