



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW  
INSTITUT INTERNATIONAL POUR L'UNIFICATION DU DROIT PRIVE

**OTIF**



ORGANISATION INTERGOUVERNEMENTALE POUR LES  
TRANSPORTS INTERNATIONAUX FERROVIAIRES

ZWISCHENSTAATLICHE ORGANISATION FÜR DEN  
INTERNATIONALEN EISENBAHNVERKEHR

INTERGOVERNMENTAL ORGANISATION FOR INTERNATIONAL  
CARRIAGE BY RAIL

**DIPLOMATIC CONFERENCE TO ADOPT A RAIL  
PROTOCOL TO THE CONVENTION ON  
INTERNATIONAL INTERESTS IN MOBILE  
EQUIPMENT**

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## **SUPERVISORY AUTHORITY Draft Rules of Procedure**

(prepared by the Rail Registry Task Force)

### **Table of Contents**

	<b>Page</b>
Article 1	Definitions..... 1
Article 2	Composition and tasks ..... 1
Article 3	Domicile and Headquarters Agreement ..... 1
Article 4	Secretariat ..... 1
Article 5	Working language[s]..... 1
Article 6	Meetings ..... 2
Article 7	Representation of State Parties ..... 2
Article 8	Invitees ..... 2
Article 9	Representation of the Secretariat..... 2
Article 10	Public nature of sessions ..... 3
Article 11	Provisional agenda ..... 3
Article 12	Chair ..... 3
Article 13	Conducting proceedings ..... 3
Article 14	Proposals ..... 4
Article 15	Decisions ..... 4
Article 16	Motions of order..... 4
Article 17	Rediscussion of proposals ..... 4
Article 18	Quorum ..... 4
Article 19	Voting procedure..... 4
Article 20	Record of the Supervisory Authority ..... 5
Article 21	Minutes..... 5
Article 22	Amending the Rules..... 6
Article 23	Entry into Force ..... 6



In accordance with Article XIII \* of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock the Supervisory Authority has adopted the following Rules of Procedure, hereinafter referred to as "the Rules".

## **Article 1 Definitions**

The term "Convention" shall apply to the Convention on International Interests in Mobile Equipment, signed in Cape Town on 16 November 2001; the term "Protocol" shall apply to the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock; the term "State Party" shall apply to the State Parties of the Protocol; the term "OTIF" shall mean the Intergovernmental Organisation for International Carriage by Rail; the term "Secretariat" shall mean the OTIF and the term "Regional Organisation" shall mean a Regional Economic Integration Organisation according to Article XXII of the Protocol.

## **Article 2 Composition and tasks**

The composition and tasks of the Supervisory Authority shall be determined on the basis of the provisions of the Convention and the Protocol.

## **Article 3 Domicile and Headquarters Agreement**

The Supervisory Authority shall be domiciled in [Berne, Switzerland]. The Supervisory Authority may enter into any agreement requisite for the performance of its functions.

## **Article 4 Secretariat**

- [1. OTIF shall provide the Secretariat of the Supervisory Authority.
- 2.] The items included in the Supervisory Authority's agenda shall be prepared by the Secretariat.

## **Article 5 Working language[s]**

1. The working language[s] shall be English [, French and German]. Delegations that use other languages shall provide, at their expense, interpretation into [English].
2. The Supervisory Authority may introduce other working languages by a vote of two thirds of the States Parties.

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\* The Joint Committee of governmental experts indicated that authority for internal rules of procedure may have to be provided in the Protocol.

## **Article 6 Meetings**

1. The Supervisory Authority shall convene once every year. It shall convene in the interim if [one third of the] [three] State Parties make a request to the Secretariat.
2. The Supervisory Authority shall convene at the headquarters of OTIF. However, with the agreement of the majority of the State Parties, the Supervisory Authority may convene at any other place.
3. In case a meeting of the Supervisory Authority has not been able to complete its agenda during a meeting, it shall reconvene the meeting within a period to be determined by the Supervisory Authority, depending on the circumstances.

## **Article 7 Representation of State Parties**

1. Each State Party represented by a delegation at the Supervisory Authority shall have one vote.
2. A State Party may arrange to be represented by another State Party. No State may however represent more than one other State.
3. A Regional Organisation which is represented by a delegation that has been suitably vested with powers shall enjoy in those matters under discussion that come within its competence the number of votes equal to those of its State Parties which are also State Parties to the Rail Protocol.
4. When a matter under discussion is not within the competence of the Regional Organisation, individual State Parties that are also State Parties of a Regional Organisation shall exercise their right to vote individually.

## **Article 8 Invitees**

1. The Supervisory Authority may invite representatives of non State Parties to attend meetings and participate in discussions of the Supervisory Authority.
2. Invitees shall receive the documents prepared for the Supervisory Authority, unless the Supervisory Authority decides otherwise.

## **Article 9 Representation of the Secretariat**

The Secretary General of OTIF or the person designated by him for this purpose shall represent the Secretariat at the Supervisory Authority in an advisory capacity.

## **Article 10**

### **Public nature of sessions**

Unless the Supervisory Authority decides otherwise, its sessions and those of its subsidiary organs shall be open to the public.

## **Article 11**

### **Provisional agenda**

1. The provisional agenda for each session of the Supervisory Authority shall be prepared by the Secretariat and presented by the Chair of the Supervisory Authority at the opening of the session for adoption or amendment.
2. The Secretariat shall send the calling notice indicating the venue of the session of the Supervisory Authority, the date and time it opens and the provisional agenda to State Parties and the Regional Organisations no later than three months, and for documents concerning the Supervisory Authority, no later than two months before the session opens.
3. The provisional agenda for each session shall include items suggested by the Secretariat as well as any other items requested for inclusion by a previous session and any items proposed by a State Party or a Regional Organisation within one month of the reception of the provisional agenda.
4. The first item on the provisional agenda of each session shall be the election of the Chair and Vice-Chairs.

## **Article 12**

### **Chair**

1. When each meeting of the Supervisory Authority is opened, the Chair of the previous meeting or, in his absence, the representative of his country, shall chair the opening session of the meeting until the new Chair and the Vice-Chairs are elected.
2. In addition to exercising the powers conferred upon him by virtue of the Rules, the Chair shall direct discussions, ensure that the Rules are applied, give the floor, direct the votes and announce decisions.
3. The Chair shall decide all questions concerning application of the Rules. If a delegation disputes the Chair's decision, a vote shall be taken. The Chair's decision shall stand if a majority of delegations present do not oppose it.

## **Article 13**

### **Conducting proceedings**

1. In principle, the Chair shall give the floor in the order in which it is requested.
2. In general, a delegation shall not be given the floor a second time on the same question, except to reply to a question, until all those delegations wishing to speak have done so.

#### **Article 14 Proposals**

1. Proposals concerning items on the provisional agenda shall be submitted in writing to the Secretariat of the Supervisory Authority no less than fourteen days before a scheduled meeting at which the proposal will be tabled for discussion in order that they can be made available to delegations as soon as possible. The Chair shall read them out at the said meeting.
2. A written proposal concerning items on the provisional agenda can be tabled at a scheduled meeting upon majority consent of the State Parties represented at the meeting.

#### **Article 15 Decisions**

If there is more than one proposal on the same question, the Chair shall decide in which order they shall be discussed.

#### **Article 16 Motions of order**

Delegations may, at any time, submit motions of order, provided they do not concern the substance of the question being dealt with. The Chair shall take a decision immediately. If a delegation disputes the Chair's decision, a vote shall be taken.

#### **Article 17 Rediscussion of proposals**

A proposal that has been adopted or rejected may only be examined again if the Supervisory Authority so decides. In this event, the principle of re-examining the proposal shall be approved by means of a vote carried out in the same way as the initial vote on the proposal in question was taken (show of hands, nominal vote, secret ballot).

#### **Article 18 Quorum**

There shall be a quorum in the Supervisory Authority when a majority of the State Parties are represented at the opening of the meeting.

#### **Article 19 Voting procedure**

1. Unless provided otherwise, decisions of the Supervisory Authority shall be taken by a majority vote.
2. Decisions of the Supervisory Authority shall require an affirmative vote of two-thirds, if they concern
  - (a) the appointment and dismissal of the Registrar,

- (b) administrative procedures through which complaints concerning the operation of the International Registry can be made to the Supervisory Authority,
  - (c) regulations dealing with the operation of the International Registry.
3. A decision of the Supervisory Authority that affects only the interests of a State Party or a group of States Parties shall be made if such State Party or the majority of the group of States Parties also votes in favour of the decision. A decision that could adversely affect the interests of a State Party or a group of States Parties shall have effect in such State Party or group of States Parties if such State Party or the majority of the group of States Parties also votes in favour of the decision.
4. Determination of the majority provided for in § 1 and the number of affirmative votes provided for in § 2 shall be based on the number of State Parties voting.
5. In principle, voting shall take place by show of hands. However, any State Party may request a roll call vote. This vote shall take place in English alphabetical order, beginning with the State Party whose name the Chair draws out. Votes shall be recorded in the minutes.
6. If at least two delegations so request, voting shall take place by secret ballot, unless the majority of the State Parties represented are opposed to this. On the basis of a proposal by the Chair, two scrutineers shall be designated to count the votes. All ballot papers shall be reported to the Chair.
7. If the votes are divided equally, a second vote shall take place, if necessary after a break in the session. If the votes are again divided equally, the proposal shall be considered as rejected.
8. Once voting has begun, no delegation may interrupt it, unless for the purpose of a motion of order concerning the manner in which the vote is taking place.

#### **Article 20** **Record of the Supervisory Authority**

Decisions by the Supervisory Authority shall be read out by the Chair and recorded in a document which is signed by the Chair.

#### **Article 21** **Minutes**

1. Minutes of the meetings shall be prepared. They shall summarize the proceedings. The text of proposals and decisions shall be reproduced in full.
2. Delegates shall have the right to request that any statement they have made be reproduced in the minutes in full, provided the text is given to the Secretariat in writing.
3. The Secretariat shall send out the minutes as soon as possible after the session has closed.
4. Participants shall inform the Secretariat in writing of any corrections they wish to make to the text of their interventions.

**Article 22**  
**Amending the Rules**

1. The Rules may be amended by an affirmative vote of two thirds of the State Parties, provided a proposal for amendment submitted by a State Party or a suggestion for amendment from the Secretariat is on the provisional agenda.
  
2. A decision by the Supervisory Authority taken in accordance with § 1 may be brought into force for the session at which the decision is taken.

**Article 23**  
**Entry into Force**

This version of the Rules shall enter into force on .....

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