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EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH

FIRST SESSION OF COUNCIL

GENEVA

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RULES OF PROCEDURE FOR THE COUNCIL

(Draft prepared by the Secretary General)

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COUNCIL OF THE EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH

RULES OF PROCEDURE *

(Adopted under the provisions of Article V.7. of the Convention)

(Numbers in brackets refer to the relevant Articles of the Convention)

Frequency of MeetingsRule 1

- (a) The Council is required to meet at least once a year, and shall normally meet in ordinary Session twice annually. It shall in any event meet between 1 September and 30 December each year to approve the budget. (V.3 and Financial Protocol 1 (2).)
- (b) In an emergency, the Council shall meet in extraordinary Session at the request of the President. The President must convene an extraordinary Session if required by 5 Member States.

Place of MeetingRule 2

Sessions shall be at the seat of the Organization except when the Council shall decide to meet elsewhere. (I and V.3).

Notice of MeetingRule 3

- (a) The Director - General of the Organization shall give Member States at least 21 days notice, in writing, of ordinary Sessions.
- (b) Except in cases of extreme urgency, of which the President shall be the judge, the Director - General shall give at least 10 days' notice, in writing, of extraordinary Sessions.

* For convenience, there is also included among the procedural rules certain matter concerning the constitution and powers of the Council, which however has a bearing on its procedure.

Attendance of Rule 4
Representatives
and others

- (a) Each Member State shall be represented by not more than two delegates who may be accompanied by advisers. (V.1).
- (b) Participation as a delegate shall be subject to production of credentials issued by the Head of the State concerned, or the Head of its Government, or of its Minister for Foreign Affairs. The authority to issue credentials may be delegated in writing to a governmental organization of the Member of the Organization. A delegate shall continue to hold that position until such time as the Director - General is notified of the termination of his appointment.
- (c) The names of advisers shall be notified previously in writing to the Director - General.
- (d) No official of the Organization may act as a delegate or an adviser of a Member State.
- (e) The Director - General of the Organization, or his representative, shall attend the Sessions of the Council. (VI. 1(a)).
- (f) The Council shall permit at its Sessions, the attendance of properly accredited observers from UNESCO. Subject to any arrangements which may have been concluded between the Organization and a particular organization or institution in pursuance of Article VIII of the Convention, the Council may, by a two-thirds majority of all the Member States, decide to permit the attendance of properly accredited observers from international scientific organizations or from States not members of the Organization. With the permission of the Council, observers may take part in discussions. (VIII).

Sessions to be Rule 5
held in public

The Sessions of the Council shall be held in public unless otherwise decided by the Council.

Officers of Rule 6
the Council

- (a) The Council shall elect a President and first and second Vice-Presidents who shall hold office for one year and may be re-elected on not more than two consecutive occasions. (V.9)
- (b) The President, or the Vice-President who is acting as President, shall participate in the proceedings as such, and not as the delegate of a Member State.

QuorumRule 7

The presence of delegates from a majority of Member States shall be necessary to constitute a quorum at any meeting of the Council. (V.8).

AgendaRule 8

- (a) A Provisional Agenda prepared by the Director-General in agreement with the President shall be sent to Member States not less than 21 days before each ordinary Session. Papers to be considered by the Council must be circulated in time for them to reach delegates at least ten days before the date of the Session.
- (b) In the case of an extraordinary Session a detailed description of the business to be discussed shall be circulated with the notice convening the meeting.
- (c) The Provisional Agenda for an ordinary Session shall be considered for adoption at the opening of the Session. Before adoption of the Agenda the Council may decide to add, delete, modify or combine items or re-arrange the order of business. Supplementary items with supporting papers may be added to the Agenda during the Session only if the Council so decides.
- (d) An application by any State to become a Member of the Organization shall be considered by the Council only on the expiration of at least 3 months notice given by the Director-General in writing to all Member States. (III.2(b)).
- (e) Proposals for amendment of the Convention or of the Financial Protocol shall not be considered by the Council until at least three months after the Director-General has notified all Member States of the proposed amendment. (X.(1)).

Conduct of
BusinessRule 9

- (a) In addition to exercising the powers conferred upon him elsewhere by these Rules, the President shall declare the opening and closing of each Session, shall direct the discussion, ensure observance of these Rules, accord or withdraw the right to speak, put questions to the vote and announce decisions. The President, subject to these Rules, shall have control of the proceedings of the Council and over the maintenance of order at its meetings. He shall rule on points of order and shall, in particular, have the power to propose adjournment or closure of the debate, or adjournment or suspension of a Session.

- (b) If the President finds it necessary to be absent during a Session, or any part thereof, he shall appoint the first Vice-President, or, in his absence, the second Vice-President, to take the Chair. A Vice-President acting as President shall have the same powers and duties as the President.
- (c) The President shall call upon delegates in the order in which they signify their desire to speak. The President may, however, grant priority for a point of order and such point of order shall be immediately decided upon by the President. An appeal may be made against his ruling, but any discussion on such appeal shall be limited to the delegate making the appeal and the President. If the difference of opinion is maintained the matter shall be put to the vote immediately.
- (d) Decisions of the Council shall normally be recorded by an appropriate summary in the minutes of the Session. At the discretion of the President or on request of a majority of delegations present, a decision shall be in the terms of a formal resolution.
- (e) Every resolution and any amendment thereto, shall be proposed and seconded. Amendments, if any, shall be discussed and voted upon before the resolution is put to the vote. A delegate may require a proposed resolution or amendment to be written down before it is put to the vote. A resolution may not be amended after it has been adopted.
- (f) During the discussion of any matter a delegate may move the postponement of a debate to a specified time. Such motions shall not be debated, but, on being seconded, shall immediately be put to the vote.

Resolutions
involving
Expenditure

Rule 10

No resolution involving expenditure additional to that adopted in the annual Budget shall be deemed to be approved by the Council until it has approved an estimate submitted by the Director - General for the additional expenditure involved. (Financial Protocol, Art.2).

Voting

Rule 11

- (a) Each Member State shall have one vote in the Council, subject to the provisions in the Convention as regards -
 - (i) activities specified in supplementary programmes (V.(4));
 - (ii) unpaid contributions (V.(5));
 - (iii) non-deposit of Instruments of Ratification or Accession. (V.11).

- (b) The Director-General and persons attending as advisers to delegations or as observers, are not eligible to vote.
- (c) The Council shall normally vote by show of hands, except that any delegate may request a roll-call which shall then be taken in the alphabetical order of the names of the Member States in the French language. The vote of each delegation participating in a roll-call shall be included in the record of the Session.
- (d) The decision of the Council on the admission of a new member shall be by secret ballot. Council decisions may be by secret ballot in other instances upon demand of two or more delegates present. In the case of votes by secret ballot the number of abstention shall be recorded.
- (e) In all votings by secret ballot, two tellers selected from among the delegates present, shall assist in the counting of votes.
- (f) Decisions of the Council, to be valid, shall require the voting majority specified in the relevant provision of the Convention. (The several provisions are set out in the Annex hereto).

Setting up of
Subordinate
Bodies

Rule 12

The Council shall set up a Finance Committee, with functions as laid down in accordance with the provisions of Article 3 of the Financial Protocol to the Convention. The Council may establish such other subordinate bodies as may be necessary for the purposes of the Organization, and shall determine their terms of reference. (V.10).

Press
communiqués

Rule 13

Press communiqués upon the proceedings of the Council or of its subordinate bodies shall be issued only by the President or with his specific authority.

Minutes

Rule 14

Summarized minutes of each Session of the Council, giving the substance of the discussions, and recording the decisions reached, shall be prepared in both the official languages and shall be signed by the President.

The draft minutes shall be circulated to all delegates as soon as possible after the end of the Session. At the beginning of each Session the minutes of the previous Session, after consideration of any amendments which may have been submitted, shall be approved by the Council. Any proposed amendments of substance shall be circulated in writing before the Session.

Official and
Working
Languages

Rule 15

The official and working languages of the Council and its subordinate bodies are English and French. At the Sessions of the Council speeches in either of the languages shall be translated into the other language. All documents laid before the Council or any of its subordinate bodies shall be presented in both languages.

Amendment to
Rules

Rule 16

Subject to the provisions of the Convention the present Rules may be amended by a decision of the Council.

Interpretation

Rule 17

In the event of conflict between any provision of these Rules and the Convention the Convention shall prevail.

SPECIFIED VOTING MAJORITIES

1. Council decisions not otherwise specifically provided for in Convention:
Simple majority of the Member States represented and voting. (Article V, 6).
2. Supplementary programme:
Approval by 2/3rds majority of all Member States. (Article II, 4).
3. Admission of additional Members:
Unanimous decision of Member States. (Article III, 2(a)).
4. Voting by a Member State in arrear with contributions.
2/3rds majority of all Member States. (Article V, 5).
5. Subordinate Bodies: (Creation and terms of reference).
2/3rds majority of all Member States. (Article V, 10).
6. Director-General, Appointment or Dismissal:
2/3rds majority of all Member States. (Article VI, 1(a)).
7. Staff: Appointments and Dismissals:
2/3rds majority of all Member States. (Article VI, 3).
8. Appointments and Dismissals: Delegation of Council's powers:
2/3rds majority of all Member States. (Article VI, 3).
9. Staff Regulations: Adoption:
2/3rds majority of all Member States. (Article VI, 3).

10. Scale of Financial Contributions:
2/3rds majority of all Member States.
(Article VII,1(b)).
11. Adjustment of Contributions: Allowance for special circumstances:
2/3rds majority of all Member States.
(Article VII, 1(b)(ii).)
12. Supplementary Programme: Contributions of participants:
2/3rds majority of all Member States.
(Article VII, 2).
13. Special contributions of new Member States:
2/3rds majority of all Member States.
(Article VII,3).
14. Co-operation with organizations and institutions other than UNESCO:
2/3rds majority of all Member States.
(Article VIII).
15. Amendments to Convention:
Not by voting but by acceptance in writing by all Member States. (Article X,2).
16. Amendments to Financial Protocol:
2/3rds majority of all Member States. (Article X,3).
17. Cessation of Membership for non-fulfilment of obligations:
2/3rds majority of all Member States. (Article XIII).
18. Dissolution:
By agreement between Member States. (Article XIV).

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