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Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Joint Meeting of Experts on the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) (ADN Safety Committee)

Thirty-ninth session

Geneva, 24–28 January 2022

Item 8 of the provisional agenda

Any other business

Rules of Procedures for the ADN Safety Committee

Submitted by the governments of Austria, Germany and the Netherlands**

Introduction

1. The Safety Committee considered the draft Rules of Procedure for the ADN Safety Committee in informal document INF.7 in its thirty-eighth session. It was agreed to resume its consideration at the next session on the basis of an official document by the authors taking into account the comments received.
2. Enclosed is a new draft text as requested.
3. The Safety Committee is invited to consider the proposal and to advise the Administrative Committee to accept these rules and to inform the Inland Transport Committee (ITC) as appropriate.

* Distributed in German by the Central Commission for the Navigation of the Rhine under the symbol CCNR-ZKR/ADN/WP.15/AC.2/2022/12.

** In accordance with the programme of work of the Inland Transport Committee for 2021 as outlined in proposed programme budget for 2021 (A/75/6 (Sect.20) para 20.51).



Chapter I. Participation

Rule 1

(a) All contracting parties to the ADN shall be considered full participants of the ADN Safety Committee.

(b) Non-member states of ECE as defined in paragraph 11¹ of the Terms of Reference of ECE may participate in a consultative capacity in the ADN Safety Committee on any matter of particular concern to them. These countries may however participate as full members at sessions of the ADN Safety Committee devoted to matters relating to a legal instrument to which they are Contracting Parties.

(c) Specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, may, in accordance with paragraphs 12² and 13³ of the Terms of Reference of ECE, participate in a consultative capacity in the ADN Safety Committee in discussions that the ADN Safety Committee may hold on any matter of particular concern to those agencies or organizations.

(d) Non-governmental organizations not in consultative status with the Economic and Social Council may, subject to the approval of the ADN Safety Committee and respecting the principles set forth in Economic and Social Council resolution 1996/31, parts I and II, participate with consultative status in discussions that the ADN Safety Committee may hold on any matter of interest to these organizations.

(e) Consultations with specialized agencies and the International Atomic Energy Agency (IAEA) shall be conducted in accordance with Rule 51 of the Rules of Procedure of ECE.

(f) Consultations with non-governmental organizations shall be conducted in accordance with Rules 52 and 53 of the Rules of Procedure of ECE. Non-governmental organizations with consultative status under paragraph (d) shall be treated as non-governmental organizations included on the list.

Chapter II. Sessions

Rule 2

Sessions shall be held on dates fixed by the ECE secretariat in accordance with the programme of work.

Rule 3

Sessions shall ordinarily be held at the United Nations Office at Geneva. If the ADN Safety Committee decides to hold a particular session elsewhere, or by using video-conferencing, the relevant United Nations rules and regulations shall apply.

¹ 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.”

² 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.”

³ 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 1996/31, parts I and II.”

Rule 4

(a) The ECE secretariat shall, at least twelve (12) weeks before the commencement of a session, announce the opening date of the session and distribute a copy of the provisional agenda via the ECE website⁴.

(b) The basic documents prepared by participants must be submitted to the ECE secretariat in electronic form at least twelve (12) weeks before the commencement of a session, in accordance with the procedures and rules contained in the Annex.

(c) The basic documents relating to each item on the agenda of a session shall be available on the ECE website in all official languages of ECE before the session at the latest forty-two days before the opening of the session. These documents shall be available in German language at the latest twenty-one days before the opening of the session. The Secretariat of the Central Commission for the Navigation on the Rhine shall be responsible to provide the documents in the German language. In exceptional cases, translated texts may be made available on the ECE website twenty-one days before the opening of the session.

(d) In exceptional cases, the secretariat may distribute basic documents at the session, but in this case such documents may be used only for preliminary consideration unless the ADN Safety Committee decides otherwise.

(e) Any participant, as well as the secretariats, may also submit informal documents, provided the procedures and rules in the Annex are respected.

Chapter III. Agenda

Rule 5

The provisional agenda for each session shall be drawn up by the ECE secretariat in coordination with the Chairperson or Vice-Chairperson (acting as Chairperson).

Rule 6

The provisional agenda for any session may include:

- (a) Items stipulated in the programme of work agreed at the previous session;
- (b) Items proposed by ECE or the Inland Transport Committee;
- (c) Any other item proposed by a participant, insofar as it relates to the area of work of the ADN Safety Committee
- (d) Any other items which the Chairperson or Vice-Chairperson or the secretariat may see fit to include.

Rule 7

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

Rule 8

The ADN Safety Committee may amend the order of agenda items at any time during the session.

⁴ <https://unece.org/transport/dangerous-goods>

Chapter IV. Representation

Rule 9

Each participant as defined in Rule 1 shall be represented at sessions of the ADN Safety Committee by an accredited representative.

Rule 10

The representative may be accompanied by alternate representatives, advisers or experts. If absent, a representative may be replaced by an alternate representative.

Rule 11

(a) The names of representatives, alternate representatives, advisers and experts shall be submitted to the ECE secretariat at the latest one week before the opening of the session.

(b) The ECE secretariat shall prepare a provisional list of persons scheduled to attend the session and make it available to the permanent missions of participating countries to the Office of the United Nations in Geneva two working days before the opening of the session. Unless notified otherwise by the permanent mission concerned before the opening of the session, the persons appearing in this list shall be considered as duly accredited.

(c) The ECE secretariat shall prepare a list of the names of all persons attending the session and make it available to them at the end of the session.

Chapter V. Officers

Rule 12

Every year, the ADN Safety Committee shall, at the beginning of the first session of the year, elect a Chairperson and a Vice-Chairperson from among the representatives of full participants as defined in Rule 1. They shall take office immediately after their election. The officers may be re-elected.

Rule 13

If the Chairperson is absent from a session, or part thereof, or if the Chairperson so requests, the Vice-Chairperson shall preside.

Rule 14

If the Chairperson ceases to represent a participating country or can no longer hold office, the Vice-Chairperson designated in accordance with Rule 12 shall become Chairperson for the unexpired portion of the term. In that case, the ADN Safety Committee shall elect another Vice-Chairperson for the unexpired portion of the term. The same shall apply if the designated Vice-Chairperson ceases to represent a participating country or can no longer hold office.

Rule 15

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

Rule 16

The Chairperson shall participate in the ADN Safety Committee in this capacity and not as the representative of his/her country. The ADN Safety Committee shall admit an alternate representative to represent that participant and to exercise its right to vote. However, if there is no alternate representative or if the alternate representative is absent, the Chairperson may exercise his/her right to vote as the representative of his/her country.

Chapter VI. Secretariat

Rule 17

The Executive Secretary of ECE and the Secretary-General of the Central Commission for the Navigation of the Rhine shall act in that capacity at all sessions of the ADN Safety Committee. They may appoint other members of the secretariats of ECE and of CCNR to take their places.

Rule 18

The secretariats shall make all necessary arrangements for the organization and holding of sessions.

Rule 19

During sessions, the secretariats shall assist the ADN Safety Committee in complying with these Rules of Procedure.

Rule 20

The secretariats may submit written or oral statements on any item considered.

Chapter VII. Conduct of Business

Rule 21

Unless otherwise decided, the ADN Safety Committee shall meet in private session.

Rule 22

The Chairperson shall announce the opening and the closing of each session, direct the discussion, ensure the application of these 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 limit the time allowed to each speaker.

Rule 23

At the end of each session, the ADN Safety Committee shall adopt a report based on a draft prepared by the ECE secretariat.

Rule 24

The Chairperson may decide, in consultation with the secretariats, to reduce the length of a session or to postpone it in the event of force majeure.

Rule 25

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 put it to a vote immediately. The ruling shall stand unless opposed by the majority.

Rule 26

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 27

A representative may at any time move the closure of the debate whether or not any other representative has signified his/her wish to speak. Two other representatives may be authorized to speak in order to oppose the closure.

Rule 28

The Chairperson shall take the sense of the ADN Safety Committee on a motion for closure. If the ADN Safety Committee is in favour of the closure, the Chairperson shall declare the debate closed.

Rule 29

Principal motions and resolutions shall be put to the vote in the order of their submission unless the ADN Safety Committee decides otherwise.

Rule 30

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 31

If two or more amendments are moved to a proposal, the ADN Safety Committee 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 32

The ADN Safety Committee 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 33

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 34

All ECE member states have one vote in the ADN Safety Committee.

Rule 35

Decisions of the ADN Safety Committee shall chiefly be taken by consensus. In the absence of consensus, decisions shall be taken by a majority of the full participants present and voting.

Rule 36

The ADN Safety 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 37

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

Rule 38

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 IX. Languages

Rule 39

English, French, German and Russian are the working languages of the ADN Safety Committee. Statements made in one of these languages shall be interpreted into the other three languages.

Chapter X. Special Sessions of the ADN Safety Committee and ad hoc groups

Rule 40

Amendments to ADN requiring or calling for harmonization with provisions relating to the transport of dangerous goods by rail or by road shall be prepared by the Joint Meeting of the RID Committee of Experts for the Carriage of Dangerous Goods of the Intergovernmental Organization for International Carriage by Rail (OTIF) and WP. 15 and the ADN Safety Committee (RID/ADR/ADN Joint Meeting) (WP.15/AC.1).

Rule 41

Between sessions, the ADN Safety Committee may be assisted in its tasks by Informal Working groups. To be established and hold meetings, the Safety Committee shall give a clear mandate to such Informal Working Groups and they must be invited and hosted by a participant in the ADN Safety Committee as defined in Rule 1. The Secretariat of CCNR may, within its capacities, give support in hosting an Informal Working Group. Translation is not obligatory.

Chapter XI. Amendments

Rule 42

Any of these Rules of Procedure may be amended in accordance with Chapter VIII. However, any proposed amendment shall require the approval of the Inland Transport Committee and the endorsement of the Executive Committee of ECE.

Annex

Rules concerning documents to be submitted to the ADN Safety Committee

Official documents

1. Documents for consideration under each agenda item of a session shall be transmitted in English, French or Russian as early as possible so that they reach the ECE Secretariat not less than 12 weeks before the opening of the session or, if they are transmitted simultaneously in English, French, German and Russian, not less than 6 weeks before. Documents in German shall be transmitted as early as possible so that they reach the CCNR Secretariat not less than 15 weeks before the opening of the session.

2. They shall be transmitted to the ECE secretariat by e-mail.

3. Documents, including reports of Informal Working Groups, shall be as brief and concise as possible and not exceed 20 pages, except in exceptional instances where long passages from regulations or recommendations are the subject of proposed draft amendments.

4. It is recommended that all documents containing proposed amendments to regulations or recommendations comply with the standard presentation shown in the appendix to these rules, include a brief summary and, where necessary, a justification taking into account the following criteria:

Safety:	What are the safety implications?
Feasibility:	Which economic sector or public service is concerned by the proposed amendments?
	What are the consequences in terms of the advantages and disadvantages?
	Is a transitional period required?
Enforceability:	Once implemented, can the amendments be observed or monitored?

This rule shall not apply to editing amendments, amendments proposed by a working group or amendments proposed with a view to harmonization with the United Nations Recommendations on the Transport of Dangerous Goods or any other regulations.

5. The secretariat may decide:

(a) To postpone until the next session documents which have not reached it 12 weeks before the opening of a session;

(b) Only to translate parts of documents more than 20 pages long, so as not to delay their distribution, when they contain lengthy explanatory technical annexes or tables which it is not intended to include in the regulations or recommendations;

(c) To return the document to the sender if the presentation does not conform to that of the appendix to these rules. In such cases the document may be recast in accordance with the presentation required in rule 4, provided that the revised version reaches the secretariat not less than 10 weeks before the opening of the session;

If this is not the case, the document will nevertheless be distributed in its initial form.

Informal documents

6. Documents which do not reach the ECE secretariat 12 weeks before the session may also be submitted for consideration at the session under the “INF” symbol (informal documents) in one of the above mentioned four working languages, provided:

(a) That they contain specific commentaries or additional information or alternative proposals concerning a new document included in the provisional agenda and that it has not therefore been possible to submit them in time;

(b) That they are submitted solely for information purposes and require no decision from the Working Party;

(c) That they are intended to correct flagrant errors in existing texts;

(d) That they are intended to clarify the interpretation of existing texts;

(e) That they contain the report of an informal working group mentioned in the provisional agenda. The group of ADN Recommended Classification societies shall be seen as an Informal Working Group in this case.

7. These informal documents must be sent to the ECE secretariat by e-mail, allowing sufficient time to post them on the ECE website⁵. As a rule, save in exceptional circumstances, the secretariat shall neither reproduce nor distribute paper copies of these informal documents. Informal documents that are created by participants during a session of the ADN Safety Committee will be reproduced and distributed by the secretariat.

8. The secretariat shall assign an “INF” symbol to informal documents which shall be transmitted to the author of the document. The author of an informal document shall indicate clearly the title of his communication, the official document to which it refers, where relevant, and the agenda item under which it should be considered.

9. Other documents may be distributed to delegations during the session, for example, informal documents unrelated to an agenda item, advance copies of future proposals, etc. These documents shall not be assigned an “INF” symbol, and must be reproduced and distributed by their author and not by the secretariat. They shall not be considered during the session, unless the ADN Safety Committee decides otherwise.

⁵ <http://www.unece.org/trans/danger/danger.htm>

Appendix

Recommended format for documents

(for proposals regarding regulatory texts or recommendations)

TITLE OF AGENDA ITEM

Title of proposal, setting out the question

Submitted by ...

SUMMARY

Executive summary: This description outlines the proposed objective (amendment, information only; etc.)
Action to be taken: Reference is made to the paragraphs of the regulations or other texts to be amended.
Related documents: Other key documents are listed.

IntroductionMotive/developments, which urgently justify the amendment.

Proposal Description of the proposed amendment,

Including: Amended text of paragraphs and ensuing amendments.

Justification Safety: What are the safety implications?

Feasibility: Which economic sector or public service is concerned by the proposed amendment?

What are the consequences in terms of advantages and disadvantages?

Is a transitional period required?

Enforceability: Once implemented, can the amendments be observed or monitored?