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منظمة الأغذية
والزراعة للأمم
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联合国
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Food and
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pour
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Продовольственная и
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Organización
de las
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para la
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COMMISSION ON PHYTOSANITARY MEASURES

Eighth Session
Rome, 8 - 12 April 2013
Proposed Amendments to the Rules of Procedure of the Commission on Phytosanitary Measures
Agenda item 7.1.1
Prepared by the IPPC Secretariat (English Only)

I. INTRODUCTION

1. This document deals with a set of amendments to the Rules of Procedure of the Commission on Phytosanitary Measures (CPM).

II. AMENDMENTS TO THE RULES OF PROCEDURE

2. The Rules of Procedure of the CPM were adopted by the CPM-1 in 2006 and amended once in 2007 by CPM-2.

3. All the elements and considerations for the proposed amendments are explained in documents CPM 2013/23 on “*Rules of Procedure for the Bureau*” and CPM 2013/.. on “*Proposed changes to CPM Rule VII: Observers*”. The amendments to the Rules of Procedure of the CPM, set out in Attachment I to this document, have been drafted based on such elements and considerations¹.

Pursuant to Rule XIII.1 of the current Rules of Procedure of the CPM related to “*Amendment and suspension of the rules*”:

¹ Deletions are indicated using ~~struck out text~~ and additions are indicated using *italics and underlined text*.

“Amendment of or additions to these Rules may be adopted by a two thirds majority of the members of the Commission present and voting, provided that not less than 24 hours notice of the proposal for the amendment or the addition has been given”.

Moreover, amendments to the Rules of Procedure of the CPM will enter into force upon approval by the Director General of the Organization according to Rule XIV on “*Entry into force*”, which reads as follows:

“These Rules and any amendments or additions thereto shall come into force upon approval by the Director-General of the Organization.”

III. POSSIBLE ACTION BY THE CPM

4. The CPM is invited to:
 - 1) *adopt* the proposed amendments to the Rules of Procedure of the CPM, set out in Attachment I hereto.

ATTACHMENT 1**Rules of procedure of the Commission on Phytosanitary Measures****Rule I: Membership**

1. Membership of the Commission on Phytosanitary Measures (hereafter referred to as “the Commission”) consists of all contracting parties to the International Plant Protection Convention (hereafter referred to as “the IPPC”).
2. Before the opening of each session of the Commission, each contracting party (hereafter referred to as “member of the Commission”) shall communicate to the Director-General (hereafter referred to as “the Director-General”) of the Food and Agriculture Organization of the United Nations (hereafter referred to as “the Organization”) the names of all the persons (the head of the delegation, as well as alternates, experts and advisers) appointed by such member of the Commission to represent it during the session mentioned above. For the purpose of these Rules, the term “delegates” means the persons so appointed.

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 Commission 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 Commission Bureau shall be elected under the FAO Rules and Regulations at the end of a regular session and shall hold office for a term of two years and shall be eligible for re-election for another two consecutive terms. In exceptional circumstances, an FAO region may submit a request to the CPM for an exception to allow a member to serve an additional term(s). 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 Commission Bureau is to provide guidance to the Commission on the strategic direction, financial and operational management of its activities in cooperation with others as approved by the Commission.
2. The Chairperson shall declare the opening and closing of each plenary meeting of the session. He/she shall direct the discussions in plenary meetings, and at such meetings ensure observance of these Rules, accord the right to speak, put questions and announce decisions. He/she shall rule on points of order and, subject to these Rules, shall have complete control over the proceedings at any meetings. He/she may, in the course of the discussion of an item, propose to the Commission the limitation of the time to be allowed to speakers, the number of times each delegation may speak on any question, the closure of the list of speakers, the suspension or adjournment of the meeting, or the adjournment or closure of the debate on the item under discussion.
3. The Chairperson, or a Vice-Chairperson acting as Chairperson, shall not vote but may appoint an alternate, associate or adviser from his/her delegation to vote in his/her place.
4. The Chairperson, in the exercise of his/her functions, remains under the authority of the Commission.

Rule III: Secretary

1. The Secretary of the IPPC shall be responsible for implementing the activities assigned to the Secretariat in accordance with the policies of the Commission. The Secretary shall report to the Commission on the activities assigned to the Secretariat.

Rule IV: Sessions

1. The Commission shall hold one regular session each year. Special sessions shall be held as considered necessary by the Commission or at the written request of at least one third of the members of the Commission.
2. Sessions of the Commission shall be convened by the Chairperson of the Commission, after consultation with the Director-General.
3. Notice of the date and place of each session of the Commission shall be communicated to all the members of the Commission at least two months before the session.
4. Each member of the Commission shall have one representative, head of delegation, who may be accompanied by one or more alternates, experts and advisers. An alternate, expert or adviser shall not have the right to vote except when substituting for the head of delegation.
5. Meetings of the Commission shall be held in public unless the Commission decides otherwise.
6. A majority of the members of the Commission shall constitute a quorum.

Rule V: Agenda and documents

1. The Director-General, in consultation with the Chairperson of the Commission, shall prepare a provisional agenda.
2. The first item on the provisional agenda shall be the adoption of the Agenda.
3. Any member of the Commission may request the Director-General to include specific items in the Provisional Agenda.
4. The Provisional Agenda shall normally be circulated by the Director-General at least two months in advance of the session to all members of the Commission and to all observers invited to attend the session.
5. Any member of the Commission, and the Director-General, may, after the despatch of the Provisional Agenda, propose the inclusion of specific items on the Agenda with respect to matters of an urgent nature. These items should be placed on a supplementary list, which, if time permits before the opening of the session, shall be dispatched by the Director-General to all members of the Commission, failing which the supplementary list shall be communicated to the Chairperson for submission to the Commission.
6. After the Agenda has been adopted, the Commission may, by a two-thirds majority of the members of the Commission present and voting, amend the Agenda by the deletion, addition or modification of any item. No matter referred to the Commission by the Conference or Council of the Organization may be omitted from the Agenda.
7. Documents to be submitted to the Commission at any Session shall be furnished by the Director-General to all the members of the Commission and to observers invited to the session, at the time the Agenda is dispatched or as soon as possible thereafter.
8. Formal proposals relating to items on the Agenda and amendments thereto introduced during a session of the Commission shall be made in writing and handed to the Chairperson, who shall arrange for copies to be circulated to all delegates.

Rule VI: Voting procedures

1. Subject to the provisions of Article II of the Constitution of the Organization, each member of the Commission shall have one vote.
2. The Commission shall make every effort to reach agreement on all matters by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as the last resort be taken by a two-thirds majority of the members of the Commission present and voting.

3. For the purpose of these Rules, the phrase “members present and voting” means members of the Commission casting an affirmative or negative vote. Members who abstain from voting or cast a defective ballot are considered as not voting.
4. Upon the request of any member of the Commission, voting shall be by roll-call vote, in which case the vote of each member shall be recorded.
5. When the Commission so decides, voting shall be by secret ballot.
6. The provisions of Rule XII of the General Rules of the Organization shall apply mutatis mutandis to all matters not specifically dealt with under this Rule.

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.~~

1 Regional Plant Protection Organizations (RPPOs) recognized by the Commission under article IX of the IPPC shall participate as observers in all meetings of the Commission.

2 Countries can participate as observers in meetings of the Commission as follows:

- i) Any Country that is not a contracting party but is a Member of FAO, as well as the United Nations, any of its specialized agencies and the International Atomic Energy Agency, may upon request communicated to the IPPC Secretary and endorsement by the CPM Bureau, participate as an observer in meetings of the Commission.
- ii) Any Country that is not a Member of FAO or an IPPC contracting party, but is a Member of the United Nations, any of its specialized agencies or the International Atomic Energy Agency may, upon request communicated to the FAO Director General, and subject to the relevant provisions of the Basic Texts of the Organization, be invited to participate in meetings of the Commission.

- iii) Any Country that is not a Member of FAO or a member of the United Nations, any of its specialized agencies or the International Atomic Energy Agency shall not be permitted to send observers to meetings of the Commission.

3. International organizations, whether intergovernmental or non-governmental, may, subject to the relevant provisions of the Basic Texts of the Organization participate as observers in meetings of the Commission. Relations with the concerned organization shall be dealt with by the Director-General, FAO, taking into account guidance given by the Commission.

i) Intergovernmental organizations (IGOs):

- a) An intergovernmental organization (IGOs) should meet the following criteria: it should have been set up by an intergovernmental convention (a convention to which the parties are States); the governing body of the organization should be composed of members designated by governments; the income of the organization should be made up mainly, if not exclusively, of contributions from governments.
- b) IGOs that have established formal relations with FAO may, upon request communicated to the IPPC Secretary and endorsement by the Bureau, participate as observers in meetings of the Commission.
- c) IGOs that have not established formal relations with FAO may, upon request communicated to the IPPC Secretary, participate as observers in meetings of the Commission if, in the judgment of the IPPC Secretary and the CPM Bureau, there are concrete reasons for allowing their participation which would forward the work of the Commission.

ii) International non-governmental organizations (INGOs):

- a) INGOs that have been granted formal status by FAO may participate in meetings of the Commission.
- b) INGOs that have not been granted formal status by FAO may, upon request communicated to the IPPC Secretary, participate as observers in meetings of the Commission if, in the judgment of the IPPC Secretary and the CPM Bureau, there are concrete reasons for allowing their participation which would forward the work of the Commission.
- c) INGOs that have not been granted formal status by FAO shall be examined in light of the following criteria: they should be international in structure and scope of activity, and representative of the specialized field of interest in which they operate; they should be concerned with matters covering a part or all of the Commission's field of activity; they should have aims and purposes in conformity with the IPPC; they should have a permanent directing body and Secretariat, authorized representatives and systematic procedures and machinery for communicating with its membership in various countries; and they should have been established at least three years before they request participating in the meetings of the Commission.

4. Observers to CPM meetings may : i) participate in the discussions, subject to the approval of the Chairman of the Commission and without the right to vote; ii) receive the documents other than

those of a restricted nature, and iii) circulate, without abridgement, the views of the organization or country which they represent on particular items of the agenda.

5. CPM Bureau meetings are not open to observers.

6. Each CPM Subsidiary Body shall establish its own rules on observers which shall conform to these Rules and the relevant provisions of the FAO Basic Texts.

Rule VIII: Records and reports

1. At each session, the Commission shall approve a report embodying its views, recommendations and conclusions, including, when requested, a statement of minority views. Such other records, for its own use, as the Commission may on occasion decide, shall also be maintained.

2. The report of the Commission shall be transmitted at the close of each session to the Director-General who shall circulate it to all members of the Commission and observers that were represented at the session, for their information, and, upon request, to other Members and Associate Members of the Organization.

3. Recommendations of the Commission having policy, programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference and/or of the Council of the Organization for appropriate action.

4. Subject to the provisions of the preceding paragraph the Director-General may request members of the Commission to supply the Commission with information on action taken on the basis of recommendations made by the Commission.

Rule IX: Subsidiary bodies

1. The Commission may establish such subsidiary bodies as it deems necessary for the accomplishment of its functions.

2. The terms of reference and procedures of the subsidiary bodies shall be determined by the Commission.

3. Membership in these subsidiary bodies shall consist of selected members of the Commission, or of individuals appointed in their personal capacity as respectively determined by the Commission.

4. The representatives of subsidiary bodies shall be specialists in the fields of activity of the respective subsidiary bodies.

5. The establishment of subsidiary bodies shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Organization. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Commission shall have before it a report from the Director-General on the administrative and financial implications thereof.

6. Each subsidiary body shall elect its own officers, unless appointed by the Commission.

Rule X: Development and adoption of International Standards

1. The procedures for the development and adoption of international standards are set out in the Annex I to these Rules (see **Error! Reference source not found.** of this manual for more details) and shall form an integral part thereof.

2. Notwithstanding the provisions of Rule VI.2, where consensus is not reached on a proposal for the adoption of a standard which has been introduced before the Commission for the first time, the proposed standard shall be referred back to the appropriate body of the Commission, together with its comments thereon, for further consideration.

Rule XI: Expenses

1. Expenses incurred by delegates when attending sessions of the Commission or of its subsidiary bodies, as well as the expenses incurred by observers at sessions, shall be borne by their respective

governments or organizations. Developing countries delegates may request financial assistance to attend sessions of the Commission or its subsidiary bodies.

2. Any financial operations of the Commission and its subsidiary bodies shall be governed by the appropriate provisions of the Financial Regulations of the Organization.

Rule XII: Languages

1. Pursuant to Rule XLVII of the General Rules of the Organization, the languages of the Commission and its subsidiary bodies shall be the languages of the Organization.

2. Any representative using a language other than one of the languages of the Commission shall provide for interpretation into one of the languages of the Commission.

Rule XIII: Amendment and suspension of the rules

1. Amendment of or additions to these Rules may be adopted by a two-thirds majority of the members of the Commission present and voting, provided that not less than 24 hours notice of the proposal for the amendment or the addition has been given.

2. Any of the above Rules of the Commission, other than Rule I.1, Rule IV.2 and 6, Rule V.6, Rule VI.1 and 2, Rule VII, Rule VIII.3 and 4, Rule IX.2 and 5, Rule XI, Rule XIII.1 and Rule XIV may be suspended by a two thirds majority of the members of the Commission present and voting, provided that not less than 24 hours notice of the proposal for suspension has been given. Such notice may be waived if no representative of the members of the Commission objects.

Rule XIV: Entry into force

1. These Rules and any amendments or additions thereto shall come into force upon approval by the Director-General of the Organization.