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**UNITED NATIONS  
ECONOMIC COMMISSION FOR  
EUROPE**

**WORLD HEALTH ORGANIZATION  
REGIONAL OFFICE FOR EUROPE**

MEETING OF THE PARTIES TO  
THE PROTOCOL ON WATER AND HEALTH  
TO THE CONVENTION ON THE PROTECTION  
AND USE OF TRANSBOUNDARY  
WATERCOURSES AND INTERNATIONAL LAKES

### **Compliance procedure**

#### **RULES OF PROCEDURE OF THE COMPLIANCE COMMITTEE**

In accordance with decision I/2 of the Meeting of the Parties on review of compliance (and paragraph 8 of the annex thereto), the Committee shall approve its rules of procedure, taking into account the Rules of Procedure (RoP) of the Meeting of the Parties, and in particular Rule 21, which provides that the RoP of the Meeting of the Parties shall apply *mutatis mutandis* to the proceedings of the Committee, with the exclusion of those on representation and credentials on the establishment of the Bureau and on official working languages. Special rules are provided on the distribution of documents (Rule 21 (5)), quorum (Rule 21 (6)) and voting rights of the Chairperson (Rule 21 (7)).

#### **I. Membership of the Committee**

1. Each member of the Committee shall serve in his or her personal capacity and, with respect to any matter that is under consideration by the Committee, act in an independent and impartial manner and avoid real or apparent conflicts of interest.
2. Every member serving on the Committee shall, before taking up his or her duties, make a solemn declaration in a meeting of the Committee that he or she will perform his or her functions impartially and conscientiously.
3. Since the Committee members are elected in a strictly personal capacity, an absent Committee member is not entitled to designate a substitute.
4. In accordance with decision I/2, when a member resigns or is otherwise unable to complete the assigned term or to fulfil his or her duties, the Bureau of the Meeting of the Parties

shall appoint another member to serve for the remainder of the term, subject to the approval of the Committee.

## **II. Conflict of interest**

5. Where a Committee member finds himself or herself faced with a possible or apparent conflict of interest, that member will bring the issue to the Committee's attention as soon as possible so that a decision can be taken thereon. If the Committee becomes otherwise aware of a possible conflict of interest of one of its members, it will take the matter up for decision. Being a citizen of the State whose compliance is to be discussed is not in itself to be considered as a conflict of interest.

6. Where a member has been found by the Committee to have a conflict of interest, he or she may only participate as an observer for that particular case. Consequently, any such member will not attend the parts of meetings when findings, measures and recommendations related to that particular case are prepared or adopted.

7. The members of the Committee may accept invitations to present the compliance mechanism at appropriate events, such as conferences and workshops.

8. Members of the Committee may not represent Governments or organizations in meetings of other bodies of the Protocol, except for technical expert meetings such as task forces.

## **III. Joint Secretariat**

9. For the purpose of the compliance procedure, the joint secretariat services are carried out by the UNECE secretariat, to which all of the correspondence shall be addressed. WHO-EURO will provide necessary expert support.

## **IV. Frequency of meetings**

10. Provided that the Committee must meet at least once a year, the frequency of its meetings is fixed taking into account the amount of issues and work to be dealt with, as well as the available resources.

11. At the end of each meeting, the Committee will set tentative dates for its next two meetings, to be publicized on the website<sup>1</sup> and reflected in the report.

## **V. Holding of a meeting and decision making**

12. The Chairperson may declare a meeting of the Compliance Committee open and permit debate to proceed and take decisions, when at least 5 of its members are present.

13. In accordance with paragraph 10 of the annex to decision I/2, the Committee shall make every effort to adopt its decisions and recommendations by consensus, that is, the absence of any formal objection by one of its members. If all efforts at consensus have been exhausted to no avail, decisions and recommendations shall be adopted by a two-thirds

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<sup>1</sup> Save if otherwise specified, the term "website" in these Rules of Procedure refers to the Committee's website, at [http://www.unece.org/env/water/meetings/documents\\_CC.htm](http://www.unece.org/env/water/meetings/documents_CC.htm)

majority of the members present and voting or by five members, whichever is the greater number.

14. The Committee meetings will be scheduled to take place only when it may be reasonably expected that there will be a quorum in accordance with paragraph 12 of these rules. Given the size of the Committee, the aim should be for all members to be present at every meeting of the Committee.

15. Communications and consultations between the Committee and the joint secretariat may be conducted by e-mail. Decisions may also be taken by e-mail. In particular, in order to expedite the processing of communications from the public, a preliminary determination that a communication is admissible and on which points should be raised with the Party concerned when forwarding the communication may be taken by electronic mail, unless one - third of the committee members ask otherwise. Decision on granting observer status may also be taken by e-mail.

16. In order to maintain the balance between flexibility and credibility, e-mail decision making should not be overused. All decisions taken by e-mail between Committee meetings should be reflected in the report of the following meeting.

## **VI. Presence of the public and participation of observers**

17. In accordance with paragraphs 24 to 31 of the annex to decision I/2, all meetings will normally be open to the public. The parts of the meeting when findings, decisions on measures or recommendations are prepared and adopted, should be limited to the participation of the Committee members, subject to paragraph 6 of these rules. A meeting, or a part of a meeting, will be held in private when the Committee finds it necessary to ensure the confidentiality of information in accordance with paragraphs 25 to 27 of the annex to decision I/2.

18. Parties wishing to participate in meetings of the Compliance Committee may only participate as observers. Non-Parties, intergovernmental organizations and non-governmental organizations already enjoying observer status with the Meeting of the Parties to the Protocol, will have observer status within the Committee. The Committee may grant observer status on a case-by-case basis to other subjects, including non-governmental organizations or members of the public.

19. Observers shall be entitled to receive copies of publicly distributed documents, submit written documents and make oral statements at meetings.

20. The Committee reserves the right to give the floor to the attending public, upon request, if it deems this useful.

## **VII. Publication of meetings and documentation**

21. Meetings of the Committee will be publicized on the website, where the provisional agenda, meeting reports and other documents have already been publicized, without prejudice to the rules on confidentiality set out in Chapter VIII of the annex to decision I/2.

22. Discussion papers prepared by the joint secretariat for a meeting of the Committee will not be posted on the website in advance of the meeting, but will be available in the meeting room.

23. Without prejudice to the rules on confidentiality set out in Chapter VIII of the annex to decision I/2, essential information concerning each case will be made available to the public through the website.

This includes:

- (a) a short summary of each case prepared by the joint secretariat;
- (b) the text of any communication or submission;
- (c) the preliminary determination on the admissibility of a communication, once transmitted to the Party concerned;
- (d) other significant documentation setting out the positions of the Committee, of the Party concerned and of the submitting Party or the communicant.

Findings and recommendations of the Committee and any relevant decisions of the Meeting of the Parties will also be made available on the website.

24. Draft findings and draft recommendations drawn up by the Committee will be made available upon request once they have been transmitted to the Party concerned and, if applicable, to the submitting Party or the communicant. Similarly, any comments provided by the Party concerned, the submitting Party or the communicant will be made available upon request, unless those submitting the comments request that they be withheld until the end of the commenting period, in which case they will only be forwarded to the Committee members and will not be made available to the other Parties or put on the web site during that period. At the end of the commenting period, subject to chapter VIII of the annex to decision I/2, both the draft findings and draft recommendations and any comments thereon will be made available on the website.

### **VIII. Languages**

25. English is the working language of the Compliance Committee. However, the Committee will accept communications or submissions, as well as corroborating information in any of the four official languages of the Protocol, i.e. English, French, German or Russian.

26. If a communication or a submission is made in French, German or Russian, the joint secretariat will endeavour to arrange for at least the essential documentation to be translated into English, depending on availability of resources. Reasonable amount of supporting documentation may also be translated. The Chairperson may ask a member of the Committee familiar with the specific language to summarize the information and/or identify those parts of the documentation which it would be essential to translate into English.

### **IX. Organization of work and delegation of specific tasks**

27. As a working practice, the Committee may decide to delegate specific tasks (e.g. preparation of documents, preparation of recommendations in specific cases) to the Chairperson, the Vice-Chairperson, a “rapporteur” or a smaller sub-group of members.

### **X. Procedures for handling submissions**

#### **A. *Self-submission***

28. A submission may be brought before the Committee by a Party which concludes that, despite its best endeavours, it is or will be unable to comply fully with its obligations under the Protocol. Such a submission shall be addressed in writing to the joint secretariat and shall explain, in particular, the specific circumstances that the Party considers to be the cause of its non-compliance.

29. With respect to submissions by a Party concerning its own compliance in accordance with paragraph 13 of the annex to decision I/2, the following procedures will apply:

(a) The secretariat will inform the Committee of any such submissions and circulate them to the Committee without delay, even if it considers that the submission is not complete and essential information is lacking;

(b) The Committee may base its deliberations exclusively upon the information included in the submission, or may decide to request additional information from the Party concerned, fixing a deadline as it deems fit, or to gather information from other sources in accordance with paragraph 23 of the annex to decision I/2;

(c) The Party which has made the submission will be notified of any meeting of the Committee at which the case is discussed and of its right to be represented at such meetings in accordance with paragraph 30 of the annex to decision I/2. The Committee may specifically invite a representative of the Party which has made the submission to participate in one of its meetings.

#### **B. *Party to Party submission***

30. A submission may be brought before the Committee by one or more Parties that have reservations about another Party's compliance with its obligations under the Protocol. Such a submission shall be addressed in writing to the joint secretariat and supported by corroborating information.

31. With respect to submissions by Parties concerning other Parties, in accordance with paragraph 14 of the annex to decision I/2, the following procedures will apply:

(a) The joint secretariat will forward by registered mail a copy of the submission to the Party concerned within the two-week time limit, even if it considers that the submission is not complete and essential information is lacking. When forwarding such submission, the joint secretariat will send a copy of the submission and a cover letter to the members of the Committee. For the purposes of paragraph 24 of the annex to decision I/2, such information should be considered as held by the Committee once it had been forwarded to it;

(b) When forwarding the submission, the joint secretariat will, in a cover letter, request the Party concerned to acknowledge receipt of the submission and remind it of its obligation under decision I/2 to reply within three months, or such longer period as the circumstances of the particular case may require, but in no case later than six months from the date of forwarding the submission. The deadline should be calculated from the date at which the documentation was sent from the joint secretariat and the response from the Party concerned should reach the joint secretariat by the end of the relevant period at least by fax or e-mail, though it would be acceptable for the posted original to arrive after the deadline provided that

it had been posted before the deadline. The cover letter will invite the Party concerned to indicate whether, due to the circumstances of the particular case, it envisages any difficulty in providing the reply within three months, and if so, to indicate when a reply would be sent. In the first instance, it would be for the Party concerned to determine whether more than three months is necessary to provide a reply;

(c) When a substantive reply is received by the joint secretariat, this will be forwarded without delay to the Committee;

(d) If no substantive reply is received from the Party concerned after three months, or such longer period as may have been specified by the Party concerned, in accordance with paragraph 14 of decision I/2, the joint secretariat will send a reminder to the Party concerned. The reminder will point out that, following the expiry of the six-month period, the Committee will in any case be required to deal with the case on the basis of the information available to it, even in the absence of any response from the Party concerned. If necessary, a further and final reminder may also be sent to the Party concerned towards the end of the six-month period;

(e) If no response has been received within six months, the joint secretariat will inform the Committee accordingly, and notify the Party concerned that it has done so;

(f) The Committee may base its deliberations exclusively upon the information included in the submission and the reply or it may decide to request additional information to the Party concerned or to the submitting Party, fixing a deadline as it deems fit, or gather information from other sources in accordance with paragraph 23 of the annex to decision I/2;

(g) Parties involved in a case will be notified of any meeting of the Committee at which it will be discussed and also of their right to be represented in such meetings in accordance with paragraph 30 of the annex to decision I/2. The Committee may specifically invite a representative of the Party which has made the submission to participate in one of its meetings.

## **XI. Procedures of handling referrals**

32. Where the joint secretariat, having considered the reports submitted in accordance with the Protocol's reporting requirements, becomes aware of possible non-compliance by a Party with its obligations under the Protocol, it may request the Party concerned to provide the necessary information on the matter. If there is no response or the matter has not been solved within three months, or such longer period as the circumstances of the matter may require but in no case later than six months, the joint secretariat shall bring the matter to the attention of the Committee, which shall consider the matter as soon as practicable.

33. The joint secretariat should always be able to consult the Committee before requesting information from a Party in accordance with paragraph 15 of annex to decision I/2.

34. In case the joint secretariat becomes aware of possible non-compliance from a source other than the summary reports, no referrals may be made by the joint secretariat, but the latter may transmit such information to the Committee.

35. The joint secretariat may, instead of making a referral in accordance with paragraph 15 of annex to decision I/2, invite a Party to consider making a submission in accordance with paragraph 13 of the same annex.

36. The joint secretariat will inform the Committee when it has requested information about possible non-compliance from a Party in the context of a referral under the compliance mechanism.

37. Any Party which is the subject of a referral by the joint secretariat, will be notified of any meeting of the Committee at which the case is to be discussed, and of its right to be represented at such meetings in accordance with paragraph 30 of the annex to decision I/2. The Committee may specifically invite a representative of the Party which has made the submission, to participate in one of its meetings.

## **XII. Procedures for handling communications**

### ***A Handling and circulation of communications***

38. With respect to communications by a member of the public in accordance with paragraph 16 of the annex to decision I/2, the following procedures will apply:

39. When a communication is received, the joint secretariat shall register it, acknowledge receipt to the communicant by electronic mail or, if not possible by electronic mail, by registered mail and inform the Committee. If, upon a summary examination, the joint secretariat finds that the communication lacks essential information for evaluating its admissibility, it shall address immediately the issue with the communicant and send, together with the receipt, a copy of the guidelines for communicants, emphasising the annexed checklist for communicants. In case of doubt, the joint secretariat may seek advice from the Chairperson of the Committee or with a member familiar with the language of the communication or the documentation.

40. If, within a reasonable time indicated in the cover letter, but not later than 15 days from the request, no answer from the communicant is received and a complete communication is filed, the matter shall not be pursued further. In such case the communication will be considered as never having been made, and the joint secretariat will inform the Committee accordingly, at the latest at its next meeting. Late responses will be treated as a new communication.

41. Upon receipt of a complete communication, the joint secretariat shall immediately circulate it with supporting documents to the members of the Committee, together with a data-sheet providing basic information about the communication, including a 150-word summary of the communication in accordance with the model annexed to these rules. The joint secretariat will keep the data sheet up-to-date in the course of the procedure.

42. Upon circulation of a communication, the Chairperson may designate a Committee's member as rapporteur. The rapporteur shall not be a citizen of the Party concerned.

43. If translation of material is required, the Committee will decide, in accordance with paragraph 26 of these rules, on the extent to which further material, other than that which is already available in English, should be translated, taking into account both the costs of

translation and the delay involved. The Committee may also request the communicant to provide an English translation of certain materials.

44. If the communicant has requested that part of the communication be kept confidential, the Committee will decide whether the information that has not been designated confidential is sufficient to enable a meaningful discussion with the Party concerned in the process of review. It may decide to consult with the communicant concerning the request for confidentiality if it considers it necessary/appropriate.

45. If the joint secretariat receives any information from the public addressing possible non compliance, and it is unclear whether or not the information is intended as a communication to the Compliance Committee in the sense of paragraph 16 of the annex to decision I/2, the joint secretariat should clarify the matter with the correspondent. If the information was intended to be a communication, the joint secretariat shall apply paragraphs 39-41 of these rules. If, immediately after correspondence with the author, it is clear that such information was not intended to be a communication, the joint secretariat shall inform the correspondent of the availability of the procedure of communications from the public attaching a copy of the guidelines for communicants.

### ***B Preliminary determination of admissibility***

46. If a communication is received at least four weeks in advance of a given meeting of the Committee, the Committee will consider at that meeting whether the communication is admissible. Before the meeting, the Committee may hold consultation on admissibility by e-mail.

47. If a communication does not appear *prima facie* to be admissible, the Committee shall request further information to the communicant and, if necessary, delay any determination to its next meeting.

48. The Committee may determine a communication to be not admissible before forwarding it to the Party concerned and close the file. Such determination shall be final, and the communicant will be informed accordingly.

49. When the Committee determines a communication to be admissible on a preliminary basis, it opens a file, and the communication is brought to the attention of the Party concerned through the joint secretariat, together with the supporting documentation, the text of the preliminary determination of admissibility, and any question or issue that the Committee wishes to raise.

50. The correspondence referred to in the previous paragraph is made by electronic and registered mail, addressed to the focal point of the Protocol for that Party and its permanent representative to the UNOG.

51. The Committee should in principle consider preliminary determination of a communication not later than at its second meeting following the receipt of the communication.



52. When forwarding a communication to the Party concerned on behalf of the Committee, the joint secretariat will prepare a cover letter with:

(a) a request to the Party concerned to acknowledge receipt of the communication;

(b) a reminder of its obligation under paragraph 21 of the annex to decision I/2 to submit as soon as possible, but not later than five months after the communication has been brought to its attention, written explanations or statements clarifying the matter and describing any response that it may have made;

(c) a reference to the determination of preliminary admissibility with the request to inform the Committee as soon as possible if it intends to comment on admissibility issues;

(d) specific points of discussion and questions to be addressed in the response, as identified by the Committee.

53. The five-month period for submitting written explanations or statements is calculated from the date at which the documentation was sent from the joint secretariat by fax, e-mail, registered mail.

54. If no answer is received one month prior the expiry of the five-month period, the joint secretariat will send a reminder to the Party concerned. The reminder will point out that, following the expiry of the five-month period, the Committee will deal with the case on the basis of the information available to it, even in the absence of any response from the Party concerned.

55. If the Party concerned does not challenge the admissibility of the communication, or if no answer is received by the Committee within the five-month period, the determination of admissibility will become final.

56. If the Party concerned challenges the admissibility of a communication within the five-month period, the Committee shall reconsider the matter and make its final determination in a close session, before considering the substance of the communication. Unless the Committee forthwith determines the communication to be admissible, the communicant is given the opportunity to comment. The Committee may also seek further information if it deems it necessary.

57. The joint secretariat, upon consultation with the Committee Chairperson, may indicate to the Party concerned and, as appropriate, the submitting Party and/or the communicant that substantive aspects of a case are expected to be discussed at a particular meeting.

### **XIII. Consideration of submissions, referrals and communications**

58. The Committee will consider the substance of a submission or a communication at the earliest practicable meeting scheduled after the response from the Party concerned is received or, if no response is received, after the expiry of the relevant period, provided that such a meeting takes place at least four weeks after. In the case of communications this is subject to a final determination of admissibility, in accordance with paragraphs 55 and 56 of these rules.

59. When it is known that the Committee will discuss the substance of any submission referrals, communication at a particular meeting, the secretariat will notify the Party concerned, and, as appropriate the submitting Party and/or the communicant, that the matter will be discussed and of their rights to participate in the discussion in accordance with the paragraph 30 of the Annex to Decision I/2.

60. The consideration of the substance of a case of non compliance may take place over one or more meetings, depending on whether sufficient information is available and the discussion is completed.

61. The Committee is not bound to confine its consideration of a case of non compliance to the legal or factual arguments presented by communicants, Parties making submissions or Parties concerned and will consider itself free to draw conclusions that go beyond the scope of those presented to it. Likewise, it is also free to decide not to address all the arguments and assertions presented in the submissions, referrals or communications, and to focus upon those it considers most relevant.

62. Further information may need to be gathered at any stage in the process, including in the period before the Party concerned has responded. Such information may include specific facts, contextual information, arguments of members of the public or the Parties concerned and advice to the Committee. Accordingly the Committee may impose a deadline by which information that is to be considered at a particular meeting must be supplied. As a general rule, any substantial new information should be presented to the Committee at least two weeks in advance of the meeting at which it will be discussed. The Committee is not bound to take account of any such information submitted after that deadline, but it is free to take account of it, if doing otherwise would hamper its work

63. At the meeting or meetings referred to in the previous paragraphs of these rules the Committee will:

(a) consider whether sufficient information is available for it to be able to consider the substance of the case. If available information is not sufficient, identify what further information is needed and resort to information gathering in accordance with chapter XIV of these rules;

(b) when sufficient information is available, start the discussion on the substance of the case;

(c) when the discussion is completed, prepare draft findings, measures and recommendations in closed session;

(d) in closed session, finalize and adopt the findings, measures and recommendations, taking into account any comment duly received from the Party concerned and the submitting Party or the communicant, as applicable.

64. The discussion of any submission, referral or communication should generally take the following form:

(a) Introduction by the Chairperson;

(b) Opening of the discussion by the rapporteur, or by the Chair if a rapporteur has not been appointed;

(c) Presentations by the submitting Party, the secretariat (in case of referrals) or communicant, and by the Party concerned, including possible joint proposals;

(d) Questions from the members Committee, responses from the Party concerned and, if and as applicable, the submitting Party, the secretariat (in case of referrals) or the communicant;

(e) Comments from observers at the invitation of the Chairperson;

(f) Final comments by, if and as applicable, the submitting Party, the secretariat (in case of referrals) or the communicant;

(g) Final comments by the Party concerned.

65. When the Committee deems to have sufficient elements to reach a conclusion, it prepares, in closed session, its draft findings, draft recommendations, as well as draft decisions on measures without delay.

66. The draft Findings, measures and recommendations will contain:

(a) A description of the procedural background of the submission or communication, including, if applicable and relevant, information on admissibility and domestic remedies;

(b) A summary of the facts and of the evidence presented, as well as of the issues raised;

(c) The consideration and evaluation by the Committee of such facts, evidence and issues;

(d) The conclusions reached by the Committee, e.g:

- i findings on whether the Party concern was or not in non-compliance;
- ii measures, if any, decided upon in accordance with paragraph 34 of the annex to decision I/2;
- iii recommendation, if any, addressed to the Meeting of the Parties in accordance with paragraphs 33 and 35 of the annex to decision I/2.

67. Draft Findings, measures and recommendations are sent to the Party concerned and, if and as applicable, to the submitting Party or the communicant with an invitation for comments within a reasonable deadline, to be fixed by the committee on a case by case basis.

68. At its next meeting following the deadline for comments, the Committee, sitting in closed session, will review and finalize the draft Findings, measures and recommendations. The final version will be prepared as an addendum to the report of the meeting and sent to the Party concerned and the submitting Party or the communicant, if and as applicable.

69. At the time of preparing its report to the Meeting of the Parties, the Committee will consider the progress made by the Party concerned in resolving a matter that which was the subject of the submission, referral or communication that prompted the Committee to adopt

findings and take measures in accordance with paragraph 34 of the annex to decision I/2. Upon such consideration, the Committee will make recommendation to the Meeting of the Parties, in accordance with paragraphs 33 and 35 of the annex to decision I/2, which will be included as an addendum to its report to the Meeting of the Parties.

#### **XIV. Information gathering**

70. The term “information gathering” used in Section VII of the Annex to Decision I/2 includes the collection by the Committee of objective information, views and opinions, as well as advice that are necessary for the performance of its functions under Decision I/2.

71. The need of acquisition for further and accurate information, under paragraph 23 (a) section VII, according to the Decision I/2 shall be conducted by a pragmatic and cost-effective approach, taking into account time and budget constraints. Accordingly, the Committee shall resort to easily accessible and free-of-cost or low-cost means of information gathering before resorting to more complex and costly means.

72. The Committee may decide to delegate information gathering activity to the joint secretariat, without the need for a mandate from the Committee to gather information through easily accessible and no-cost or low-cost means. Such means may include technical literature, Internet, international organizations with field presence in the Party concerned, summary reports from the Parties submitted in accordance with article 7, paragraph 5 of the Protocol, The Committee may seek and request information:

- (a) available in the public domain;
- (b) in the knowledge of Committee’s members or the joint secretariat;
- (c) from the Party concerned, the submitting Party or the communicant;
- (d) from another Party;
- (e) from experts and advisers, from governments, academia, consultations, intergovernmental and non-governmental organizations.

73. Unsolicited information from the same sources may be considered by the Committee as it deems appropriate. In conformity with paragraph 33 of the Annex to Decision I/2 the Committee, with the assistance of the joint secretariat, shall keep record information submitted to it, with the exception of information manifestly irrelevant.

74. Information gathering on the territory of a Party concerned, in accordance with paragraph 23(b) of the Annex to Decision I/2, shall be considered a measure of last resort, to be taken only when the following conditions are met:

- (a) the Committee has already enough information to open a file and the situation of alleged non-compliance appears to be serious;
- (b) essential information is lacking or presents serious complexities or inconsistencies needing for further clarification;

(c) it is not possible to obtain the lacking elements by other less costly means.

75. Information gathering on the territory of a Party concerned shall take place in accordance with terms of reference containing:

(a) a description of the case under consideration;

(b) the objective, the expected outcome, timing and budget of the mission;

(c) an indication of the member or members of the Committee and/or of the joint secretariat who will represent the Committee.

76. The draft terms of reference shall be handed down to the communicant and to the Party concerned for comments.

77. The costs of information gathering on the territory of the Party concerned shall be borne by the Protocol Trust Fund.

78. In using the information gathered, the Committee shall take into account the reliability of the source and the interests and motivations of its provider.

## **XV. Financial Support**

79. The costs of participation of representatives of Parties concerned by a submission, referral or communication and of communicants may, where necessary, be covered through the Protocol's Trust Fund, in accordance with the general rules of eligibility for financial support and subject to the availability of funds.