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

Working Group on Strategies and Review

Sixty-second session

Geneva, 27–31 May 2024

Item 4 of the provisional agenda

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

Proposal for amendments to the rules of procedure

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 (ECE/EB.AIR/148). The ad hoc group of experts, tasked with undertaking this review, presented its report to the Executive Body (ECE/EB.AIR/2023/8) at its forty-third session (Geneva, 11–14 December 2023). At the same session, the ad hoc group of legal experts presented the results of the legal assessment of the recommendations made by the rules of procedure review group. Following the discussion, the Executive Body requested the ad hoc group of experts, established by decision 2021/6, in cooperation with the ad hoc group of legal experts, to propose potential amendments to the rules of procedure for consideration by the Working Group on Strategies and Review at its sixty-second session.

The present document, prepared by the group of experts, is accompanied by an informal document with additional considerations and marked proposals for amendments to the rules of procedure. The Working Group is invited to consider the proposed amendments and to provide possible recommendations to the Executive Body at its forty-fourth session (Geneva, 9–12 December 2024).

I. Introduction

1. At its forty-third session (Geneva, 11–14 December 2023), the Executive Body considered the report on the review of the rules of procedure (ECE/EB.AIR/2023/8)¹ prepared by the rules of procedure review group and the report of the ad hoc group of legal experts on the proposed rules of procedure for the Convention on Long-range Transboundary Air Pollution.²

2. The work of both ad hoc groups of experts was carried out in accordance with 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, adopted by the Executive Body at its forty-first session (Geneva, 6–8 December 2021). The Executive Body did not conclude the process at its forty-third session and requested the ad hoc group of experts, established by decision 2021/6, in cooperation with the ad hoc group of legal experts, to propose potential amendments to the rules of procedure for consideration by the Working Group on Strategies and Review at its sixty-second session.

3. At the same session, the Executive Body invited Parties to submit views on the potential amendments initially identified by the ad hoc group of experts to the secretariat by 9 February 2024. Following the invitation, submissions were received from the United Kingdom of Great Britain and Northern Ireland and the European Union.

4. In addition to the present document, the Chair of the rules of procedure review group, supported by additional input from the secretariat and some members of the review group, prepared an informal document³ with the aim of facilitating the process in accordance with the request made by the Executive Body at its forty-third session. The first part of the informal document is structured on the basis of the report of the ad hoc group of legal experts and supplemented with considerations and proposals on how the recommendations and findings of the legal experts could be incorporated into a proposed revised version of the rules of procedure. The second part of the above-mentioned informal document presents the proposed tracked changes to the text of the rules of procedure. The proposed revised text of the rules of procedure, without tracked changes, is annexed to the present document.

II. Key items at stake

5. At the forty-third session of the Executive Body, the Chair of the rules of procedure review group presented the four following key aspects for potential amendments (the accompanying informal document addresses items a and c–d in a clear manner):

- (a) Additional provisions for hybrid meetings with remote participation;
- (b) Increasing the number of Vice-Chairs of the Bureau from three to four;
- (c) Voting rules for electing officers in case of no consensus;
- (d) Rules for voting on substantial matters in case of no consensus.

6. Increasing the number of Vice-Chairs from three to four (item b) is a political decision for the Parties to make. One potential benefit is that such an increase could enable broader participation and facilitate the achievement of geographical and gender balance. However, as the ad hoc group of legal experts correctly pointed out, any election involving Chair and/or Vice-Chair posts should be in the best interest of the Convention.

¹ The document was accompanied by an informal document available on the webpage of the forty-third session of the Executive Body (<https://unece.org/environment/documents/2023/11/informal-documents/agenda-item-8-annex-rop-review-report-tracked>).

² Available as an informal document for the forty-third session of the Executive Body at <https://unece.org/environment/documents/2023/11/informal-documents/agenda-item-8-legal-assessment-proposed-revisions>.

³ Available on the web page of the sixty-second session of the Working Group on Strategies and Review (<https://unece.org/info/events/event/384007>).

7. The following considerations are also relevant to the issue of the number of Vice-Chairs:

(a) Regardless of whether there are three or four Vice-Chairs, there might be a need to define which of them would serve as acting Chair in the event of the absence of the Chair, or of his or her inability to chair the meeting. An extra provision in this regard could prevent a dispute from arising between the Vice-Chairs regarding who should serve as acting Chair;

(b) The Working Group on Strategies and Review could also make a recommendation to the Executive Body with respect to the need to review/revise the mandate of the Bureau to further improve the functioning of the Convention. If such a revision is foreseen, the Executive Body could also consider moving the rules contained in the newly added section VII bis of the rules of procedure (see annex) to the revised mandate. Grouping together all rules concerning the Bureau in one document could make sense and such an approach would also render the contents of the rules of procedure more consistent with their title and scope (see annex, rule 1);

(c) The ad hoc group of legal experts suggested producing a consolidated or annotated document (also of the Convention and its protocols) due to difficulties with finding all decisions applicable to a specific situation. The secretariat informed the rules of procedure review group that it was working on a solution to that issue by creating a user-friendly overview of all Executive Body decisions grouped by specific topic, to be available on the United Nations Economic Commission for Europe (ECE) website.

III. Next steps

8. The process of revising the rules of procedure could continue as follows:

(a) At its sixty-second session, the Working Group on Strategies and Review may wish to discuss the remaining key items listed above and any other relevant issues at the beginning of its session, to allow for further work to be carried out in a breakout group, with participation of the experts of the rules of procedure review group and the ad hoc group of legal experts, with the Working Group providing guidance to the breakout group, as needed;

(b) The breakout group could report back to the Working Group on Strategies and Review, with a view to facilitating its agreement on a draft revision text;

(c) After the session, the ad hoc group of legal experts and the secretariat could perform a final editorial review with a view to examining matters of language and consistency;

(d) An official document containing proposed amendments to the rules of procedure could be presented to the Executive Body for consideration at its forty-fourth session (Geneva, 9–12 December 2024).

Annex

Proposed revised text of the rules of procedure

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 (1) of the Convention, and – where indicated – to the sessions of its subsidiary bodies and to the functioning of the Bureau.

II. Definitions

Rule 2

For the purpose of these rules:

- (a) “Convention” means the Convention on Long-range Transboundary Air Pollution, adopted in Geneva, on 13 November 1979;
- (b) “Parties” means Parties to the Convention;
- (c) “Session” means the session of the Executive Body established in accordance with article 10 (1) of the Convention;
- (d) “Regional economic integration organization” means a regional economic integration organization referred to in article 14 (1) of the Convention;
- (e) “Chair” means the Chair elected in accordance with rule 17 of these rules of procedure;
- (f) “Bureau” means the Bureau referred to in rule 20 of these rules of procedure;
- (g) “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);
- (h) “Secretariat” means, in accordance with article 11 of the Convention, the Executive Secretary of the United Nations Economic Commission for Europe (ECE);
- (i) “Hybrid session” means a session that is conducted with the option of in-person and/or remote participation through an Internet connection to a virtual meeting platform;
- (j) “Virtual session” means a session that is conducted entirely through remote participation through an Internet connection to a virtual meeting platform;
- (k) “Officers of the session” mean the Vice-Chairs present at the session or, in case of absence, a replacement as specified in rule 20 (3).

III. Frequency, place, date and format of sessions

Rule 3

1. In accordance with article 10 (1) of the Convention, the Executive Body is to meet at least annually, on dates fixed by the Executive Body at previous sessions and after consultation with the secretariat. The sessions of the Executive Body shall be held in person at the United Nations Office at Geneva, unless the Parties decide otherwise.
2. Where a session of the Executive Body cannot be held in an in-person format, the Executive Body or – if the timing of sessions necessitates it – the Bureau may, in consultation with the secretariat, decide to hold a hybrid or virtual session instead.
3. For hybrid and virtual sessions, additional operating practices, prepared by the secretariat and adopted by the Executive Body, shall apply. Where a hybrid session is deemed necessary before the Executive Body has adopted the operating practices, draft operating practices set by the Bureau shall be applied to the extent necessary until the Executive Body can adopt them. The operating practices shall supplement the rules of procedure and ensure that Parties retain rights, privileges and protections similar to those afforded to them in sessions with only in-person participation. The rules of procedure shall continue to apply in full and, in case of any conflict with the operating practices, shall take precedence.

IV. Notification, agenda and documentation

Rule 4

1. The secretariat shall notify all Parties in the working languages of ECE (English, French and Russian) of the date and venue of a given session at least six weeks before that session is due to take place.
2. The secretariat shall also provide notification in the working languages of ECE of any given session, including information on its date and venue, at least six weeks before that session is due to take place, to:
 - (a) States and regional economic integration organizations that are signatories but not yet Parties to the Convention;
 - (b) Any State or regional economic integration organization that is entitled under article 15 (2) of the Convention to accede thereto 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 the inclusion of which 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 that may arise between the time of 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 thereto 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 ECE 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 thereto 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 for 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 session 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 (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 (2) of the Convention to accede thereto shall also be entitled to participate in such sessions, regardless of whether said State or regional economic integration organization 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 given 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 invitation by 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 17**

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 and gender balance.

2. The 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 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 17bis

1. Officers should preferably be elected by consensus.

2. In case a consensus cannot be reached, an officer will be elected by majority voting. Each party has one vote. Abstentions and invalid votes are not taken into account in the count.

3. In the case of in-person sessions, the secretariat shall organize a secret ballot in accordance with the following rules:

(a) Voting for the election of officers can only take place in the room where the in-person session takes place;

(b) Only representatives of the Parties physically present in the room can participate in the ballot;

(c) The officers of the session shall count the votes and report the result to the Executive Body.

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 held. If the second ballot results in a tie, the Chair, assisted by the secretariat, shall decide between the two 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 the result is a tie between more than two candidates, the number of candidates shall be reduced to two by drawing lots, and balloting, restricted to the two remaining candidates, shall continue as described in paragraph 4 of this rule.

6. In an alternative to the rules set out in paragraph 3 above, the Executive Body may decide that the vote during an in-person session shall take place using a method other than secret ballot, provided that the alternative method guarantees the same level of reliability and confidentiality.

7. Paragraph 6 also applies to hybrid and virtual sessions.

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 his or her term of office, or 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.

VII bis. Bureau

Rule 20

1. The Bureau consists of the Chair of the Executive Body and its Vice-Chairs, along with the Chairs of the subsidiary bodies and of 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 his or her assigned term of office or to perform the functions of said office, a representative of the same Party shall be named by the Party concerned to replace said member until the next session of the Executive Body, at which a replacement shall be elected for the remainder of that member's mandate.
4. The secretariat will post the dates, agendas and notes of sessions of the Bureau on the website of the Convention as soon as they are available.

VIII. Subsidiary bodies

Rule 21

1. These rules of procedure shall apply mutatis mutandis to the meetings and proceedings of subsidiary bodies, save as otherwise specified in paragraphs 2–7 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 11–15 and 29–30 shall not apply to the proceedings of subsidiary bodies, but all subsidiary bodies shall make every effort to adopt their recommendations to the Executive Body by consensus.
7. These rules shall not apply to bodies established by subsidiary bodies.

IX. Secretariat

Rule 22

The Executive Secretary of ECE 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. Where 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 ECE, 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 given 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 given 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 given 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 thereof to the Parties. As a general rule, no proposal shall be discussed or put to the vote at any session unless copies thereof 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 on 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 ECE 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 of this rule, proposals for amending the Convention or its Protocols that are accompanied by an unofficial translation into the other two working languages of ECE 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, with “consensus” meaning 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 has been 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 as to 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 that 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 their right to vote, and vice versa.

Rule 29bis

Notwithstanding rule 29, any 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.

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 English language alphabetical order.
2. The overall result of the vote and the vote of each Party participating in a roll call vote shall be recorded in the report of the session.

XII. Languages

Rule 31

1. Statements made in a working language of ECE shall be interpreted into the other working languages of ECE.
2. A representative may speak in a language other than a working language of ECE, if he or she provides for interpretation into one of the working languages of ECE.

Rule 32

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

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.
