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## Economic Commission for Europe

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

#### Forty-third session

Geneva, 11–14 December 2023

Item 9 of the provisional agenda

#### Review of the rules of procedure for the Executive Body

### Report on the review of the rules of procedure\*

#### Submitted by the rules of procedure review group

#### *Summary*

At its forty-first session (Geneva, 6–8 December 2021), the Executive Body adopted decision 2021/6 on the review of the rules of procedure for the sessions of the Executive Body for the Convention on Long-range Transboundary Air Pollution as adopted by decision 2010/19 and amended by decision 2013/1. The Executive Body tasked an ad hoc group of experts, convened by the Chair of the Working Group on Strategies and Review, with undertaking this review and with presenting its final recommendations for consideration by the Executive Body at its forty-third session (Geneva, 11–14 December 2023). It further requested the ad hoc group of legal experts to undertake a legal assessment of any recommendations for revisions proposed by the ad hoc group of experts.

At its sixty-first session (Geneva, 4–6 September 2023), the Working Group on Strategies and Review recommended that the Executive Body at its forty-third session consider the report on the review in conjunction with the legal assessment and inputs by Parties, with a view to concluding consideration in 2024 and for the Working Group on Strategies and Review to make recommendations to the Executive Body at its forty-fourth session in 2024.

The Executive Body is invited to consider the results of the review and the legal assessment and to decide on the way forward.

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\* The present document is being issued without formal editing.



## I. Introduction

1. At its forty-first session (Geneva, 6–8 December 2021), the Executive Body decided to start a comprehensive review of the rules of procedure for sessions of the Executive Body for the Convention on Long-range Transboundary Air Pollution as adopted by decision 2010/19 and amended by decision 2013/1 (decision 2021/6). The Executive Body further decided that the review should be undertaken by an ad hoc group of experts, including notably with experience in the Convention or other multilateral environmental agreements, convened by the Chair of the Working Group on Strategies and Review, with the aim of first assessing the need for potential revisions and, as appropriate providing recommendations on further steps.
2. After this Executive Body session, the secretariat sent an email to all Parties with a call for nominations for members of the ad hoc group of experts. The call for nominations resulted in a balanced composition of the ad hoc group with active participation of members from Canada, Czechia, Denmark, the European Commission and the United Kingdom of Great Britain and Northern Ireland.
3. The Chair of the Working Group on Strategies and Review asked the Vice-chair of the Executive Body from the Netherlands to lead the ad hoc group. The secretariat was also invited to participate in the ad hoc group's work to provide experiences with the rules of procedure and current practices in other multilateral environmental agreements, also in relation to relevant working rules within the United Nations Economic Commission for Europe (ECE) itself.
4. The ad hoc group has undertaken its work based on the following guiding principles: (a) the members of the rules of procedure review group are committed to their task and will work together collegially and cooperatively to achieve the best possible outcome for the functioning of the Convention in all its entities, (b) the rules of procedure as posted on the homepage of the website of the Convention should be as complete as possible and may duplicate existing rules from other sources, like Executive Body decisions, if appropriate and (c) the input of Parties should lead the work of the group. In addition, insights from the members of the group have been included in the process to review the rules of procedure and to draft recommendations for further steps.
5. The secretariat sent out an email inviting Parties to submit input for the review of the rules of procedure by 11 July 2022. Together with input already received in the follow-up to the thirty-ninth session of the Executive Body (Geneva, 9–13 December 2019), this resulted in contributions from Canada, the European Union, Spain and the United States of America. The secretariat also commented on text versions later in the process.
6. The Chair of the group informed the Parties present at the forty-second session of the Executive Body (Geneva, 12–16 December 2022) about the status of the ad hoc group's work, including a preview of possible proposals to revise the rules of procedure and some suggestions to follow prior to a future revision of the rules of procedure.
7. The secretariat circulated a first summary of the work undertaken by the group for an intermediate consultation round, starting on 25 May 2023 and ending on 26 June 2023. Parties were invited in particular to reflect on seven key issues. Submissions were received from Canada, the European Union, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America.
8. The intermediate consultation round resulted in the insight that there is no support to amend rule 33<sup>1</sup> (amendments of the rules of procedure must be taken by consensus), nor to add a specific provision that meetings of the Executive Body and its subsidiary bodies should be public in its broadest sense. Nevertheless, the group recommends strongly—starting from the next available opportunity—to use the possibility that the public can follow the meeting via UNTV broadcast or a Webex Livestream which are available at additional cost. The next best option is a live audio feed from the meeting (via the interpretation booths) which is

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<sup>1</sup> Unless otherwise specified, all rules mentioned refer to the draft option document of the rules of procedure as attached to this document.

available at no additional cost. Listeners can use the Listen.Live web portal and select the language they want to follow the meeting in.

9. At the sixty-first session (Geneva, 4–6 September 2023) of the Working Group on Strategies and Review, the Chair of the group summarized the contents of its intermediate report available as an informal document. Annexed to this document are several concrete text suggestions of how the current rules of procedure could be amended to fulfil Parties' wishes. This was done as an attempt to concretise the discussion on possible amendments directly from the outset avoiding time consuming drafting during formal meetings.

10. The discussion that followed after the Chair of the group presented the intermediate report at the sixty-first session of the Working Group on Strategies and Review is reflected in the report of this meeting. The Chair of the group indicated that in his view the process to amend the rules of procedure should enter into a new phase. The present formal document can play an important role in this process.

## II. Provisions which potentially could lead to amendments

11. In accordance with what was discussed by Parties at the sixty-first session of the Working Group on Strategies and Review, four key items with the potential to amend the rules of procedure, remained. These are:

(a) Additional provisions for hybrid meetings with remote participation in a separate Executive Body decision, initially prepared by the secretariat. These additional rules would apply when the Executive Body Bureau (Bureau) decides to have a hybrid meeting in case of unforeseen circumstances (rule 3) (subheading II.A.);

(b) Increasing the number of Vice-chairs of the Bureau from three to four (rule 17a) (subheading II.B.);

(c) Voting rules for electing officers in case of no consensus (rule 17b) (subheading II.C.);

(d) Voting rules for decision making (rule 32) including for subsidiary bodies (subheading II.D.).

### A. Hybrid meetings (rule 3)

12. An additional paragraph 2 to rule 3 could be introduced to mandate the Bureau to decide, in consultation with the secretariat, whether the format of the meeting should change (e.g., become a hybrid meeting). Rule 3, paragraph 2 should most likely also apply to meetings of the subsidiary bodies and for that reason the option can be considered to add "and meetings" in rule 21, paragraph 1. In this event, due account should be taken of the financial implications of changing the meeting format.

13. The group also discussed the usefulness and need of including additional rules in the rules of procedure that should apply in the event of a hybrid meeting. On the one hand, closely defined rules for hybrid meetings may not be suitable for all possible future situations in which hybrid meetings may be necessary, on the other hand, a complete lack of rules could create significant uncertainty. To maintain flexibility, the following draft option could be considered:

(a) General rules for hybrid meetings to be drafted/developed by the secretariat should be adopted in a separate decision (not part of the rules of procedure) by the Executive Body;

(b) Where a hybrid meeting is deemed necessary before the operating rules have been adopted by the Executive Body, operating rules set by the Bureau (based on a draft by the secretariat) are applied to the extent necessary until the Executive Body can adopt them.

14. The option to add a new paragraph 4 to rule 3 is about how the general rules for hybrid meetings relate to the rules of procedure: these shall supplement the rules of procedure to ensure—to the extent possible—that Parties retain the same rights, privileges and protections

afforded to them in meetings with only in-person participation. The rules of procedure shall continue to apply in full and, in case of any conflict with the operating rules, take precedence.

## **B. Composition of the Bureau (rule 17a)**

15. The group discussed the advantages and disadvantages of raising the number of Vice-chairs from three to four (indicated in brackets in the annex to the present document) enabling broader participation and to facilitate a composition of the Bureau respecting geographical balance and gender parity. Aware of the fact that raising the number of Vice-chairs—as supported by some Parties—is mainly a political decision, the group would like to underline the advantage that increasing the number of Vice-chairs from three to four could very well go hand in hand with the proposal on geographical balance and gender parity.

16. Triggered by the discussion of the need to amend rule 17a of the rules of procedure, the group would like to mention that the Executive Body could also decide to review/revise the mandate of the Bureau for the benefit of an even better functioning of the Convention as a whole.

## **C. Election of officers (rule 17b)**

17. The group considered that the provisions for decision-making as laid out under chapter XI “Decision making” in the rules of procedure, might not be suitable for electing officers and that explicit wording further explaining the voting rules for the election of officers should be added. Parties may want to consider the option of introducing a new rule (17b) about the use of a secret ballot if a vote is needed during an election. The suggested rules in the annex follow similar provisions in other conventions.

18. The question was raised whether a secret ballot vote could also be held during a hybrid meeting with remote participation. Based on widely collected insights and experiences, in the absence of predetermined rules, the group concluded that confidence in the voting process would not be possible. In order to avoid any future discussion in the event of hybrid meetings, the group formulated as an example the textual option that a secret ballot vote shall take place only by participants (with credentials to do so) in the meeting room and by no means by remote participation.

## **D. Voting (rules 30 and 30bis)**

19. Parties may want to consider adding a paragraph to explain how voting should be carried out (not for election of officers which is covered by rule 17, paragraph 2); by show of hands or by roll call if requested by any Party.

20. The group also noted that an option could be to replace the existing provision that “the result of the vote of each Party participating in a vote shall be recorded in the report of the meeting” by a more practical provision; the overall result of the vote shall be recorded in the report of the meeting and each party may request that in addition its vote will be also explicitly mentioned in the report of the meeting.

21. A new rule 30bis could be introduced determining that decision-making on issues pertaining to the Implementation Committee or its procedures, shall be made by consensus only. This long existing provision can be found in “Decision 1998/3 on the procedure for amending decisions pertaining to the Implementation Committee”, which has never been revoked. This differs from rule 29 of the current rules of procedure, which establishes consensus as the basic rule for decision-making for the Executive Body but also allows to resort to voting in case all efforts to reach consensus were in vain. Please note that the voting rules for officers (rules 17 and 17bis) do not apply to the election of the members of the Implementation Committee.

### **III. Other provisions with certain potential for amendment**

#### **A. Scope (rule 1)**

22. To improve clarity, rule 1 could be revised to indicate more clearly that the rules of procedure also apply to the proceedings of the meetings of the subsidiary bodies and the functioning of the Bureau, which is in fact already the case (see rules 20 and 21 of the current rules of procedure). Alternatively, in practice and systematically rule 21 is meant to be the rule dealing with the question of which rules apply to the meetings of subsidiary bodies. Rather than creating a new rule, this more specific rule could be amended to provide further clarity on this issue.

#### **B. Definitions (rule 2)**

23. Parties may want to consider two additional definitions for (1) “hybrid meeting” and (2) “remote participation”. For the definition of “hybrid meeting” the definitions in the rules of procedure of other ECE conventions was used as the basis. As for the definition of “remote participation”, there is a challenge to referring to “seeing” a participant. Referencing being “seen” has the advantage that participants of the meeting can know with more certainty who is speaking, and for this reason “and see” was included in the updated rules of procedure for the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters for example. On the other hand, participants with a poor internet connection may be excluded by this rule from actively participating in the meeting. However, this argument can be countered by the argument that nowadays a good internet connection can be regarded as a minimum condition for successfully participating in any international meeting.

#### **C. Frequency of Executive Body sessions (rule 3, paragraph 1)**

24. To ensure clarity, the group suggests Parties consider the following options:

(a) Explicitly indicating that the Executive Body is to meet at least once a year, as stated in article 10, paragraph 1 of the Convention itself;

(b) The original text has been proposed to be split into two separate sentences, with the first sentence referring to the date at which the Executive Body will convene and the second sentence referring to the location.

25. One Party suggested to consider the option that the Executive Body meets every two years resulting in an extra slot for the Working Group on Strategies and Review on the off year. Rather than acting against rule 3, paragraph 1, the Executive Body could also choose for the option to shorten the Executive Body session with less presentations and a stronger focus on decision-making to free up resources for the benefit of more meeting days for the Working Group on Strategies and Review.

#### **D. Temporary absence or premature resignation of the Chair (rule 19)**

26. The group noted that the rules of procedure do not address a situation where a Chair resigns before his or her term of office ends, for example halfway. If this omission needs to be overcome, the group identified as a potential option the possibility to split article 19 in two parts. The first part could be about a temporary absence of the Chair in which case a Vice-chair should take over. The second part could provide the provision for electing a new Chair at the earliest convenience (the first upcoming Executive Body session) in case a Chair resigns (for whatever reason) or is unable to complete his or her term of office or to perform his or her functions.

27. The group also considered whether it would be helpful to include reference to a pre-designated Vice-chair chosen in advance of meetings, amongst the three (or four) Vice-chairs

who could take over chairing the Executive Body session when the Chair is absent. The outcome was that such a reference in the rules of procedure would not be necessary if these kinds of good practices are implemented in advance.

#### **E. The Executive Body Bureau (rule 20)**

28. The group proposes that Parties consider inserting a new heading “The Bureau” to improve readability of this rule.

29. The group discussed the composition of the Bureau, partly in light of the tasks assigned to the Bureau, and the presence of observers and their role. The group has proposed a number of possibilities on the best way to address the issues raised by Parties. One recommendation was that detailed information on the type of work the Bureau does and how it operates could be reflected in an updated mandate of the Bureau. Alternatively, the current working method can be continued (such as the circumstance that the Bureau can invite observers to participate in their meetings) if the rules of procedure are supplemented with some transparency provisions. The group would also like to draw attention to the fact that the current mandate of the Bureau can be found in document ECE/EB.AIR/91/Add.1, annex I and that Parties have the possibility to revise the mandate as laid out in this document if they wish to do so.

#### **F. Transparency requirements for Executive Body Bureau meetings (rule 20, paragraph 4)**

30. The group discussed the potential for suggesting transparency provisions in rule 20, paragraph 4, including requiring that the dates of the Bureau meetings be set in an annual calendar and that the annotated agenda, and the minutes be posted on the website as soon as they are available. Please note that this is already common practice since the beginning of 2023.

### **IV. Other items with less potential for amendment**

#### **A. Terms of office**

31. Proposals from Parties have been received to increase the length of the term of Chairs or Vice-chairs from two years to three years. At the same time some Parties have expressed a desire to leave the terms at two years. Setting the length of the term should be a decision by the Parties, therefore the group has not provided an opinion. However, the group recognizes that more flexibility regarding the term length in case of re-election could be supportive for candidates to opt for a second term, in particular when the first term of office is set at three years. Therefore, the group explored the option that the duration of the second term (or even a third or fourth if the Executive Body “decides otherwise”) could be shorter than the duration of the first term if there is a wish to do so, either from the perspective of the candidate or the Executive Body. This option maximises flexibility which can be helpful in certain circumstances, for example in the case that an officer is due to retire during a next term. In concrete terms this would mean that if the first term remains two years, an officer can stay two, three or four years on its post. If the first term is set at three years, an officer can stay three, four, five or six years at its post. In both cases this may be even longer, if the Executive Body decides to overrule the provision that an officer cannot serve longer than two terms of office.

32. Although the option as explained above could be workable, some Parties questioned the added value stating that an officer can always resign or step back whenever this is desired by the officer concerned. If this happens, rule 19, paragraph 2 (new) applies for the Chair of the Executive Body or a subsidiary body or rule 20, paragraph 3 applies for a Vice-chair of the Executive Body. From this perspective, introducing more flexibility for the length of the second term can be considered as overkill.

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**B. Voting rules for subsidiary bodies (rule 21, paragraph 6)**

33. Here the option to delete the reference to rule 29 could be considered so that the voting rules also apply to all subsidiary bodies. Although subsidiary bodies are not decision-making bodies, they still have to agree on certain issues, for instance on their recommendations to the Executive Body and decide on certain procedural issues. Therefore, rules for decision-making by voting may also be needed in the subsidiary bodies (particularly on contentious issues). As it appeared that Parties have different views on the removal of the reference to rule 29, it is suggested to await first an opinion of the ad hoc group of legal experts on this issue.

**C. Intersessional decision-making (rule 29)**

34. The group discussed the possibility to add certain provisions on intersessional decision-making for items that do not necessarily have to wait for the next Executive Body session for decision-making. The purpose of this would be that a well-functioning system for intersessional decision-making could have the advantage of reducing the workload of the secretariat, make the decision-making in the Convention itself more efficient and faster and also save valuable meeting time.

35. An analysis of other conventions that do work with intersessional decision-making revealed an important difference: the Executive Body meets every year, and the time between two sessions is therefore never more than a year. The potential profit in procedure time is therefore limited. On top of this it was considered that already now the Executive Body has the possibility to mandate the subsidiary bodies to take formal decisions. In view of this, the group decided not to make a proposal to include intersessional decision-making in the rules of procedure.

36. The secretariat noted furthermore that whereas certain types of the secretariat support, e.g., circulation of documents for comments and collecting them, can be absorbed within existing resources, other resource demanding activities, such as organization of additional meetings, drafting documents, etc., could have financial implications.

## Annex

### **Rules of procedure for sessions of the Executive Body for the Convention on Long-range Transboundary Air Pollution as adopted by decision 2010/19 and amended by decision 2013/1 and [..../.]**

#### **I. Purpose**

##### **Rule 1**

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

#### **II. Definitions**

##### **Rule 2**

For the purpose of these rules:

1. “Convention” means the Convention on Long-range Transboundary Air Pollution, adopted in Geneva, Switzerland, on 13 November 1979.
2. “Parties” means Parties to the Convention.
3. “Session” means the session of the Executive Body established in accordance with article 10, paragraph 1, of the Convention.
4. “Regional economic integration organization” means a regional economic integration organization referred to in article 14, paragraph 1, of the Convention.
5. “Chair” means the chair elected in accordance with rule 17 of these rules of procedure.
6. “Bureau” means the Bureau referred to in rule 20 of these rules of procedure.
7. “Subsidiary body(-ies)” means the Working Group on Strategies and Review, the Working Group on Effects and the Steering Body to the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP).
8. “Secretariat” means, in accordance with article 11 of the Convention, the Executive Secretary of the United Nations Economic Commission for Europe (UNECE).
9. “Hybrid meeting” means a meeting that is conducted with the option of in-person or remote participation.
10. “Remote participation” means participation in a meeting through an Internet connection to a virtual meeting platform, whereby representatives can participate and address the meeting.

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

##### **Rule 3**

1. In accordance with article 10, paragraph 1 of the Convention the Executive Body is to meet at least annually. The meeting dates shall be fixed by the Executive Body at previous meetings and after consultation with the secretariat. The sessions of the Executive Body shall be held at the United Nations Office at Geneva, unless the Parties decide otherwise.
2. In case a physical meeting cannot take place in accordance with rule 3, paragraph 1 the Bureau may, in consultation with the secretariat, decide to hold a hybrid meeting with remote participation.
3. For hybrid meetings with remote participation additional operational rules, prepared by the secretariat and adopted by the Executive Body, shall apply. Where a hybrid meeting



is deemed necessary before the Executive Body has adopted the operating rules, draft operating rules set by the Bureau are applied to the extent necessary until the Executive Body can adopt them.

4. The operating rules shall supplement the rules of procedure to ensure - to the extent possible - that Parties retain the same rights, privileges and protections afforded to them in meetings with only in-person participation. The rules of procedure shall continue to apply in full and, in case of any conflict with the operating rules, take precedence.

#### **IV. Notification, agenda and documentation**

##### **Rule 4**

1. The secretariat shall notify all Parties in the working languages of the UNECE of the date and venue of a session at least six weeks before the session is to take place.

2. The secretariat shall also provide notification in the working languages of the UNECE of any session, including information on the date and venue, at least six weeks before the session is due to take place to:

(a) States and regional economic integration organizations that are signatories to the Convention, but have yet to become Parties;

(b) Any State or regional economic integration organization which is entitled under article 15, paragraph 2, of the Convention to accede to it and has requested to be so notified.

##### **Rule 5**

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

##### **Rule 6**

1. The provisional agenda for each session shall include:

(a) The items whose inclusion was decided at a previous session;

(b) Any item proposed by the Bureau;

(c) Any item proposed by a Party before the provisional agenda is circulated;

(d) Any item proposed by a subsidiary body;

(e) Any item arising from the articles of the Convention or its Protocols;

(f) The proposed budget as well as all questions pertaining to the accounts and financial arrangements;

(g) Election of officers.

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

##### **Rule 7**

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

##### **Rule 8**

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

**Rule 9**

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

**Rule 10**

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

2. All such notifications and documentation shall be placed on the UNECE website when distributed to the Parties.

3. The Secretariat shall distribute the draft report of each session of the Executive Body or of subsidiary bodies to the Parties and organizations referred to in rule 4 no later than six weeks after the closure of the session to which the report relates.

**V. Representation and credentials****Rule 11**

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

**Rule 12**

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

**Rule 13**

The credentials of all representatives shall be submitted to the secretariat at the latest 24 hours after the opening of the session. Notification of any subsequent change in the composition of the delegation shall also be submitted to the secretariat. Where new protocols or amendments to the Convention or to one of its protocols, other than amendments to the annex to the Protocol on Long-term Financing of EMEP, are to be adopted, the credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization. Adjustments to annex II to the 1994 Protocol on the Further Reduction of Sulphur Emissions and annex II to the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol) are not considered to be amendments.

**Rule 14**

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

**Rule 15**

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

**VI. Observers****Rule 16**

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

2. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the secretariat of its wish to be represented at a session as an observer, may be so admitted, unless at least one third of the Parties present at the session object.
3. Such observers may, upon the invitation of the Chair, participate in the proceedings of any session in matters of direct concern to the body or agency they represent, unless at least one third of the Parties present at the session object.
4. Observers entitled to participate in sessions pursuant to this rule do not have the right to vote at such sessions.

## **VII. Officers**

### **Rule 17a**

1. The Executive Body shall have a Chair and [three][four] Vice-chairs elected by the representatives of the Parties present at a session. In electing the Chair and the Vice-chairs due account shall be taken of geographical balance and gender parity, as much as possible.
2. The first term of office for a Chair or Vice-chair shall be [two][three] years, commencing at the end of the session at which the officer is elected. Officers shall be eligible for re-election for an additional term equal or less than [two][three] years but may not serve more than two consecutive terms unless the Executive Body decides otherwise.
3. The Chair shall participate in the session in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Chair or the Party concerned may designate another representative who shall be entitled to represent the Party in the session and to exercise the Party's right to vote.

### **Rule 17b**

1. In case an officer cannot be elected on the basis of consensus, a secret ballot vote shall take place to be organized by the secretariat.
2. The voting for the election of officers can only take place in the meeting room and only representatives physically present in this room can participate. The officers of the session shall count the votes and report the result to the Executive Body.
3. For the purposes of this rule, "Parties present and voting" means Parties physically present in the meeting room and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.
4. If in the first ballot no candidate receives a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If the second ballot results in a tie, the Chair assisted by the secretariat shall decide between the candidates by drawing lots.
5. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue as described in paragraph 4 of this rule.
6. The minutes of the meeting shall record the officers nominated, the course of the vote and the final result.

### **Rule 18**

1. In addition to exercising the powers conferred upon him or her elsewhere by these rules, the Chair shall:
  - (a) Declare the opening and closing of the session;
  - (b) Preside over the session;
  - (c) Ensure the observance of these rules;
  - (d) Accord the right to speak;

- (e) Put questions to the vote and announce decisions;
  - (f) Rule on points of order;
  - (g) Subject to these rules, have complete control over the proceedings and maintain order.
2. The Chair may, moreover, propose:
- (a) The closure of the list of speakers;
  - (b) A limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question;
  - (c) The adjournment or closure of debate;
  - (d) The suspension or adjournment of the session.
3. The Chair, in the exercise of his or her functions, remains under the authority of the Executive Body.

**Rule 19**

1. If the Chair is temporarily absent from a session or any part thereof a Vice-Chair shall act as Chair.
2. If the Chair resigns before the end of its term of office, or the Chair is unable to complete his or her term of office or to perform his or her functions, a new Chair shall be elected at the next session of the Executive Body. Until then one of the Vice-Chairs shall act as Chair.

**VIIbis. The Bureau****Rule 20**

1. The Bureau consists of the Chair of the Executive Body and [three][four] Vice-Chairs, along with the Chairs of the subsidiary bodies and the Implementation Committee.
2. The Bureau shall be chaired by the Chair of the Executive Body or, in his or her absence, by a Vice-Chair.
3. If a Vice-Chair of the Executive Body resigns or is otherwise unable to complete the assigned term of office or to perform the functions of the office, a representative of the same Party shall be named by the Party concerned to replace the said member until the next session of the Executive Body, at which session a replacement shall be elected for the remainder of that member's mandate.
4. The dates of the Bureau meetings, the annotated agenda and the notes of Bureau meetings shall be posted on the website of the Convention as soon as practicable.

**VIII. Subsidiary bodies****Rule 21**

1. These rules of procedure shall apply mutatis mutandis to meetings and the proceedings of subsidiary bodies, save as otherwise specified in paragraphs 2 to 7 below or decided by the Executive Body.
2. The Executive Body shall determine the matters to be considered by the subsidiary bodies and shall establish their terms of reference and programmes of work.
3. The Executive Body may decide the periodicity of meetings for any subsidiary body in the period between sessions.
4. Unless the Executive Body decides otherwise, each subsidiary body shall elect its own chair and vice-chair(s), with the exception of the Chair of the Working Group on Strategies and Review, who shall be elected by the Executive Body.

5. Notwithstanding rule 17.1, a subsidiary body may decide on the number of vice-chairs required to conduct its business. If a subsidiary body decides to elect more than three vice-chairs it shall consider staggering their terms of office.
6. Rules 11 to 15, [29] and 30 shall not apply to the proceedings of subsidiary bodies.
7. These rules shall not apply to bodies established by subsidiary bodies.

## **IX. Secretariat**

### **Rule 22**

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

### **Rule 23**

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

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

## **X. Conduct of business**

### **Rule 24**

1. No one may speak at a meeting without having previously obtained the permission of the Chair. The representatives of the States and organizations entitled to participate under rule 4 shall be entitled to seek to address the Executive Body under each agenda item and, having made such a request, shall be included on the list of speakers. The Chair may call a speaker to order if the latter's remarks are not relevant to the subject under discussion.

2. The Executive Body may, on a proposal from the Chair or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. When it has been decided to so limit the time for debate and a speaker exceeds the allotted time, the Chair shall call him or her to order without delay.

3. The Executive Secretary of the UNECE, or his or her representative, may at any session make either oral or written statements concerning any question under consideration.

### **Rule 25**

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

### **Rule 26**

During the discussion of any matter, a representative of a Party may at any time raise a point of order, which shall be decided immediately by the Chair in accordance with these rules. A representative of a Party may appeal against the ruling of the Chair. The Chair may then, following consultation if he or she so desires, deem that the appeal should be put to the vote immediately, whereupon the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

### **Rule 27**

Any motion calling for a decision on the competence of the Executive Body to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be decided on before the matter itself is discussed or a decision is taken on the proposal or amendment in question.

**Rule 28**

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

2. Proposals for amending the Convention or its Protocols shall be submitted to the secretariat at least four months before the session at which they are proposed for adoption, so that the secretariat can communicate them to the Parties in the official languages of the UNECE at least ninety days before the session, in accordance with article 12 of the Convention and the relevant articles of its Protocols.

3. Notwithstanding paragraph 2, proposals for amending the Convention or its Protocols that are accompanied by an unofficial translation into the other two working languages of the UNECE may be submitted to the secretariat after the four-month deadline provided that the secretariat can communicate them to the Parties at least ninety days before the session, in accordance with article 12 of the Convention or the relevant article of the appropriate protocol.

**XI. Decision-making****Rule 29**

1. The Executive Body shall make every effort to reach its decisions by consensus, being the absence of a formal objection by a Party to the Convention or to one of its Protocols, as appropriate.

2. For the purpose of decision-making, a majority of the Parties to the Convention or to one of its Protocols, as appropriate, shall constitute a quorum.

3. If all efforts to reach consensus have been exhausted and no agreement reached, decisions on substantive matters shall, as a last resort, be taken by a three-fourths majority vote of the Parties present and voting, except where the Convention, applicable Protocol or these rules provide otherwise.

4. When decisions of the Executive Body on procedural matters cannot be reached by consensus, their adoption shall require a simple majority vote of the Parties present and voting at the session.

5. If the question arises whether a matter is one of a procedural or substantive nature, the Chair shall rule on the question. An appeal against this ruling shall immediately be put to the vote, and the Chair's ruling shall stand unless overruled by a three-fourths majority of the Parties present and voting.

6. For the purposes of this rule, "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

7. Except as provided for in paragraph 8 of this rule, each Party shall have one vote.

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

**Rule 30**

1. Voting shall normally be by show of hands. A roll call vote shall be taken if so requested by any Party. The roll call shall be taken in the English language alphabetical order.

2. The overall result of the vote shall be recorded in the report of the meeting. Any party may request that its vote shall be explicitly mentioned in the report of the meeting.

**Rule 30bis**

Any amendment to decision 1997/2, and any other decision of the Executive Body pertaining to the Implementation Committee or its procedures, shall be made by consensus of the Parties to the Convention meeting within the Executive Body.

**XII. Languages****Rule 31**

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

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

**Rule 32**

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

**XIII. Amendments to rules of procedure****Rule 33**

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

**XIV. Overriding authority of the Convention and its Protocols****Rule 34**

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

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