

Nomination/Voting of Chair/Vice-Chairs under current situation.

Background:

In the past, WP.29 managed to reach consensus for decision making and elections. This year at the 84th session of ITC, during the regular session the elections of Chair, Vice-Chairs and Bureau Members had to be adjourned as no consensus could be reached, and a special session of ITC for elections needed to be organized.

In preparation for this special session, all applicable rules and guidelines were thoroughly analyzed, and feasibility and applicability checked with legal support both from OLA and UNOG lawyers.

Election of officers in WP.29 Rules of Procedures:

According to Rule 13 of the rules of procedure of the World Forum for Harmonization of Vehicle Regulations (ECE/TRANS/WP.29/690/Rev.2) *"WP.29 shall, at the end of its last session of the year, elect from the representatives of participants as defined in Rule 1(a) a Chairperson and Vice-Chairperson(s), who shall take office at the start of the first session of the following year. The number of Vice-Chairpersons may vary from year to year depending upon need. The officers shall be eligible for re-election."*

In chapter VII titled "Conduct of Business" in Rule 21 provides that *"The conduct of business shall be in accordance with Rules 27 to 37 of the Rules of Procedure of the ECE, unless otherwise provided herein."*

Chapter VIII titled "Voting" covers in

"Rule 24

Each participant, as defined in Rule 1(a), other than REIOs, shall have one vote. REIOs, as defined in Rule 1(a), may only vote in lieu of their Member States and with the number of votes of their Member States that are participants in WP.29.

Rule 25

Decisions of WP.29 shall be made by a majority of the participants as defined in Rule 1(a), present and voting, and in accordance with Rule 24 above.

Rule 26

The voting shall be in accordance with Rules 38 to 43 of the Rules of Procedure of the ECE, unless otherwise provided herein."

The referenced Rules of the Rules of Procedure, fifth revised edition (2009), of the ECE provide for performing elections:

"Rule 27

A majority of the members of the Commission shall constitute a quorum."
and

"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."

On the nomination of candidates applicable guidance is provided in the ITC Rules of Procedure, Rule 12 (c):

"(c) Nominations for the positions referred to in paragraphs (a) and (b) above will be submitted to the secretariat, if possible, ten days before the start of the session during which elections will be conducted."

Practical implications for upcoming WP.29 elections:

Following the current composition of Chair- and Vice-Chairperson reaching of consensus on the slate seems to be questionable, thus elections would require the use of secret ballot:

- Nominations for the position of Chairperson and Vice Chairperson need to be submitted to the secretariat ten days before the start of the session.

This would allow AC.2 to recommend elections by secret ballot, in case reaching consensus on the slate can not be expected.

For performing elections by secret ballot the following pre-requisites would be necessary:

- Elections need attendance in person of a majority of representatives in accordance with WP.29 RoP Rule 1 (a).
 - Accreditation for the representatives casting the vote.
 - Infrastructure for secret ballot process (e.g. ballots, ballot box).
 - The secretariat will process the vote/elections.
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