
Sixty-second session of the Working Group on Strategies and Review
Agenda item 4

Comments by the secretariat on the draft amendments to the rules of procedure¹

A. Rule 2 litera k) (rule 17)

“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).”

Comment

The definition of the term “officers of the session” usually includes the Chair and the Vice-Chairs. If the Chair was not included, the Air Convention’s rules of procedure would deviate from other bodies’ rules of procedure.

B. Rule 3 paragraph 3

“[...] 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.”

Comment

The first sentence quoted should also include virtual sessions.

C. 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.”

Comment

It is suggested to delete the second sentence. Excluding delegates, whose credentials have been rejected, from the session is not in line with the Executive Body’s actual practice. In this regard, the Air Convention’s rules of procedure also deviate from other bodies’ rules of procedure.

D. Rule 17 paragraph 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.”

Comment

Other rules of procedure solely give the right to designate an alternative representative to the Party (and not to the Chair themselves). As the Chair does not participate in the session as a representative of the Party, there technically is no opportunity for the Chair to designate an alternative representative. They could do it as a head of delegation, but that function and the function of Chair cannot be performed at the same time.

E. Rule 17bis

I. Paragraph 1

“Officers should preferably be elected by consensus.”

¹ As presented in ECE/EB.AIR/WG.5/2024/2, annex.

Comment

In its use of language, paragraph 1 deviates from the pre-existing rule 29 on decision-making. Here, the Executive Body “shall make every effort to reach its decisions by consensus”. The term “consensus” is defined in that later rule as well. It would make the rules of procedure more coherent to use language and definitions in a uniform manner.

II. Paragraph 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.”

Comment

In the last sentence of paragraph 2, the use of “Parties abstaining from voting shall be considered as not voting.” instead of “Abstentions and invalid votes are not taken into account in the count.” would make this paragraph more consistent with the use of language in rule 29. It would further not introduce an “invalid vote” only for the purpose of rule 17bis but not in the context of rule 29.

III. Paragraph 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.”

Comment

Paragraph 3 introduces a secret ballot for the purpose of elections only. Otherwise, rule 30 applies (voting by show of hands or roll call). In order to avoid confusion, “notwithstanding rule 30” could be added after or before “In the case of in-person sessions”.

IV. Paragraph 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.”

Comment

Paragraph 4 speaks of “Parties present and voting”. Rule 29 paragraph 6 contains a definition of “Parties present and voting” for the purpose of that rule only. It should be clarified whether the term means the same in rule 17bis.

F. 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.”

Comment

ECE’s Executive Secretary does not act as “secretariat” but as Secretary. She/he can carry out secretariat functions, as it is also phrased in the Convention. An alternative suggestion for the first sentence is: “The Executive Secretary of ECE shall carry out secretariat functions for all sessions of the Executive Body and for all sessions of the subsidiary bodies.”