



**Commented [R1]:** Formatting code for this document: All proposed additions are indicated in track change mode. All proposed deletions are indicated with strikethroughs. The bubbles in this column indicate who made the proposed revisions or include comments received by Parties.

## Economic Commission for Europe

### Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents

#### Eleventh meeting

Geneva, 7–9 December 2020

Item 1 of the provisional agenda

#### Opening of the meeting and adoption of the agenda and operating procedures

### Updated ~~D~~raft operating procedures to facilitate remote participation and decision-making in meetings of the eleventh meeting of the Conference of the Parties due to the extraordinary circumstances caused by the COVID-19 pandemic

**Commented [R2]:** Russian Federation proposed revision

**Commented [R3]:** Russian Federation and European Union proposed revision

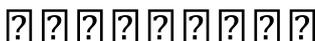
Submitted by the Bureau of the Conference of the Parties

#### Summary

In the light of the coronavirus disease (COVID-19) pandemic, the Bureau has become aware of challenges in organizing intergovernmental meetings under extraordinary circumstances. Infection control measures and travel restrictions prevent or limit Parties from physically participating in meetings. At its forty-third meeting (Geneva (online), 16 and 17 June 2020), the Bureau discussed options for the organization of the meeting of the Conference of the Parties under COVID-19 measures and restrictions, and recognized the importance of operating procedures to facilitate remote participation and decision-making. It agreed that draft operating procedures should be prepared to that effect.<sup>a</sup>

At its forty-fourth meeting (Geneva (online), 18 September 2020), the Bureau endorsed the draft operating procedures, on the basis of a draft prepared by the secretariat, for review and adoption by the Conference of the Parties.<sup>b</sup> In the case of the pandemic or other extraordinary circumstances preventing or limiting Parties from physically participating in meetings, the operating procedures could be regarded as a supplement to the Rules of Procedure for the Meeting of the Conference of the Parties (ECE/CP.TEIA/37) to facilitate remote participation and decision-making, while ensuring that their provisions are respected. The present document was prepared by the secretariat in accordance with the rules, procedures and practices of meetings under the Convention on the Transboundary Effects of Industrial Accidents and adjusted in accordance with comments received by ~~by~~ from the Bureau. It was also prepared taking into consideration international good practices and procedures adopted and applied by other United Nations intergovernmental bodies for taking decisions

**Commented [R4]:** The summary box was updated by the secretariat, with reference to the Parties which submitted comments and the use of the advance circulation procedure part of the operating procedures.



remotely due to the extraordinary circumstances related to the pandemic, including other ECE multilateral environmental agreements. Its content has been consulted with the United Nations Office of Legal Affairs.

Parties ~~are~~ were invited to communicate any comments they ~~may have had~~ on the present document to the Chair and secretariat ~~as soon as possible and not no~~ later than four weeks in advance of the eleventh meeting of the Conference of the Parties, ~~that is to say~~, by 9 November 2020 (via email to [ece-teia.conv@un.org](mailto:ece-teia.conv@un.org)). The present document includes the consolidated revisions and comments received from the Russian Federation and one comment received from the European Union, following their informal discussion with the Chair and the secretariat, in accordance with the advance circulation procedure contained in these draft operating procedures (original draft contained in ECE/CP.TEIA/2020/11 and updated version ECE/CP.TEIA/2020/L.5 contained in the present document). This will enable updated operating procedures, comprising eventual proposals for text communicated by the Parties, to On this basis, it is expected that be presented in advance of and during the session, and a consensus to be reached on the operating procedures can be reached and they to be adopted at the beginning of the meeting.

<sup>a</sup> See CP.TEIA/2020/B.1/Minutes, para. 5, available at <http://www.unece.org/index.php?id=53224>.

<sup>b</sup> See CP.TEIA/2020/B.2/Minutes, available at <http://www.unece.org/index.php?id=55047>.

## I. Introduction

1. The present document provides operating procedures intended to facilitate the conduct of the eleventh meetings of the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents, and subsequent meetings of its Bureau and subsidiary bodies (see paragraphs 7 and 8) before the twelfth meeting of the Conference of the Parties with remote participation and decision-making due to extraordinary circumstances caused by the COVID-19 pandemic (hereinafter “operating procedures”). The purpose of the operating procedures is to clarify the proceedings for meetings with remote participation in extraordinary circumstances, ~~such as~~ during the pandemic, in advance of such meetings. They supplement the Rules of Procedure for the Meeting of the Conference of the Parties (ECE/CP.TEIA/37) (hereinafter “rules of procedure” or, in referring to a specific rule contained therein, “rule”).

2. Paragraph 3 (g) of the Terms of Reference of the Bureau (see ECE/CP.TEIA/32/Add.1, decision 2016/3) provides that the Bureau, with the assistance of the secretariat, shall prepare the meetings of the Conference of the Parties in an effective and transparent manner and, for that purpose, collectively reach out to and consult with all Parties and other stakeholders, as appropriate. Accordingly, the Bureau, endorsed the operating procedures, prepared with the assistance of the secretariat, and circulated them to all Parties, with a recommendation that these be adopted at the Conference of the Parties.

## II. Definitions

3. For the purposes of the operating procedures:

(a) “Remote participation” means participation in meetings through an Internet or telephone connection to the virtual meeting platform, whereby representatives can remotely hear other participants and address the meetings;

(b) “Meeting with remote participation” means an ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with article 18 of the Convention, including:

**Commented [R5]:** Russian Federation proposed revision

**Commented [R6]:** European Union and Russian Federation proposed revision

**Commented [R7]:** Russian Federation proposed revision and comment:  
“We propose to delete telephone connection because it is difficult to verify the person connected.”

- (i) A hybrid meeting, with the option of in-person or remote participation, or a virtual meeting;<sup>1</sup>
- (ii) English, French and Russian translations of official documents made available on the web page prior to the meeting convening, in accordance with rule 49; and
- (iii) Conduct of the meeting in English, French and Russian, in accordance with rule 48.

### III. Guiding principles of the operating procedures

4. The operating procedures shall supplement the rules of procedure to ensure that Parties retain the same rights, privileges and protections afforded to them in meetings with only in-person participation.

5. The rules of procedure shall continue to apply in full and take precedence over any operating procedures contained in the present document.

6. Observers, as recognized under rules 6 and 7, may participate in meetings with remote participation without the right to make decisions or to vote.

7. As set out in rule 22, the rules of procedures shall apply mutatis mutandis to the proceedings of the Bureau, with the exceptions of rules 14 to 18 and 47, 48 and 49. Where extraordinary circumstances prevent or limit participants from physically participating in proceedings of the Bureau before the twelfth meeting of the Conference of the Parties, the operating procedures shall also apply mutatis mutandis to the meetings of the Bureau, with the same exceptions and excluding sections V, VII and VIII of the present document.

8. As set out in rule 23, the rules of procedures shall apply mutatis mutandis to the proceedings of subsidiary bodies, with the exceptions of rules 14 to 18 and paragraph 2 of rule 27. Where extraordinary circumstances prevent or limit participants from physically participating in the proceedings of subsidiary bodies before the twelfth meeting of the Conference of the Parties, the operating procedures shall also apply mutatis mutandis to the meetings of subsidiary bodies, with the same exceptions and excluding sections V, VII and VIII of the present document.

9. For meetings with remote participation, the Chair shall exercise the same functions as those set out in rule 20. If the Chair is absent from a meeting or is unable to complete his/her term of office or perform his/her functions, including due to extraordinary circumstances or to connection failure to the virtual meeting platform on his/her side, a Vice-Chair shall act as Chair, in accordance with rule 21.

10. In accordance with rule 47, the official languages of the Conference of the Parties shall be English, French and Russian. As for ordinary and extraordinary meetings, statements made during meetings with remote participation in an official language shall be interpreted into the other official languages. Official documents of the Conference of the Parties for meetings with remote participation shall be drawn up in one of the official languages and translated into the other official languages.

11. Parties should make use of the “advance circulation procedure” provided for in paragraph 23 below to ensure that all efforts are pursued to achieve a consensus at meetings with remote participation and decision-making.

### IV. Place of meetings with remote participation and decision-making

12. In accordance with rule 3, ordinary meetings shall be held at the United Nations Office at Geneva, unless other appropriate arrangements are made by the Parties in consultation with the secretariat. The same shall apply to meetings with remote participation. Extraordinary

<sup>1</sup> Including a meeting where the Chair and the secretariat participate in-person, possibly in addition to one or both Vice-Chairs.

**Commented [R8]:** The Russian Federation proposed to specify the temporal scope of the document here.

**Commented [R9]:** In view of the Russian Federation's proposed addition of a new section below, the secretariat updated this Section number accordingly and added, in agreement with the Russian Federation, an exclusion of the new Section VII on Interventions (as such, e.g. time limits do not refer to meetings of the Bureau).

**Commented [R10]:** The Russian Federation proposed to specify the temporal scope of the document here.

**Commented [R11]:** In view of the Russian Federation's proposed addition of a new section below, the secretariat updated this Section number accordingly and added, in agreement with the Russian Federation, an exclusion of the new Section VII on Interventions (as such, e.g. time limits do not refer to meetings of the subsidiary bodies).

meetings, including those with remote participation, shall also be held at the United Nations Office at Geneva, unless other appropriate arrangements are made by the Bureau in consultation with the secretariat.

## V. Registration and credentials for remote participants

13. All representatives in meetings with remote participation shall pre-register through a form sent by the secretariat to participants and, in the case of hybrid meetings, therein indicate their intent to participate either remotely or in-person. The email address provided in the registration form will be that used by the secretariat for communications related to meetings in advance of and during meetings.

14. Copies of the credentials of all representatives of Parties intending to participate in meetings with remote participation shall be submitted electronically via email through their Permanent Mission in Geneva to the secretariat as soon as possible and at least ten days in advance of meetings, or by the date otherwise indicated by the secretariat. The originals of credentials shall be submitted to the secretariat through Permanent Missions by post<sup>2</sup> or in person prior to or at the beginning of meetings or, in extraordinary circumstances that prevent such submissions from being made, as soon as possible thereafter.

15. The provisional agenda of and/or invitations to meetings may further specify the operating procedures of paragraphs 13 and 14, including indications of dates and other information concerning registration and credentials.

16. The secretariat shall communicate information on remote participation in advance of meetings, including logistical and practical information on the means of connecting to the virtual platform and remotely hearing other participants and addressing the meetings, to all pre-registered representatives.

17. All pre-registered participants intending to participate remotely should test their audio and video connections in advance of meetings, to ensure that they are able to participate remotely.

## VI. Conduct of business for determining a quorum with remote participation

18. In accordance with rule 27, the Conference of the Parties can only make decisions if more than half of the Parties are represented. For meetings with remote participation, representation shall be established through both in-person and remote participation.

19. For Parties represented through remote participation, the Chair shall establish Party presence through the Party representatives' ~~Internet or telephone connection~~ **secured access** to the virtual meeting platform.

**Commented [R12]:** Russian Federation proposed revision

20. A check shall be carried out to ensure that a quorum has been secured at the opening of meetings — specifically before the report on credentials is delivered by one of the Vice-Chairs — and at times of adopting decisions and other official documents, elections and, if required, voting.

21. Representatives of the Parties shall ensure that their ~~Internet or telephone connection~~ to the virtual meeting platform is ~~secure and~~ stable throughout meetings.

**Commented [R13]:** Russian Federation proposed revision

22. Where a quorum has not been secured or there is a connection failure on the side of the virtual platform provider, the secretariat or the Chair, the meeting may, depending on the decision of the Chair, be suspended until an ~~Internet or telephone~~ connection to the virtual platform of the meeting is re-established for participants facing connection difficulties. The secretariat may communicate between the Chair and remote participants through their pre-registered email addresses on matters regarding connection failure.

**Commented [R14]:** Russian Federation proposed revision

<sup>2</sup> If credentials are submitted by post, delegations are requested to send them sufficiently in advance to enable their receipt by the secretariat at the beginning of the meeting.

## VII. Interventions

23. During the meetings with remote participation, Party representatives shall be provided with the opportunity to take the floor. Individual statements shall normally be limited to three minutes for the eleventh meeting of the Conference of the Parties.

24. Any delegate using the virtual platform system wishing to take the floor should signal their wish to speak or to raise a point of order, as indicated in the informal documentation outlining the use of the virtual meeting platform system.

**Commented [R15]:** Russian Federation comment: "The country statements should be limited taking into account the tight time schedule."

**Commented [R16]:** Russian Federation proposed revision

## VIII. Decision-making in meetings with remote participation

235. In accordance with rule 36, the Conference of the Parties shall make every effort to reach its decisions by consensus. For meetings with remote participation, these efforts should comprise the following "advance circulation procedure" in preparation for the meetings, which Parties should make use of in advance of meetings:

(a) The secretariat, after agreement with the Bureau and the respective subsidiary bodies, will circulate draft decisions, the draft workplan for the next period and other documents for adoption at meetings as part of the official pre-session documentation (hereinafter "draft documents for adoption") to all Parties in English, French and Russian. The provisional agenda and invitation letters will specify the draft documents that will be circulated through this procedure;

(b) Parties shall consider the circulated draft documents for adoption and communicate clearly any proposed revisions, preferably using track changes, and/or comments, by email to the Chair and secretariat at least four weeks in advance of meetings;

(c) If no proposed revisions or comments are made by Parties regarding the circulated draft documents for adoption up to four weeks in advance of meetings, it shall be expected that consensus will be reached on the respective documents during meetings and that these documents will be adopted without significant changes;

(d) Following the receipt of proposed revisions and/or comments, the Chair, in consultation with the Vice-Chairs and the secretariat, may arrange for informal discussions with Parties in advance of meetings, with a view to better understanding the proposed revisions and/or comments received and to reaching a consensus. Parties may, during this period, modify and/or withdraw any of the proposed revisions and/or comments made;

(e) Following receipt of proposed revisions and/or comments, the secretariat shall consolidate any proposed revisions and comments received, and submit for translation and aim to circulate updated versions of the respective draft documents to all Parties in English, French and Russian for review at least one week in advance of meetings, for consideration and adoption in session;<sup>3</sup>

(f) All circulated draft documents for adoption or, in cases where subparagraph (e) of the present article is applied, their respective circulated updated versions, will be reviewed and open for deliberation during meetings. If no proposed revisions or comments are made by Parties while the Conference of the Parties is reviewing documents during meetings, the Chair shall communicate that any respective documents or updated versions are adopted by consensus.

246. The Chair, in consultation with the Vice-Chairs and the secretariat, may invite Parties to participate in-person and/or remotely in informal side meetings held on the margins of meetings with the intention of reaching a consensus, if so required in view of the proposed revisions or comments received. Making use of this option will depend on the availability of additional meeting space (virtual and/or physical) and interpretation time.

**Commented [R17]:** Following the Russian Federation's proposed Section VII above, which adds two new paragraphs to this document, the secretariat changed all Section and paragraph numbers from here.

<sup>3</sup> Meeting this deadline will depend on the processing time for translations on the side of the United Nations Office at Geneva.

257. The secretariat will include all documents and decisions adopted at meetings and other post-session documentation in official meeting reports, as agreed with the Chair, and issue the reports in English, French and Russian.

## VIII. Voting in meetings with remote participation

268. In accordance with rule 36, if all efforts to reach a consensus have been exhausted and no agreement has been reached during meetings, the Chair may, as a last resort, put the matter to the vote. For meetings with remote participation, the advance circulation procedure and possible informal side meetings shall be exhausted prior to the Chair putting any matters ~~on draft documents~~ to the vote.

279. Except for elections, voting during meetings with remote participation shall comprise the following procedures:

(a) Voting shall normally be carried out through the taking of a roll call, announced by the Chair, in the following manner:

~~(i) The voting process should be organized on camera;~~

~~(ii) In accordance with rule 43, the Chair shall call on participants in the English alphabetical order of the names of the Parties present at the meeting, beginning with the Party whose name is drawn by lots by the Chair;~~

~~(iii) The heads of delegations of Parties shall indicate “yes”, “no” or “abstention” in-person or, if participating remotely, verbally by speaking on camera through their audio device connected to the virtual platform;~~

~~(iii) In case of audio connection failure, the head of delegation concerned may indicate the Party’s vote through the chat function of the virtual meeting platform;~~

~~(iv) Should any head of delegation of a Party fail to a cast vote during the roll call for any reason, including possible remote connection failure, that head of delegation will be called upon during a second, final roll call after the conclusion of the initial roll call;~~

~~(v) The head of delegation may authorize a member of the delegation to vote on behalf of that delegation by communicating to the Chair and the secretariat;~~

~~(vi) The Chair will announce the results of the vote during the meeting;~~

~~(b) Should any Party prefer not to publicly disclose its vote by roll call, it may request that the Chair initiate a vote by email correspondence rather than roll call, in the following manner:~~

~~(i) The Chair shall, following a request for a vote by email correspondence, invite all heads of delegations of Parties, whether participating in-person or remotely, to indicate “yes”, “no” or “abstention” through email correspondence, with the subject line being the name of the draft document being considered, from their pre-registered email address to the secretariat’s official email address only;~~

~~(ii) The Chair shall indicate a deadline for the email correspondence;~~

~~(iii) The secretariat shall acknowledge receipt of votes by responding to the email correspondence of the heads of delegations;~~

~~(iv) The secretariat shall communicate the results of the votes to the Chair in confidence. The secretariat and Chair shall keep the results of the votes confidential;~~

~~(v) The Chair shall only announce the results as total numbers of “yes”, “no” or “abstention” votes to the Conference of the Parties during the meeting, and the secretariat shall only announce the results as total numbers of “yes”, “no” or “abstention” votes in the respective official meeting report;~~

~~(b) In accordance with rule 43, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question. Should a secret ballot be requested,~~

**Commented [R18]:** Suggested deletion by the secretariat, in cooperation with the Chair, to ensure closer alignment with the RoP which refer for voting to either substantive or procedural matters or elections (Section XV) and do not limit voting to draft documents only.

**Commented [R19]:** Russian Federation proposed revision

**Commented [R20]:** The secretariat re-numbered the following paragraphs according to the proposed subparagraph above.

**Commented [R21]:** Russian Federation proposed revision

**Commented [R22]:** Russian Federation proposed revision and comment:  
“We do not consider the chat function of the virtual platform as an option for voting. We propose to delete the para because we are not in favour of voting by email for any reason. In order to resolve the possible failure of audio connection we would propose to modify the para (V).”

**Commented [R23]:** Russian Federation proposed revision and comment:  
“We hope that the changes can help to resolve the issues with connection failure. We do not specify the type of communication in order to give more flexibility to the head of the delegation.”

~~such voting could take place through Party representatives, such as from Permanent Missions, participating in hybrid meetings in person. Should no presence of Permanent Missions or other Party representatives be granted, and in case of a predominantly virtual meeting, a short in-person meeting solely for the purpose of conducting a secret ballot can be organized at the United Nations Office at Geneva with the participation of Geneva-based Party representatives only.~~

(c) If, for any reason, any Party does not indicate either “yes”, “no” or “abstention” during a roll call in accordance with subparagraph (a) ~~(iii)~~ of the present article, or by ~~the deadline during a vote by correspondence~~ ~~secret ballot~~ in accordance with subparagraph (b) ~~(ii)~~ of the present article, that Party will be considered as being absent from the voting process. Any such Party may indicate to the secretariat how it intended to vote, after the vote, with its voting intention being reflected in the respective official meeting report.

~~28~~<sup>30</sup>. In accordance with rule 46, in the absence of a consensus, elections shall be decided by means of a “secret ballot”. Should a secret ballot be needed, such voting could take place through Party representatives, such as from Permanent Missions, participating in hybrid meetings in person. Should no presence of Permanent Missions or other Party representatives be granted, and in case of a predominantly virtual meeting, a short in-person meeting solely for the purpose of conducting a secret ballot can be organized at the United Nations Office at Geneva with the participation of Geneva-based Party representatives only.

- Commented [R24]:** Russian Federation proposed revision, in order to ensure closer alignment of paragraph 29 (a) and (b) with the Rules of Procedures, notably rule 43, which sets out 2 options: voting via roll call; or secret ballot voting, if at any time requested by a Party as such.
- Commented [R25]:** The secretariat re-numbered this subparagraph according to the proposed number changes above.
- Commented [R26]:** Russian Federation’s proposed change, in line with the change to paragraph 29(b)