



**INTERNATIONAL TRANSPORT FORUM
TRANSPORT MANAGEMENT BOARD**

**Sub-Group on the Qualitative Development of the ECMT Quota
(Quality Charter Enforcement and Incitation Mechanisms)**

**Definition and approval process of the agendas in relation to meetings of
the ITF bodies**

This document is presented under Draft Agenda item 4 of the Sub-Group meeting to be held on 6 September 2019 in Paris, for information.

The ITF Secretariat has consulted the OECD Legal Directorate (LEG) with a view to seeking some clarifications about the definition and approval process of the agendas in relation to meetings of the ITF bodies.

LEG has conveyed the following opinion.

1. The legal framework that governs this issue is to be found in the ITF General Rules. Those Rules were adopted in 2013 by the ITF Members, in accordance with the European Conference of Ministers of Transport (ECMT) Protocol of 1953 and the Dublin Declaration adopted by the Council of Ministers of the ECMT in 2006.
2. The issue pertains as to who has responsibility to draw up the agenda and as to which modalities apply for the adoption of such agenda. This includes the question of the possible inclusion – by certain Members – of additional agenda items.
3. The ITF General Rules contain provisions on agendas in the context of meetings of (i) the Council of Ministers of Transport (CMT) and of the Transport Management Board (TMB) [see Article 10.5 a) of the General Rules]; (ii) the Group on Road Transport (GRT) [see Article 12.3 b) of the General Rules].
In essence, these provisions equally entrusts the Presidency (in the case of the CMT and TMB) or the Chair (in the case of the RTG) with the responsibility of drawing up a *provisional* agenda.
4. The reference to a “*provisional*” agenda suggests the existence of a “*final*” agenda. Yet, the ITF General Rules are silent as to what such *final* agenda should be and how it should be adopted.
5. There is no general rule in international law that addresses the adoption of agenda by organs/bodies of international organisations (IOs). Each IO is free to adopt its own rules of procedure. However, under the rules of a number of IOs, it is generally recognised that:
 - (i) the Presidency / Chair or Secretariat of a specific organ or body has responsibility for drawing up a *provisional* agenda;
 - (ii) additional items may be proposed for inclusion on the provisional agenda by Members;
 - (iii) the agenda becomes final by adoption of a majority of Members present.
6. The above is exemplified in the [rules of procedure of the ECMT](#), which may serve as a particularly relevant benchmark or guide for ITF, as may the [rules of procedure of the OECD](#).
7. Rule 7 of the rules of procedure of the ECMT provides that “*at the opening of each session any Member shall have the right to propose an item for inclusion in the provisional agenda. Thereafter the agenda shall be adopted by a majority of Members present.*”
8. With respect to the OECD, Rule 13 of the OECD Rules of procedure provides that “*a) Any Member of a body of the Organisation, as well as the Secretary-General, shall have the right to propose an item for inclusion in the provisional agenda of the body concerned; b) In the course of the consideration of the provisional agenda, any Member represented on the body concerned, as well as the Secretary-General, may propose the inclusion of an additional item.*”

Rule 14 provides that *“the agenda of each session or meeting shall be adopted by a majority of Members represented on the body concerned and present.”*

9. In summary, in the absence of explicit provisions in the ITF General Rules on the setting-up and adoption of agendas, ITF Members may refer to the practice followed by other IOs. Of course, the most legally sound solution would remain to amend the ITF General Rules, so as to include explicit provisions on this issue. This would require approval of the TMB and the CMT, in accordance with Article 19.2 of the General Rules.