



Economic Commission for Europe**Inland Transport Committee****Working Party on Rail Transport****Seventy-sixth session**

Geneva, 16–18 November 2022

Item 4 of the provisional agenda

Terms of Reference and Rules of Procedure**Rules of Procedure of the Working Party on Rail Transport****Note by the secretariat****I. Background**

1. The Inland Transport Committee (ITC) has invited those of its Working Parties that had not adopted their own Rules of Procedure (RoP) to inform ITC about their plans to align their RoP to those of ITC or about the compelling reasons that might necessitate following Economic Commission for Europe (ECE) RoP or developing their own (ECE/TRANS/294, paragraph 18).

2. The Working Party on Rail Transport has not as yet developed its own RoP. It should thus consider whether it wishes to develop such for consideration and adoption by ITC or whether it wishes to apply either the ITC or the ECE RoP. In the event that it wishes to adopt its own RoP it may wish to discuss, and consider adopting, the proposed Rules of Procedure for the Working Party contained in the annex to this document.

II. Commentary on the Proposed Rules of Procedure of the Working Party on Rail Transport

3. The proposed RoP provided in the annex to this document have been prepared starting from the new ITC RoP and have been modified to account for the specific nature of the activities of the Working Party on Rail Transport. Where significant deviations have been introduced, they are highlighted in this section.¹

4. Rule 1 of the new ITC RoP introduces the role of full members also to non-ECE member States in segments of the session that deal with legal instruments to which they are contracting parties and remain in a consultative capacity in other parts. This rule remains of particular importance to the activities of SC.2. However, given the likelihood that new

¹ Changes such as those related to substituting the reference to “ITC” with “Working Party”, the “Commission” for “ITC” where relevant, removing references to the Bureau which is not relevant to the Working Party, and other minor editing changes are not included in this explanation and are made directly to the text.

instruments, binding rules or standards could be adopted by non-ECE member States, the rule has been modified to:

- refer also to these binding rules and standards; and
 - introduce the step of member States notifying an interest to the Executive Secretary related to these binding rules or standards where becoming a contracting party is not possible.
5. Rule 2 introduces the need to allow for the Chair to convene additional meetings where necessary and in consultation with the Vice-Chair(s) and the secretariat.
 6. Rule 6 adds reference to items proposed by ITC (in (c)) and modifies the subsequent item (in (d)) to reflect the changes made in Rule 1.
 7. Rule 12 has been modified to remove reference to the maximum of two consecutive terms as experience in the Working Party has shown that continuity is valued by Working Party members and that this can facilitate the work of SC.2. Furthermore, given the number of member States that have railways and participate in the activities of the Working Party the maximum number of Vice-Chairs has been reduced to two.
 8. Rule 17 adds a new subparagraph clarifying the role of the Working Party in the establishment of subsidiary bodies.
 9. Text amendments have been made in Rules 18 and 19 to simplify the text and align it better to the text in Rule 1.
 10. Rule 23 has been modified with a lower quorum to reflect the fact that not all member States have railways of international importance thus affecting the maximum possible number of ECE member States that would have an interest in participating in the activities of SC.2. Furthermore, the number of contracting parties to AGC is not significantly above 50 per cent of ECE member States.
 11. Rule 36 has been modified to remove reference to voting by mechanical means. In fact, as mechanical means for voting do not constitute a well-established practice at the United Nations Office in Geneva, nor have they ever been used in SC.2, reference to them is not relevant.

III Reasons for Following the Commission's Rules of Procedure

12. No compelling reasons are known to the secretariat as to why SC.2 should request following the Commission's RoP.

Annex

Draft Rules of Procedure of the Working Party on Rail Transport

Chapter I Participation

Rule 1

(a) ECE member States participate at the sessions of the Working Party on Rail Transport (henceforth “Working Party”) as full members with voting rights.

(b) Non-ECE member States participate as full members to the segments of the sessions of the Working Party that deal with legal instruments or binding rules and standards, administered by the Working Party, to which they are contracting parties or to which they have declared to the Executive Secretary of ECE an interest in; and remain in a consultative capacity in other parts.

(c) States that do not fall under subparagraphs (a) and (b) participate in the sessions of the Working Party in a consultative capacity.

(d) Specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, may, in accordance with Rule 1(d) of the Rules of Procedure of the Inland Transport Committee (ITC), participate in a consultative capacity in discussions of the Working Party on Rail Transport that the Working Party may hold on any matter of particular concern to those agencies or organizations.

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

(f) 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 the Economic Commission for Europe (ECE).

(g) 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 of the Working Party shall be held:

(a) On dates fixed by the Working Party, after consultation with the secretariat, at previous meetings;

(b) On such other occasions as the Chairperson, in consultation with the Vice-Chairpersons and the secretariat, deems necessary.

Rule 3

Sessions shall ordinarily be held at the United Nations Office at Geneva (UNOG). The Working Party may, with the concurrence of ITC, decide to hold a particular session elsewhere. In that case, the relevant United Nations rules and regulations shall apply.

Rule 4

The secretariat shall, at least forty-two days before the commencement of a session of the Working Party, distribute a notice of the opening date of the session, together with a copy of the provisional agenda. The basic documents relating to each item appearing on the provisional agenda of a session shall be transmitted not less than 42 days before the opening of the session, provided that in exceptional cases the secretariat may, for reasons to be stated in writing, transmit such documents not less than 21 days before the opening of the session.

Chapter III Agenda

Rule 5

The provisional agenda for each session shall be drawn up by the secretariat in consultation with the Chair.

Rule 6

The provisional agenda for any session shall include:

- (a) Items arising from previous sessions of the Working Party;
- (b) Items proposed by ECE or its Executive Committee (EXCOM);
- (c) Items proposed by ITC;
- (d) Items proposed by any member or non-member of the Working Party related to legal instruments to which they are contracting parties or to which they have declared an interest according to the provisions in Rule 1;
- (e) Items proposed by a specialized agency in accordance with the agreements of relationship concluded between the United Nations and such agencies; and
- (f) Any other items which the Chair or the secretariat see fit to include.

Rule 7

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

Rule 8

The Working Party may amend the agenda at any time during the session.

Chapter IV Representation

Rule 9

Each full member, as defined in rule 1, shall be represented on the Working Party by an accredited representative.

Rule 10

A representative may be accompanied to the sessions of the Working Party by alternate representatives, advisers and experts and, when absent, he or she may be replaced by an alternate representative.

Rule 11

- (a) Each full member shall submit the names of a representative, alternate representatives and experts to the secretariat at the latest one week before the opening of the session.

(b) The secretariat shall prepare a provisional list of above-mentioned persons scheduled to attend the session and make it available to the permanent missions and permanent observer missions to the United Nations Office at Geneva two working days before the opening of the session.

(c) The 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

(a) The Working Party shall, every two years, elect a State from among the ECE member States, as the Chair. The representative of the elected State will be the Chair. The Working Party on Rail Transport will also, at the same meeting, elect up to two ECE member States whose representatives will become Vice-Chairs for the same period.

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

Rule 13

If the Chair is absent from a meeting, or any part thereof, one of the Vice-Chairs, designated by the Chair, shall preside.

Rule 14

If the Chair or Vice-Chair(s) ceases to represent his or her State, the new representative of that State will become the new Chair or Vice-Chair for the unexpired portion of the term. If the Chair or Vice-Chair(s) can no longer hold office, the alternate representative will become the new Chair or Vice-Chair for the unexpired portion of the term.

Rule 15

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

Rule 16

The Chair or the Vice-Chair acting as Chair shall participate in the meetings of the Working Party in this capacity and not as the representative of their State. The Working Party shall admit an alternate representative to represent that member in the meetings of the Working Party and to exercise its right to vote.

Chapter VI Subsidiary Bodies

Rule 17

(a) With the endorsement of the Inland Transport Committee and the approval of EXCOM, the Working Party may establish subsidiary bodies, such as continually acting or other teams of specialists, as it deems necessary for the performance of its functions and shall define the powers and composition of each of them. Such autonomy as may be necessary for the discharge of the technical responsibilities laid upon them may be delegated to them.

(b) Subject to the endorsement of ITC and the approval of EXCOM, the Working Party may extend or discontinue such subsidiary bodies as it deems necessary to assist it in carrying out its tasks.

Rule 18

The Working Party shall prepare the terms of reference of its subsidiary bodies and recommend them to ITC for adoption. Unless the Working Party decides otherwise, the present rules of procedure shall apply to the procedure of its subsidiary body.

Rule 19

Subsidiary bodies should consult those entities identified in rule 1 according to the procedures set out in that rule.²

Chapter VII
Secretariat

Rule 20

The Executive Secretary shall act in that capacity at all meetings of the Working Party and of its subsidiary bodies. He or she may appoint another member of the staff to take his/her place at any meeting.

Rule 21

A representative of the secretariat may at any meeting make either oral or written statements concerning any question under consideration.

Rule 22

The secretariat shall be responsible for the necessary arrangements being made for the meetings of the Working Party and its subsidiary bodies.

Chapter VIII
Conduct of Business

Rule 23

One fifth of full members shall constitute a quorum.

Rule 24

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

Rule 25

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

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 proposer of the motion, one representative shall be allowed to speak in favour of, and one representative against, the motion, after which the motion shall be put to the vote immediately.

² This rule cannot be considered as implying, between the non-governmental organizations with general consultative status with ECOSOC, any discrimination contrary to the decision and rules of the General Assembly or the Economic and Social Council.

Rule 27

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, after which the motion shall be put to the vote immediately.

Rule 28

The Working Party may limit the time allowed to each speaker, if it is considered in the interest of ensuring an orderly session.

Rule 29

Principal motions and resolutions shall be put to the vote in the order of their submission unless the Working Party 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 Working Party 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 Working Party may, at the request of a representative, decide to put a motion or proposal 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.

Chapter IX
Voting**Rule 33**

Each full member of the Working Party shall have one vote.

Rule 34

Decisions of the Working Party shall normally be taken by consensus. In the absence of consensus, decisions of the Working Party shall be made by a majority of the full members present and voting.

For the purpose of these rules, the phrase “members present and voting” means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

Rule 35

The Working Party shall take no action in respect of any country without the agreement of the Government of that country.

Rule 36

The Working Party may 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 full members.

Rule 37

All elections shall be decided by secret ballot, unless, in the absence of any objection, the Working Party 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. If this vote also results in equality, the proposal shall be regarded as rejected.

**Chapter X
Languages**

Rule 39

English, French and Russian shall be the working languages of the Working Party.

Rule 40

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

**Chapter XI
Records**

Rule 41

As soon as possible, the text of all reports, resolutions, recommendations and other formal decisions made by the Working Party and its subsidiary bodies shall be communicated to the participants listed in Rule 1.

**Chapter XII
Publicity of Meetings**

Rule 42

The meetings of the Working Party shall ordinarily be held in public. The Working Party may decide that a particular meeting or meetings shall be held in private.

**Chapter XIII
Reports**

Rule 43

The Working Party shall submit to the Inland Transport Committee a report on its activities and plans, including those of any subsidiary bodies, once a year.

**Chapter XIV
Amendments and Suspensions**

Rule 44

Any of these rules of procedure may be amended or suspended by the Working Party provided that the proposed amendments or suspensions are adopted by ITC and approved by EXCOM and do not attempt to set aside the Working Party's terms of reference.
