

ORGANISATION EUROPEENNE POUR LA RECHERCHE NUCLEAIRE
CERN EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH

Action to be taken

Voting Procedure

For Approval	COUNCIL 150 th Session Restricted Session 19 March 2009	Simple Majority of Member States represented and voting
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REPORT
OF THE WORKING GROUP ON THE PROCEDURE FOR FUTURE ELECTIONS
OF THE PRESIDENT OF COUNCIL
AND THE CHAIRS OF THE CERN COMMITTEES

This document contains the report of the Working Group on the procedure for future elections of the President of Council and the Chairs of the CERN Committees.

The Council is invited:

1. to take note of this report; and
2. to approve the recommendations of the Working Group set out in Section 4 of this report.

REPORT
OF THE WORKING GROUP ON THE PROCEDURE FOR FUTURE ELECTIONS
OF THE PRESIDENT OF COUNCIL
AND THE CHAIRS OF THE CERN COMMITTEES

1. INTRODUCTION

At its October 2006 Session, the Council decided to establish a Working Group on the procedure for future elections of the President of Council and the Chairs of the CERN Committees (CERN/2693).

At its December 2006 Session, the Council decided that the Working Group would have the following remit (CERN/2710):

“- to review appointment procedures for:

- a) the President of Council,*
- b) the Vice-Presidents of Council,*
- c) all appointments made by the Council to its advisory bodies, i.e. to the Finance Committee, TREF, the CERN Audit Committee and the Scientific Policy Committee.*

- for each of the above appointments, if necessary:

- a) to recommend a procedure to identify appropriate candidates,*
- b) to recommend selection procedures to be applied within the Council,*
- c) to set out the optimum schedule for the appointment procedure,*
- d) to identify any issues or relevant expertise that the Council might wish to take into account in selecting candidates.”*

The Working Group has held several meetings at CERN in 2007. Its composition is set out in an annex to this report.

At its June 2007 Session, the Council took note of a White Paper prepared by the Working Group setting out its preliminary proposals and requested the latter to prepare a revised version taking into account the delegations' feedback (CERN/2743).

At its September 2007 Session, the Council took note of the revised version of the White Paper and invited the Working Group to draw up, on that basis, a formal document for consideration and approval by the Council at its December 2007 Session taking into account as far as possible delegations' comments and suggestions (CERN/2751).

The Council also requested the Working Group to include a proposal for the appointment procedure and terms of office of the Chairman and members of the

Council Strategy Commission (CSC) created by the Council at the same Session (CERN/2732/Rev.).

At its December 2007 Session, the Council took note of the Report of the Working Group on the procedure for future elections of the President of Council and the Chairs of the CERN Committees (CERN/2762) based on the aforementioned White Paper, of the oral report by the Chairman of the Working Group and of the comments by delegations. The Council unanimously agreed that the Sections 4.1 to 4.4 of the Report (relating to the appointment procedures for the President and Vice-Presidents of Council, the Chairmen and Vice-Chairmen of the Finance Committee and TREF, and the Chairman and members of the CERN Audit Committee) commanded a wide consensus among the delegations and would not be subject to further discussion.

However, concerning the Section 4.5 relating to the appointment procedure for the Chairman and members of the Scientific Policy Committee (SPC), the Council decided that the provisions proposed by the Working Group should be modified to take into account the revised Terms of Reference of the SPC. The Council also decided that Section 4.6 concerning the appointment procedure for the Chairman, Vice-Chairman and members of the CSC needed further discussion.

The Report of the Working Group has now been updated to take into account the decisions taken by the Council, at its March and December 2008 Sessions respectively, to replace the CSC by the Secretariat of the European Strategy Session of Council (CERN/2779) and to approve the revised Terms of Reference of the SPC (CERN/SPC/313/Rev. 6 - CERN/2812).

The overall principles applied by the Working Group in reaching its recommendations are set out in Section 2 below. Section 3 describes the most significant areas of discussion at the 2007 June, September and December Council Sessions on the substance of the proposals made by the Working Group. Section 4 sets out the detailed recommendations for each function for approval by Council.

2. PRINCIPLES

The Working Group agreed on the following principles:

- Its recommendations should be compatible with and not lead to any amendments to the CERN Convention.
- The durations of the terms of office of the President and of the two Vice-Presidents of Council, which are specified in the Convention, should continue to be applied, by analogy, to the Chairman of the Finance Committee.
- As far as possible, the appointment procedure for each function should be the same, and any deviation from that standard procedure should be justified by the nature of the function concerned.
- The duration of each appointment procedure should be as short as possible, without compromising the need to ensure appointees have the full support of Council.
- The Chairman of each body should normally be chosen from the existing membership, although in some circumstances, set out below, this was not considered to be mandatory.

- All the appointment procedures should take place in two successive steps: first a selection procedure with a view to selecting a single candidate then followed by the formal appointment of the selected candidate by the Council.
- Except for the Scientific Policy Committee, the voting procedure used in 2006 for the President of Council should be applied for the selection of the single candidate.
- All appointment decisions shall be made by simple majority of the Member States represented and voting (abstentions not counted). It is desirable to have appointments by consensus.
- For some functions, nominations of candidates should be solicited and a CV submitted to the Council, whereas, for the President of Council and the SPC Chairman, a written mission statement as well as an interview of the candidates by the Council should be required.
- The appointment procedures laid down in this document should relate to initial appointments only and not to reappointments.
- In exceptional circumstances, the Council should decide to shorten the timing scenario of the appointment procedure for a given office.

3. MOST SIGNIFICANT AREAS OF DISCUSSION

3.1 PRESIDENT OF COUNCIL

The President of Council should normally be chosen from among the Council Delegates. However, in the interest of the Organization, some flexibility in this regard should be granted to allow the election of former Delegates or render it unnecessary for delegations to appoint a Delegate with the sole purpose of qualifying him/her for election as President. In addition, the delegations should have relevant information on the candidates, in particular on the basis of a written mission statement.

3.2 TREF

The existing practice according to which the TREF Chairman is a Council Delegate or a member of the Finance Committee should be retained. It was noted that the current procedure does not define a maximum duration for the term of office. The duration of the term of office should not be unlimited but correspond to a reasonable period of time in order to allow the TREF Chairman to acquire knowledge in the functioning of TREF and to exercise his/her mandate on the basis of the necessary expertise.

3.3 CERN AUDIT COMMITTEE (CAC)

As there is currently no particular selection procedure for the CAC Chairman, a specific selection procedure should be set out, which should be similar, as far as possible, to that applied for the Vice-Presidents of Council. In addition, it would be advantageous to define a required skills set for the membership to facilitate the Council's consideration of the candidates.

3.4 SCIENTIFIC POLICY COMMITTEE (SPC)

The delegations expressed the wish to see the Council involved in the selection procedure for both the SPC Chairman and its appointed members. In accordance with the revised Terms of Reference of the SPC (CERN/SPC/313/Rev. 6 - CERN/2812), the President of Council shall attend the SPC closed mode meetings where the selection of the SPC Chairman or the appointed members is discussed. In addition, the delegations shall receive relevant information on the candidates for chairmanship and membership recommended for appointment by the Council. The SPC chairmanship shall not necessarily be restricted to current appointed members of the SPC.

3.5 SECRETARIAT OF THE EUROPEAN STRATEGY SESSION OF COUNCIL

A specific appointment procedure for the Scientific Secretary of the European Strategy Session of Council should be laid down. A written statement from the nominated candidates should be required.

3.6 ASYNCHRONY IN THE TERMS OF OFFICE

In order to ensure the smooth functioning of the decision-making process and continuity in the knowledge of the functioning of the two main bodies of the Organization, the appointment of the President of Council and of the Chairman of the Finance Committee should be scheduled to ensure an asynchrony in the start of the terms of office of the President of Council (i.e. as from January of year n) and the Chairman of the Finance Committee (i.e. as from January of year $n+1$).

Several delegations considered that the term of office of one of the two Vice-Presidents of Council should, as far as possible, remain asynchronous with that of the President of Council.

3.7 BALANCE BETWEEN LARGER AND SMALLER STATES

When appointing the Chairmen of the CERN Committees, in particular the President of Council and the Chairman of the Finance Committee, the Council should strive to achieve, as far as possible, a balance between larger and smaller Member States.

4. SUMMARY OF RECOMMENDATIONS

4.1 COUNCIL

A) PRESIDENT

i) Candidates for the President of Council

The President of Council shall normally be elected from among the current Council Delegates.

ii) Appointment procedure for the President of Council

The existing practice shall be retained, namely a selection procedure with a view to converging on a single candidate followed by the formal election of the selected candidate at the December Council Session.

a) Selection procedure for the President of Council

For the selection of the single candidate, the voting procedure applied in 2006 shall be followed. Accordingly, a secret ballot is held and the candidate (or, in the case of an equal number of votes, candidates) polling the lowest number of votes shall tacitly withdraw his/her (their) candidacy(ies), until the number of candidates is reduced to two, unless the sum of the two lowest equal votes is higher than or equal to the next highest vote, or if the withdrawal of the two candidates polling the lowest number of votes would reduce the number of candidates to one, in which case the ballot must be repeated¹. When the number of candidates has been reduced to two, voting continues until one candidate obtains a simple majority of the Member States represented and voting (abstentions not counted). However, if at any stage a candidate obtains the absolute majority of the Member States, the convergence on the single candidate is immediately achieved.

b) Formal election of the selected candidate

The selected candidate shall be formally elected President of Council by simple majority of Member States represented and voting (abstentions not counted). Election by consensus shall be desirable.

¹ For example, with 20 Member States, the following situations could arise: 8-6-2-2: two candidates withdraw; 9-4-3-2 or 8-6-4: one candidate withdraws; but in the case of 6-4-3-3, 9-4-4 or 6-6-6, the vote is repeated.

iii) Timing scenario of the appointment procedure for the President of Council

To allow a new President of Council to take office in January of year n:

Step 1 – A call for nominations of candidates shall be made at the March Closed Council Session of year n-1.

Step 2 – Delegations shall submit names and CVs of candidates to the Council Secretariat in time for the June Session of year n-1.

Step 3 – The Council shall hold a preliminary discussion of the full list of candidates at its June Closed Session. There shall be no short-listing or removal of names at this stage.

Step 4 - The nominated candidates shall submit a written mission statement to the Council Secretariat, for distribution to all the delegations by 1st August of year n-1.

Step 5 – If it is deemed necessary, the Council may interview the nominated candidates at its September Closed Session of year n-1. The voting procedure to converge on a single candidate, stipulated in paragraph 4.1 A) ii) a), shall take place at the same Closed Session.

Step 6 – The Council shall formally elect the selected candidate President of Council at its December Closed Session of year n-1.

iv) Term of office

The President of Council shall hold office for one year and may be re-elected for not more than two consecutive periods of one year (cf. Article V, paragraph 11, of the CERN Convention).

B) VICE-PRESIDENTS OF COUNCIL

i) Candidates for the Vice-Presidents of Council

The two Vice-Presidents shall be elected from among the current Council Delegates.

ii) Timing scenario of the appointment procedure for the Vice-Presidents of Council

To allow a new Vice-President to take office in month n (1 January or 1 July):

Step 1 – A call for nominations of candidates shall be made at the n-3 Closed Council Session.

Step 2 – Delegations shall submit names and CVs of candidates to the Council Secretariat in time for the n-2 Closed Council Session.

Step 3 – At the n-1 Closed Council Session, the voting procedure to converge on a single candidate, stipulated in paragraph 4.1 A) ii) a), shall be followed. At the same Closed Session, the Council shall then formally elect the selected candidate Vice-President of the Council.

iii) Replacement of the President of Council in case of absence

The President of Council shall be replaced in his/her duties by the Vice-President who has served the longest in that capacity or, if both Vice-Presidents have served for the same period, by the Vice-President who has served as a Council Delegate for the longest total period.

iv) Term of office

The terms of office of the two Vice-Presidents of Council shall be the same as for the President of Council (cf. Article V, paragraph 11, of the CERN Convention), namely one year, renewable for not more than two consecutive periods of one year.

4.2 FINANCE COMMITTEE (FC)

A) CHAIRMAN

i) Candidates for the FC Chairmanship

The Council shall appoint the FC Chairman from among the current members of the Finance Committee and his/her length of service on the Committee shall be taken into consideration.

ii) Timing scenario of the appointment procedure for the FC Chairman

The term of office of the FC Chairman should henceforth be asynchronous with that of the President of Council.

To allow the new FC Chairman to take office in January of year n:

Step 1 – A call for nominations of candidates shall be made at the March Closed Council Session of year n-1.

Step 2 – Delegations shall submit names and CVs of candidates to the Council Secretariat in time for the June Closed Council Session of year n-1.

Step 3 – At the September Closed Council Session of year n-1, the voting procedure to converge on a single candidate, stipulated in paragraph 4.1 A) ii) a), shall be followed.

Step 4 – At its December Closed Session of year n-1, the Council shall formally elect the selected candidate, who shall thereby be appointed FC Chairman.

iii) Term of office

The term of office of the FC Chairman shall be the same as for the President of Council, namely one year, renewable for not more than two consecutive periods of one year. However in order to achieve asynchrony in the start of the terms of office of the President of Council and the FC Chairman proposed in paragraph 4.2 A) ii) above, the Council should exceptionally allow an extension of one year of the term of office of the present FC Chairman as a transition measure.

B) VICE-CHAIRMAN

The appointment procedure for the FC Vice-Chairman shall be the same as for the FC Chairman. The term of office shall similarly be one year, renewable for not more than two consecutive periods of one year.

4.3 TREF

A) CHAIRMAN

i) Candidates for the TREF Chairmanship

The TREF Chairman shall be a Council Delegate or a member of the Finance Committee.

ii) Timing scenario of the appointment procedure for the TREF Chairman

To allow the new TREF Chairman to take office in month n (1 January or 1 July):

Step 1 – A call for nominations of candidates shall be made at the n-3 Closed Council Session.

Step 2 – Delegations shall submit names and CVs of candidates to the Council Secretariat in time for the n-2 Closed Council Session.

Step 3 – At the n-1 Closed Council Session, the voting procedure to converge on a single candidate, stipulated in paragraph 4.1 A) ii) a), shall be followed. At the same Closed Session, the Council shall then formally elect the selected candidate, who shall thereby be appointed TREF Chairman.

iii) Term of office

The term of office of the TREF Chairman shall be three years, renewable once.

B) VICE-CHAIRMAN

The appointment procedure of the TREF Vice-Chairman shall be the same as for the TREF Chairman. The term of office shall similarly be three years, renewable once.

4.4 CERN AUDIT COMMITTEE (CAC)

A) CHAIRMAN

i) Candidates for the CAC Chairmanship

The CAC Chairman shall be a Council Delegate.

ii) Timing scenario of the appointment procedure for the CAC Chairman

To allow the CAC Chairman to take office in month n (1 January or 1 July):

Step 1 – A call for nominations of candidates shall be made at the n-3 Closed Council Session.

Step 2 – Delegations shall submit names and CVs of candidates to the Council Secretariat in time for the n-2 Closed Council Session.

Step 3 – At the n-1 Closed Council Session, the voting procedure to converge on a single candidate, stipulated in paragraph 4.1 A) ii) a) shall be followed. At the same Closed Session, the Council shall then formally elect the selected candidate, who shall thereby be appointed CAC Chairman.

iii) Term of office

The CAC Chairman shall be appointed for three years.

B) MEMBERS

The appointment procedure of the CAC members shall be the same as for the CAC Chairman. Their terms of office shall similarly be for three years.

The President of Council, in consultation with the CAC Chairman, shall draw up an appropriate skills set for prospective CAC members to facilitate Council's consideration of candidates.

4.5 SCIENTIFIC POLICY COMMITTEE (SPC)

A) CHAIRMAN

i) Candidates for the SPC Chairmanship

The SPC Chairmanship shall not be restricted to existing SPC members.

ii) Selection procedure for the SPC Chairman

The SPC Chairman shall be selected in accordance with the selection procedure defined in document CERN/SPC/313/Rev. 6 – CERN/2812. Accordingly, the Council shall be represented in the selection procedure by the President of Council.

The selected candidate shall be recommended by the SPC to the Council for appointment.

iii) Timing scenario of the appointment procedure for the SPC Chairman.

To allow the SPC Chairman to take office in January of year n:

Step 1 – The candidate recommended by the SPC shall submit a written mission statement and a CV to the Council Secretariat, for distribution to all the delegations by 1st August of year n-1.

Step 2 – If it is deemed necessary, the Council may interview the recommended candidate at its September Closed Session of year n-1. If it appears, by a straw vote, that the candidate would not achieve the required majority for appointment in December, the Council shall request that a new candidate be identified and recommended. The selection procedure mentioned in 4.5 A) ii) would then need to be repeated.

Step 3 – At its December Closed Session of year n-1, the Council shall formally elect the recommended candidate, who shall thereby be appointed SPC Chairman.

iv) Term of office

The term of office of the SPC Chairman shall be one year, renewable for not more than two consecutive periods of one year.

B) APPOINTED MEMBERS

i) Selection procedure for the SPC appointed members

The SPC appointed members shall be selected in accordance with the selection procedure defined in document CERN/SPC/313/Rev. 6 – CERN/2812. Accordingly, the Council shall be represented in this procedure by the President of Council.

The selected candidate(s) shall be recommended by the SPC to the Council for appointment.

In addition, to facilitate its consideration of the selected candidate(s), the Council shall be provided with the list of existing members specifying their terms of office, field of expertise and country of origin (nationality and country of employment).

ii) Term of office

The term of office of the SPC appointed members shall be three years, normally renewable once. Reappointments for further periods shall be exceptional.

4.6 SECRETARIAT OF THE EUROPEAN STRATEGY SESSION OF COUNCIL

SCIENTIFIC SECRETARY

i) Candidates for the office of Scientific Secretary

The Scientific Secretary shall be selected from the candidates proposed by the delegations of the Member States.

ii) Timing scenario of the appointment procedure for the Scientific Secretary

To allow the new Scientific Secretary to take office in January of year n:

Step 1 – A call for nominations of candidates shall be made at the March Committee Week of year n-1.

Step 2 – Delegations shall submit names, CVs and written statements of candidates to the Council Secretariat in time for the June Committee Week of year n-1.

Step 3 - At the September European Strategy Closed Session of Council of year n-1, the voting procedure to converge on a single candidate, stipulated in paragraph 4.1 A) ii) a), shall be followed. At the same Closed Session, the European Strategy Session of Council shall then formally elect the selected candidate, who shall thereby be appointed Scientific Secretary of the European Strategy Session of Council.

iii) Term of office

The term of office of the Scientific Secretary shall be three years, renewable once.

4.7 IMPLEMENTATION OF THE PROPOSED PROCEDURES

The procedures described above will enter into force on their approval by the Council. They shall prevail over any conflicting provisions in the existing rules and procedures.

The provisions related to the timing of the procedural steps proposed for each appointment procedure only constitute an indication of the optimum schedule for the appointment procedure in question and have no binding character.

5. PROPOSAL

The Council is invited:

1. to take note of this report; and
2. to approve the recommendations of the Working Group set out in Section 4 of this report.

Annex

COMPOSITION OF THE WORKING GROUP

Chairman: Mr P. Levaux

Members: Professor G. Barreira
Professor G. Herten (as from 21 June 2007)
Dr J. Seed

CERN services:

Dr E.-M. Gröniger-Voss, CERN's Legal Counsellor
Dr J.-M. Favre, Legal Service
Mr J. Pym, Translation and Minutes Service