



Written Submission on behalf of the European Union and its 27 Member States regarding the draft Rules of Procedure for the Conference of the Parties

Preparatory Commission for the Entry into Force of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction and the Convening of the First Meeting of the Conference of the Parties to the Agreement

**Written input in the course of the second session of the Preparatory Commission
18-29 August 2025**

Informal Working Group Discussions

General Comments

- The EU and its 27 Member States wish to extend their sincere gratitude to the Co-Chairs and to DOALOS for their intersessional work which resulted in the updated text on the Rules of Procedure (a/ac.296/2025/12).
- The EU and its 27 Member States consider that the Rules of Procedure for the CoP as currently drafted represent a solid basis for our discussions. While there are some rules that will require more detailed discussion, in our view the majority of the rules require no major substantive changes.
- Changes proposed by the EU or its Member States or text preferences following alternative suggested texts in [brackets] are indicated in **bold**, deletions proposed by the EU and its Member States are indicated by [...]. In cases of [brackets] in this submission where no proposals are submitted by the EU and its Member States this should be understood as the EU and its Member States reserving their position.

Specific Text Proposals

Co-Chairs' aid to discussions and negotiations concerning draft rules of procedure for the Conference of the Parties to the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction

II. Meetings

In-person and/or virtual participation

Rule 3 bis

Justification

The EU and its Member States believe that at this stage it is too early to submit concrete text proposals on Rule 3 bis for it requires some additional work. The EU and its Member States are generally open to consider modalities for remote participation for ordinary and extraordinary meetings of the COP. The EU and its Member States are of the view that it would be helpful to define the terms “virtual”, “hybrid” and “online” as they appear to be used interchangeably throughout Rule 3bis.

The EU and its Member States' preferred approach is for COP meetings to be held in-person, but we agree that the rules should make provision for virtual meetings in extraordinary circumstances. Such meetings should however be conveyed in an online format and not in a hybrid format since hybrid meetings can lead to practical challenges and can result in inequitable participation among delegations.

Different considerations apply to virtual or hybrid meetings of the subsidiary bodies and this should be addressed in a separate rule.

Without prejudice to our position that we view many of the subrules to be overly prescriptive and unnecessary, we are nonetheless setting out our comments on them below.

On Rule 3 bis (1) the EU and its Member States have the following questions/observations:

- What is the meaning of and threshold for “impractical” and what is the meaning of “for an extended period”?
- What other circumstances could “otherwise necessitate” a hybrid format? Do those other circumstances also have to apply for an extended period?
- Can any party submit a proposal that “extraordinary circumstances” exist?
- Do the “extraordinary circumstances” have to affect all regions and participants, or could they be limited to one region?

On Rule 3 bis (2) the EU and its Member States have the following questions/observations:

- Is there any reason that the phrase “for an extended period” was omitted from this rule? Should it be included for consistency?
- It is not clear from the draft text who takes the decision that the holding of an in-person meeting is impractical. The EU and its Member States believe that the decision to hold a virtual COP should be a decision of the President following consultation with the Bureau.

- What is the rationale behind the prohibition on taking substantive decisions otherwise than in person?

On Rule 3 bis (3) the EU and its Member States have the following questions/observations:

- For the EU and its Member States it is not clear whether this rule applies in general or only in case of virtual or hybrid meetings.
- Furthermore, the current wording is unclear as to whether the silence procedure only applies to the bureau or to all the states parties for a decision to be taken by the COP. The provision needs to be clarified (also as regards the link with rule 4).
- In the view of the EU and its Member States, the existence of extraordinary circumstances should be a decision of the President following consultation with the bureau.

On Rule 3 bis (4) the EU and its Member States have the following questions/observations:

- The EU and its Member States agree that any virtual meetings should strive for transparency and have the same opportunities for delegations to follow the proceedings as in-person meetings have.

On Rule 3 bis (5) the EU and its Member States have the following questions/observations:

- The EU and its Member States are of the view that considerations applying to the virtual meetings of subsidiary bodies are different to those of virtual COP meetings. Subsidiary bodies have a smaller membership and meet more frequently than the COP. In addition, virtual meetings of subsidiary bodies should be possible under normal circumstances to facilitate their work. Therefore, we suggest that this rule should be moved to the section on subsidiary bodies.

On Rule 3 bis (6) the EU and its Member States have the following questions/observations:

- The EU and its Member States suggest to move this rule to Rule 21 bis on the role of the Bureau. We suggest that this rule should be amended so to clarify that the Bureau provides assistance to the President who then provides guidance to the Secretariat.

On Rule 3 bis (7) the EU and its Member States have the following questions/observations:

- The EU and its Member States are of the view that this rule should only apply to meetings of the COP. As we noted previously, the consultation process should provide for the President to consult with the Bureau, and for the President to then provide guidance to the Secretariat.

On Rule 3 bis (8) the EU and its Member States have the following questions/observations:

- The EU and its Member States are of the view that this is a reasonable rule but it may be difficult to implement in practice. It also seems that the times of meetings should be rotated, rather than rotating time zones.

On Rule 3 bis (9) the EU and its Member States have the following questions/observations:

- In the view of the EU and its Member States, two hours per day seems like very little time for a COP. We suggest that the time could be changed in two two-hour sessions.

On Rule 3 bis (10) the EU and its Member States have the following questions/observations:

- The EU and its Member States agree with the sentiment behind this rule. We are also of the view that effective participation should also include provisions for interpretation and the submission and circulation of written statements.

Meetings on emergency measures under article 24 of the Agreement

Rule 3ter

Justification

The EU and its Member States take note of the written suggestions by Singapore and believe it serves as a good basis for future discussions.

Date of meetings

Rule 4(1)

1. Unless otherwise decided by the Conference of the Parties, the **first three** ordinary meetings of the Conference of the Parties shall be held on an annual basis and, thereafter, ordinary meetings shall be held every two years.

Justification

The EU and its Member States support a staggered model with a sunset clause whereby the CoP meets more regularly right after the entry into force of the agreement and moves to a biennial model afterwards. The EU and its Member States propose to adopt the model from Rule 4(1) of the Minamata Convention CoP RoP. This would mean that the first three COPs are held annually, with the fourth COP held in the fifth year after the Agreement comes into force. In our view, such a model gives flexibility, as if in year three it becomes apparent that there is a need for a further meeting the following year, then an extraordinary COP could be held in year four, with an ordinary COP following in year five and the biennial model then continuing thereafter.

Rule 4(3)

3. Extraordinary meetings of the Conference of the Parties shall be held at such times as may be decided either by the Conference of the Parties at an ordinary meeting or at the written request of any Party, provided that, within **90 days** of the request being communicated to the Parties by the secretariat, it is supported by at least **one third** of the Parties.

Justification

The EU and its Member States support a time limit of 90 days to reach a threshold of one third of parties to hold an extraordinary meeting of the COP. As these flexibilities answer to the need for swift action in the case of extraordinary circumstances.

Rule 4(4)

4. In the case of an extraordinary meeting held at the written request of a Party, it shall be held not more than 90 days after the date on which the request is supported by **at least one third of the Parties** in accordance with paragraph 3 of the present rule.

Justification

The EU and its Member States are of the view that in accordance with the comments to rule 4(3), the threshold in this rule should also be one third.

Notification of meetings

Rule 5

1. The secretariat shall notify all Parties of the dates and venue of ordinary meetings at least sixty days before the meeting in question is due to commence.
2. The secretariat shall notify all Parties of the dates and venue of extraordinary meetings at least **sixty** days before the meeting in question is due to commence, **which time period may however be shortened to thirty days for reasons of urgency.**

Justification

The EU and its Member States believe Rule 5(2) should be changed in order to have the default rule of the regular 60 days for notifying the dates and venue of an extraordinary meeting. A shorter time period of at least 30 days should be possible for urgent or practical reasons, however the sooner parties are informed the better.

III. Observers

Observers

Rule 6(1) bis

- 1 bis. Requests to participate as observers pursuant to paragraph 1 of the present rule may be submitted to the President of the Conference and shall be granted unless **two thirds** of the Parties present object.

Justification

The EU and its Member States welcome new rule 6(1bis) and are of the view that requests for observer participation at the COP should be granted unless two thirds of the Parties present object.

Participation of observers

Rule 7

1. Such observers may [...] participate without the right to take part in the adoption of decisions on substantive or procedural matters, whether by consensus or by vote in the proceedings of any meeting of the Conference of the Parties and of its subsidiary bodies in matters pertaining to the Conference of the Parties in which they have an interest, unless otherwise decided by the Conference of the Parties.
2. Participation of observers at meetings of the Conference of the Parties shall entitle them to:
[...]
(b) Deliver statements at such meetings [...];
[...].

Justification

As the EU and its Member States support the new approval procedure as set out in rule 6(1bis), the additional text inserted into rule 7(1) and 7(2)(b), which refers to the procedural step whereby participation in meetings and the delivery of statements is made dependent upon the invitation of the President, is no longer needed.

Notification by the secretariat

Rule 8

The secretariat shall notify those entitled to be observers and those that have informed the secretariat of their wish to be represented, pursuant to rules 6 and 7 of the present rules of procedure, of the dates and venue of the next meeting, at least 60 days before the meeting in question is due to commence, **or 30 days in the case of extraordinary meetings.**

Justification

The EU and its Member States can support the 30 days period of time for extraordinary meetings.

Regular consultations with other relevant instruments, frameworks and bodies

Rule 8 bis

[The Conference of the Parties shall make arrangements for regular consultations to enhance coherence, cooperation and coordination with and among relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies pursuant to the relevant provisions of the Agreement.]

Justification

The EU and its Member States are open to consider this rule as we are generally supportive of its objective. However, the EU and its Member States are of the view that further discussions are needed to understand what these arrangements for consultation would look like, and how this rule could complement the specific cooperation mechanisms to be established under the different chapters of the Agreement and Article 47(6)(c). We are particularly interested in how this rule would relate to the suggestion made by the Co-Chairs to work on a COP Decision regarding so-called “principles of negotiation”.

IV. Agenda

Preparation of the provisional agenda

Rule 9

In agreement with the President **after consulting** with the Bureau, the secretariat shall prepare the provisional agenda of each meeting.

Justification

The EU and its Member States have reservations on the proposed enhanced role of bureau in agenda setting. In light of the new rule 21bis, and the amendments we have proposed to it, we are of the view that the additional wording in rule 9 is not required. Should additional wording be necessary, we would propose “after consulting with the bureau”.

Distribution of the provisional agenda

Rule 11

For each ordinary meeting, the provisional agenda, together with supporting documents, shall be issued in the official languages of the Conference of the Parties, distributed by the secretariat to the Parties and made available to observers referred to in rules 6 and 7 of the present rules at least 45 days before the opening of the meeting.

Justification

The EU and its Member States support rule 11 but suggest that consideration should be given to modernising some rules such as this one, by including language providing for the agenda and related COP documents to be published on the COP website.

Supplementary items

Rule 12

The secretariat shall, in agreement with the President **after consulting** with the Bureau, include any item that is proposed by a Party and has been received by the secretariat after the provisional agenda of an ordinary meeting has been distributed, but no later than **15** days before the opening of the meeting, in a supplementary provisional agenda.

Justification

The EU and its Member States have reservations on the proposed enhanced role of bureau in agenda setting. In light of the new rule 21bis, and the amendments we have proposed to it, we are of the view that the additional wording in rule 12 is not required. Should additional wording be necessary, we would propose “after consulting with the bureau”. The EU and its Member States can support the 15 day deadline for submission of additional agenda items.

Addition, deletion, deferment or amendment

Rule 13

When adopting the agenda for an ordinary **or extraordinary** meeting, the Conference of the Parties may decide to add, delete, defer or amend items. Only items that are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

Justification

The EU and its Member States propose that Rule 13 should refer to both ordinary and extraordinary meetings in accordance with our comments on Rule 14 below.

Agenda for extraordinary meetings

Rule 14

The **provisional** agenda of an extraordinary meeting shall consist only of those items proposed for consideration by the Conference of the Parties at **the** ordinary meeting **at which the extraordinary meeting was decided upon** or in the **written** request for the holding of the extraordinary meeting [...]. It shall be distributed to the Parties and made available to observers referred to in rules 6 and 7 of the present rules at the same time as the notification of the extraordinary meeting.

Justification

The EU and its Member States consider it prudent to include provision for the agenda of extraordinary meetings to be amended if so decided by the CoP. The agenda will remain provisional until it is approved by the CoP. We would suggest moving Rule 14 to before Rule 13 and changing the order of current Rule 13 and 13bis.

V. Representation and credentials

VI. Officers

Submission of credentials

Rule 19

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the secretariat, if possible not later than 24 hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs **or any person authorized by either of them**, or, in the case of a regional economic integration organization, by the competent authority of that organization.

Justification

The EU and its Member States support the inclusion of such a provision as it is also included in the RoP of the ICC ASP.

Bureau

Rule 21 bis

The President and the Vice-Presidents shall constitute the Bureau, which shall meet periodically throughout each session to review the progress of the Conference of the Parties and its subsidiary bodies and to make recommendations for furthering such progress. It shall also meet at such other times, including intersessionally, as the President deems necessary or upon the request of any other of its members. The Bureau shall assist the President in the general conduct of the work of the Conference of the Parties which falls within the competence of the President. The Chairs of the subsidiary bodies may be invited to attend meetings of the Bureau. **The Bureau shall have a consultative role through which it shall assist the President in the general conduct of the work of the Conference of the Parties. The Bureau members shall regularly consult with the Parties from their respective regional groups.**

Justification

The EU and its Member States believe it should be clarified that the role of the bureau should be consultative and one of assistance rather than decision-making. The description of this role should be included in the Rules of Procedure.

Election of officers

Rule 22

1. At the commencement of the first ordinary meeting of the Conference of the Parties, a President and **nine** Vice-Presidents, one of whom shall act as Rapporteur, shall be elected from among the representatives of the Parties present at the meeting. These officers shall serve as the Bureau of the Conference of the Parties. Each of the five United Nations regional groups shall be represented by **two** Bureau members. One Bureau member shall represent the small island developing States and one shall represent least developed countries. These officers shall be elected taking into account gender balance, equitable geographical representation [and adequate representation of developing countries]. They shall remain in office until the closure of the second ordinary meeting of the Conference of the Parties, including for any intervening extraordinary meeting.

2. At the second and subsequent ordinary meetings of the Conference of the Parties, a President and **nine** Vice-Presidents, one of whom shall act as Rapporteur, shall be elected from among the representatives of the Parties present at the meeting. These officers shall serve as the Bureau of the Conference of the Parties. Each of the five United Nations regional groups shall be represented by **two** Bureau members. These officers shall be elected taking into account gender balance, equitable geographical representation [and adequate representation of developing countries]. They shall commence their term of office at the closure of the meeting at which they

are elected and remain in office until the closure of the following ordinary meeting of the Conference of the Parties, including for any intervening extraordinary meeting.

2bis. No representative of any Party whose contributions are in arrears for two or more years shall be eligible to become a member of the Bureau of the Conference of the Parties, provided, however, that this shall not apply to Parties that are least developed countries or small island developing States or to Parties that have agreed on and are respecting a schedule of payments in accordance with the financial rules.

3. The offices of the President and Rapporteur shall be subject to equitable rotation among the United Nations regional groups. No elected officer may serve on the Bureau for more than two **consecutive** terms.

4. The President shall participate in meetings of the Conference of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative, who shall be entitled to represent the Party in the meetings and to exercise the right to vote.

5. The Rapporteur shall, in addition to serving as Vice-President of the Conference of the Parties, **with the assistance and support of the Secretariat**, be responsible for the preparation of the report of any meeting of the Conference of the Parties, which shall be published, distributed and circulated by the secretariat as an official document of the meeting.

Justification

The EU and its Member States can support a total number of 9 VPs from the five UN regional groups. This means that each of the five United Nations regional groups shall be represented by two bureau members (including the president). The EU and its Member States are of the view that the two terms should be consecutive for elected officers of the bureau. It should be clarified that the report is to be prepared with the assistance and support of the Secretariat, rather than assigning the sole responsibility for this to the rapporteur.

VII. Subsidiary bodies

Application of the rules to subsidiary bodies

Rule 26

(1) Unless otherwise decided by the Conference of the Parties, the present rules shall apply mutatis mutandis to the proceedings of subsidiary bodies, except that:

(a) A majority of the members of the subsidiary body shall constitute a quorum, but in the event of the subsidiary body being open-ended, one quarter of the Parties shall constitute a quorum;

(a) bis Members of subsidiary bodies shall make every effort to adopt recommendations to the Conference of the Parties by consensus if the Chair of the subsidiary body determines that all efforts to reach consensus have been exhausted, recommendations to be submitted to the Conference of the Parties shall be adopted by a vote and each member of the subsidiary body shall have one vote;

(b) The Chair of a subsidiary body may exercise the right to vote;

(c) When matters are subject to a vote, decisions of subsidiary bodies shall be taken by a majority of its members present and voting, except that the reconsideration of a proposal or the reconsideration of an amendment to a proposal shall require a two-thirds majority;

[(c) bis When any matter is subject to a vote, the subsidiary body should ensure that the views of all members of the body are fairly reflected in its report to the Conference of the Parties.]

(2) To take account of their specific requirements, the subsidiary bodies may adopt additional or more detailed modalities for their own work. In case of conflict the Rules of Procedure for the Conference of the Parties shall prevail.

Justification

The EU and its Member States can support this new wording but would add some additional clarifications. The EU and its Member States are of the view that the RoP for the CoP should apply mutatis mutandis to the subsidiary bodies of the Agreement, but with the possibility to enact additional modalities by the respective bodies where needed, taking into account the bodies' specificities, and propose a Rule 26(2) in that regard. It should be considered moving the rules on subsidiary bodies and virtual meetings to this section.

The EU and its Member States are of the view that the RoP and/or the ToR and modalities for the subsidiary bodies should ensure that these bodies strive for consensus. After all efforts to achieve consensus have been exhausted, such rules or modalities should provide for a mechanism to facilitate recommendations as well as reports and output to be forwarded to the CoP by the subsidiary body.

On Article 26(c) the proposed new wording can be accepted by the EU and its Member States in conjunction with the wording. The EU and its Member States are of the view that Chairs of subsidiary bodies should be allowed to vote, as it would otherwise create a disincentive for someone to stand election for chairs. Finally, the EU and its Member States reiterate that formal decisions are to be taken only by the COP, while the subsidiary bodies are limited to deciding to make recommendations to the COP.

Establishment of subsidiary bodies

Rule 27

2. Meetings of subsidiary bodies shall be held in public, unless the Conference of the Parties decides otherwise.

Justification

The EU and its Member States would like to have clarification on the meaning of “held in public”. Does this for example mean that meetings are required to be live streamed? Additionally, if a subsidiary body meeting is held in private (or closed format), does that mean that observers are excluded? The EU and its Member States are considering and reserving their position whether subsidiary bodies should also be able to decide whether a meeting should be closed, and what thresholds should apply.

Dates of meetings

Rule 28

The Chair of a subsidiary body, in consultation with the secretariat and the President of the Conference of the Parties, shall decide on the dates of the meetings of the [...] subsidiary **bodies**, taking note of any proposals to hold such meetings between ordinary meetings of the Conference of the Parties or in conjunction with such meetings.

Justification

The EU and its Member States support the new wording as it allows for flexibility for subsidiary to plan their activities.

Election of members of subsidiary bodies

Rule 28(1) bis

1. Unless the Conference of the Parties decides otherwise, members of subsidiary bodies shall be elected in accordance with rules 53 to 55 of the present rules of procedure. **Members of subsidiary bodies shall be nominated by Parties and shall be elected by the Conference of the Parties. If a member of a subsidiary body resigns or is otherwise unable to complete their assigned term, a representative of the same [Party] [coming from the same Regional Group] shall be named by the [Party][Regional Group] concerned to replace the said member for the remainder of that member's mandate.**
2. No representative of any Party whose contributions are in arrears for two or more years shall be eligible to become a member of any subsidiary body of the Conference of the Parties, provided, however, that this shall not apply to Parties that are least developed countries or small island developing States or to Parties that have agreed on and are respecting a schedule of payments in accordance with the financial rules.

Justification

The EU and its Member States believe that the RoP should clearly include the procedure for election by the CoP of members of subsidiary bodies. Furthermore, the EU and its Member States are of the view that the RoP should also address the procedure for election if a mandate of a member of a subsidiary body is not completed. The EU and its Member States support the inclusion of Rule 28(2)bis.

Election of officers for subsidiary bodies

Rule 29

The Chair of any subsidiary body shall be elected by the Conference of the Parties, unless the Conference of the Parties decides otherwise, with due consideration to rotation among the United Nations regional groups. Each subsidiary body shall elect its own officers other than the Chair. The officers of such subsidiary bodies shall be elected taking into account the principles of gender balance and equitable geographical representation [and providing for representation from developing States, including from the least developed countries, from small island developing States and from landlocked developing countries [on the Access and Benefit-Sharing Committee and the Capacity-Building and Transfer of Marine Technology Committee]]. Officers of subsidiary bodies shall not serve for more than **two** consecutive terms.

Justification

The EU and its Member States support a two-term consecutive limit at a time for Officers to serve in subsidiary bodies.

Cooperation and coordination with and between subsidiary bodies

Rule 30 bis

The Conference of the Parties **and the Chair of each subsidiary body** may make arrangements for regular consultations to enhance cooperation and coordination with and among **the** subsidiary bodies.

Justification

The EU and its Member States can support the new text but an additional paragraph could be added to the rule aimed at enhancing cooperation with subsidiary bodies of other relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, please see also our comment under Rule 8 bis.

Quorum

Rule 34

1. The President shall not declare a session of the meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the Parties to the Agreement are

present. The presence of [a majority] [two thirds] of the Parties to the Agreement shall be required for any decision to be taken.

Justification

The EU and its MS support a quorum of the presence of a majority of the Parties to the Agreement to be required for any decision to be taken. The EU and its Member States support the threshold of 1/3 of the parties to the agreement in order to open a session or permit a debate to proceed.

VIII. Secretariat

Functions of the secretariat

Rule 32

In addition to the functions specified in the Agreement, in particular in article 50, the secretariat shall, in accordance with the present rules:

(c) Publish, distribute and circulate, **including on a dedicated website**, the official documents of the meeting ;

Justification

The EU and its Member States suggest having a reference to a dedicated website to facilitate the publishing, distribution and circulation of official documents of the meeting.

Quorum

Rule 34

1. The President shall not declare a session of the meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the Parties to the Agreement are present. The presence of **a majority** of the Parties to the Agreement shall be required for any decision to be taken.

Justification

The EU and its MS support a quorum of the presence of a majority of the Parties to the Agreement to be required for any decision to be taken. The EU and its Member States support the threshold of 1/3 of the parties to the agreement in order to open a session or permit a debate to proceed.

Precedence

Rule 36

1. Representatives of Parties shall **normally** be accorded precedence over observers.

2. The Chair or rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

Justification

The EU and its Member States propose to clarify that Representatives of Parties shall “normally” be accorded precedence. There are instances where it could be useful to have observers take the floor first. For example, in line with Article 26(2) of the Agreement, IFBs could be accorded precedence for the purpose of informing the CoP on measures taken to implement the objective of ABMTs or to provide other information of relevance to guide the work of the CoP.

IX. Conduct of business

Proposals and amendments to proposals

Rule 40

Proposals and amendments to proposals shall normally be introduced in writing, in one of the official languages, by the Parties, and handed to the secretariat, which shall circulate copies to delegations. As a general rule, no proposal or amendment to a proposal shall be discussed or put to the vote at any session unless copies of it have been circulated to delegations not later than the day preceding that session. The President may, however, permit the discussion and consideration of proposals, of amendments to proposals or of procedural motions, even when such proposals, amendments to proposals or motions have not been circulated or have been circulated only the same day.

Justification

The EU and its Member States believe that the scope and purpose of this rule should be further clarified, in particular with regard to the concepts of ‘proposal’ and ‘session’. After clarification the need for translation should be considered. Following such clarifications it should be considered whether the deadline of one day preceding a session is appropriate.

Reconsideration of proposals

Rule 43

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover and to one speaker in favour of and two against the proposal, after which it shall be put immediately to the vote.

Justification

The EU and its Member States believe it should be considered whether this rule should also apply to motions and not only to proposals.

X. Decision-making

Right to vote

Rule 44

2. A regional economic integration organization Party to the Agreement, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States **that are Parties to the Agreement**. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

Justification

The EU and its Member States strongly oppose the suggested new wording in square brackets: [present and voting]. The EU and its 27 Member States underline the necessity to retain the previous wording. The REIO clause as proposed in the original draft Rules of Procedure faithfully reflects the wording of the Agreement. Regional economic integration organisations (REIO), such as the EU, engage in international agreements in a unique way, which stems from the fact that their member states have legally transferred competence to the organisation for certain policy areas. This is reflected in the Declaration of Competence made by the EU on

ratification pursuant to Article 67(2) of the Agreement. The proposed new language fails to recognise this important legal transfer of competence. Furthermore, the wording reflects the language contained in over a dozen other multilateral environmental agreements. Finally, setting a requirement for States party to a REIO to be [present and voting] simultaneous to the REIO which is casting the vote is contrary to Article 64(2) of the Agreement which clearly stipulates that REIOs and their members cannot cast a vote simultaneously.

Proxy voting

Rule 44 bis

Justification

The EU and its member States are open to consider such a rule and would welcome a draft text.

Voting thresholds

Rule 45

2 bis. A determination on whether all efforts to reach consensus have been exhausted shall be made by the President of the Conference of the Parties, **after consulting** with the Bureau.

3. If the question arises as to whether a matter is of a procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately, and the President's ruling shall stand unless overruled by **two thirds** of the Parties present and voting.

Justification

The EU and its Member States believe the bureau could be involved but only for consultation purposes and therefore propose to amend the wording to “after consulting with”. Furthermore, the EU and its Member States agree with delegations that the question whether something is a procedural or substantive matter requires a two thirds majority.

Method of voting for general matters

Rule 51

1. Voting, except for elections, may be by show of hands. A roll-call vote shall be taken if so requested by any Party. The roll call shall be taken in the English alphabetical order of the names of the Parties, beginning with the Party whose name is drawn by lot by the President. [Any Party may request a secret ballot. The President shall ask whether the request is seconded. If it is seconded, the vote shall be by secret ballot.]

Justification

The EU and its Member States reserve their position on the issues of voting by secret ballot.

XIII. Amendments to the rules of procedure

Amending the rules of procedure

Rule 60

The present rules of procedure may be amended by a decision of the Conference of the Parties taken by consensus, after the Bureau has reported on the proposed amendment.

Justification

The EU and its Member States are of the view that consensus is required to amend the rules of procedure, given that the latter are adopted by consensus (Article 47 (4) of the Agreement).