



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/WP.15/2006/10
2 March 2006

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods
(Eightieth session, Geneva,
8-12 May 2006)

**TERMS OF REFERENCE AND RULES OF PROCEDURE
OF THE WORKING PARTY ON THE TRANSPORT OF
DANGEROUS GOODS (WP.15)**

Submitted by the Chairperson

The Chairperson suggests that the Working Party consider the attached draft terms of reference and rules of procedure. A comparative table shows the respective terms of reference of the United Nations Economic Commission for Europe, of the World Forum for Harmonization of Vehicle Regulations (WP.29), of Working Parties WP.1 and SC.1, and of the RID Committee of Experts for the Carriage of Dangerous Goods. The proposed texts have been reproduced as informal documents INF.4 and INF.5.

These texts are available on the website of the United Nations Economic Commission for Europe under the following symbols:

E/ECE/778/Rev.3 (<http://www.unece.org/about/about.htm>)

TRANS/WP.29/690 (<http://www.unece.org/trans/main/welcwp29.htm>)

TRANS/SC.1/377/Add.1 (<http://www.unece.org/trans/main/sc1/sc1rep.html#377a1>)

TRANS/WP.1/100/Add.1 (<http://www.unece.org/trans/roadsafe/wp1rep.html#100a1>)

and for the RID Committee of Experts for the Carriage of Dangerous Goods, on the following web page: http://www.otif.org/html/e/orga_CRev_RI.php.

CONTENTS

	<i>Page</i>
Terms of reference of the Working Party on the Transport of Dangerous Goods (WP.15)	3
Rules of Procedure of the Working Party on the Transport of Dangerous Goods	4
I. Participation	4
II. Sessions	5
III. Agenda	5
IV. Representation	6
V. Officers	6
VI. Secretariat	7
VII. Conduct of business	8
VIII. Voting	9
IX. Languages	10
X. Subsidiary meetings of WP.15 and ad hoc groups	10
XI. Amendments	11
Annexes	12

**TERMS OF REFERENCE OF THE WORKING PARTY ON
THE TRANSPORT OF DANGEROUS GOODS (WP.15)**

1. The Working Party on the Transport of Dangerous Goods (hereinafter referred to as WP.15), 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 shall, provided such actions are in conformity with the Terms of Reference of ECE (document E/ECE/778/Rev.3) and consistent with the legal instruments listed in annex 1:

- (a) Initiate and pursue actions aimed at enhancing the safety of the international transport of dangerous goods by road;
- (b) Develop and update the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), concluded in Geneva in 1957, the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN), concluded in Geneva in 2000, and other relevant legal instruments;
- (c) Encourage the accession of new countries to the Agreements mentioned above;
- (d) Encourage participation in its activities by fostering cooperation and collaboration with countries, the European Commission, international governmental and non-governmental organizations concerned with the safety of the transport of dangerous goods and the other United Nations regional commissions and other organizations of the United Nations system, in particular the Sub-Committee of Experts on the Transport of Dangerous Goods of the United Nations Economic and Social Council;
- (e) Collaborate closely with the other subsidiary bodies of the Inland Transport Committee, particularly the World Forum for Harmonization of Vehicle Regulations (WP.29), the Working Party on Road Transport (SC.1), the Working Party on Road Traffic Safety (WP.1) and the Working Party on Transport Statistics (WP.6), on matters of common interest related to the safe transport of dangerous goods;
- (f) Draw up and implement a programme of work relating to the legal instruments;
- (g) Create a working environment that facilitates fulfilment by the Contracting Parties of the obligations set forth in the legal instruments;
- (h) Ensure openness and transparency during its meetings.

2. These Terms of Reference and Rules of Procedure apply to WP.15 and do not modify the provisions of the legal instruments listed in annex 1.

**RULES OF PROCEDURE OF THE WORKING GROUP ON
THE TRANSPORT OF DANGEROUS GOODS (WP.15)**

CHAPTER I

Participation

Rule 1

(a) Members of ECE which are specified in paragraph 7¹ of the Terms of Reference of ECE (document E/ECE/778/Rev.3) shall be full participants.

(b) Non-members of ECE which are Contracting Parties to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), concluded in Geneva on 30 September 1957, shall be participants in a consultative capacity.

(c) Other non-members of ECE, in accordance with paragraph 11² of the Terms of Reference of ECE may, on invitation by the secretariat or at their request, participate in a consultative capacity in WP.15 on any matter of particular concern to them.

(d) Specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, may, in accordance with paragraphs 12³ and 13⁴ of the Terms of Reference of ECE, after notifying the secretariat, participate in a consultative capacity in WP.15 in the consideration of any matter of particular concern to those agencies or organizations.

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.”

CHAPTER II

Sessions

Rule 2

Sessions of WP.15 shall be held on dates fixed by the ECE secretariat.

Rule 3

Sessions shall ordinarily be held at the United Nations Office at Geneva. WP.15 may, with the concurrence of the Inland Transport Committee, hold a particular session elsewhere. In that case, the relevant United Nations rules and regulations shall apply.

Rule 4

The secretariat shall, at least six (6) weeks before the commencement of a session of WP.15, announce the opening date of the session and distribute a copy of the provisional agenda.

The basic documents relating to each item on the agenda of a session shall be available on the ECE WP.15 Internet site in all official languages of ECE before the session. On request, hard copies may be transmitted before the opening of the session.

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 WP.15 decides otherwise.

Any participant may also submit informal documents, after consultation with the secretariat, before or during a session. Such informal documents must relate to items on the agenda of the session concerned. To the extent possible, such documents shall be made available on the ECE WP.15 Internet site.

CHAPTER III

Agenda

Rule 5

The provisional agenda for each session of WP.15 shall be drawn up by the secretariat in coordination with the Chairperson or Vice-Chairperson (acting as Chairperson) of WP.15.

Rule 6

The provisional agenda for any session of WP.15 may include:

- (a) Items related to one of the legal instruments listed in annex 1;
- (b) Items arising from previous sessions of WP.15;
- (c) Items proposed by ECE or the Inland Transport Committee;

- (d) Items proposed by any member of ECE;
- (e) Items proposed by any participant in WP.15 relating to the programme of work of WP.15;
- (f) Any other items which the Chairperson or Vice-Chairperson of WP.15 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

WP.15 may amend the order of agenda items at any time during the session.

CHAPTER IV

Representation

Rule 9

Members of ECE and other participants as defined in Rule 1 shall be represented at sessions of WP.15 by a representative.

Rule 10

The representative may be accompanied to sessions of WP.15 by alternate representatives, advisers and/or experts. If absent, a representative may be replaced by an alternate representative.

Rule 11

The names of representatives, alternate representatives, advisers and experts shall be submitted to the ECE secretariat before the holding of the session of WP.15. The secretariat shall prepare a list of the names of all persons attending the session and make it available to them during the session.

CHAPTER V

Officers

Rule 12

Every year, WP.15 shall, at the end of the last meeting of the year, elect from among the representatives of members of ECE a Chairperson and a Vice-Chairperson, who shall take office at the start of the first meeting in the year following their election. The officers may be re-elected.

Rule 13

If the Chairperson of WP.15 is absent from a session, or part thereof, the Vice-Chairperson shall preside.

Rule 14

If the Chairperson of WP.15 ceases to represent a member of ECE 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, WP.15 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 member of ECE 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 WP.15 in this capacity and not as the representative of his/her State. WP.15 shall admit an alternate representative to represent that participant and to exercise its right to vote.

CHAPTER VI

Secretariat

Rule 17

The Executive Secretary shall act in that capacity at all sessions of WP.15. He/she may appoint another member of the secretariat to take his/her place.

Rule 18

The secretariat of WP.15, acting in the framework of the ECE Transport Division, shall make all necessary arrangements for the organization and holding of sessions of WP.15.

Rule 19

During sessions, the secretariat shall assist WP.15 in complying with these Rules of Procedure.

Rule 20

The secretariat may, with the agreement of the Chairperson, submit written or oral statements on any item considered.

CHAPTER VII

Conduct of business

Rule 21

As a general rule, WP.15 shall meet in closed session.

Rule 22

The Chairperson of WP.15 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, WP.15 shall adopt a record of the decisions taken during that session and adopt a report prepared by the secretariat, in consultation with the Chairperson, based on that record of decisions.

Rule 24

The Chairperson of WP.15 may decide, in consultation with the secretariat, to reduce the length of a session or to postpone it in the event of *force majeure*.

Rule 25

Discussions in WP.15 shall take place in accordance with Rules 23 to 28⁵ of the Rules of Procedure of ECE.

⁵ **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 forthwith submit his/her ruling to the Commission 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 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 wish to speak. Not more than two representatives may be granted permission to speak against the closure.

Rule 28: 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 26

Decisions shall be taken in WP.15 in accordance with Rules 30 to 33⁶ of the Rules of Procedure of ECE.

Rule 27

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 of WP.15.

CHAPTER VIII

Voting

Rule 28

Each member of ECE shall have one vote in WP.15.

Rule 29

Decisions of WP.15 shall chiefly be taken by consensus. In the absence of consensus, decisions shall be taken by a majority of the members of ECE present and voting, on condition that the number of affirmative votes is equal to at least one third of the members of ECE represented during the vote.

Rule 30

Voting and elections of officers of WP.15 shall be conducted in accordance with Rules 37 to 39⁷ of the Rules of Procedure of ECE.

⁶ **Rule 30:** Principal motions and resolutions shall be put to the vote in the order of their submission unless the Commission decides otherwise.

Rule 31: 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 32: 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 33: 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.

CHAPTER IX

Languages

Rule 31

English, French and Russian are the working languages of WP.15. Statements made in one of these languages shall be interpreted into the other two languages.

CHAPTER X

Subsidiary meetings of WP.15 and ad hoc groups

Rule 32

Amendments to the annexed Rules of ADN shall be prepared at special sessions of WP.15 (WP.15/AC.2).

Rule 33

Amendments to ADR and ADN requiring or calling for harmonization with provisions relating to the transport of dangerous goods by rail shall be prepared at special sessions as part of the joint RID/ADR/ADN meeting with the RID Committee of Experts for the Carriage of Dangerous Goods of the Intergovernmental Organization for International Carriage by Rail (OTIF).

Rule 34

Between sessions, WP.15 may be assisted in its tasks by ad hoc groups. To be established and hold meetings, such groups must be hosted and invited by a participant in WP.15 as defined in Rule 1. The above rules of procedure shall apply *mutatis mutandis* to such groups, except for Rules 6, 12 to 15, 23 to 26 and 28 to 30. The following particular rules shall apply:

- The provisional agenda shall be drawn up by the secretariat on the basis of the guidelines or mandate given by WP.15 to the ad hoc group;

⁷ **Rule 37:** 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 38: 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 39: 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.

- A Chairperson shall be designated at the beginning of each meeting;
- Decisions of ad hoc groups shall be reached by consensus. In the absence of consensus, questions shall be referred to WP.15 for consideration and appropriate follow-up;
- The report of the meeting prepared by the secretariat shall be submitted for adoption by WP.15;
- The secretariat may, in consultation with the Chairperson of WP.15, decide:
 - (1) to postpone the meeting if the items on the agenda are not sufficiently advanced;
 - (2) to transform an ad hoc group into an informal group if it appears that there are too few registered participants. In such cases, the meeting shall not be subject to these Rules of Procedure.

CHAPTER XI

Amendments

Rule 35

Any of these Rules of Procedure may be amended in accordance with Rule 29. However, any proposed amendment affecting Rules 1 and 28 which goes beyond the mandate of ECE, in particular the provisions of paragraph 11, shall require the prior approval of the Commission.

Annex 1

LIST OF AGREEMENTS RELATING TO WP.15

- European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), concluded in Geneva on 30 September 1957
- European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway (ADN), concluded in Geneva on 25 May 2000

Annex 2

STANDARD FORMAT FOR PROPOSALS

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)

Action to be taken: Reference is made to the marginals of ADR, ADN and RID to be amended

Related documents: Other key documents are listed.

Introduction

Purpose/new developments which urgently call for the amendment of ADR and/or ADN.

Proposal

Description of the proposed amendment, including the 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 attendant advantages and disadvantages? Is a transitional period required?

Enforceability: Can the application of the amendments be observed or monitored?

Dates of the session

Number of the agenda item
