

Rules of Procedure of the International Sava River Basin Commission

Adopted by the ISRBC Decision 23/20

Pursuant to Article 16 paragraph 1(c) of the Framework Agreement on the Sava River Basin and Article 4 paragraph 2(a) of the Statute of the International Sava River Basin Commission, the International Sava River Basin Commission adopted on the 1st Regular Session of the Sava Commission on June 27-29, 2005, and amended thereafter by the Decisions 28/08, 31/09, 17/13, 17/15, 6/19 and 23/20 the following

RULES OF PROCEDURE

Article 1 Definitions

For the purposes of these Rules of Procedure:

- (a) **FASRB** means the Framework Agreement on the Sava River Basin, signed at Kranjska Gora, Slovenia, on 3 December 2002, including changes and amendments stipulated within the Agreement on Amendments to the Framework Agreement on the Sava River Basin and Protocol on Navigation Regime to the Framework Agreement on the Sava River Basin, signed in Ljubljana on 2 April 2004;
- (b) **Statute** means the statute of the International Sava River Basin Commission as stipulated by Annex I of the FASRB;
- (c) **Sava Commission** means the International Sava River Basin Commission established by Article 15 of the FASRB;
- (d) **Secretariat** means the Secretariat of the Sava Commission, established by Article 19 of the FASRB;
- (e) **Party** means a State Party to the FASRB;
- (f) **Representative** means a member and deputy member of the Sava Commission, as defined by the FASRB, Article 1 (1) of the Statute;
- (g) **Expert Groups** means the permanent and *ad hoc* expert groups established pursuant to Article 9 of the Statute.

Article 2 Scope

These rules of procedure shall apply to the work of the Sava Commission, its Secretariat and expert groups.

Article 3 Notification

Each Party shall notify the Secretariat of the names of their representatives through diplomatic channels.

Article 4 Chairmanship

- 1) The Sava Commission shall be chaired by a member.
- 2) The Chair shall serve for a period of three years. The Chairmanship shall be rotated following the English alphabetical listing of the Parties.
- 3) The Vice Chair of the Sava Commission shall be the member from the next Party following the English alphabetical listing of the Parties.

- 4) In case of temporary absence of the Chair, the Vice Chair shall chair the Sava Commission. In case of incapacity, resignation or other permanent vacancy of the Chair, the Party on behalf of which the Chair was a member shall designate a successor to serve until the expiration of the Chair's original term.
- 5) In addition to exercising the powers and duties conferred upon him/her elsewhere in these Rules, the powers and duties of the Chair shall be to:
 - (a) Represent the Sava Commission;
 - (b) Convene and preside over the sessions of the Sava Commission;
 - (c) Prepare jointly with the Secretary a preliminary draft agenda for the session with consultation of the representatives;
 - (d) Open and close each session of the Sava Commission;
 - (e) Sign jointly with the Secretary the reports of each session;
 - (f) Sign decisions and recommendations of the Sava Commission;
 - (g) Ensure the observance of these Rules;
 - (h) Receive full powers of the representatives, jointly with the Secretary;
 - (i) Provide guidance to the Secretary, which will ensure that the work of the Sava Commission is carried out efficiently and in accordance with its decisions and recommendations.

Article 5

Sessions of the Sava Commission

- 1) The sessions of the Sava Commission shall be convened at least once a year on invitation of the Chair. The sessions can be convened more often upon initiative of the Chair or at the request of one or more Parties. The Sava Commission may decide to hold the session in parts.
- 2) The sessions shall be held in the Seat of the Sava Commission unless the Sava Commission decides otherwise. The Chair shall propose the agenda for the sessions. Representatives of each Party may propose agenda items.

The sessions of the Sava Commission shall be held in private unless the Sava Commission decides otherwise, and audio recorded.
- 3) At least one representative from each Party shall be present at each session of the Sava Commission.
- 4) Each Party may invite experts as advisors to its representatives to the sessions. The experts' names shall be communicated to the Secretariat no later than one week before the session.
- 5) For the sessions of the Sava Commission:
 - (a) The Secretary shall, with approval and on behalf of the Chair, circulate an invitation letter and preliminary agenda at least six weeks before the opening of the session. Representatives of each Party shall be entitled, up to four weeks before the opening of the session, to ask for item(s) to be placed on the draft agenda with explanatory memorandum supporting their request. The draft agenda shall be sent to all representatives at least two weeks before the opening of the session. The agenda shall be adopted at the beginning of the session, and at that stage, it may only be amended upon approval of the Sava Commission;
 - (b) All documents submitted shall be distributed to the representatives of the Sava Commission at least four weeks before the opening of the

session in e-form in principle. Documents received after this deadline will be circulated as late ("L") documents and will only be discussed if the Sava Commission so decides;

- (c) No other documents shall be circulated by the Secretariat less than two weeks before a session, except:
 - (i) Documents that the Chair considers essential for the session;
 - (ii) Comments on already circulated documents;
 - (d) Bulky documents should include abstracts embodying the essence of the proposals and action requested;
 - (e) The date and preliminary agenda for the next session shall be set at the session.
 - (f) In case the session must be urgently convened, the Sava Commission may reduce the above-mentioned deadlines.
- 6) The Sava Commission may hold strategic meetings to discuss specific issues important for the implementation of the FASRB and the work of the Sava Commission. Strategic meetings shall be organized as needed, at the initiative of a representative or the Secretary.

Article 6

Decision Making and Voting Procedures

- 1) Each Party shall have one vote.
- 2) Any amendment to a proposal before the Sava Commission shall be voted on before the proposal. If the amendment is adopted, the amended proposal shall then be voted on. A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises that proposal.
- 3) If two or more proposals relate to the same question, the Sava Commission, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Sava Commission may, after each vote on a proposal, decide whether or not to vote on the next proposal.
- 4) Any representative may request that any part of a proposal or an amendment to a proposal be voted on separately. If objection is made to the request for division, the Chair shall permit two representatives to speak, one in favour of and the other against the motion, after which it shall immediately be put to vote.
- 5) If the motion referred to in Article 6 paragraph 5 is adopted, those parts of a proposal or an amendment to a proposal, which have been approved shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.
- 6) After the Chair has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of voting. The Chair may permit the representatives to explain their votes and may limit the time allowed for such explanations. The Chair shall not permit the proponent of a proposal or an amendment

to a proposal to explain his/her vote on his/her own proposal or amendment unless it has been amended.

- 7) Decisions and Recommendations shall be adopted by unanimous vote.

Article 7 Written Vote

- 1) A written procedure for adoption of decisions and recommendations may be used in principle in urgent cases.
- 2) The adoption of a decision or recommendation by written procedure may be proposed by the Chair or by any representative.
- 3) The Secretary shall, with approval and on behalf of the Chair, circulate draft decision or recommendation to the representatives of the Sava Commission for consideration without delay.
- 4) In addition to the provisions of paragraphs 2 and 3 of this Article, the Secretary is entitled to propose and circulate to the representatives of the Sava Commission for consideration draft decision related to:
 - a) Adoption and/or approval of annual plans and programs;
 - b) Adoption and/or approval of reports, and
 - c) Establishment of expert and task groups of the Sava Commission.For proposing and circulating the draft decisions specified in this paragraph, the prior approval of the Chair is not required.
- 5) Representatives of the Sava Commission shall give urgent consideration to the proposal. If within proposed time limit no representative has rejected the draft decision or recommendation in writing, it shall be taken as unanimously accepted.
- 6) The Secretary shall announce the adoption of the decision or recommendation to all representatives. The adoption of the decision or recommendation shall be reflected in the report of the next following session of the Sava Commission, together with the text of the decision or recommendation and the date of adoption.

Article 8 Reports of the Sessions

- 1) The report of each session shall contain:
 - (a) Date, place and number of the session;
 - (b) List of participants;
 - (c) Adopted agenda;
 - (d) Texts of the adopted decisions, recommendations and conclusions, and shall be adopted before the end of the session.
- 2) The report shall be signed by the Chair and the Secretary.

Article 9 Communication

- 1) All communication and documentation addressed to or emanating from the Sava Commission shall be sent to or dispatched by the Secretariat. Communication to the Parties shall be addressed to their representatives.

- 2) The Secretariat shall be in charge of distributing all reports and minutes, and drafted and adopted decisions and recommendations of the Sava Commission and its expert groups.

Article 10 **Expert Groups**

- 1) The Sava Commission shall establish permanent and ad hoc expert groups, as required.
- 2) An expert group shall be composed of the experts appointed by the Sava Commission upon proposal of the representatives and shall be chaired by the appointed official of the Secretariat.
- 3) A Permanent expert group shall have two members and an *Ad hoc* expert group shall have one member from each Party, unless the Sava Commission decides otherwise.
- 4) The Terms of Reference of all expert groups shall be determined by the Sava Commission and shall regulate at least:
 - (a) Tasks;
 - (b) Working arrangements;
 - (c) Reporting obligations.
- 5) Permanent expert group shall propose its annual Programme of Work to the Sava Commission. *Ad hoc* expert group may propose its Programme of Work if in accordance with the given mandate and if considered necessary in course of its activities.
- 6) In addition to exercising the powers and duties conferred upon him/her elsewhere by these Rules, the Chair of an expert group shall:
 - (a) Prepare the initial expert materials (with assistance of the *ad hoc* experts, if needed);
 - (b) Prepare the draft agenda and documentation for meetings of the respective expert group;
 - (c) Convene and preside over meetings;
 - (d) Oversee the work of the expert group between the meetings;
 - (e) Report on the achieved results to the Sava Commission.
- 7) All conclusions, recommendations, proposals and opinions shall be agreed unanimously. If no consensus is achieved it shall be delivered by the majority of votes. In such case, points of dissent must be documented appropriately in the Report. All members of expert group from one Party shall have one vote. The Chair shall not vote.
- 8) Written procedure may be used to agree upon conclusions, recommendations, proposals and opinions between the meetings, if necessary. The Chair shall circulate to the expert group documents to be considered, in written form. The expert group shall deliver its opinion, recommendation or proposal within a time limit, which the Chair may set according to the urgency of the matter.
- 9) Conclusions, recommendations, proposals, and opinions on specific issues, as well as overall results of work of all expert groups shall be reported to the Sava Commission.
- 10) Each Party has the right to be represented by additional experts to participate in particular meetings of an expert group, as required. The

participation of additional experts must be announced to the Secretariat no later than 1 week before the beginning of the meeting.

- 11) The Sava Commission may also engage individual experts or establish a task group in order to investigate specific issues. Scope of work of individual experts shall be determined by the Secretary and of a task group shall be determined by the Sava Commission.
- 12) The Secretariat shall keep a list of all expert groups and their composition.

Article 11 **Conflict of interests**

- 1) The representatives of the Parties, their advisors, expert groups members, staff members of the Secretariat and other persons who are in any way directly or indirectly interested in any matter being subject to discharging of functions of the Sava Commission and its bodies, shall be obliged to disclose such interest.
- 2) Such disclosure shall be made in written or recorded in the report and minutes of the meeting.
- 3) After such disclosure, the interested person shall not participate in the related decision-making process.

Article 12 **Flag, Seal, Emblem and Logo**

- 1) The Sava Commission shall have its flag, seal, emblem and logo.
- 2) The Sava Commission shall adopt decision on design and use of its flag, seal, emblem and logo.

Article 13 **Annual reports**

The draft annual report shall be prepared by the Secretary and circulated to the members of the Sava Commission by May 31 of subsequent year. Representatives shall be allowed at least three weeks to comment on the draft report. The Secretary shall resolve any inconsistencies in comments received in consultation with the Parties concerned. Upon approval of the Sava Commission, the report shall be sent to the Parties and made available to the public.

Article 14 **Languages of the Sava Commission**

- 1) The official languages of the Sava Commission, its Secretariat and expert groups shall be the official languages of Bosnia and Herzegovina (Bosnian, Croatian, Serbian), Croatian, Serbian and Slovenian.
- 2) Besides the official languages, the Sava Commission, its Secretariat and expert groups shall use English as the working language.
- 3) All session/meeting documents of the Sava Commission and its expert groups shall be prepared in one of the official languages of the Sava Commission or in English.

Article 15
Availability of documents

- 1) Documents of the Sava Commission should be available to the public unless the Sava Commission decides otherwise.
- 2) The Sava Commission may restrict availability of certain documents.
- 3) The Sava Commission shall maintain a website and shall, wherever convenient, use the website for distribution of and access to documents, including possibilities for feedback from the public. Posting the documents on the websites the Sava Commission meets requirement referring to public access to information.

Article 16
Observer status

- 1) The Sava Commission may grant permanent or temporary observer status to a state, an international governmental organization, an international or national non-governmental organization.
- 2) Observer status shall be granted in accordance with the rules adopted by the Sava Commission.

Article 17
Cooperation with International Organizations

- 1) In realization of obligations designated in Article 5 of the FASRB, the Sava Commission shall develop specific cooperation and coordination mechanisms.
- 2) The Sava Commission may cooperate with other international, regional and national organizations.
- 3) The Secretary may nominate officials of the Secretariat as representatives to meetings organized by other international, regional and national organizations.

Article 18
Amendments to the Rules of Procedure

These Rules including their annexes, if any, may be amended at any session of the Sava Commission by unanimous vote. Proposals for amendment of these Rules shall be circulated to the representatives at least four weeks before such sessions.