



Economic and Social Council

Distr.: General
27 September 2010

Original: English

Economic Commission for Europe

Executive Body for the Convention on Long-range Transboundary Air Pollution

Twenty-eighth session

Geneva, 13–17 December 2010

Item 11 of the provisional agenda

Draft rules of procedure

Draft rules of procedure for sessions of the Executive Body for the Convention on Long-range Transboundary Air Pollution

I. Purpose

Rule 1

These rules of procedure shall apply to any session of the Executive Body to the Convention on Long-range Transboundary Air Pollution convened in accordance with article 10, paragraph 1, of the Convention.

II. Definitions

Rule 2

For the purpose of these rules:

1. “Convention” means the Convention on Long-range Transboundary Air Pollution, adopted in Geneva, Switzerland, on 13 November 1979.
2. “Parties” means Parties to the Convention.
3. “Session” means the session of the Executive Body established in accordance with article 10, paragraph 1, of the Convention.
4. “Regional economic integration organization” means a regional economic integration organization referred to in article 14, paragraph 1, of the Convention.
5. “Chair” means the chair elected in accordance with rule 17 of these rules of procedure.

6. "Bureau" means the Bureau referred to in rule 20 of these rules of procedure.
7. "Subsidiary body(-ies)" means the Working Group on Strategies and Review, the Working Group on Effects and the Steering Body to the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP).
8. "Secretariat" means, in accordance with article 11 of the Convention, the Executive Secretary of the United Nations Economic Commission for Europe (UNECE).

III. Place and date of meetings

Rule 3

The sessions of the Executive Body shall be held at the United Nations Office at Geneva, unless the Parties decide otherwise, on dates fixed by the Executive Body at previous meetings and after consultation with the secretariat.

IV. Notification, agenda and documentation

Rule 4

1. The secretariat shall notify all Parties in the working languages of the UNECE of the date and venue of a session at least six weeks before the session is to take place.
2. The secretariat shall also provide notification in the working languages of the UNECE of any session, including information on the date and venue, at least six weeks before the session is due to take place to:
 - (a) States and regional economic integration organizations that are signatories to the Convention, but have yet to become Parties;
 - (b) Any State or regional economic integration organization which is entitled under article 15, paragraph 2, of the Convention to accede to it and has requested to be so notified.

Rule 5

The secretariat shall, in cooperation with the bureau, prepare the provisional agenda for each session.

Rule 6

1. The provisional agenda for each ordinary session shall include:
 - (a) The items whose inclusion was decided at a previous session;
 - (b) Any item proposed by the Bureau;
 - (c) Any item proposed by a Party before the provisional agenda is circulated;
 - (d) Any item proposed by a subsidiary body;
 - (e) Any item arising from the articles of the Convention or its Protocols; and

- (f) The proposed budget as well as all questions pertaining to the accounts and financial arrangements;
 - (g) Election of Officers.
2. The first item on the provisional agenda for each session shall be the consideration and adoption of the agenda.

Rule 7

The provisional agenda, together with any supporting documents for the session, shall be distributed by the secretariat to the Parties and to the other States and organizations referred to in rule 4 at least six weeks before the opening of the session.

Rule 8

The secretariat shall, at the request of a Party or the Bureau and with the agreement of the Chair, include in an addendum to the provisional agenda any issue suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the ordinary session. The Executive Body shall examine the addendum together with the provisional agenda.

Rule 9

The Executive Body, when adopting the agenda, may add, delete, defer or amend items. Once a session has begun, only items that the Executive Body considers to be urgent and important may be added to the agenda.

Rule 10

1. All notifications and official meeting documentation prepared in connection with sessions of the Executive Body or of subsidiary bodies shall be distributed by electronic means, unless there are specific reasons requiring the use of other communication methods.
2. All such notifications and documentation shall be placed on the UNECE website when distributed to the Parties.

V. Representation and credentials

Rule 11

Each Party participating in the session 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 12

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

Rule 13

The credentials of all representatives shall be submitted to the secretariat at the latest 24 hours after the opening of the session. Notification of any subsequent change in the composition of the delegation shall also be submitted to the secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Rule 14

Pending a decision on their credentials, delegates may participate provisionally in the meeting but not vote. The right to participate in the meeting shall not extend to persons whose credentials the Executive Body has decided are unacceptable.

Rule 15

The officers of any session shall examine the credentials and report on them to the Executive Body.

VI. Observers

Rule 16

1. Representatives of the States and organizations identified in rule 4, paragraph 2(a), shall be entitled to participate in the proceedings of any session governed by these rules. Representatives of any State or regional economic integration organization that is entitled under article 15, paragraph 2, of the Convention to accede to it shall also be entitled to participate in such sessions, regardless of whether it has requested to be notified of such sessions.

2. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the secretariat of its wish to be represented at a session as an observer, may be so admitted, unless at least one third of the Parties present at the session object.

3. Such observers may, upon invitation of the Chair, participate in the proceedings of any session in matters of direct concern to the body or agency they represent, unless at least one third of the Parties present at the session object.

4. Observers entitled to participate in sessions pursuant to this rule do not have the right to vote at such sessions.

VII. Officers

Rule 17

1. At the end of each ordinary session, a chair and three vice-chairs shall be elected from among the representatives of the Parties present at the session. The chair and vice-chairs shall serve as the officers of the Executive Body until their successors have been elected. The chair and vice-chairs shall be eligible for re-election, but may not serve more

than two consecutive terms, a term of office being from the end of one ordinary session of the Executive Body until the end of the subsequent session, unless, in exceptional circumstances, the Executive Body decides otherwise.

2. The Chair shall participate in the session in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Chair or the Party concerned may designate another representative who shall be entitled to represent the Party in the session and to exercise the Party's right to vote.

Rule 18

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

- (a) Declare the opening and closing of the session;
- (b) Preside over the session;
- (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 Chair 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 session.

3. The Chair, in the exercise of his or her functions, remains under the authority of the Executive Body.

Rule 19

If the Chair is temporarily absent from a session or any part thereof or is unable to complete his or her term of office or to perform his or her functions, a Vice-Chair shall act as Chair.

Rule 20

1. The Bureau consists of the Chair of the Executive Body and the three Vice-Chairs, along with the Chairs of the subsidiary bodies and the Implementation Committee.

2. The Bureau shall be chaired by the Chair of the Executive Body or, in his or her absence, by a Vice-Chair.

3. If a Vice-Chair of the Executive Body resigns or is otherwise unable to complete the assigned term of office or to perform the functions of the office, a representative of the

same Party shall be named by the Party concerned to replace the said member for the remainder of that member's mandate.

VIII. Subsidiary bodies

Rule 21

1. These rules of procedure shall apply *mutatis mutandis* to the proceedings of subsidiary bodies, save as otherwise specified in paragraphs 2 to 7 below or decided by the Executive Body.
2. The Executive Body shall determine the matters to be considered by the subsidiary bodies and shall establish their terms of reference and programmes of work.
3. The Executive Body may decide the periodicity of meetings for any subsidiary body in the period between ordinary sessions.
4. Unless the Executive Body decides otherwise, each subsidiary body shall elect its own chair and vice-chair(s).
5. Rules 11 to 15, 29 and 30 shall not apply to the proceedings of subsidiary bodies.
6. Recommendations of subsidiary bodies shall be made by consensus of the Parties present.
7. These Rules shall not apply to bodies established by subsidiary bodies.

IX. Secretariat

Rule 22

The Executive Secretary of the UNECE shall act as secretariat for all sessions of the Executive Body and for all sessions of the subsidiary bodies. He or she may delegate his or her functions to a member of his or her staff.

Rule 23

For all sessions of the Executive Body and for all sessions of the subsidiary bodies and in accordance with article 11 of the Convention, the secretariat shall, *inter alia*:

- (a) Prepare, in consultation with the Bureau, the documentation for the session;
- (b) Arrange for the translation, reproduction and distribution of the documents;
- (c) Make the necessary arrangements for meetings;
- (d) Discharge any other functions assigned to it by the Executive Body.

X. Conduct of business

Rule 24

1. No one may speak at a meeting without having previously obtained the permission of the Chair. The representatives of the States and organizations entitled to participate under rule 6 shall be entitled to seek to address the Executive Body under each agenda item and, having made such a request, shall be included on the list of speakers. The Chair may call a speaker to order if the latter's remarks are not relevant to the subject under discussion.
2. The Executive Body may, on a proposal from the Chair 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 Chair shall call him or her to order without delay.
3. The Executive Secretary of the UNECE, or his or her representative, may at any session make either oral or written statements concerning any question under consideration.

Rule 25

An officer of a subsidiary body may be invited to present and explain the conclusions and recommendations arrived at by that subsidiary body.

Rule 26

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 Chair in accordance with these rules. A representative of a Party may appeal against the ruling of the Chair. The Chair may then, following consultation if he or she so desires, 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 27

Any motion calling for a decision on the competence of the Executive Body 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 28

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 session unless copies of it have been circulated to delegations not later than 24 hours in advance. The Executive Body may, however, on a proposal from the Chair, 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 or its Protocols shall be submitted to the secretariat at least four months before the session at which they are proposed for adoption, so that the secretariat can communicate them to the Parties in the official languages of the UNECE at least three months before the session, in accordance with article 12 of the Convention and the relevant articles of its Protocols.

XI. Decision making

Rule 29

1. The Executive Body shall make every effort to reach its decisions by consensus, being the absence of a formal objection by a Party to the Convention or to one of its Protocols, as appropriate.
2. For the purpose of decision making, a majority of the Parties to the Convention or to one of its Protocols, as appropriate, shall constitute a quorum.
3. If all efforts to reach consensus have been exhausted and no agreement reached, decisions on substantive matters shall, as a last resort, be taken by a three-fourths majority vote of the Parties present and voting, except where the Convention, applicable Protocol or these Rules provide otherwise.
4. When decisions of the Executive Body on procedural matters cannot be reached by consensus, their adoption shall require a simple majority vote of the Parties present and voting at the session.
5. If the question arises whether a matter is one of a procedural or substantive nature, the Chair shall rule on the question. An appeal against this ruling shall immediately be put to the vote, and the Chair's ruling shall stand unless overruled by a three-fourths majority of the Parties present and voting.
6. For the purposes of this rule, "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.
7. Except as provided for in paragraph 8 of this rule, each Party shall have one vote.
8. 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 to the Convention or to the Protocol in question, as appropriate. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Rule 30

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

XII. Languages

Rule 31

1. Statements made in a working language of the UNECE shall be interpreted into the other working languages.

2. A representative may speak in a language other than a working language of the UNECE, if he or she provides for interpretation into one of the working languages.

Rule 32

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

XIII. Amendments to rules of procedure

Rule 33

Amendments to these rules of procedure shall be adopted by consensus of the Executive Body.

XIV. Overriding authority of the Convention and its Protocols

Rule 34

In the event of a conflict between any provision of these rules and any provision of the Convention or one of its Protocols, the provision of the Convention or the Protocol, as appropriate, shall prevail.

Annex

Draft decision for the Executive Body

Rules of procedure

The Executive Body for the Convention on Long-range Transboundary Air Pollution,

Recognizing the need to develop specific rules of procedure to aid the effective operation of the Convention and its Protocols,

Recalling its request at its twenty-seventh session to the group of legal experts to draft rules of procedure for the Convention and its Protocols and to submit them for consideration at the twenty-eighth session in 2010,

1. *Decides* to adopt the rules of procedure set out in the annex to this decision;
 2. *Further decides* that the rules of procedure shall henceforth apply to sessions of the Executive Body and to meetings of the Working Group on Strategies and Review, the Working Group on Effects and the Steering Body of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP).
-