

ECONOMIC COMMISSION FOR EUROPE
Geneva
COMMISSION ÉCONOMIQUE POUR L'EUROPE
Genève
ЕВРОПЕЙСКАЯ ЭКОНОМИЧЕСКАЯ КОМИССИЯ
Женева

Rules of Procedure

Convention on Environmental Impact Assessment
in a Transboundary Context

Règlement intérieur

Convention sur l'évaluation de l'impact sur
l'environnement dans un contexte transfrontière

Правила процедуры

Конвенция об оценке воздействия
на окружающую среду в
трансграничном контексте

UNITED NATIONS
New York and Geneva, 1999



NATIONS UNIES
New York et Genève, 1999

ОБЪЕДИНЕННЫЕ НАЦИИ
Нью-Йорк и Женева, 1999 год

PREFACE

The Convention on Environmental Impact Assessment in a Transboundary Context, drawn up under the auspices of the United Nations Economic Commission for Europe, was adopted at Espoo (Finland) on 25 February 1991. It was signed by 29 countries and the European Community. By mid-1999, 24 countries (Albania, Armenia, Austria, Azerbaijan, Bulgaria, Canada, Croatia, Denmark, Finland, Greece, Hungary, Italy, Latvia, Liechtenstein, Luxembourg, Netherlands, Norway, Poland, Republic of Moldova, Slovenia, Spain, Sweden, Switzerland, United Kingdom) and the European Community had deposited their relevant instruments with the Secretary-General of the United Nations. In accordance with its Article 18, the Convention entered into force on 10 September 1997. The first meeting of the Parties took place in Oslo (Norway) from 18 to 20 May 1998. At that meeting the Parties adopted their rules of procedure and requested the secretariat to publish this document.

RULES OF PROCEDURE OF THE MEETING OF THE PARTIES TO THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

PURPOSES

Rule 1

These rules of procedure shall apply to any meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context convened in accordance with Article 11 of the Convention.

DEFINITIONS

Rule 2

For the purposes of these rules:

1. "Convention" means the Convention on Environmental Impact Assessment in a Transboundary Context, adopted at Espoo (Finland) on 25 February 1991;
2. "Parties" means Contracting Parties to the Convention;
3. "Meeting of the Parties" or "Meeting" means the Meeting of the Parties established in accordance with Article 11 of the Convention;
4. "Regional economic integration organization" means an organization in accordance with Article 16 of the Convention;
5. "President" means the President elected in accordance with rule 19 of these rules of procedure;
6. "Bureau" means the President and one or more Vice-President(s) elected in accordance with rule 19 of the rules of procedure;
7. "Subsidiary body(ies)" means the body(ies) established by the Meeting of the Parties to work on matters determined in accordance with rule 23, paragraph 3;
8. "Secretariat" means, in accordance with Article 13 of the Convention, the Executive Secretary of the United Nations Economic Commission for Europe.

PLACE OF MEETINGS

Rule 3

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

DATES OF MEETINGS

Rule 4

At each meeting, the Parties, taking into account Article 11, paragraph 1, of the Convention, shall set the indicative date for the opening and the duration of their next meeting.

Rule 5

The secretariat shall notify all Parties of the date and venue of a meeting at least two months before it is due to take place.

OBSERVERS

Rule 6

1. The secretariat shall notify the United Nations and its specialized agencies, the International Atomic Energy Agency and any State or regional economic integration organization entitled under Article 16 of the Convention to sign the Convention but which is not a Party to the Convention, of any meeting so that they may be represented as observers.
2. Such observers may, at the invitation of the President and if there is no objection from the Parties present, participate, without the right to vote, in the proceedings of any meeting in matters of direct concern to the organizations and States that they represent.

Rule 7

1. The secretariat shall notify every relevant body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to environmental impact assessment which has informed the secretariat of its wish to be represented, of any meeting, so that they may be represented as observers, subject to the condition that their admission to the meeting is not objected to by at least one third of the Parties present at the meeting.
2. Such observers may, at the invitation of the President and if there is no objection from the Parties present, participate, without the right to vote, in the proceedings of any meeting in matters of direct concern to the bodies or agencies that they represent.

AGENDA

Rule 8

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

Rule 9

The provisional agenda of each meeting shall include:

- (a) The items specified in article 11 of the Convention;
- (b) The items whose inclusion was decided at a previous meeting;
- (c) The items referred to in rule 13 of these rules;
- (d) Any item proposed by the Bureau;
- (e) Any item proposed by a Party before the agenda is circulated.

Rule 10

The provisional agenda, together with available supporting documents for each meeting, shall be distributed by the secretariat to the Parties at least two months before the opening of the meeting.

Rule 11

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

Rule 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

Any item on the agenda of a meeting whose consideration has not been completed at that meeting shall automatically be included in the agenda of the next meeting unless otherwise decided by the Meeting of the Parties.

REPRESENTATION AND CREDENTIALS

Rule 14

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

Rule 15

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

Rule 16

The credentials of all representatives shall be submitted to the secretariat if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the secretariat.

Rule 17

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

Rule 18

Pending a decision of the Meeting upon their credentials, representatives shall be entitled to participate provisionally in the meeting.

OFFICERS

Rule 19

1. At the commencement of each meeting, a President and one or more Vice-President(s) shall be elected from among the representatives of the Parties present at the meeting. They shall serve as the officers of the Meeting and remain in office until their successors are elected. During any meeting, the Parties may elect the officers for their next meeting. The Meeting of the Parties may assign specific tasks to the officers to be carried out before its next meeting. In electing the officers due account should be taken of the need to ensure that the officers adequately represent different interests within the region of the United Nations Economic Commission for Europe.
2. The President shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a Party. In such a case, the President or the Party concerned shall designate another representative who shall be entitled to represent the Party in the meeting and to exercise its right to vote.

Rule 20

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

- (a) Declare the opening and closing of the meeting;
- (b) Preside at the sessions of the meeting;
- (c) Ensure the observance of these rules;
- (d) Accord the right to speak;
- (e) Put questions to the vote and announce decisions;
- (f) Rule on points of order;
- (g) Subject to these rules, have complete control over the proceedings and maintain order.

2. The President may, moreover, propose:

- (a) The closure of the list of speakers;
- (b) A limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question;
- (c) The adjournment or closure of debate;
- (d) The suspension or adjournment of the meeting.

3. The President, in the exercise of his functions, remains under the authority of the Meeting of the Parties.

Rule 21

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

Rule 22

At the outset of each meeting, the President elected at the previous meeting or, in his absence, a Vice-President, shall preside until the Meeting has elected a new President from the representatives of the Parties.

SUBSIDIARY BODIES

Rule 23

1. These rules of procedure shall apply *mutatis mutandis* to the proceedings of subsidiary bodies established by the Meeting of the Parties, save as otherwise specified in this paragraph and paragraphs 3 to 9 below.

2. The Meeting of the Parties may establish such subsidiary bodies as are deemed necessary for the performance of its functions.

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

4. Any supporting documents for a meeting of a subsidiary body shall be distributed at least one month before the opening of the meeting.

5. One quarter of the Parties shall constitute a quorum.

6. The Meeting of the Parties may decide that any subsidiary bodies may meet in the period between ordinary meetings.

7. Unless the Meeting of the Parties decides otherwise, the President of any subsidiary body shall be elected by that subsidiary body from among the representatives of the Parties that will be present at the session.

8. Each subsidiary body shall elect its own Vice-President.

9. Rules 14 to 18 shall not apply to the proceedings of subsidiary bodies.

SECRETARIAT

Rule 24

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

Rule 25

For all meetings of the Parties and for all meetings of the subsidiary bodies and in accordance with Article 13 of the Convention, the secretariat shall:

(a) Prepare, in consultation with the Bureau, the documents requested by the Meeting of the Parties or by the subsidiary bodies;

(b) Arrange for interpretation at the meeting and the translation, reproduction and distribution of the documents;

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

CONDUCT OF BUSINESS

Rule 26

The meetings of the Parties and the meetings of the subsidiary bodies established by the Meeting shall be held in public unless the Meeting decides otherwise.

Rule 27

The President may declare a meeting open and permit debate to proceed when representatives of at least one third of the Parties are present. The presence of a majority of the Parties shall be required for any decision to be taken.

Rule 28

1. No one may speak at a meeting without having previously obtained the permission of the President. Without prejudice to rules 29, 30, 31 and 33, the President shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall be in charge of drawing up a list of such speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

2. The Meeting may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Rule 29

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

Rule 30

During the discussion of any matter, a representative may at any time raise a point of order, which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and 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 31

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 put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Rule 32

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

2. Proposals for amending the Convention, including its appendices, shall, in accordance with Article 14 of the Convention, be communicated to the Parties by the secretariat at least 90 days before the meeting of the Parties at which they are proposed for adoption.

Rule 33

1. Subject to rule 30, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

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

2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall immediately be put to the vote.

Rule 34

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 is withdrawn may be reintroduced by any other Party.

Rule 35

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Meeting, by a two-thirds 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 one other supporter, after which it shall immediately be put to the vote.

VOTING

Rule 36

1. Except as provided for in paragraph 2 of this rule, each Party shall have one vote.

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

Rule 37

1. Save as otherwise provided by the Convention and by paragraph 2 of this rule, the Meeting of the Parties shall make every effort to reach its decisions by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the decision shall, as a last resort, be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.
2. Decisions of the Meeting of the Parties on procedural matters shall be taken by a simple majority vote of the Parties present and voting at the meeting.
3. If the question arises whether a matter is one of a procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.
4. 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.

Rule 38

If two or more proposals relate to the same question, the Meeting of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Meeting may, after each vote on a proposal, decide whether or not to vote on the next proposal.

Rule 39

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

Rule 40

If the motion referred to in rule 39 is adopted, those parts of a proposal or of an amendment to a proposal which have been approved shall then be put to the vote 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 41

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises that proposal. An amendment shall be voted on before the

proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 42

If two or more amendments to a proposal are moved, the Meeting shall first vote 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 put to the vote. The President shall determine the order of voting under this rule.

Rule 43

Except for elections, voting shall normally be by show of hands. A roll call shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the meeting, beginning with the Party whose name is drawn by lots by the President. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

Rule 44

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

Rule 45

After the President 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 President may permit the Parties to explain their votes, either before or after the voting, and may limit the time allowed for such explanations. He shall not permit the proposer of a proposal or an amendment to a proposal to explain his vote on his own proposal or amendment, unless it has been amended.

Rule 46

In the absence of consensus, elections shall be decided by means of a secret ballot.

OFFICIAL LANGUAGES

Rule 47

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

Rule 48

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 provides for interpretation into one of the official languages.

Rule 49

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

AMENDMENTS TO RULES OF PROCEDURE

Rule 50

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

OVERRIDING AUTHORITY OF THE CONVENTION

Rule 51

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