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COMMISSION ON PHYTOSANITARY MEASURES

Second Session

Rome, 26 – 30 March 2007

Amendment of Rules II and VII of the Rules of Procedure of the Commission on Phytosanitary Measures

Agenda Item 10.1.1 of the Provisional Agenda

I. Introduction

1. In 2006, the First Session of the Commission on Phytosanitary Measures (CPM) adopted its Rules of Procedure as laid down in Article XI.7 of the IPPC. The adoption of the Rules of Procedure of the CPM was carried out at the beginning of CPM-1 in order to allow it to conduct its business in an orderly manner. Later during the session, CPM-1 decided to extend the Bureau, which would make an amendment of Rule II (Officers) of the Rules of Procedure necessary.
2. During 2006, the IPPC Secretariat also detected an inconsistency in relation to Rule VII (Observers), which would need to be amended in relation to observers to subsidiary bodies.
3. The following outlines the proposed changes to the Rules of Procedure of the CPM and their rationale.

II. Amendment of Rule II of the Rules of Procedure of the CPM

4. During the course of the meeting, CPM-1 discussed the size and composition of the Bureau and decided that the Informal Working Group on Strategic Planning and Technical Assistance (SPTA) should be formalized and that an enlarged bureau would form the core group of the SPTA (see report of CPM-1, paragraph 105). The CPM agreed that the SPTA would meet in October 2006 under its current interim terms of reference in order to develop terms of reference and rules of procedures for the formal SPTA and for the enlarged bureau, and to review the Rules of Procedure of the CPM to envisage amendments in relation to the enlarged bureau.

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5. In October 2006, the SPTA discussed, with the participation of the FAO Legal Office, the subject of an enlarged bureau. The SPTA agreed that the Commission should elect a Chairperson and not more than two Vice-Chairpersons and other persons from among the delegates to form a Bureau of seven persons, so that each FAO region was represented. The SPTA also recommended that the term of office for the Bureau members would be for two years and the main purpose would be to provide guidance to the CPM on the strategic direction and financial and operational management of its activities. These items would be introduced into Rule II.1 of the Rules of Procedure of the CPM as outlined in Annex 1. By introducing these items into Rule II.1, the SPTA felt that the establishment of separate terms of reference for the Bureau would be superfluous. SPTA also recommended that the meetings of the Bureau would not be open-ended and that the Bureau would set its own rules of procedure.

6. The SPTA also discussed as to when the enlarged bureau could be implemented. It was felt that it would be unreasonable to expect FAO regions to be able to determine who would represent them on the Bureau before CPM-2 without even knowing if the revision would be accepted and so the SPTA suggested that the additional members of the Bureau be elected with the new Chair and Vice-Chairpersons at CPM-3 (2008).

III. Amendment of Rule VII of the Rules of Procedure of the CPM

7. Rule VII of the Rules of Procedure of the Interim Commission on Phytosanitary Measures (ICPM) specified that any Member or Associate Member of the Organization (FAO) could attend meetings of the ICPM and its subsidiary bodies as an observer, thus effectively allowing every FAO member, whether IPPC contracting party or not, to attend meetings of subsidiary bodies as observers. This rule took account of the interim character of the ICPM for the period when the new revised text of the IPPC was not in force.

8. When the Rules of Procedure of the CPM were adopted, Rule VII provided that any country that was not a contracting party to the IPPC but a member of FAO could attend meetings of the CPM or its subsidiary bodies as observers. It was, however, not specified that contracting parties to the IPPC could attend meetings of subsidiary bodies of the CPM as observers. Additionally, the Rules of Procedure of the Standards Committee and the Subsidiary Body on Dispute Settlement both specified that, in regard to the attendance of observers, Rule VII of the CPM applied *mutatis mutandis*. This has led to the situation that non-contracting parties to the IPPC can attend meetings of the Standards Committee and Subsidiary Body on Dispute Settlement as observers while contracting parties cannot.

9. Both the SPTA and Standards Committee agreed to add a new point in Rule VII to correct this situation. The proposed amendment to Rule VII of the Rules of Procedure of the CPM as outlined in Annex 2 consists of the addition of Rule VII.5, to the effect that contracting parties can attend meetings of subsidiary bodies as observers.

IV. Conclusions

10. The CPM is invited to:
1. Consider the proposed amendment of Rule II.1 of the Rules of Procedure of the Commission on Phytosanitary Measures in Annex 1;
 2. Adopt Rule II.1 of the Rules of Procedure of the Commission on Phytosanitary Measures in Annex 1;
 3. Consider the proposed amendment of Rule VII of the Rules of Procedure of the Commission on Phytosanitary Measures in Annex 2; and
 4. Adopt Rule VII of the Rules of Procedure of the Commission on Phytosanitary Measures in Annex 2.

Annex 1**“RULE II
OFFICERS**

1. The Commission shall elect a Chairperson, not more than two Vice-Chairpersons and other persons from among the delegates to form a Bureau of seven persons, so that each FAO region is represented. The Commission shall elect a rapporteur for each regular session from among the delegates. No delegate shall be eligible without the concurrence of the respective head of delegation. The Bureau shall be elected under FAO Rules and Regulations at the end of a regular session and shall hold office for a term of two years. The Chairperson, or in the absence of the Chairperson, a Vice-Chairperson, shall preside at all meetings of the Commission and shall exercise such other functions as may be required to facilitate the work of the Commission. A Vice-Chairperson acting as a Chairperson shall have the same powers and duties as the Chairperson. The purpose of the Bureau is to provide guidance to the CPM on the strategic direction, financial and operational management of its activities. The Bureau sets its own rules of procedure.”

Annex 2**“RULE VII
OBSERVERS**

1. Any country that is not a contracting party but is a Member of the Organization, as well as the United Nations, any of its specialized agencies and the International Atomic Energy Agency, may, upon request communicated to the Director-General, attend sessions of the Commission, and its subsidiary bodies, as an observer. Any such observer may submit memoranda and participate in discussions without a vote. Any country that is not a contracting party and is not a Member of the Organization, but is a Member of the United Nations, any of its specialized agencies or the International Atomic Energy Agency, may, upon request and subject to the provisions relating to the granting of the Observer Status in respect of Nations as provided for by the Basic Texts of the Organization, be invited to attend, in an observer capacity, sessions of the Commission or of its subsidiary bodies. The status of such Nations shall be governed by the relevant provisions of the Basic Texts of the Organization.
2. Representatives of Regional Plant Protection Organizations shall be invited to attend all sessions of the Commission and its subsidiary bodies as observers. Any such observers may submit memoranda and participate in discussions without a vote.
3. Subject to the provisions of paragraph 4 of this Rule, the Director-General, taking into account guidance given by the Commission, may invite international (intergovernmental and non-governmental) organizations to attend sessions of the Commission in an observer capacity.
4. Participation of international organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and other pertinent Basic Texts of the Organization. All such relations shall be dealt with by the Director-General, taking into account guidance given by the Commission
5. Any country that is a contracting party may attend subsidiary body meetings as an observer, upon request to the Secretary of the IPPC.”