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COMMITTEE ON ENVIRONMENTAL POLICY

Meeting of the Signatories to
the Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters
(Second meeting, Dubrovnik, Croatia, 3-5 July 2000)
(Item 4 (a) of the provisional agenda)

**DRAFT RULES OF PROCEDURE OF THE MEETING OF THE PARTIES TO THE
CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-
MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS**

PURPOSES

Rule 1

These rules of procedure shall apply to any meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters convened in accordance with article 10 of the Convention.

DEFINITIONS

Rule 2

For the purposes of these rules:

1. "Convention" means the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, adopted at Aarhus, Denmark, on 25 June 1998;

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2. "Parties" means Contracting Parties to the Convention;
3. "Meeting of the Parties" or "Meeting" means the Meeting of the Parties established in accordance with article 10 of the Convention;
4. "Regional economic integration organization" means an organization in accordance with article 17 of the Convention;
5. "Chairperson" means the Chairperson elected in accordance with rule 18 of these rules of procedure;
6. ASubsidiary body(ies)@ means the body(ies) established by the Meeting of the Parties in accordance with rule 23;
7. ASecretariat@ means, in accordance with article 12 of the Convention, the Executive Secretary of the United Nations Economic Commission for Europe (ECE).

PLACE AND DATE OF MEETINGS

Rule 3

The meetings of the Parties shall be held at the United Nations Office at Geneva, unless other appropriate arrangements are made by the Parties or the Bureau in consultation with the secretariat.

Rule 4

At each meeting, the Parties, taking into account article 10, paragraph 1, of the Convention, shall set the indicative date for the opening and the duration of their next meeting.

NOTIFICATION

Rule 5

1. The secretariat shall notify all Parties of the date and venue of a meeting at least two months before it is due to take place.
2. The secretariat shall also provide notification of any meeting, including information on the date and venue, at least two months before it is due to take place to:
 - (a) ECE member States and regional economic integration organizations that are entitled to become Parties to the Convention;

(b) Any State that is entitled under article 19 of the Convention to seek to accede to and has requested to be so notified;

(c) Relevant organizations within the United Nations system and other international governmental organizations with a specific competence or interest in the field covered by the Convention;

(d) Relevant bodies or agencies, whether national or international, governmental or non-governmental, qualified or having an interest in fields to which the Convention relates, that have requested to be so notified;

(e) Any member of the public that has requested to be so notified.

3. At the time of issuing the notifications referred to in paragraphs 1 and 2, the same information shall be placed on the ECE Web site.

4. Notification by electronic mail shall be considered sufficient for the purposes of this rule, unless there are specific reasons requiring the use of other communication methods.

OBSERVERS

Rule 6

1. Representatives of the States and the organizations referred to in rule 5, paragraph 2, (a) and (c), shall be entitled to participate, without the right to vote and at all times in accordance with these rules, in the proceedings of any meeting to which these rules apply. Representatives of the States referred to in rule 5, paragraph 2, (b), shall also be entitled to participate on the same basis, irrespective of whether they have requested to be notified of meetings.

2. Subject to paragraph 3, representatives of the bodies referred to in rule 5, paragraph 2, (d), shall be entitled to participate, without the right to vote and at all times in accordance with these rules, in the proceedings of any meeting to which these rules apply.

3. Where at least one third of the Parties present at a meeting object to the participation of representatives of one or more of the bodies referred to in paragraph 2, such representatives shall not be entitled to participate under this rule.

Rule 7

1. The meetings of the Parties and of subsidiary bodies shall be open to the public, as defined in article 2, paragraph 4, of the Convention. Members of the public not included under rule 6, including representatives of the media, shall be entitled to attend, observe, record and publicize the

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proceedings of the meetings of the Parties and of subsidiary bodies. They shall not be entitled to address them.

2. Where it is not feasible to accommodate in the meeting room all members of the public having requested to observe the meeting, for the purposes of paragraph 1 it will be considered sufficient if the proceedings of the meeting are relayed to those members of the public using audiovisual equipment.

3. The secretariat, and, in the event of the meeting being held in a location other than the United Nations Office at Geneva, the host government or organization, shall ensure that practical arrangements are made to facilitate the entitlements of members of the public under this rule.

AGENDA AND DOCUMENTATION

Rule 8

In consultation with the Bureau, the secretariat shall prepare the provisional agenda of each meeting.

Rule 9

1. The provisional agenda of each meeting shall include:

(a) The items specified in article 10, paragraph 2, of the Convention, where relevant;

(b) The items whose inclusion was decided at a previous meeting;

(c) Any item proposed by the Bureau or the secretariat;

(d) Any item proposed by a Party before the provisional agenda is circulated.

2. The first item on the provisional agenda for each meeting shall be the adoption of the agenda.

Rule 10

The provisional agenda, together with any supporting documents for the meeting, shall be distributed by the secretariat to the Parties and to the other States, organizations and bodies referred to in rule 6 at least six weeks before the opening of the meeting. In this regard, the provisions of rule 5, paragraphs 3 and 4, shall apply.

Rule 11

1. All official meeting documentation prepared in connection with meetings of the Parties or of subsidiary bodies shall be accessible to the public on request. The terms of public access to the information shall be consistent with the provisions of article 4 of the Convention, except that the exemptions provided for in paragraphs 3 and 4 of article 4 shall not apply and the documentation shall be provided in electronic form where it exists in that form unless the applicant has specific reasons justifying its provision in a different form in which it is also held.

2.

Rule 12

The secretariat shall, in consultation with the Chairperson, include any question suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the meeting, in an addendum to the provisional agenda, which the Meeting shall examine together with the provisional agenda.

Rule 13

The Meeting when adopting the agenda may add, delete, defer or amend items. Only items that the Meeting considers to be urgent and important may be added to the agenda.

REPRESENTATION AND CREDENTIALS

Rule 14

Each Party participating in the meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as may be required.

Rule 15

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 16

The credentials of all representatives shall be submitted to the secretariat at least one hour before the opening of the meeting. Notification of any subsequent change in the composition of the delegation shall also be submitted to the secretariat.

Rule 17

The officers of any meeting shall examine the credentials and submit their report to the Meeting for approval.

OFFICERS

Rule 18

1. At each meeting, a Chairperson and a Vice-Chairperson shall be elected from among the representatives of the Parties present at the meeting. A second Vice-Chairperson shall be elected by the Meeting from among the representatives of non-governmental organizations established for the purpose of, and actively engaged in, promoting environmental protection and sustainable development.

2. The Chairperson and the two Vice-Chairpersons shall serve as the officers of the Meeting and remain in office until their successors are elected. During any meeting, the Parties may elect the officers for their next meeting. Officers completing their term of office shall be eligible for re-election, in the case of the Chairperson for no more than five consecutive terms of office. In electing the officers who are representatives of Parties, due account shall be taken of the need to ensure a balanced representation of the different geographical subregions of ECE.

3. The Chairperson shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a Party. In such a case, the Chairperson or the Party concerned may designate another representative who shall be entitled to represent the Party in the meeting and to exercise its right to vote.

Rule 19

1. In addition to exercising the powers conferred upon him or her elsewhere by these rules, the Chairperson shall:

- (a) Declare the opening and closing of the meeting;
- (b) Preside at the sessions of the meeting;
- (c) Ensure the observance of these rules;
- (d) Accord the right to speak;

- (e) Put questions to the vote and announce decisions;
 - (f) Rule on points of order;
 - (g) Subject to these rules, have complete control over the proceedings and maintain order.
2. The Chairperson may, moreover, propose:
- (a) The closure of the list of speakers;
 - (b) A limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question;
 - (c) The adjournment or closure of debate;
 - (d) The suspension or adjournment of the meeting.
3. The Chairperson, in the exercise of his or her functions, remains under the authority of the Meeting of the Parties.

Rule 20

If the Chairperson is temporarily absent from a meeting or any part thereof or is unable to complete his or her term of office or to perform his or her functions, the Vice-Chairperson elected from among the representatives of the Parties shall act as Chairperson.

Rule 21

At the outset of each meeting, the Chairperson elected at the previous meeting or, in his or her absence, the Vice-Chairperson referred to in rule 20, shall preside until the Meeting has elected a new Chairperson from the representatives of the Parties.

BUREAU

Rule 22

1. A Bureau shall be established consisting of not more than eight members, as follows:
- (a) The officers referred to in rule 18;

(b) Representatives of other Parties;

(c) A representative of non-governmental organizations established for the purpose of, and actively engaged in, promoting environmental protection and sustainable development.

2. At each meeting, following the election of the officers, the remaining members of the Bureau shall be elected by the Parties present at the meeting, taking into account the need for a balanced representation of the different geographical subregions of ECE.

3. The representative of the non-governmental organizations referred to in paragraph 1 (c) shall be nominated by those organizations. The Meeting may require the nomination of three candidates from this category, if requested by the Chairman or any representative of a Party.

4. The members of the Bureau shall be eligible for re-election for up to seven consecutive terms of office.

5. The Bureau shall be chaired by the Chairperson of the Meeting of the Parties or, in his or her absence, by the Vice-Chairperson elected from among the representatives of the Parties.

SUBSIDIARY BODIES

Rule 23

1. The Meeting of the Parties may establish such subsidiary bodies as it deems necessary, in accordance with article 10, paragraph 2 (d), of the Convention. It may also dissolve such bodies.

2. These rules of procedure shall apply mutatis mutandis to the proceedings of subsidiary bodies established by the Meeting of the Parties, save as otherwise specified in this paragraph and paragraphs 3 to 7 below.

3. The Meeting of the Parties shall determine the matters to be considered by its subsidiary bodies and establish their terms of reference.

4. The Meeting of the Parties may decide that any subsidiary body shall or may meet in the period between ordinary meetings.

5. One quarter of the Parties shall constitute a quorum at meetings of subsidiary bodies.

6. Unless the Meeting of the Parties decides otherwise, each subsidiary body shall elect its own Chairperson and Vice-Chairperson(s).
7. Rules 14 to 17 shall not apply to the proceedings of subsidiary bodies.

SECRETARIAT

Rule 24

The Executive Secretary of the United Nations Economic Commission for Europe may delegate his or her functions to a member of his or her staff. He or she, or his or her representative, shall act as secretariat for all meetings of the Parties and for all meetings of the subsidiary bodies.

Rule 25

For all meetings of the Parties and for all meetings of the subsidiary bodies and in accordance with article 12 of the Convention, the secretariat shall:

- (a) Prepare, in consultation with the Bureau, the documentation;
- (b) Arrange for the translation, reproduction and distribution of the documents;
- (c) Arrange for interpretation at the meeting;

(d) Arrange for the custody and preservation of the documents in the archives of the United Nations Economic Commission for Europe.

CONDUCT OF BUSINESS

Rule 26

The Chairperson may declare a meeting open and permit debate to proceed. The presence of a majority of the Parties shall be required for any decision to be taken.

Rule 27

1. No one may speak at a meeting without having previously obtained the permission of the Chairperson. The representatives of the States, organizations and bodies entitled to participate under rule 6 shall be entitled to seek to address the meeting under each agenda item and, having made such a request, shall be included on the list of speakers. Without prejudice to rules 28, 29, 30 and 32, the Chairperson shall in general call upon speakers in the order in which they signify their desire to speak, but may at his or her discretion decide to call upon representatives of Parties before non-voting participants. The secretariat shall be in charge of drawing up a list of such speakers. The Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.
2. The Meeting may, on a proposal from the Chairperson or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. When it has been decided to so limit the time for debate and a speaker exceeds the allotted time, the Chairperson shall call him or her to order without delay.
3. The Executive Secretary, or his or her representative, may at any meeting make either oral or written statements concerning any question under consideration.
4. The Chairperson may request representatives of two or more non-governmental organizations having common goals and interests in so far as the subject matter of the Convention is concerned to constitute themselves into a single delegation for the purposes of the meeting, or to present their views through a single representative, in order to facilitate the proceedings.

Rule 28

An officer of a subsidiary body may be accorded precedence by the Chairperson of the Meeting of the Parties for the purpose of explaining the conclusions arrived at by that subsidiary body.

Rule 29

During the discussion of any matter, a representative of a Party may at any time raise a point of order, which shall be decided immediately by the Chairperson in accordance with these rules. A representative of a Party may appeal against the ruling of the Chairperson. The Chairperson may then, following consultation with the Vice-Chairpersons if so desired, deem that the appeal should be put to the vote immediately, whereupon the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 30

Any motion calling for a decision on the competence of the Meeting to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be decided on before the matter itself is discussed or a decision is taken on the proposal or amendment in question.

Rule 31

1. Without prejudice to paragraph 2 of this rule, proposals and amendments to proposals shall normally be presented in writing and handed to the secretariat, which shall circulate copies to the Parties. As a general rule, no proposal shall be discussed or put to the vote at any meeting unless copies of it have been circulated to delegations not later than 24 hours in advance. The Chairperson may, however, permit the discussion and consideration of amendments to proposals or of procedural motions even though those amendments or motions have not been circulated or have been circulated only the same day.

2. Proposals for amending the Convention, including its annexes, shall be submitted to the secretariat at least 120 days before the meeting at which they are proposed for adoption, so that the secretariat can communicate them to the Parties at least ninety days before the meeting, in accordance with article 14 of the Convention.

Rule 32

Subject to rule 29, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn debate on a question under discussion;
- (d) For closure of the debate on a question under discussion.

Rule 33

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal or motion has not been amended. A proposal or motion that has been withdrawn may be reintroduced by any other Party.

Rule 34

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Meeting, by a three-quarters majority of the Parties present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and to one speaker against, after which it shall immediately be put to the vote.

DECISION-MAKING

Rule 35

The Meeting of the Parties shall make every effort to reach its decisions by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the decision shall, as a last resort, be taken by voting.

Rule 36

1. For decisions other than those on amendments to the Convention or to these rules, or on whether to reconsider an issue which has been adopted or rejected at the same meeting, if two or more proposals relate to the same question, the Meeting of the Parties may decide to hold a multi-option preference vote in which the Parties indicate their preferences with respect to the proposals which have been made. Proposals for amendments to proposals may be considered as alternative proposals for this purpose. The proposal having gained the highest average preference shall be considered to have been adopted. The procedure for holding such a multi-option vote is described in annex I. 1/

2. The method described in paragraph 1 may also be used to provide an indicative result for all types of decision.

Rule 37

1. When decisions of the Meeting of the Parties on substantive matters, except those involving amendment of these rules of procedure, cannot be reached by consensus or by the procedure referred to in rule 36, their

adoption shall require a three-fourths majority vote of the Parties present and voting at the meeting. Decisions on amendments to the Convention shall in any case require confirmation by a three-fourths majority, in accordance with article 14.

2. When decisions of the Meeting of the Parties on procedural matters cannot be reached by consensus or by the procedure referred to in rule 36, their adoption shall require a simple majority vote of the Parties present and voting at the meeting.

3. If the question arises whether a matter is one of a procedural or substantive nature, the Chairperson shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the Chairperson's ruling shall stand unless overruled by a simple majority of the Parties present and voting.

4. Except as provided for in paragraph 5 of this rule, each Party shall have one vote under this rule.

5. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

6. For the purposes of these rules, "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

Rule 38

If two or more proposals relate to the same question and the Meeting does not use the procedure set out under rule 36, or uses it for indicative purposes only, the Meeting shall, unless it decides otherwise, decide on the proposals in the order in which they have been submitted. The Meeting may, after each decision on a proposal, decide whether or not to take a decision on the next proposal.

Rule 39

1. Any representative may request that any part of a proposal or of an amendment to a proposal be decided on separately. If objection is made to the request for division, the Chairperson shall permit two representatives to speak, one in favour of and the other against the motion, after which a

decision shall immediately be taken on it.

2. If the motion referred to in paragraph 1 is adopted, those parts of a proposal or of an amendment to a proposal which have been approved shall then be decided on as a whole. If all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

Rule 40

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises that proposal. Where the Meeting does not use the procedure under rule 36, it shall decide on an amendment before it decides on the proposal to which it relates, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 41

If two or more amendments to a proposal are moved, the Meeting shall, where it does not use the procedure under rule 36, first decide on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been decided on.

Rule 42

Voting on a single proposal shall normally be by show of hands. A roll call shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the meeting, beginning with the Party whose name is drawn by lots by the Chairperson.

Rule 43

The vote of each Party participating in a vote by roll call shall be recorded in the report of the meeting.

Rule 44

After the Chairperson has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of voting. The Chairperson may permit the Parties to explain their votes, either before or after the voting, and may limit the time allowed for such explanations.

Rule 45

In the absence of consensus, the elections referred to in rules 18, 22 and 23 shall be decided by means of a secret ballot using the system of proportional representation described in annex II. 2/ No other decisions shall be taken by secret ballot.

OFFICIAL LANGUAGES

Rule 46

The official languages of the Meeting of the Parties shall be English, French and Russian.

Rule 47

1. Statements made in an official language of the Meeting shall be interpreted into the other official languages.
2. A representative may speak in a language other than an official language of the Meeting, if he or she provides for interpretation into one of the official languages.

Rule 48

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

AMENDMENTS TO RULES OF PROCEDURE

Rule 49

Amendments to these rules of procedure shall be adopted by consensus of the Meeting of the Parties.

OVERRIDING AUTHORITY OF THE CONVENTION

Rule 50

In the event of a conflict between any provision of these rules and any provision of the Convention, the provision of the Convention shall prevail.

Notes

1/ An annex setting out a simple voting procedure for determining preferences between two or more proposals would be added.

2/ An annex describing a system of voting aimed at proportional representation which is particularly suited to bodies of this scale would be added.