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Revision of SC.1 Terms of Reference and Rules of Procedure

Revised Terms of Reference and Rules of Procedure of the Working Party on Road Transport (SC.1)

Submitted by Germany

1. This document, submitted by the Government of Germany, proposes revisions to SC.1's Terms of Reference and Rules of Procedure (ECE/TRANS/SC.1/396/Add.1). The proposed changes to the terms of reference and rules of procedure appear in underline or with strikethrough.
2. The amendments include the opening to Countries which are covered by paragraph 11 of the Terms of Reference of the ECE (E/ECE/778/Rev.5) and are Contracting Parties to any of the Agreements listed in the Annex, as to the aim of implementing the Inland Transport Committee Strategy until 2030.

Revised Terms of Reference and Rules of Procedure of the Working Party on Road Transport (SC.1)

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Revised Terms of Reference of the Working Party on Road Transport (SC.1)

1. The Working Party on Road Transport (hereinafter referred to as SC.1), acting within the framework of the policies of the United Nations and the Economic Commission for Europe (hereinafter ECE) and subject to the general supervision of the Inland Transport Committee (ITC) shall, provided such actions are in conformity with the Terms of Reference of the ECE (document E/ECE/778/Rev.3 5) and consistent with the legal instruments listed in the Annex:

(a) Promote the facilitation and development of international transport by road (goods and passengers) through the harmonization and simplification of the rules and requirements relating to it and the administrative procedures and documentation to which such transport is subject;

(b) As regards infrastructures, define a coordinated plan for the construction and upgrading of roads of international importance (the international "E" network) in the ECE region, based on a consistent and easily identifiable numbering system and meeting minimum pre-established technical standards. Promote the extension of the network, develop its characteristics in terms of technological developments and traffic flows and reinforce its safety and environmental protection aspects. Also contribute to the construction, maintenance and operation of the Trans-European North-South Motorway (TEM) Project in the context of an integrated international road infrastructure;

(c) Draw up, apply and update appropriate legal instruments in order to meet the above objectives, also taking road safety and the environment into account;

(d) Encourage the accession of new countries to the Conventions and Agreements listed in the Annex;

(e) Develop, circulate and update the Consolidated Resolution on the Facilitation of International Road Transport (R.E.4), making it a reference document for disseminating best practices in road transport, and also prepare recommendations on specific subjects. In this context, promote the international motor insurance card system (Green Card);

(f) Promote the harmonization of taxation and other measures in order to prevent discriminatory practices in international road transport;

(g) Encourage exchanges of data between countries and the circulation of information, particularly on the facilitation of border-crossing and the legal provisions that countries have adopted as regards road transport or that have an impact on road transport;

(h) Collaborate closely with the other subsidiary bodies of the ~~Inland Transport Committee~~ **ITC** on issues of common interest concerning road transport, particularly the **Global Forum for Road Traffic Safety (WP.1), the Working Party on Transport Trends and Economics (WP.5), the Working Party on Transport Statistics (WP.6), the Working Party on the Transport of Perishable Foodstuffs (WP.11), the Working Party on Transport of Dangerous Goods (WP.15), the Working Party on Intermodal Transport and Logistics (WP.24), the World Forum for Harmonization of Vehicle Regulations (WP.29) and the Working Party on Customs Questions Affecting Transport (WP.30)** ~~Working Party on Customs Questions Affecting Transport (WP.30) the Working Party on Intermodal Transport and Logistics (WP.24), the Working Party on Transport Trends and Economics (WP.5), the Working Party on the Transport of Perishable Foodstuffs (WP.11) and the Working Party on Transport Statistics (WP.6);~~

(i) Foster participation in the activities of SC.1 and encourage cooperation and collaboration with the countries, the other ECE Divisions, particularly **for Economic Cooperation and for Trade**, the European Commission, the international governmental organizations, particularly the European Conference of Ministers of Transport (ECMT), the international non-governmental road transport organizations and the other United Nations regional commissions on issues of common interest. Organize seminars on appropriate topics as need arises;

(j) Develop a coordinated and logical programme of work relating to the legal instruments listed in the ~~annex~~ **Annex** and the Consolidated Resolution;

(k) Create a working environment that facilitates the fulfilment by Contracting Parties of their obligations set forth in the respective legal instruments;

(l) Ensure openness and transparency of the work of SC.1.

2. These Terms of Reference and Rules of Procedure apply to SC.1 and do not modify the provisions of the legal instruments listed in the ~~annex~~ **Annex**.

Rules of procedure of the working party on road transport (SC.1)

Chapter I

Participation

Rule 1

1. (a) Members of the ECE which are specified in paragraph 7¹ of the Terms of Reference of the ECE (document E/ECE/778/Rev.3) shall be ~~full~~ participants.
2. (b) Non-members of the ECE, **in accordance with paragraph 11 of the Terms of Reference of the ECE**, which are Contracting Parties to **any of the Agreements listed in the Annex shall be participants** ~~the Convention on the Contract for the International Carriage of Goods by Road (CMR), done at Geneva on 17 May 1956, shall be participants in a consultative capacity.~~
3. (c) Other non-members of the ECE, in accordance with paragraph 11² of the Terms of Reference of the ECE may, on invitation of the secretariat or at their request, participate in a consultative capacity in SC.1 on any matter of particular concern to those non-members.
4. (d) In accordance with paragraphs 12³ and 13⁴ of the Terms of Reference of the ECE, specialized agencies and intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council may, after notification of the secretariat, participate in a consultative capacity in SC.1 in the consideration of any matter of particular concern to those agencies or organizations.

Chapter II

Sessions

Rule 2

5. Sessions of SC.1 shall be held on dates fixed by the ECE secretariat.

Rule 3

6. Sessions of SC.1 shall ordinarily be held at the United Nations Office at Geneva (UNOG), Switzerland. SC.1 may, with the concurrence of the ~~Inland Transport Committee~~ **ITC**, hold a particular session elsewhere. In that case, the relevant United Nations rules and regulations shall apply.

¹ Paragraph 7: "The members of the Commission are the European Members of the United Nations, the United States of America, Canada and Israel. Insofar as the former USSR was a European Member of the United Nations, new members of the United Nations that had been constituent republics located in the Asian part of the former USSR are entitled to be members of the UN/ECE."

² Paragraph 11: "The Commission shall invite any Member of the United Nations not a member of the Commission to participate in a consultative capacity in its consideration of any matter of particular concern to that non-member."

³ Paragraph 12: "The Commission 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."

⁴ Paragraph 13 "The Commission 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."

Rule 4

7. The secretariat shall, at least six (6) weeks before the commencement of an SC.1 session, distribute a notice of the opening date of the session together with a copy of the provisional agenda.

8. As a general rule, the basic documents relating to each item on the provisional agenda of a session shall be made available on the SC.1 website ~~of the internet~~ in all official languages of UNECE as early as possible as but not later than two weeks before the start of the session. Failing that, such documents may only be used for preliminary consideration unless SC.1 decides otherwise. On request, hard copies may be transmitted before the opening of the session.

9. Any participant may also submit informal documents, after consultation with the secretariat, prior to or during a session. Such informal documents shall relate to items on the adopted agenda of the respective session. To the extent possible, these documents shall be made available on the ~~SC.1 UNECE website of the Internet (SC.1)~~ **SC.1**.

Chapter III

Agenda

Rule 5

10. The provisional agenda for each session of SC.1 shall be drawn up by the secretariat, in conjunction to the extent possible with the Chairperson or, in his absence, with the Vice Chairperson (**then** acting as Chairperson) of the Working Party.

Rule 6

11. The provisional agenda for any session of SC.1 may include:

- (a) Items related to one of the legal instruments listed in the ~~annex~~ **Annex** and to Consolidated Resolution R.E.4;
- (b) Items arising from previous sessions of SC.1;
- (c) Items proposed by the ECE or the ~~Inland Transport Committee~~ **ITC**;
- (d) Items proposed by any member of the ECE;
- (e) Items proposed by any SC.1 participant concerning the programme of work of SC.1;
- (f) Any other items which the Chairperson or **the** Vice-Chairperson(s) of SC.1 or the secretariat see(s) fit to include.

Rule 7

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

Rule 8

13. ~~The~~ SC.1 may amend the order of agenda items at any time during the session.

Chapter IV

Representation

Rule 9

14. Members of the ECE and the other participants as defined in Rule 1 shall be represented at session of SC.1 by a representative.

Rule 10

15. The representative may be accompanied to the sessions of SC.1 by alternate representatives, advisers and/or experts; if absent, a representative may be replaced by an alternate representative.

Rule 11

16. The names of representatives, alternate representatives, advisers and experts shall be submitted to the ECE secretariat before the holding of the session. The secretariat shall prepare a list of the names of all representatives who have participated in the session and make it available to them during the session.

17. Officially designated representatives of the participants as defined in Rule 1 paragraph 1 and 2 who work in the Geneva Permanent Representations and are duly authorized, including persons accredited to the Executive Committee, may take part in the meetings without any restrictions to participate in the discussions and in the decision-making process.

Chapter V

Officers

Rule 12

18. Every two years, SC.1 shall, at the end of the session of the second year, elect from the representatives of members of the ECE a Chairperson and two Vice-Chairpersons, who shall take office at the start of the session of the year following their election. The officers shall be eligible for re-election.

Rule 13

19. If the Chairperson of SC.1 is absent from a session, or part thereof, one of the Vice-Chairpersons, designated by the chairperson, shall preside.

Rule 14

20. If the Chairperson of SC.1 ceases to represent a member of the ECE, or can no longer hold office, one of the Vice-Chairpersons, designated in accordance with Rule 12, shall become Chairperson for the unexpired portion of the term. In that case, SC.1 shall elect another Vice Chairperson for the unexpired portion of the term. The situation shall be the same if the designated Vice Chairperson ceases to represent a member of the ECE, or can no longer hold office.

Rule 15

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

Rule 16

22. The Chairperson or the Vice-Chairperson acting as Chairperson shall participate in SC.1 in this capacity and not as the representative of his/her State. SC.1 shall admit an alternate representative to represent that participant, and to exercise its right to vote.

Chapter VI

Secretariat

Rule 17

23. The Executive Secretary shall act in that capacity at all sessions of SC.1. He/She may appoint another member of the secretariat to take his/her place.

Rule 18

24. The secretariat, acting in the framework of the Transport Division of the ECE, shall make all the arrangements necessary for the organization and holding of the sessions of SC.1.

Rule 19

25. During the sessions or meetings, the secretariat shall assist SC.1 in complying with these Rules of Procedure.

Rule 20

26. The secretariat may present, with the agreement of the Chairperson, written or oral statements on any question examined.

Chapter VII

Conduct of business

Rule 21

27. In general, SC.1 shall meet in closed session.

Rule 22

28. The Chairperson shall announce the opening and the closing of each session, direct the discussion, assure the application of the present Rules of Procedure, give the floor to speakers, put questions to the vote and announce the decisions taken. The Chairperson may also call a speaker to order if his/her remarks are not relevant to the subject under discussion. The Chairperson may also limit the time allowed to each speaker. ~~As a general rule, SC.1 shall meet in private sessions.~~

Rule 23

29. The Secretariat should only make available those drafts, conclusions, recommendations or decisions, for discussion and adoption that are proposed by one or more participant(s) as defined in Rule 1 paragraph 1 and 2.

30. A draft report of the meeting is formally adopted by the participants as defined in Rule 1 paragraph 1 and 2 at the end of the session. The draft report should be projected on a screen, where possible, and read out by the Chair.

31. The draft report of the meeting reflects in a concise and factual manner the discussion and the views expressed by participants as defined in Rule 1 paragraph 1 and 2 and shall include all conclusions, recommendations and decisions of the meeting.

32. If a draft report or a part of it cannot be adopted at the end of the meeting, SC.1 may exceptionally decide to circulate it or the part of it to all participants as defined in Rule 1 paragraph 1 and 2 concerned. They may then subsequently approve the draft report.

~~At the end of each session, SC.1 shall adopt a record of the decisions taken during the session and at the start of the following session shall adopt the report prepared by the secretariat in~~

~~consultation with the Chairperson or Vice-Chairperson (acting as Chairperson) of SC.1 on the basis of the record of decisions.~~

Rule 24

33. The Chairperson or Vice-Chairperson (acting as Chairperson) of SC.1 may decide, in consultation with the secretariat, to reduce the length of a session or postpone it [...] in the case of force majeure.

Rule 25

34. Rules ~~295~~ to ~~28-32~~ and ~~304~~ to ~~337~~* of the Rules of Procedure of the ECE are applicable mutatis mutandis.

Rule 26

35. Every representative has the right to declare his or her position and may request that it be reflected, in summarized form, in the report of the session.

Chapter VIII

Voting

Rule 27

36. Each **participant as defined in Rule 1 paragraph 1** ~~member of the ECE~~ shall have one vote. **Participants referred to in paragraph 2 of Rule 1 shall be able to vote in area(s) which fall within the scope of the Convention(s) (Annex) that they have ratified or acceded.**

Rule 28

37. Decisions made by SC.1 shall as a priority be based on consensus. In the absence of consensus, decisions shall be made by a majority of the **participants** ~~members of the ECE~~, present and voting **and with a right to vote as defined in Rule 27.**

* **Rule 29:** 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 Commission for decision and it shall stand unless overruled.

Rule 30: During the discussion of any matter a representative may move the adjournment of the debate. Any such motion shall have priority. In addition to the proposal of the motion, one representative shall be allowed to speak in favour of, and one representative against, the motion.

Rule 31: 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.

Rule 32: The Chairperson shall take the sense of the Commission on a motion for closure. If the Commission is in favour of the closure, the Chairperson shall declare the debate closed.

Rule 33: Principal motions and resolutions shall be put to the vote in the order of their submission unless the Commission decides otherwise.

Rule 34: 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.

Rule 35: If two or more amendments are moved to a proposal, the Commission 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 36: The Commission may, at the request of a representative, decide to put a motion or resolution to the vote in parts. If this is done, the text resulting from the series of votes shall be put to the vote as a whole.

Rule 29

38. Voting and elections of officers shall be held in accordance with Rules ~~3741~~ to 439** of the Rules of Procedure of the ECE.

Chapter IX

Languages

Rule 30

39. English, French and Russian are the working languages of SC.1. Statements made in one of these languages are interpreted into the other two languages.

Chapter X

Ad hoc groups

Rule 31

40. Between sessions, SC.1 may be assisted in carrying out its tasks by ad hoc groups. The creation and the holding of meetings of these groups require prior approval by the ~~Inland Transport Committee~~ **ITC**.

41. The above rules of procedure shall apply, mutatis mutandis, to the conduct of any such group except for rules 6, 12 to 15, 23 to 25 and 27 to 29. The following particular rules shall be applied:

- (a) The provisional agenda shall be drawn up by the secretariat on the basis of orientations or the mandate given by SC.1 to the ad hoc group;
- (b) A Chairperson shall be designated at the beginning of each meeting;
- (c) Decisions of the ad hoc group shall be made on the basis of consensus. In the absence of consensus, the question shall be submitted to SC.1 to decide on the follow-up to be given;
- (d) The report of the meeting prepared by the secretariat shall be submitted for the adoption of SC.1;
- (e) The secretariat may, in consultation with the Chairperson or Vice-Chairperson (acting as Chairperson) of SC.1, decide:

to postpone the meeting if the items on the provisional agenda are not sufficiently advanced;

to transform an ad hoc meeting into an informal meeting if it appears that the number of participants inscribed is insufficient. In this case, the meeting shall not be subject to the present Rules of Procedure.

** **Rule 41:** The Commission 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 42: All elections shall be decided by secret ballot, unless, in the absence of any objection, the Commission decides to proceed without taking a ballot on an agreed candidate or slate.

Rule 43: If a vote is equally divided upon 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.

Chapter XI

Amendments

Rule 32

42. Any of these Rules of Procedure may be amended, in accordance with Rule 28. However, any amendment proposal affecting Rules 1 and 27 which goes beyond the provisions in the ECE mandate, in particular those in paragraph 11, shall require the prior approval of the ~~Commission~~**ITC**.

Annex

List of legal instruments related to SC.1

European Agreement on Main International Traffic Arteries (AGR), of 15 November 1975.

European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR), of 1 July 1970.

Convention on the Contract for the International Carriage of Goods by Road (CMR), of 19 May 1956.

Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR), of 5 July 1978.

Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), of 1 March 1973.

Protocol to the Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), of 5 July 1978.

Convention on the Taxation of Road Vehicles Engaged in International Goods Transport, of 14 December 1956.

Convention on the Taxation of Road Vehicles Engaged in International Passenger Transport, of 14 December 1956.

Convention on the Taxation of Road Vehicles for Private Use in International Traffic, of 18 May 1956

General Agreement on Economic Regulations for International Road Transport, of 17 March 1954.

Additional Protocol to the Convention on the Contract of the Carriage of Goods by Road (CMR) concerning the Electronic Consignment Note, of 20 February 2008 (eCMR).
