

Rules of Procedure of the ICPDR ¹⁾

¹⁾ adopted at the 9th Ordinary Meeting of the ICPDR in Vienna, 11/12 December 2006

Note: These Rules of Procedure in no way change responsibilities or commitments established under the Convention. Should there be differences, the Convention text shall always take precedence.

1. DEFINITIONS

- 1.1 The 'Convention' means the Convention on Cooperation for the Protection and Sustainable Use of the Danube River (Danube River Protection Convention).
- 1.2 The 'International Commission' means the International Commission for the Protection of the Danube River established by Article 18 of the Convention.
- 1.3 The 'Standing Working Group' means a coordinating body established in accordance with Annex IV, Article 6(1) first sentence of the Convention.
- 1.4 'Expert Groups' means expert groups established in accordance with Annex IV, Article 6(1) second sentence of the Convention.
- 1.5 The 'Secretariat' means the Permanent Secretariat established by Annex IV, Article 7 of the Convention.

2. COMPOSITION

- 2.1 The International Commission consists of delegations nominated by the Contracting Parties. Each Contracting Party nominates five delegates at the utmost including the head of delegation and his/her deputy (Annex IV Article 1(1) of the Convention).
- 2.2 The Standing Working Group consists of delegates (Heads of Delegation and/or their nominated representatives). The Standing Working Group is chaired by the President.
- 2.3 The Heads of Delegation should inform the President and the Secretariat about nominations according to paragraphs 2.1 and 2.2 of these Rules of Procedure.

3. MANDATE OF THE STANDING WORKING GROUP

The Standing Working Group coordinates the work of the International Commission between its meetings and prepares the issues for the meetings of the International Commission. In particular the Standing Working Group should guide the activities of the Expert Groups and prepare the main strategic issues to be resolved by the International Commission. It may i.a. revise the Programmes of Work of the Expert Groups. It reviews also administrative and financial issues, which need urgent consideration.

4. PRESIDENCY

- 4.1 The Chair of the International Commission is held by the Contracting Parties in turn by alphabetical order (in English) for one year. The delegation looking after the Chair nominates one of its members to become President of the International Commission (Annex IV Article 2(1) of the Convention).
 - 4.2 The President, as a rule, does not take the floor on behalf of his/her delegation within the meetings of the International Commission (Annex IV Article 2(2) of the Convention).
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- 4.3 Should the Presidency temporarily or permanently fall vacant, the Contracting Party chairing the International Commission shall appoint a substitute, respectively a successor.
- 4.4 The President may be supported by the previous President of the International Commission and by his/her future successor. Therefore, the delegation looking after the Chair in the subsequent year nominates one of its members to become the next President of the International Commission.
- 4.5 In addition to exercising the duties conferred upon him/her elsewhere in these Rules, the President shall:
- a) convene ordinary and extraordinary meetings of the International Commission and of the Standing Working Group via the Secretariat;
 - b) preside at all the meetings of the International Commission and the Standing Working Group;
 - c) ensure observance of these Rules and decide all questions of order raised at meetings of the International Commission and the Standing Working Group;
 - d) give directives to the Executive Secretary, which will ensure that the work of the International Commission is carried out efficiently and in accordance with the decisions of the International Commission;
 - e) shall inform the public about the results of meetings.

5. MEETINGS OF THE INTERNATIONAL COMMISSION AND THE STANDING WORKING GROUP

- 5.1 The International Commission convenes at least once a year on invitation of the President at a place to be determined by her/him an ordinary meeting (Annex IV Article 3(1) of the Convention).
- 5.2 Extraordinary meetings of the International Commission are to be convened by the President on the request of at least three delegations (Annex IV article 3(2) of the Convention).
- 5.3 The President proposes the agenda items. They may include i.a. reports on Standing Working Group meetings and reports of the Expert Groups. Each delegation has the right to make proposals to the agenda.
- 5.4 For ordinary meetings of the International Commission:
- a) the Executive Secretary shall, in agreement with the President, circulate a proposed draft agenda at least eight weeks before the opening of the meeting. Each delegation shall be entitled, up to five weeks before the opening of the meeting, to ask for subjects to be placed on the draft agenda; delegations requesting such additions should submit an explanatory memorandum in support of their request. The draft agenda shall be sent to all Contracting Parties at least four weeks before the opening of the meeting. The agenda shall be adopted at the beginning of the meeting, and at that stage items may only be added with the unanimous approval of all delegations present;
 - b) proposals for Decisions or Recommendations to be adopted by the International Commission shall be received by the Secretariat in at least one of the official languages at least five weeks before the opening of an ordinary meeting and shall be distributed by the Secretariat without delay, so as to ensure receipt by delegations four weeks before the meeting at the latest. The translated version of the proposal into the other official language shall be distributed by the Secretariat as soon as practicable. If both deadlines

are not met, the proposal will be circulated as late ("L") document and only be discussed if the International Commission so decides. Contracting Parties, which wish to have written comments on such proposals circulated to other Contracting Parties before the opening of the ordinary meeting should ensure that they are received by the Secretariat at least two weeks before the opening of that meeting;

- c) all other documents submitted for discussion or information shall be received by the Secretariat at least four weeks before the opening of the meeting and shall be distributed by the Secretariat without delay. Documents received after this deadline will be circulated as late ("L") documents and will only be discussed if the International Commission so decides. Documents on administrative matters prepared by the Secretariat, which are not circulated at least two weeks before the opening of the meeting will be marked as "L" documents, but may in any case be discussed.
- 5.5 For extraordinary meetings of the International Commission the agenda shall be limited to the matters specified in the request from the Contracting Parties calling for the meeting to be held and other such matters as the Contracting Parties agree to add to the agenda. The Secretariat shall distribute without delay all papers, which it receives relating to the matters specified in that request and other matters which a Contracting Party intends to propose to be added to the agenda.
- 5.6 Meetings of the Standing Working Group may be held between the ordinary meetings of the International Commission.
- 5.7 For meetings of the Standing Working Group the date, place and agenda are to be agreed during the meetings of the International Commission or during the previous Standing Working Group meeting. Proposals for Decisions and Recommendations and all other documents are governed by the provisions of Paragraph 5.4 (b) and (c) of these Rules of Procedure.
- 5.8 Members of the Secretariat, Chairpersons of the Expert Groups and additional experts from Contracting Parties may participate in meetings, as appropriate, according to the agenda items to be discussed. The Secretariat shall be notified of the participants two weeks prior to all meetings of the International Commission and the Standing Working Group.
- 5.9 Conclusions of the meeting shall be distributed and adopted the delegations before the end of the meeting.
- 5.10 The Secretariat drafts reports of meetings of the International Commission and the Standing Working Group, and distributes them to the delegations three weeks after the meeting at the latest.

6. SIGNATORY PARTIES, OBSERVERS AND PARTICIPANTS WITH CONSULTATIVE STATUS

Unless the International Commission decides otherwise, Signatory States to the Convention, Participants with Consultative Status and Observers may take part in the meetings of the International Commission in accordance with the relevant provisions of the ICPDR documents: "Legal status of Participation and Observership under the DRPC" (IC/010) and "Detailed guiding criteria for granting Observer status" (IC/020)."

7. DECISION MAKING AND VOTING PROCEDURES

7.1 Each Contracting Party has one vote.

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- 7.2 Notwithstanding the provisions of paragraph 1 of this Article, the European Community, within the areas of its competence, is entitled to a number of votes equal to the number of its Member States, which are Contracting Parties to this Convention. This organisation shall not exercise its right to vote in cases where its Member States exercise theirs and conversely (Annex IV Article 4(2) of the Convention).
- 7.3 The International Commission constitutes a quorum with the presence of the delegations of at least two thirds of the Contracting Parties.
- 7.4 Decisions and Recommendations shall be adopted in accordance with the procedure specified in Annex IV Article 5.1 of the Convention (i.e. consensus or a four-fifths majority of the delegations present and voting).

8. WRITTEN DECISION MAKING IN URGENT CASES

- 8.1 The International Commission may use a written procedure in urgent cases. It is up to the International Commission to consider whether situations are urgent cases or not.
- 8.2 The adoption of recommendations and decisions by written procedure may be proposed by the President or by any delegation of the Contracting Parties.
- 8.3 The draft recommendation or decision is forwarded by the President via the Secretariat to the delegations of the Contracting Parties for consideration.
- 8.4 If within two months after delivery there is no reply from any delegation rejecting the draft recommendation or decision, it shall be taken as unanimously accepted with the expiry of this time frame. In extremely urgent cases the President may, in consent with the delegations, determine a reduced time frame even. Draft recommendations or decisions rejected shall be put on the agenda of the following meeting of the International Commission.
- 8.5 The President shall announce the recommendation or decision adopted to all delegations and to the Chairpersons of the Expert Groups under the International Commission.

9. SECRETARIAT

- 9.1 A Permanent Secretariat is established and shall be located in Vienna, Austria.
- 9.2 The structure of the Secretariat, the Staff Regulations and the Job Descriptions shall be approved by the International Commission.
- 9.3 The International Commission shall appoint its Executive Secretary in accordance with the Staff Regulations.
- 9.4 The technical, administrative and support staff of the Secretariat are appointed by the Executive Secretary following a competitive selection procedure as described in the Staff Regulations and the requirements of the respective Job Description.
- 9.5 The Secretariat's staff shall be composed of nationals of the Contracting Parties.
- 9.6 The Executive Secretary shall be the International Commission's executive official. The Executive Secretary shall be responsible to the International Commission for the administration of the Secretariat, and for drawing up the budget and calculating contributions for the income and expenditure of the International Commission in a year. The In-

ternational Commission shall authorise him/her to manage and disburse the aforementioned budget. He/she supports the International Commission and its Expert Groups in developing their annual work programmes. He/she shall perform any other tasks that may be entrusted to him/her by the International Commission or by the President.

- 9.7 The Executive Secretary shall prepare and circulate in the first quarter of each year a draft report giving an account of the activities carried out during the last working year. Contracting Parties shall be allowed at least five weeks to comment on that draft report. If there are differences among comments received, these shall be resolved by the Executive Secretary in consultation with the Contracting Parties concerned. The report shall be made available to the public.
- 9.8 All communications addressed to or emanating from the International Commission shall be sent to or dispatched by the Secretariat. The Secretariat drafts and distributes the reports and other documents of the meetings of the International Commission, the Standing Working Group and the Expert Groups (the latter in close cooperation with the Chairpersons).
- 9.9 The Secretariat shall make available to the delegations, as a rule on a quarterly basis, written information on the plans of staff members to travel on official business within the next 12 month. This information shall indicate the staff member likely to perform the travel. In cases of short notice of certain meetings the Executive Secretary shall inform the President in advance about the intended travel. A mission report shall be sent to delegations not later than two weeks after the finalisation of external meetings, i.e. meetings outside the ICPDR-structure.

10. EXPERT GROUPS

- 10.1 The International Commission establishes Expert Groups as it considers necessary. The work of the Expert Groups will be supported by the Secretariat.
- 10.2 The Expert Groups report to the International Commission and the Standing Working Group and submit their recommendations and proposals to the International Commission for approval, in particular regarding the:
- a) Draft Terms of Reference of the Expert Group, as well as proposed amendments to them;
 - b) Draft Programme of Work for the particular Expert Group and other proposals as provided by its ToR;
 - c) results and achievements of their work.
- 10.3 The Chair of the Expert Groups shall be governed by the following procedural rules:
- a) each Expert Group elects the candidates for the Chairperson and Vice-Chairperson for a two-year period to be approved by the International Commission;
 - b) he/she has in particular to:
 - steer the implementation of the mandate given and conduct all recommendation-making procedures under the Expert Group;
 - represent the Expert Group in subsidiary integration procedures within the International Commission (e.g. reporting);
 - represent the Expert Group in mutual coordination procedures with other Expert Groups and in the cooperation with the Secretariat;

- prepare the draft agenda and meeting documentation, convene, preside and ensure the follow-up of the meetings in close cooperation with the Secretariat;
- resume at the meetings the results achieved, i.p. the proposals and recommendations to the International Commission, as a main input to the meeting report.

10.4 The delegations to the Expert Groups and their meetings shall adhere to the following procedural arrangements:

- a) each Contracting Party nominates one or if required more standing member to the Expert Group; moreover it may be represented by additional experts to participate in particular meetings as required;
- b) each Expert Group holds at least one meeting per year; this is to fulfil the coordination needs to be covered; provision is made for:
 - draft agenda and meeting documentation (prepared by the Chairperson supported by the Secretariat) to be timely circulated to the delegations, one month before the meeting at the latest;
 - meeting report drafted by the Secretariat two weeks after the meeting at latest and approved/amended by the Chairperson at least four weeks after the meeting.

10.5 As all Expert Groups are handling their sectoral data and information material, they are equally involved in the ICPDR Information System at its internal stage (as to the external stage see Art. 12 of this document).

11. TASK GROUPS

(Time limited) Task Groups may be established by the Expert Groups subject to the approval of the International Commission or the Standing Working Group. The International Commission may also establish (time limited) Task Groups.

12. INTERNATIONAL COMMISSION DOCUMENTS

All final documents, the International Commission has agreed upon, shall be made available by the Secretariat on the ICPDR Information System and by the Contracting Parties to governmental staff, research scientists, institutes and general public, with payment of reasonable charges, if necessary.

13. AMENDMENTS TO THE RULES OF PROCEDURE

These Rules of Procedure may be amended at any meeting of the International Commission. Proposals for amendment of these Rules of Procedure shall be circulated to Contracting Parties at least two months before such meetings.