

Annex

Rules of Procedure of the ReSPA Governing Board

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Annex

Rules of Procedure of the ReSPA Governing Board

Part I. Proceedings of the Governing Board

Article 1 Sessions

1. The Governing Board shall meet at ministerial level once a year and at senior official level four times a year. The ministerial level session shall commence with a session at the senior official level.
2. Each session shall fix dates for the subsequent session or agree on a method to fix such dates.
3. The Governing Board may agree to meet in extraordinary session at other times.
4. The Governing Board may adopt Resolutions and other Decisions by correspondence in accordance with these Rules.
5. The Governing Board shall meet at Danilovgrad, Montenegro unless the Governing Board, by Decision, accepts an invitation to meet elsewhere.

Article 2 Provisional Agenda

1. The Director shall circulate a draft Provisional Agenda to Members and Observers at least 45 days prior to a session of the Governing Board at the ministerial level and at least one month prior to a session at senior official level. Members and Observers may submit additional items to the Director for inclusion in the Provisional Agenda prior to the time that the Director communicates it to the Governing Board in accordance with paragraph 3 of this Article.
2. The Provisional Agenda for an extraordinary session shall be limited to the matters in the Decision convening the extraordinary session.
3. The Director shall submit to the Governing Board the Provisional Agenda and other documents needed for the session at least 30 days prior to a session at the ministerial level and at least 21 days prior to a session at senior official level. The provisional agenda shall include:
 - a) All matters due for consideration pursuant to the ReSPA Agreement;
 - b) Any matter the inclusion of which has been decided by the Governing Board at a prior session;
 - c) Any matter proposed by a Member or an Observer; and
 - d) Any item that the Director considers desirable that the Governing Board consider.
4. As soon as the Chair has assumed his/her functions, the Governing Board shall adopt the Agenda for that session. It may add, delete or amend items on the Agenda during the session.

Article 3 Representation and Attendance

1. Members shall be represented on the Governing Board by one representative from ministries or equivalent responsible for public administration, human resources development or European integration.
2. Members shall designate as their representative at sessions of the Governing Board as follows:
 - a) A minister or equivalent and a substitute at sessions at ministerial level; and
 - b) A senior official as Permanent Representative, and a substitute, at sessions at the senior official level.

3. A representative of a Member may be accompanied to sessions of the Governing Board by up to 3 advisers.
4. Observers may attend sessions of the Governing Board. Observers may participate fully in the work of the Governing Board without the right to vote.
5. A representative of the European Commission shall participate in the Governing Board on an *ex-officio* basis without right to vote.
6. The Director shall participate in the Governing Board on an *ex-officio* basis without right to vote.
7. The Governing Board may invite other States and organizations to attend its meetings and participate in its deliberations without the right to vote.
8. Experts invited by the Governing Board may participate in its sessions.
9. Representative(s) of the Secretariat and of the technical and service employees may attend meetings of the Governing Board and may address the Governing Board on matters relating to conditions of service and staff and employee welfare.

Article 4 Notification of Representation

1. Members shall designate, by writing addressed to the Director, the names of their:
 - a) Representative and substitute to a ministerial session of the Governing Board;
 - b) Permanent Representative and substitute to sessions of the Governing Board
 - c) Advisers to a session of the Governing Board.
2. The European Commission, Observers, and States and organizations invited to attend a session of the Governing Board, shall communicate the name of their representatives to the Director.
3. The Director shall prepare a List of Attendance for each session of the Governing Board.

Article 5 Chair of the Governing Board

1. The Chair of the Governing Board shall hold office for one year. On expiration of that term, the Chair shall succeed automatically to the Member next to occupy the Chair.
2. Unless otherwise decided by the Member, the person occupying the Chair of a ministerial meeting of the Governing Board shall be the Minister, or substitute, of the Member and, for sessions at the senior official level, the Permanent Representative, or substitute, of the Member. The Member shall designate another person as Chair if these persons are unavailable, either to chair a session or to act as such between sessions of the Governing Board.
3. The Chair shall not vote. The right of the Member to vote shall be exercised by another person from the Member's delegation.

Article 6 Subsidiary Bodies

The Governing Board may create subsidiary bodies. The Decision establishing a subsidiary body shall set out its mandate.

Article 7 Requests for Waiver of Privileges and Immunities and Co-operation

- 1) The Governing Board shall consider on a priority basis requests that:
 - a) It waive any of the privileges and immunities of the Director or a staff member; and
 - b) It co-operate with the authorities of a Member.
- 2) If the request is made while the Governing Board is in session the Director shall promptly communicate the request, with all relevant papers, to the Governing Board, with a recommendation on how to respond to that request. The Governing Board shall take a Decision as soon as possible.

- 3) If the request is made while the Governing Board is not in session the Director shall promptly circulate the request, with all relevant papers, to Members with a recommendation on how to respond to that request. Members shall communicate their views on the request within 7 days utilizing email or telephonic means.
- 4) The Decision of the Governing Board shall be promptly communicated to the authorities concerned.

Part II. Secretariat

Article 8 Director

1. The Director shall attend all meetings of the Governing Board in an *ex officio* capacity without the right to vote. The Director may make oral as well as written statements to the Governing Board on any matter under consideration and shall keep the Governing Board informed of any matter that may be brought before it for consideration. If unable to attend a meeting or session of the Governing Board, the Director shall designate a member of the ReSPA staff to act as his/her representative.
2. The Director shall ensure that the Governing Board is able to conduct its sessions efficiently.

Article 9 Duties of the Secretariat

The Secretariat shall:

- a) Prepare, receive and circulate all documentation required for the sessions of the Governing Board;
- b) Have custody of the documents in the ReSPA archives; and
- c) Generally perform all other work required by the Governing Board or the Director.

Part III. Records

Article 10 Distribution of Documents

1. The Secretariat shall circulate reports it prepares for a session, and reports prepared by Members and Observers and any other documents requested by the Governing Board, at least 30 days prior to a session at the ministerial level and at least 21 days prior to sessions at the senior official level.
2. The Secretariat shall prepare a report of each session of the Governing Board, including Resolutions and other Decisions adopted during that session, for approval of the Governing Board.
3. Unless otherwise decided by the Governing Board, the Secretariat shall circulate to Members, Observers, States and other entities attending a session, the report of the session within 14 days of its approval by the Governing Board, together with the text of all Resolutions and other Decisions adopted by the Governing Board and shall make the report available on the web site of ReSPA.

Article 11 Working Language

1. The working language of the Governing Board and the Secretariat shall be English.
2. Documents shall be submitted in the working language of the Governing Board.

Part IV. Conduct of Business

Article 12 Quorum

The Chair may declare a meeting open and permit the debate to proceed if at least 2/3 of the Members are present.

Article 13 General Powers of the Chair

1. In addition to exercising powers conferred upon the Chair elsewhere in these Rules, the Chair shall declare the opening and closing of each meeting of the Governing Board, direct the discussions, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. The Chair, subject to these Rules, shall have complete control of the proceedings of the Governing Board and the maintenance of order at its meetings. He/she shall rule on points of order. He/she may propose to the Governing Board the closure of the list of speakers, a limitation on the time to be allowed to speakers, the adjournment or closure of the debate and the suspension or adjournment of a meeting.
2. The Chair, in the exercise of his/her functions, remains under the control of the Governing Board.

Article 14 Points of Order

During the discussion of any matter, a Member may rise to a point of order. The point of order shall be immediately decided by the Chair in accordance with these Rules. A Member may appeal against the ruling of the Chair, but may not speak on the substance of the matter under discussion. The appeal shall be immediately put to the vote, and the ruling of the Chair shall stand unless overruled by a majority of the Members.

Article 15 Speeches

No one may address the Governing Board without having previously obtained the permission of the Chair. The Chair may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

Article 16 Adjournment or Closure of Debate or Meeting

1. During the discussion of any matter, a Member may move the adjournment or closure of the debate on the item under discussion. Permission to speak on the adjournment of the debate shall be accorded only to a Member opposing the motion, after which the motion shall be immediately put to the vote.
2. During the discussion of any matter, a Member may move the suspension or the adjournment of the meeting. Such a motion shall be immediately decided.

Part V. Conduct of Voting

Article 17 Voting

1. Each Member shall have one vote.
2. Resolutions shall be adopted by unanimity of all Members of ReSPA, except a Resolution deciding on the extension of the ReSPA Agreement, which shall require agreement of 2/3 of all Members of ReSPA.
3. The Governing Board shall strive to take other Decisions, including Decisions under these Rules, by consensus. If the Governing Board cannot achieve consensus the Decision shall be taken by agreement of all Members of ReSPA.

Article 18 Method of Voting

1. The Governing Board shall normally vote by a show of hands.
2. A Member may request a recorded roll-call vote. The roll-call vote shall be taken in the English alphabetical order of the names of Members, beginning with the name of the Member drawn by lot.
3. A Member may vote by proxy or email.
4. The Governing Board may adopt Resolutions and other Decisions between sessions by written procedure. The Chair shall decide whether a matter warrants a decision between sessions of the Governing Board and, if so, whether and under what circumstances provision should be made to permit amendments to the proposed Resolution or Decision. If the Chair decides to seek a vote by written procedure he/she shall instruct the Director to submit the proposed Resolution or Decision to all Members fixing a time for return of votes. The Chair and the Director shall jointly verify votes cast by correspondence or electronic means and the Chair shall inform Members of the result.

Article 19 Conduct during Voting

After the Chair has announced the beginning of voting, no Member shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The Chair may permit Members to explain their votes, either before or after the voting.

Article 20 Division of Proposals and Amendments

A Member may move that parts of a proposal or of an amendment should be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to one Member in favour and one Member against. If the motion for division is carried, those parts of the proposal or amendment that are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Article 21 Voting on Proposals and Amendments

1. If two or more proposals relate to the same question, the Governing Board, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Governing Board may, after each vote on a proposal, decide whether to vote on the next proposal.
2. When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Governing Board shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.

Part VI. Miscellaneous

Article 22 Regulations for Financial and Personnel Administration

1. The Governing Board shall establish Financial Regulations for the financial administration of ReSPA.
2. The Governing Board shall establish Staff Regulations governing the Secretariat of ReSPA and its technical and service employees.
3. No Resolution, or other Decision, involving expenditure shall be recommended for approval by the Governing Board unless it is accompanied by an estimate of expenditures prepared by the Director.

Part VII. Final Provisions

Article 23 Amendments

1. Any Member of the Governing Board may propose amendments to the Rules of Procedure.
2. The Rules of Procedure may be amended by Resolution of the Governing Board on the basis of the proposed amendment.

Article 24 Entry into Force

The Rules of Procedure enter into force when adopted by Resolution by the Governing Board.

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