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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting

Strasbourg, 28 November - 2 December 2022

**RULES OF PROCEDURE
OF THE STANDING COMMITTEE**

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the Secretariat of the Bern Convention*

Cancels and replaces the previous version of the Rules of Procedure: T-PVS/Inf(2013)6.

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS

Standing Committee

RULES OF PROCEDURE OF THE STANDING COMMITTEE

The Standing Committee (hereafter 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 (ETS No. 104, hereafter the “Convention”),

Pursuant to Article 13, paragraph 6, of the Convention,

Seeking to complement the rich exchanges that result from physical meetings with the flexibility provided by virtual meetings and written procedures,

Adopts the present Rules of Procedure.

Rule 1 – Meetings

- a.* The Committee shall fix the date of its meeting in consultation with the Secretariat of the Convention (hereafter the “Secretariat”).
- 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.
- c.* Meetings shall not be held in public.
- d.* Meetings shall normally be convened at the premises of the Council of Europe in Strasbourg.
- e.* On an exceptional basis, meetings may be held virtually, by videoconference or similar means or with some participants in person and others virtually (a “hybrid meeting”).

The proposal to hold a meeting by videoconference shall be made by the Chair or the Secretariat and approved by the Bureau of the Committee, subject to the availability of the necessary budgetary resources.

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 the quorum, participation in discussions and voting.

A participant who loses connection during the adoption of decisions by the Standing Committee may ask the Chair for the opportunity to express their views when they reconnect again.

- f.* The Secretariat shall ensure that meetings are conducted securely, including in respect to electronic voting, in accordance with all applicable rules.

Rule 2 – Convocation

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.

Rule 3 – Postponement of meetings

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 fifteen days before the date previously fixed.

Rule 4 – Agenda

- a.* The Secretariat shall draw up the draft agenda for a meeting. The Chair of the Committee shall be consulted in advance.
- b.* The agenda shall be adopted by the Committee at the beginning of its meeting.

Rule 5 – Official languages

- a.* The official languages of the Committee shall be English and French.
- b.* A delegate or observer may speak in a language other than the official languages, in which case the delegate or observer must provide for interpretation into one of the official languages.
- c.* All documents presented by delegations or observers shall be submitted in one of the official languages. Flora and fauna species shall be indicated by their scientific names.

Rule 6 – Documentation

- 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 later.
- b.* Maximum use should be made of information technology, including between meetings. This includes for the purpose of compiling amendments, comments, 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”). Contracting Parties shall be given a minimum of six weeks to consider proposals on decisions that are to be taken by written procedure.

Rule 7 – Quorum

There shall be a quorum if more than half of the Contracting Parties are present.

Rule 8 – Voting

- a.* Entitlement to vote is regulated by Article 13, paragraph 2, of the Convention.
- b.* Subject to any contrary provisions in the Convention or in these rules, voting requires the quorum.
- c.* Every effort will be made to take decisions by consensus. If that is not possible, subject to any contrary provisions in the Convention or in these rules, decisions are to be taken by a two-thirds majority of the votes cast.
- d.* Procedural matters shall be settled by a majority of the votes cast.
- 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.
- f.* Voting shall normally take place by show of hands, except for decisions that are taken by secret ballot. Alternatively, voting may take place electronically. In virtual or hybrid meetings, voting may take place by electronic means. A roll call vote shall be taken if one is requested by any Contracting Party or if the Chair considers it desirable.
- g.* Should a Party attending virtually lose connection during a vote, every reasonable effort shall be made to ensure that the Party is able to vote before a decision is taken.
- h.* A vote by written procedure shall only be taken in exceptional circumstances, and when it is not feasible to hold an extraordinary meeting to resolve the issue. When a vote by written procedure is to be taken, 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 Parties 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.

Decisions taken by written procedure vote are to be taken only if a majority of all the Contracting Parties have expressly acknowledged receipt of the invitation to vote. This would fulfil the requirements of quorum in line with Rule 7.

i. For the purpose of these rules, “votes cast” shall mean the votes of delegations cast for or against. Delegations abstaining shall be regarded as not having cast a vote.

Rule 9 – Observers

- a.* An observer shall have no right to vote.
- b.* If sponsored by a delegation or with the Chair’s permission, an observer may make oral or written statements on the subject under discussion.
- c.* Proposals made by observers may be put to the vote if sponsored by a delegation.

Rule 10 – Proposals

Any proposal must be submitted in writing if a delegation so requests. In that case it shall not be discussed until it has been circulated.

Rule 11 – On-the-spot appraisals

- 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.
- b.* Such on-the-spot appraisals will be conducted in accordance with the relevant rules appended to the Rules of Procedure.

Rule 12 – Order of voting on proposals or amendments

- a.* Where a number of proposals relate to the same subject, they shall be put to the vote in the order in which they were submitted, unless the Chair, with the agreement of the Committee, concludes that the efficient working of the Committee dictates a different order.
- b.* Where a proposal is the subject of an amendment, the amendment shall be put to the vote first. Where two or more amendments to the same proposal are presented, the Committee shall vote first on whichever departs furthest in substance from the original proposal. It shall then vote on the next further removed from the original proposal, and so on until all the amendments have been put to the vote. However, where the acceptance of one amendment necessarily entails rejection of another, the latter shall not be put to the vote. The final vote shall then be taken on the proposal as amended or not amended. In case of doubt as to the order of priority, the Chair shall decide.
- c.* Parts of a proposal or amendment may be put to the vote separately.
- d.* In the case of proposals with financial implications, the most costly shall be put to the vote first.

Rule 13 – Order of procedural motions

Procedural motions shall take precedence over all other proposals or motions except points of order. They shall be put to the vote in the following order:

- a.* suspension of the sitting;
- b.* adjournment of discussion on the item in hand;
- c.* postponement of a decision on the substance of a proposal until a specified date.

Rule 14 – Reconsideration of a question

When a decision has been taken, it is only re-examined if a delegation so requests, and if this request receives a two-thirds majority of the votes cast.

Rule 15 – Minutes

The Committee may, if it considers this necessary, have minutes kept.

Rule 16 – 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.

Rule 17 – Reports

The Committee shall at the end of each meeting or, in exceptional cases, as soon as possible thereafter establish the report, including a list of decisions and adopted texts, as specified in Article 15 of the Convention.

Rule 18 – Chair

a. The Committee shall elect a chair, a vice-chair and two additional Bureau members in accordance with the following procedure:

- i.* candidates shall be nominated by Parties to the Convention;
- 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;
- iii.* each nomination shall take the form of a letter explaining the reason for candidature and for which position the candidate is being nominated. It can be accompanied by a curriculum vitae (CV) of the candidate and may include supporting material;
- iv.* the Secretariat shall distribute the nominations and the CVs together with any supporting material.

b. The Chair shall conduct proceedings and sum up the conclusions whenever it thinks necessary. The Chair may call to order a speaker who departs from the subject under discussion or from the Committee's terms of reference. The Chair shall retain the right to speak and to vote in its capacity as a delegate.

c. The Vice-Chair shall replace the Chair if the latter is absent or otherwise unable to take the chair. If the Vice-Chair is absent, the Chair shall be replaced by another delegate to the Committee, appointed by the latter.

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.

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.

f. Whenever the previous Chair is not available to serve in the Bureau, the Committee shall elect three additional Bureau members.

Rule 19 – Bureau

a. The Committee shall set up a Bureau, whose members shall be the Chair, the Vice-Chair, the previous Chair and two additional Bureau members.

Whenever the previous Chair is not available to serve in the Bureau, the Committee shall set up a Bureau whose members shall be the Chair, the Vice-Chair and three additional Bureau members.

b. The Bureau shall meet at the request of the Chair. Meetings of the Bureau can be held virtually. The Bureau may not deliberate unless the Chair or Vice-Chair and at least two of its other members are present.

c. The functions of the Bureau are:

- to assist the Chair in conducting the Committee's business, within the mandate that has been given;
- to supervise the preparation of meetings at the Committee's request;
- to ensure the continuity between meetings as necessary, including overseeing and providing direction for the case-file management;
- to execute other additional specific tasks as delegated by the Committee.

The Secretariat will make the report of those meetings available to the Contracting Parties.

Rule 20 – Secretariat

a. The Secretary General shall provide the Committee with the necessary staff, including the Committee secretary, as well as with the administrative and other services it may require.

b. The Secretary General or a representative of the Secretary General may at any time make an oral or written statement on any subject under discussion.

c. The Committee may request the Secretariat to prepare a report on any question relevant to the Committee's work.

d. The Secretariat shall be responsible for circulating all documents to be examined by the Committee.

Rule 21 – Amendments of the Rules of Procedure

These rules may be amended by a two-thirds majority of the votes cast.

APPENDIX 1 TO THE RULES OF PROCEDURE

RULES APPLICABLE TO ON-THE-SPOT APPRAISALS

1. The decision to recommend an on-the-spot appraisal shall lie with the Standing Committee, which shall reach the relevant decision in accordance with Rule 8.c. of its Rules of Procedure, subject to the agreement of the Contracting Party within whose territory the habitat under consideration is situated.
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 can 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.
3. The expert detailed to carry out the on-the-spot appraisal 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 Contracting 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.
4. The expert shall be accompanied during the on-the-spot appraisal by a member of the Secretariat and representatives of the Contracting Party and complainant concerned.
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.
6. After completing the on-the-spot appraisal, the expert shall submit a written report to the Standing Committee in one of the official languages of the Council of Europe. The expert may be called upon to present the report to the Standing Committee at one of its meetings.
7. In order to ensure that the said expert may carry out the on-the-spot appraisal in full independence, the travel and subsistence expenses pertaining to the on-the-spot appraisal 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 the translation of documents, and shall bear the expenses thereof.

APPENDIX 2 TO THE RULES OF PROCEDURE

RULES APPLICABLE TO MEDIATION

1. The purpose of mediation is to facilitate dialogue between conservation authorities and a complainant or interest groups concerning matters under the scope of the Convention.
2. The decision to propose a visit of mediation shall lie with the Standing Committee, which shall reach the relevant decision in accordance with Rule 8.c. of its Rules of Procedure, 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 at one of its meetings or by electronic consultation in order that a decision can 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.
- 3.bis Experts appointed as mediators shall have appropriate experience in mediation.
4. The mediator will endeavour to foster dialogue, facilitate discussions, identify and clarify the conservation issues, propose possible solutions that would satisfy the different parties, reach consensus and record agreements, all in the respect of the spirit and letter of the Convention. The mediator will act as an independent, impartial and honest broker in all circumstances.
5. The mediator charged with carrying out the mediation visit 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. The mediator shall be accompanied during the visit by a member of the Secretariat and representatives of the Contracting Party and complainant concerned.
7. In close consultation with the Standing Committee and/or the Bureau, the concerned Contracting Party and the complainant, the Secretariat shall draw up precise 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.
8. After completing the mediation, the mediator shall submit a written report to the Standing Committee in one of the official languages of the Council of Europe. The mediator may be called upon to present the report to the Standing Committee at one of its meetings. Mediations shall remain confidential until such point as the mediation process has concluded.
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 cost of mediation should be kept reasonable. The host country of the mediation shall arrange local interpretation, local transportation and the translation of documents, and shall bear the expenses thereof.