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## **Economic Commission for Europe**

### **Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**

#### **First session**

Geneva, 20–22 April 2010

## **Decision I/1**

### **Rules of Procedure**

**As adopted on 22 April 2010 (advance unedited copy)**

*The Meeting of the Parties,*

*Recalling* article 17, paragraph 2 (g), of the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, which stipulates that the Meeting shall at its first session consider and by consensus adopt rules of procedure,

*Noting* that article 17, paragraph 2 (g), further stipulates that such rules are to be considered and adopted taking into account any rules of procedure adopted under the Convention,

*Recalling also* that article 17, paragraph 5, of the Protocol provides that any non-governmental organization qualified in the fields to which the Protocol relates shall, subject to certain procedures, be entitled to participate as an observer at sessions of the Meeting of the Parties,

*Further noting* that it is open to the Bureau of the Meeting of the Parties to invite whomsoever it chooses, including any Signatory or non-governmental organization qualified or having an interest in the fields to which the Protocol relates, to attend its meetings and assist it in its deliberations, and encouraging the Bureau to do so where appropriate,

1. *Adopts* the rules of procedure as set out in the annex to this decision;
2. *Encourages* the Bureau to invite two representatives put forward by non-governmental organizations qualified or having an interest in the fields to which the Protocol relates, to provide information at its first meeting on how these organizations can assist the Bureau, where appropriate, in its deliberations. Any such invitation shall extend to one representative of environmental non-governmental organizations and one representative of non-governmental organizations representing industry;
3. *Requests* the Bureau to consider, in the light of its experience, whether it would benefit from the presence of permanent observers at its meetings;
4. *Further requests* the Bureau to report on this to the third session of the Meeting of the Parties.

## Annex

### **Rules of Procedure of the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**

#### **I. Purpose**

##### Rule 1

These rules of procedure shall apply to any session of the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters convened in accordance with article 17, paragraph 1, of the Protocol.

#### **II. Definitions**

##### Rule 2

For the purpose of these rules:

1. "Protocol" means the Protocol on Pollutant Release and Transfer Registers to the Convention adopted at Kiev on 21 May 2003;
2. "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;
3. "Party" means a State or organization referred to in article 2, paragraph 1, of the Protocol;
4. "Meeting of the Parties" or "Meeting" means the Meeting of the Parties established in accordance with article 17, paragraph 1, of the Protocol;
5. "Regional economic integration organization" means a regional economic integration organization referred to in article 24 of the Protocol;
6. "Chair" means the Chair elected in accordance with rule 18 of these rules of procedure;
7. "Bureau" means the Bureau established in accordance with rule 22 of these rules of procedure;
8. "Subsidiary body" means a body established by the Meeting of the Parties in accordance with rule 23 of these rules of procedure;
9. "Secretariat" means, in accordance with article 21 of the Protocol, the Executive Secretary of the United Nations Economic Commission for Europe (UNECE);
10. "The public" means the public as defined in article 2, paragraph 3, of the Protocol.

### **III. Place and date of meetings**

#### Rule 3

The sessions of the Meeting of the Parties shall be held at the United Nations Office at Geneva, unless the Parties decide otherwise.

#### Rule 4

1. Ordinary sessions of the Meeting of the Parties shall be held sequentially with or parallel to ordinary meetings of the Parties to the Convention, unless the Parties decide otherwise, in accordance with article 17, paragraph 1, of the Protocol.

2. At each ordinary session, the Meeting of the Parties shall endeavour to set the indicative date for its next session.

3. Extraordinary sessions of the Meeting of the Parties shall be convened at such times as may be deemed necessary by the Meeting of the Parties, or at the written request of a Party pursuant to article 17, paragraph 1, of the Protocol.

4. In the case of an extraordinary session convened at the written request of a Party pursuant to article 17, paragraph 1, of the Protocol, it shall be convened not more than 90 days after the date on which the request is supported by at least one third of the Parties.

### **IV. Notification**

#### Rule 5

1. The secretariat shall notify all Parties in the official languages of the Meeting 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 official languages of the Meeting 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 Protocol but have yet to become Parties;

(b) Any State or regional economic integration organization which is entitled under article 26, paragraph 2, of the Protocol to accede to it and has requested to be so notified;

(c) The United Nations, its specialized agencies and the International Atomic Energy Agency;

(d) Relevant intergovernmental organizations, qualified or having an interest in the fields to which the Protocol relates, that have requested to be so notified;

(e) Relevant non-governmental organizations, qualified or having an interest in the fields to which the Protocol relates, that have requested to be so notified;

(f) Any member of the public who has requested to be so notified.

3. Unless there are specific reasons requiring the use of other communication methods, notification by electronic mail shall be considered sufficient for the purposes of this rule, provided receipt of the electronic mail is acknowledged by the recipient.

## **V. Observers**

### Rule 6

1. Representatives of the States and organizations identified in rule 5, paragraph 2 (a), (c) and (d), 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 26, paragraph 2, of the Protocol 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. Representatives of any of the organizations referred to in rule 5, paragraph 2 (e), shall be entitled to participate in the proceedings of any session governed by these rules, unless one third of the Parties present at that session object to the participation of representatives of that organization.

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

## **VI. Presence of the public**

### Rule 7

1. The sessions of the Meeting of the Parties shall be open to members of the public, unless the Meeting of the Parties, in exceptional circumstances, decides otherwise specially to protect the confidentiality of information pursuant to the Protocol.

2. Where it is not feasible to accommodate in the meeting room all the members of the public who have requested to attend the session, the proceedings of the session shall be relayed to those members of the public using audio-visual equipment wherever possible.

3. The secretariat and, if the session is 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 realization of the entitlements of members of the public under this rule.

## **VII. Agenda and documentation**

### Rule 8

With the agreement of the Bureau, the secretariat shall prepare the provisional agenda of each session.

### Rule 9

1. The provisional agenda of each ordinary session shall include:

- (a) The items specified in article 17, paragraph 2, of the Protocol, where relevant;
- (b) The items whose inclusion was decided at a previous session;
- (c) Any item proposed by the Bureau or the secretariat;
- (d) Any item proposed by a Party before the provisional agenda is circulated;
- (e) The date and venue of the next session;
- (f) Any item proposed by a subsidiary body.

2. When the Meeting of the Parties decides to convene an extraordinary session, it shall also decide upon the provisional agenda for the extraordinary session.

3. The provisional agenda for an extraordinary session convened at the request of a Party pursuant to article 17, paragraph 1, of the Protocol shall consist only of those items proposed for consideration in the request.

4. The first item on the provisional agenda for each session shall be the consideration and adoption of the agenda.

#### Rule 10

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, organizations and bodies referred to in rule 6 at least six weeks before the opening of the session. In this regard, the provisions of rule 5, paragraph 3, shall apply, except that no acknowledgement of receipt shall be necessary.

#### Rule 11

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 Meeting shall examine the addendum together with the provisional agenda.

#### Rule 12

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.

#### Rule 13

1. All official meeting documentation prepared in connection with meetings of the Parties or of subsidiary bodies, and the notification under rule 5, shall be placed on the UNECE website when sent to the Parties and shall be provided to members of the public on request.

2. 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.

### **VIII. Representation and credentials**

#### Rule 14

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 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 session. Notification of any subsequent change in the composition of the delegation shall also be submitted to the secretariat.

Rule 17

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

**IX Officers**

Rule 18

1. At each ordinary session, a Chair and two Vice-Chairs shall be elected from among the representatives of the Parties present at the session. They shall serve as the officers of the Meeting until their successors have been elected.

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. In such a case, 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 19

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 Meeting of the Parties.

Rule 20

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 21

At the outset of each ordinary session, the Chair elected at the previous ordinary session or, in his or her absence, the Vice-Chair referred to in rule 20 shall preside until the Meeting has elected a new Chair.

**Rule 22**

1. A bureau shall be established consisting of seven members, as follows:
  - (a) The officers referred to in rule 18;
  - (b) Representatives of other Parties.

At each ordinary session of the Meeting of the Parties, following the election of the officers, the remaining members of the Bureau shall be elected by the Parties present at the session.

3. Except for the first session of the Meeting of the Parties, when members shall serve from the beginning of the session, all the members of the Bureau shall serve from the end of the ordinary session at which they are elected until the end of the next ordinary session of the Meeting of the Parties, this being one term of office. The members of the Bureau shall be eligible for re-election but may not serve three consecutive terms. In electing the Bureau members, due account shall be taken of the need to ensure a balanced geographical representation.

4. The Bureau shall be chaired by the Chair of the Meeting of the Parties or, in his or her absence, by a Vice-Chair.

5. If a member of the Bureau 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.

6. The agenda for and minutes of Bureau meetings, where available, shall be placed on the UNECE website and shall be provided to members of the public up on request, in accordance with the procedure set out in rule 13.

**X. Subsidiary bodies****Rule 23**

1. The Meeting of the Parties may establish such subsidiary bodies as it deems necessary, in accordance with article 17, paragraph 2 (e), of the Protocol. 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 paragraphs 3 to 7 below or decided by the Meeting of the Parties.

3. The Meeting of the Parties shall determine the matters to be considered by its subsidiary bodies and shall 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 sessions.

5. Unless the Meeting of the Parties decides otherwise, each subsidiary body shall elect its own Chair and Vice-Chair(s).

6. Rules 14 to 17 shall not apply to the proceedings of subsidiary bodies.

7. The provisions of rule 5, paragraph 3, shall apply, except that no acknowledgement of receipt shall be necessary.

## **XI. Secretariat**

### Rule 24

The Executive Secretary of UNECE shall act as secretariat for all sessions of the Meeting of the Parties 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 25

For all sessions of the Meeting of the Parties and for all sessions of the subsidiary bodies and in accordance with article 21 of the Protocol, 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 session;
- (d) Arrange for the custody and preservation of the documents in the archives of UNECE.

## **XII. Conduct of business**

### Rule 26

The Chair may declare a session 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 session without having previously obtained the permission of the Chair. 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 Chair 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 observers. The secretariat shall be in charge of drawing up a list of such speakers. The Chair may call a speaker to order if the latter's remarks are not relevant to the subject under discussion.

2. The Meeting 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 UNECE, or his or her representative, may at any session make either oral or written statements concerning any question under consideration.

4. The Chair may request representatives of two or more non-governmental organizations having common goals and interests in so far as the subject matter of the Protocol is concerned to form 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 Chair of the Meeting of the Parties to explain 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 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. When raising a point of order, a representative may not 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 session unless copies of it have been circulated to delegations not later than 24 hours in advance. The Chair 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 Protocol, including its annexes, shall be submitted to the secretariat at least eight 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 Meeting of the Parties at least six months before the session, in accordance with article 20 of the Protocol.

#### Rule 32

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

2. Permission to speak on a motion falling within paragraph 1 shall be granted only to the proposer and, in addition, to one speaker in favour of and two opposing the motion, after which it shall immediately be put to the vote.

#### 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 session, unless the Meeting, by a three-fourths 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 opposing the motion, after which it shall immediately be put to the vote.

### **XIII. Decision-making**

#### Rule 35

1. The Meeting of the Parties shall make every effort to reach its decisions by consensus.
2. 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 Protocol or rule 47 provides otherwise.
3. When decisions of the Meeting of the Parties 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.
4. If the question arises whether a matter is of a procedural or of a 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 simple majority of the Parties present and voting.
5. For the purpose 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 36

If two or more proposals relate to the same question, 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 37

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 Chair 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 38

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from or revises that proposal. The Meeting 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 39

If two or more amendments to a proposal are moved, the Meeting shall 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 40**

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 session, beginning with the Party whose name is drawn by lots by the Chair.

**Rule 41**

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

**Rule 42**

After the Chair 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 Chair may permit the Parties to explain their votes, either before or after the voting, and may limit the time allowed for such explanations.

**Rule 43**

In the absence of consensus, the elections referred to in rules 18, 22 and 23 shall be decided by means of a secret ballot.

**XIV. Official languages****Rule 44**

The official languages of the Meeting of the Parties shall be English, French and Russian and, where other States that are members of the United Nations and regional economic integration organizations outside the UNECE subregion accede to the Protocol, any other official language of the United Nations that the Meeting of the Parties decides to be appropriate.

**Rule 45**

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 46**

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

**XV. Amendments to the rules of procedure****Rule 47**

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

## **XVI. Overriding authority of the Protocol**

### Rule 48

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

## **XVII. Synergies**

### Rule 49

1. In order to enhance synergies, coordination and cooperation between the Meetings of the Parties to the Convention and the Protocol and their respective bureaux, the Meeting of the Parties to the Protocol may request the Bureau to communicate as appropriate with the Bureau of the Convention and report back to the Meeting, including with recommendations as appropriate.

2. The Meeting of the Parties to the Protocol may request the Bureau and the secretariat to communicate as appropriate with bodies under other relevant multilateral environmental agreements and international processes.

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