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INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods

Bern, 25-28 March 2008

Item 8 of the provisional agenda

ANY OTHER BUSINESS */ **/

Rules of procedures for informal documents

Transmitted by the International Road Transport Union (IRU)

SUMMARY

Executive summary: Informal documents need to conform to the Terms of Reference and Rules of Procedure.

Action to be taken: Delegations should follow the Terms of Reference and Rules of Procedure for official documents and more precisely concerning informal documents

Related documents: ECE/TRANS/WP.15/190/Add.1 (Secretariat)

*/ In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (c)).

**/ Circulated by the Intergovernmental Organization for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2008/4.

Introduction

1. Since several sessions, the industry noticed that there are more and more informal documents that are voted on, and do not correctly follow the Terms of Reference and Rules of Procedure of adoption of various documents during the Joint Meeting (RID/ADR) sessions and Working Party on the Transport of Dangerous Goods (WP.15) sessions.
2. Document ECE/TRANS/WP.15/190/Add.1 clearly stipulates the rules concerning documents to be submitted to the Working Party on the Transport of Dangerous Goods.
3. Concerning official documents, we can state that the procedure is correctly followed, even if sometimes some experts' delegations omit to comply with the standard presentation shown in the appendix to these rules. It seems that a good liberty of interpretation of the rules is authorised and accepted by the delegations, as it has no consequences on the working procedures.
4. Concerning the informal documents, we can only say that no rules are followed as set in the annex of the Rules of procedure. Delegation vote on subjects for which no official document exists and to which no official document is linked. It must be understood that an informal document should be used for a position statement directly linked to an official document in order to influence or to correct a flagrant mistake recognised by the majority of delegations in an official document.
5. When delegations vote on an informal document, published few days before a meeting, it gives no credibility to the change as most or nearly all delegations have no time to analyse the document and to consult their partners in the concerned domain. The same problem occurs for non governmental organisations (NGOs), as every document discussed or developed at a meeting must be presented by the NGOs to their associations or members in order to have a statement supporting or defending their opinion.
6. Shouldn't IRU follow the procedure as set in the Terms of Reference and Rules of Procedure, we would weaken the enormous work accomplished for several years in the sector of Dangerous Goods and at the end, the work's credibility will be insignificant.
7. Furthermore the number of official documents and informal documents should be upper limited in order to be able to cover correctly all proposed documents by delegation without penalising someone who had published a document and has not been able to present it, because of a lack of time.

Justification

8. The IRU and its members would like to see a general adoption as of next session on a common agreement to stop voting on documents that have not reached the Joint meeting's or WP15 secretariat 12 weeks before the session.

Proposal

9. The IRU and its members would like to set rules on the quantities of official documents and informal documents to be treated during each session, by setting an upper limit of 15 documents for both categories.

10. The IRU and its members also ask the delegations to reconfirm their acceptance of the rules set for informal documents in the ECE/TRANS/WP.15/190/Add.1, to work according to these rules, and to ensure that all experts' delegations have correctly understood the procedures as set below:

"Informal documents

Documents which do not reach the secretariat 12 weeks before the session may also be submitted for consideration at the session under the "INF" symbol (informal documents), provided:

- (a) That they contain specific commentaries or additional information 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; or
- (e) That they contain the report of an informal working group mentioned in the provisional agenda."

Note: The word « or » is not under the same article in the English version and in the French version of document ECE/TRANS/WP.15/190/Add.1.

Safety implications

11. The proposal will retain the current safety level.

Feasibility

12. No problems as the proposal should reflect the present situation.

Enforceability

13. No problems as the proposal should reflect the present situation.
