



**Economic and Social
Council**

Distr.
GENERAL

TRANS/AC.6/1999/8
21 June 1999

ENGLISH
Original: FRENCH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Ad Hoc Working Group for the Elaboration
of a draft European Agreement concerning
the International Carriage of Dangerous
Goods by Inland Waterway*

(Tenth session, Geneva,
30 August-2 September 1999)

ELABORATION OF A DRAFT EUROPEAN AGREEMENT CONCERNING
THE INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY
INLAND WATERWAY (ADN)

Draft rules of procedure of the Diplomatic Conference

Proposal by the secretariat**

The secretariat presents below the draft rules of procedure of the Diplomatic Conference on the adoption of a draft European agreement concerning the international carriage of dangerous goods by inland waterway. This draft is for the most part based on the rules of procedure of the AC.6 Ad Hoc Working Group (see TRANS/AC.6/4/Add.1). It should be noted, however, that rule 33 on decision-making by the Conference has been drawn up in accordance with article 9, paragraph 2 of the Vienna Convention on the Law of Treaties of 23 May 1969 which stipulates that "The adoption of the text of a treaty at an international conference takes place by the vote of two-thirds of the States present and voting, unless by the same majority they shall decide to apply a different rule".

* In accordance with the decisions of the Inland Transport Committee, the organization of the work of the Working Group is being undertaken jointly by the secretariat of the Economic Commission for Europe and the Central Commission for the Navigation of the Rhine (CCNR) (see TRANS/R.421 for details of the arrangements).

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

Note: In the rules of procedures 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.

CHAPTER I

Participation, representation and credentials

Rule 1

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 of the United Nations may participate in a consultative capacity in the Conference.

The following may also participate in a consultative capacity in the discussions of the Conference:

representatives of specialized institutions of the United Nations and the International Atomic Energy Agency;

representatives of intergovernmental organizations to which the United Nations General Assembly has granted the status of observer and other intergovernmental 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 (AC.6);

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 (AC.6).

Rule 2

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

Rule 3

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

* Hereinafter referred to as the "Conference".

Rule 4

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 either by the Head of State or Government or by the Minister for Foreign Affairs.

Rule 5

The President and the Vice-Presidents shall examine the credentials and report to the Conference without delay.

Rule 6

Pending a decision of the Conference on their credentials, representatives shall be entitled to participate provisionally in the Conference.

CHAPTER II

Agenda

Rule 7

The provisional agenda for the next session shall be drawn up by the secretariat on the basis of the decisions of the Ad Hoc Working Group for the Elaboration of a draft European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway (AC.6).

Rule 8

The first item upon the provisional agenda of the Conference shall be the adoption of the agenda.

Rule 9

The Conference may amend the agenda at any time.

CHAPTER III

Officers

Rule 10

The Conference shall elect from among the representatives of the States members of ECE a President and a Vice-President.

Rule 11

If the President is absent from a meeting, or any part thereof, the Vice-President shall preside.

Rule 12

If the President is so incapacitated that he/she can no longer hold office, the Vice-President designated by the Conference shall become President. In that case, or if the Vice-President is so incapacitated that he/she can no longer hold office, the Conference shall elect another Vice-President for the unexpired portion of the term.

Rule 13

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

Rule 14

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 IV

Secretariat

Rule 15

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 16

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

Rule 17

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

CHAPTER V

Conduct of business

Rule 18

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

Rule 19

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 20

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.

Rule 21

A representative may at any time 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.

Rule 22

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 23

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 24

The Conference may limit the time allowed to each speaker.

Rule 25

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

Rule 26

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 27

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 28

The Conference 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

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 30

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 31

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 VI

Voting

Rule 32

Each State participating in the Conference shall have one vote.

Rule 33

(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 government delegations present and voting;

(b) The decisions of the Conference concerning all procedural issues shall be made by a majority of the government delegations 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 the government delegations present and voting;

(d) When a vote is equally divided, the proposal or the motion shall be regarded as rejected.

Rule 34

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 35

All elections shall be decided 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.

Rule 36

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 37

Parts of a proposal should be voted on separately if a representative requests that the proposal 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 38

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 39

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.

CHAPTER VII

Languages

Rule 40

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

Rule 41

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

CHAPTER VIII

Records

Rule 42

As soon as possible, the text of all reports, resolutions, recommendations and other formal decisions made by the Conference shall be communicated to the members of ECE, to the consultative members concerned of the United Nations and to the specialized agencies and other concerned organizations referred to in Rule 4.

CHAPTER IX

Publicity of meetings

Rule 43

The meetings of the Conference shall ordinarily be held in private.

CHAPTER X

Amendments and suspension of application

Rule 44

The Conference shall itself decide on the amendments to be made to these rules of procedure.
