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T-PVS/Inf(2021)38

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

41st meeting
29 November - 3 December 2021

**EXPLANATORY TABLE OF
PROPOSED AMENDMENTS TO THE
RULES OF PROCEDURE
OF THE STANDING COMMITTEE**

*NB: This document should be consulted alongside document T-PVS/Inf(2021)44
(Proposed amendments to the Rules of Procedure of the Standing Committee).*

*Secretariat memorandum prepared by
the Directorate of Democratic Participation*

In the below table, the left column states the text of the current Rules of Procedure. The middle column suggests, **in bold**, the proposed amendments. The third column explains the proposed changes.

Preamble		
<i>Text of Rules of Procedures</i>	<i>Proposed amendments</i>	<i>Explanation</i>
<p>The Standing Committee, Having regard to the entry into force on 1 June 1982 of the Convention on the Conservation of European Wildlife and Natural Habitats, Pursuant to Article 13, paragraph 6 of the Convention, Adopts the present rules of procedure, [...]</p>	<p>The Standing Committee (hereafter called the “Committee”), Having regard to the entry into force on 1 June 1982 of the Convention on the Conservation of European Wildlife and Natural Habitats (hereafter called the “Convention”), Pursuant to Article 13, paragraph 6 of the Convention, Seeking to complement the rich exchanges allowed by physical meetings with the flexibility allowed by online meetings and written procedures, Adopts the present rules of procedure, [...]</p>	<p><i>Following the decision taken at the 40th Standing Committee to consider an online working format in a more systematic way in the future programme and budget, suggested edits introduce the possibility to use digital technologies including for meetings and written consultations</i></p> <p><i>Further edits suggest for more accuracy</i></p>

Rule 1 - Meetings		
<i>Text of Rules of Procedures</i>	<i>Proposed amendments</i>	<i>Explanation</i>
<p>a. The Committee shall fix the date of its meeting in consultation with the Secretary General of the Council of Europe (hereafter called the "Secretary General").</p>	<p>a. The Committee shall fix the date of its meeting in consultation with the Secretariat of the Convention (hereafter called the "Secretariat").</p>	<p><i>Edits suggested for a more precise and less “outdated” language</i></p>
<p>b. Whenever a majority of the Contracting Parties requests a meeting, the Secretary General shall fix the date of the meeting in consultation with the Chair of the Committee.</p>	<p>b. Whenever a majority of the Contracting Parties requests a meeting, the Secretariat shall fix the date of the meeting in consultation with the Chair of the Committee.</p>	
<p>c. Meetings shall be held in private.</p>	<p>c. Meetings shall not be held in public.</p>	<p><i>Suggested edits specify procedural details for meetings, in particular the use of online meetings</i></p>
<p>-</p>	<p>d. Meetings shall normally be convened at the premises of the Council of Europe in Strasbourg.</p>	
<p>-</p>	<p>e. If required, meetings may be held by videoconference in their entirety or in part. The proposal to hold a meeting by videoconference shall be made by the Chair or the Secretariat and approved by the</p>	

	<p>Bureau, subject to the availability of the necessary budgetary resources.</p> <p>Remote attendance of Contracting Parties and observers at a meeting shall be treated as presence in person for the purposes of the Rules of Procedure, for all proceedings such as quorum, participation in discussions and voting.</p>	
-	<p>f. The Secretariat shall ensure a secured conduct of meetings, including in respect to electronic voting, in accordance with all applicable rules.</p>	

Rule 2 - Convocation

<i>Text of Rules of Procedures</i>	<i>Proposed amendments</i>	<i>Explanation</i>
<p>The convocation of the meetings of the Committee shall be addressed by the Secretary General to the Contracting Parties at least two months before, and to observers one month before, the date fixed for the opening of the meeting.</p>	<p>The convocation of the meetings of the Committee shall be addressed by the Secretariat to the Contracting Parties at least six weeks before, and to observers one month before, the date fixed for the opening of the meeting.</p>	<p><i>Suggested edit shortens the period of notice for convening a Standing Committee meeting to six weeks in order to allow for more flexibility should the need for an extraordinary Standing Committee meeting arise.</i></p>

Rule 3 – Postponement of meetings

<i>Text of Rules of Procedures</i>	<i>Proposed amendments</i>	<i>Explanation</i>
<p>When a meeting of the Committee has been convened, any request for postponement must reach the Secretary General at least one month before the date previously fixed for the opening of the meeting. A decision in favour of postponing the meeting shall be regarded as having been taken when a majority of the Contracting Parties have notified the Secretary General of their agreement at least 15 days before the date previously fixed.</p>	<p>When a meeting of the Committee has been convened, any request for postponement must reach the Secretariat at least one month before the date previously fixed for the opening of the meeting. A decision in favour of postponing the meeting shall be regarded as having been taken when a majority of the Contracting Parties have notified the Secretariat of their agreement at least 15 days before the date previously fixed.</p>	<p><i>Suggested edits for a less “outdated” language</i></p>

Rule 4 – Agenda

<i>Text of Rules of Procedures</i>	<i>Proposed amendments</i>	<i>Explanation</i>
<p>a. The Secretary General shall draw up the draft agenda for a meeting. The Chair of the</p>	<p>a. The Secretariat shall draw up the draft agenda for a meeting. The Chair of the Committee shall be consulted in advance.</p>	<p><i>Suggested edit for a less “outdated” language</i></p>

Committee shall be consulted in advance. [...]	[...]	
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Rule 6 - Documentation

<i>Text of Rules of Procedures</i>	<i>Proposed amendments</i>	<i>Explanation</i>
Subject to contrary provisions in the Convention, meeting documents shall be sent by the Secretary General to Contracting Parties and observers at least one month before the opening of the meeting concerned. However, the Committee may decide by a two thirds majority of the votes cast to admit a document submitted late.	a. Subject to contrary provisions in the Convention, meeting documents shall be sent by the Secretariat to Contracting Parties and observers at least one month before the opening of the meeting concerned. However, the Committee may decide by a two thirds majority of the votes cast to admit a document submitted late.	<i>Suggested edit for a less “outdated” language</i>
-	b. Maximum use should be made of information technology, including between meetings. This includes for the purpose of compiling amendments, comments and proposals, and finalising texts. When so decided by the Chair, decisions of the Standing Committee may be adopted by written procedure or by a simplified written procedure (“silent procedure”).	<i>The introduction of the use of electronic means and written procedures between meetings allows for greater efficiency and flexibility.</i>

Rule 7 - Quorum

<i>Text of Rules of Procedures</i>	<i>Proposed amendments</i>	<i>Explanation</i>
A majority of the Contracting Parties shall constitute a quorum for holding a meeting of the Committee.	There shall be a quorum if more than half of the Contracting Parties are present.	<i>Suggested edits clarify the meaning of ‘majority’.</i>

Rule 8 - Voting

<i>Text of Rules of Procedures</i>	<i>Proposed amendments</i>	<i>Explanation</i>
-	b. Subject to any contrary provisions in the Convention or in these rules, voting requires the quorum.	<i>Suggested edits clarify the quorum requirement for voting, in line with the general practice of intergovernmental committees of the CoE</i>

<p>b. Subject to any contrary provisions in the Convention or in these rules, decisions of the Committee are taken by a two thirds majority of the votes cast.</p> <p>c. Procedural matters shall be settled by a majority of the votes cast.</p> <p>d. Where the question arises as to whether or not a matter is procedural in nature, it may not be so regarded unless the Committee decides to that effect by a two thirds majority of the votes cast.</p> <p>[...]</p>	<p>c. Subject to any contrary provisions in the Convention or in these rules, decisions of the Committee are taken by a two thirds majority of the votes cast, considering that every effort will be made to reach consensus.</p> <p>d. Procedural matters shall be settled by a majority of the votes cast.</p> <p>e. Where the question arises as to whether or not a matter is procedural in nature, it may not be so regarded unless the Committee decides to that effect by a two thirds majority of the votes cast.</p>	<p><i>Suggested edits harmonise numbering (following preceding suggested edits under Rule 8)</i></p> <p><i>Suggested edits to Rule 8.c stress that consensus shall be sought at all times and that voting shall only take place in exceptional circumstances.</i></p>
<p>-</p>	<p>f. Voting shall normally take place by show of hands, except for decisions that shall be taken by secret ballot. In meetings held by videoconference, voting shall take place by electronic means.</p>	<p><i>Suggested edits clarify the voting procedure for ‘in person’ and virtual meetings</i></p>
<p>-</p>	<p>g. In the case of a vote by written procedure, the Secretariat shall transmit to the delegations, on the Chair’s instruction, the draft decision to be voted upon together with a voting form indicating the deadline by which members must ensure that their vote reaches the Secretariat of the Committee. In the case of a vote by secret ballot, the Secretariat shall ensure the secrecy of the vote.</p> <p>[...]</p>	<p><i>Suggested edits clarify modalities of a vote by written procedure (introduced under the suggested edits to Rule 6).</i></p>

Rule 11 – On-the-spot enquiries

<i>Text of Rules of Procedures</i>	<i>Proposed amendments</i>	<i>Explanation</i>
<p>Rule 11 - On-the-spot enquiries</p>	<p>Rule 11 - On-the-spot appraisals</p>	<p><i>Suggested edits for a less “outdated” language</i></p>
<p>a. If during discussions on one or more proposals, any doubts and/or difficulties arise regarding the measures to be taken for the implementation of the Convention with regard to a natural habitat essential to the conservation of species of wild flora and fauna, and if it is necessary to obtain appropriate information, the Committee may, if the gravity of the situation so demands, decide that the natural habitat in</p>	<p>a. If during discussions on one or more proposals, any doubts and/or difficulties arise regarding the measures to be taken for the implementation of the Convention with regard to a natural habitat essential to the conservation of species of wild flora and fauna, and if it is necessary to obtain appropriate information, the Committee may, if the gravity of the situation so demands, decide that the natural habitat in question should be inspected by an expert with powers to make on-the-spot appraisals and report back to the Committee.</p>	

question should be inspected by an expert with powers to make on the spot enquiries and report back to the Committee. [...]	[...]	
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Rule 16 – Communications to the press

<i>Text of Rules of Procedures</i>	<i>Proposed amendments</i>	<i>Explanation</i>
By unanimous and express agreement of the Committee, the Chair, or the Secretary General on the Chair's behalf, may make suitable communications to the press.	By unanimous and express agreement of the Committee, the Chair, or the Secretariat on the Chair's behalf, may make suitable communications to the press.	<i>Edit suggested for a less "outdated" language</i>

Rule 17 - Reports

<i>Text of Rules of Procedures</i>	<i>Proposed amendments</i>	<i>Explanation</i>
The Committee shall at the end of each meeting or, in exceptional cases, as soon as possible thereafter the meeting, establish the report specified in Article 15 of the Convention.	The Committee shall at the end of each meeting or, in exceptional cases, as soon as possible thereafter, establish the report (list of decisions) specified in Article 15 of the Convention.	<i>Edits suggested for more accuracy.</i>

Rule 18 - Chair

<i>Text of Rules of Procedures</i>	<i>Proposed amendments</i>	<i>Explanation</i>
a. [...] ii. Nominations shall be sent to the secretariat in at least one of the official languages of the Convention as from 6 weeks before the opening of the meeting at which the election is to take place, up to, and including the first day of the meeting of the Standing Committee. The Secretariat will announce the full list of candidates in the morning of the second day of the meeting.	a. [...] ii. Nominations shall be sent to the Secretariat in at least one of the official languages of the Convention as from six weeks before the opening of the meeting at which the election is to take place, up to, and including the first day of the meeting of the Standing Committee. The Secretariat will announce the full list of candidates in the morning of the second day of the meeting.	<i>Edits suggested for orthographic consistency</i>
iii. Each nomination can be accompanied by a <i>curriculum vitae</i> (CV) of the candidate not exceeding 600 words and may include supporting material;	iii. Each nomination shall take the form of a letter explaining the reason for candidature and for which position. It can be accompanied by a <i>curriculum vitae</i> (CV) of the candidate and may include supporting material;	<i>Edits suggested to clarify the formal requirements for submitting a candidature</i>

<p>iv. The Secretariat shall distribute the nominations and the CVs together with any supporting material in accordance with Rule 6 of these Rules of Procedure.</p>	<p>iv. The Secretariat shall distribute the nominations and the CVs together with any supporting material.</p>	<p><i>Edits suggested to clarify that nominations can be distributed later than one month ahead of the meeting.</i></p>
<p>d. Election of the Chair, Vice-Chair and two additional Bureau members shall require a two-thirds majority of the votes cast at the first ballot and a simple majority of the votes cast at the second ballot. The election shall be held by secret ballot.</p>	<p>d. Election of the Chair, Vice-Chair and two additional Bureau members shall require a two-thirds majority of the votes cast at the first ballot, a simple majority of the votes cast at the second ballot and the highest number of votes at the third ballot. The election shall be held by secret ballot.</p>	<p><i>Edits suggested to clarify the voting procedure should the need for a third ballot arise.</i></p>
<p>e. The Chair, Vice-Chair and two additional Bureau members shall be elected at the end of each meeting. They shall execute their respective terms of office from their election onwards until the end of the meeting following the meeting where they were elected. Their terms of office may be renewed, but the total length of term of office shall not exceed four years or, as appropriate, the end of the first meeting following the expiry of this period of four years.</p> <p>[...]</p>	<p>e. The Chair, Vice-Chair and two additional Bureau members shall be elected at the end of each ordinary meeting. They shall execute their respective terms of office from their election onwards until the end of the ordinary meeting following the meeting where they were elected. Their terms of office may be renewed, but the total length of term of office shall not exceed four years or, as appropriate, the end of the first meeting following the expiry of this period of four years.</p> <p>[...]</p>	<p><i>Edits suggested to clarify that the term of office is linked to ordinary meetings.</i></p>

<h3 style="text-align: center; background-color: #008080; color: white; padding: 5px;">Rule 19 - Bureau</h3>		
<p style="text-align: center;"><i>Text of Rules of Procedures</i></p>	<p style="text-align: center;"><i>Proposed amendments</i></p>	<p style="text-align: center;"><i>Explanation</i></p>
<p>[...]</p> <p>b. The Bureau shall meet at the request of the Chair.</p> <p>It shall be responsible for taking administrative and organisational decisions between meetings</p> <p>The Secretariat will distribute the report of those meetings to the Contracting Parties.</p>	<p>[...]</p> <p>b. The Bureau shall meet at the request of the Chair. Meetings of the Bureau can be held via videoconference. The Bureau may not deliberate unless at least three of its members are present.</p> <p>c. The functions of the Bureau are:</p> <ul style="list-style-type: none"> - to assist the Chair in conducting the Committee's business; - to supervise the preparation of meetings at the Committee's request; - to ensure the continuity between meetings as necessary; - to execute other additional specific tasks as delegated by the Committee. <p>The Secretariat will make the report of those meetings available to the Contracting Parties.</p>	<p><i>Suggested edits elaborate on the specific functions of the Bureau and clarify the possibility to use online meetings.</i></p> <p><i>A quorum requirement for Bureau deliberations is suggested in order to ensure sufficient representation and full accountability for Bureau decisions.</i></p>

APPENDIX 1		
RULES APPLICABLE TO ON THE SPOT ENQUIRIES		
<i>Text of Rules of Procedures</i>	<i>Proposed amendments</i>	<i>Explanation</i>
Rules applicable to on-the-spot enquiries	Rules applicable to on-the-spot appraisals	<i>Edits suggested for a less “outdated” language and more accuracy.</i>
1. The decision to organise a visit to a natural habitat shall lie with the Standing Committee which shall reach the relevant decision in accordance with Rule 8.b of its Rules of Procedure, subject to the agreement of the delegation of the Party within whose territory the habitat under consideration is situated.	1. The decision to organise a visit to a natural habitat shall lie with the Standing Committee which shall reach the relevant decision by a simple majority of the vote cast , subject to the agreement of the Contracting Party within whose territory the habitat under consideration is situated.	<i>Edits suggested reduce the voting threshold from a two-thirds majority of the votes cast, to a simple majority of the votes cast.</i>
2. In urgent cases, the Chair may authorise the Secretariat to consult the Standing Committee by post in order that a decision may be reached in accordance with the foregoing paragraph.	2. In urgent cases, the Chair may authorise the Secretariat to consult the Bureau at one of its meetings or by electronic consultation in order that a decision be made in accordance with the foregoing paragraph. A decision of the Bureau in such an exceptional circumstance would require a unanimous agreement of the Bureau members.	<i>Suggested edits formalise the exceptional task of the Bureau to decide on the proposal to organise an OSA in urgent cases, which is already the practice to date, and introduce the possibility of the use of electronic means.</i>
3. The expert detailed to carry out the visit of inspection shall be appointed by the Secretary General of the Council of Europe. The expert cannot be a person who represents or has represented a State on the Standing Committee, or a national of the Party in whose territory the natural habitat to be visited is situated. The appointment of the expert must be agreed by the Party concerned.	3. The expert detailed to carry out the visit of inspection shall be appointed by the Secretary General of the Council of Europe. The expert cannot be a person who represents or has represented a State on the Standing Committee, or a national of the Party in whose territory the natural habitat to be visited is situated. The appointment of the expert must be agreed by the Contracting Party and complainant concerned.	<i>Edit suggested for more accuracy and to give the complainant equal opportunity to agree on the expert</i>
4. At the request of the Standing Committee or its Chair, the expert shall be accompanied during the visit by a member of the Secretariat and by a representative of the Party concerned.	4. The expert shall be accompanied during the visit by a member of the Secretariat and representatives of the Contracting Party and complainant concerned.	<i>Edit suggested for more accuracy and to formalise the common practices to date.</i>

5. The Standing Committee shall draw up precise terms of reference to be conveyed to the expert.	5. In close consultation with the Standing Committee and/or the Bureau, the concerned Contracting Party and the complainant, the Secretariat shall draw up terms of reference for the on-the-spot appraisal. Both the concerned Contracting Party and complainant must submit their agreement before the terms of reference can be accepted.	<i>Edit suggested for more accuracy and to formalise the common practices to date, and give the complainant equal opportunity to co-create and agree on the ToR</i>
7. In order to ensure that the said expert may carry out the assignment in full independence, the travel and subsistence expenses pertaining to the visit and those arising out of the presentation of the report to the Standing Committee shall be borne by the Council of Europe.	7. In order to ensure that the said expert may carry out the assignment in full independence, the travel and subsistence expenses pertaining to the visit and those arising out of the presentation of the report to the Standing Committee shall be borne by the Council of Europe. The host country of the on-the-spot appraisal shall arrange local interpretation, local transportation and translation of documents, and bear the expenses related hereto.	<i>Edit suggested for more accuracy and to formalise the common practices to date</i>

Appendix II RULES APPLICABLE TO MEDIATION

<i>Text of Rules of Procedures</i>	<i>Proposed amendments</i>	<i>Explanation</i>
2. The decision to propose a visit of mediation will lie with the Standing Committee or the Bureau, subject to the agreement of the Contracting Party to whom the complaint is addressed.	2. The decision to propose a visit of mediation shall lie with the Standing Committee, which shall reach the relevant decision by a simple majority of the votes cast, subject to the agreement of the Contracting Party to whom the complaint is addressed.	
3. In urgent cases, the Chair may authorise the Secretariat to consult the Bureau by e-mail in order that a decision may be reached in accordance with the foregoing paragraph.	3. In urgent cases, the Chair may authorise the Secretariat to consult the Bureau at one of its meetings or by electronic consultation in order that a decision be made in accordance with the foregoing paragraph. A decision of the Bureau in such an exceptional circumstance would require a unanimous agreement of the Bureau members.	<i>Edit suggested for more accuracy and to streamline mediation procedures with OSA procedures.</i>
5. The mediator shall be appointed by the Secretary General of the Council of Europe, in consultation with the Bureau and the parties concerned. The mediator cannot be a national of the Contracting Party concerned by the mediation.	5. The mediator detailed to carry out the visit of mediation shall be appointed by the Secretary General of the Council of Europe. The mediator cannot be a person who represents or has represented a State on the Standing Committee , or a national of the Party concerned by the mediation. The appointment of the mediator must be	

	agreed by the Contracting Party and complainant concerned.	
6. At the request of the Standing Committee, the Bureau or its Chair, the mediator shall be accompanied during the visit by a member of the Secretariat and by a representative of the Contracting Party concerned.	6. The mediator shall be accompanied during the visit by a member of the Secretariat and representatives of the Contracting Party and complainant concerned.	
7. The Standing Committee or the Bureau shall draw up precise terms of reference to be conveyed to the mediator.	7. In close consultation with the Standing Committee and/or the Bureau, the concerned Contracting Party and the complainant, the Secretariat shall draw up terms of reference to be conveyed to the mediator. Both the concerned Contracting Party and complainant must submit their agreement before the terms of reference can be accepted.	
9. In order to ensure that the mediator may carry out the assignment in full independence, the travel and subsistence expenses pertaining to the visit and those arising out of the presentation of the report to the Standing Committee shall be borne by the Council of Europe and shall not be taken from voluntary contributions of Contracting Parties. The Secretariat will ensure that costs of mediation remain moderate and affordable. In no case shall the cost of a single mediation exceed EUR 2,500 ¹ .	9. In order to ensure that the mediator may carry out the assignment in full independence, the travel and subsistence expenses pertaining to the visit and those arising out of the presentation of the report to the Standing Committee shall be borne by the Council of Europe. The host country of the mediation shall arrange local interpretation, local transportation and translation of documents, and bear the expenses related hereto.	
¹ Expenses incurred in the framework of mediation shall be borne by the Council of Europe within the limit of budgetary resources allocated by the Committee of Ministers to the standing committee.		