



RULES OF PROCEDURE OF THE COMPLIANCE COMMITTEE¹

Rule I COPE

1.1 These Rules of Procedure shall apply to any meeting of the Compliance Committee and shall be read together with and in furtherance of the *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance*, adopted by the Governing Body and contained in the *Annex* to Resolution 2/2011.

1.2 The Rules of Procedure of the Governing Body shall apply, *mutatis mutandis*, to all matters not specifically dealt with under these Rules of Procedure.

Rule II USE OF TERMS

For the purpose of these Rules of Procedure:

“Bureau” shall mean the Bureau of the Committee, unless otherwise provided;

“Conflict of interest” shall refer to any current interest which could significantly impair the individual’s impartiality, objectivity or independence in carrying out his or her duties as a member of the Committee;

“Contracting Party concerned” shall mean the Contracting Party referred to in section VI.1 of the Compliance Procedures;

“Committee” shall mean the Compliance Committee established by the Governing Body by Resolution 3/2006;

“Compliance Procedures” shall mean the Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance, contained in the *Annex* to Resolution 2/2011 of the Governing Body, and any amendment thereto as may be adopted by the Governing Body;

“Governing Body” shall mean the Governing Body as referred to in Article 19 of the International Treaty;

“International Treaty” shall mean the International Treaty on Plant Genetic Resources for Food and Agriculture;

“Member of the Committee” shall mean a member of the Committee elected pursuant to section III.4 of the Compliance Procedures;

“Secretary” shall mean the Secretary of the Governing Body, referred to in Article 20 of the International Treaty.

Rule III MEMBERS

3.1 Each member of the Committee shall perform his or her duties and exercise his or her authority as member of the Compliance Committee honourably, faithfully, impartially and conscientiously and seek to avoid any conflict of interest.

¹ Originally adopted by the Governing Body in Resolution 9/2013 Rev.1. Revised as approved in Resolution 8/2023.

3.2 Where a member finds himself or herself faced with a conflict of interest regarding a matter before the Committee, the member concerned shall bring it to the attention of the Secretary, who shall inform the Committee. The member concerned may participate in the discussions, but not in the elaboration and adoption of any decision of the Committee regarding such matter.

3.3 Where the Secretary becomes aware of a situation of conflict of interest in respect of a member regarding a matter before the Committee, the Secretary shall inform the Committee, and the member concerned can express a view on whether there is a conflict of interest or not. If the Committee is unable to agree that the member concerned faces no conflict of interest, or if the issue is not otherwise resolved, the Committee shall inform the Secretary, and the Secretary shall refer the issue to the Bureau of the Governing Body for its consideration. Pending resolution, the Committee may decide whether the member concerned may participate in the discussions of the matter before the Committee. The member concerned may not participate in the elaboration and adoption of any decision of the Committee regarding the matter before the Committee. The views expressed by the member concerned should, however, be reflected in the record of the Committee's meeting on that matter.

3.4 If a member of the Committee wishes to resign, he or she shall inform the Secretary in writing indicating the date when the resignation takes effect.

3.5 If a member of the Committee resigns or is unable to complete his or her term of office, the Secretary shall inform the FAO Region concerned through the member of the Bureau of the Governing Body representing that Region. The FAO Region concerned may nominate a replacement to serve the remainder of the term of that member. The Bureau of the Governing Body, in accordance with section III.4 of the Compliance Procedures, shall consider the nomination, and make an appointment, as appropriate.

Rule IV BUREAU

4.1 The two Co-Chairs of the Committee shall constitute the Bureau.

4.2 The Co-Chairs serve for up to two years, renewable once. If a Co-Chair resigns or is unable to complete his or her term of office, the Committee may designate another member to act as Co-Chair *ad interim* or elect another member as the replacement.

4.3 Pursuant to section III.7 of the Compliance Procedures, the members nominated by one FAO Region shall not serve as Co-Chair for more than two consecutive terms.

4.4 The functions of the Bureau are contained in these Rules of Procedure.

Rule V OBSERVERS

5.1 Any person may attend open meetings of the Committee as an observer unless the Committee otherwise decides. A person wishing to do so shall inform the Secretary before the meeting.

5.2 The number of observers may be limited by the Secretary, in consultation with the Bureau, due to logistic or other limitations.

5.3. An observer attending a Committee meeting may express views, upon invitation to do so by the Co-Chairs in consultation with the Committee.

Rule VI MEETINGS

6.1 Meetings of the Committee shall be convened by the Secretary in consultation with the Bureau.

6.2 Notice of the date and place of each meeting of the Committee shall be communicated by

the Secretary to all members at least twelve weeks before the opening of the meeting.

6.3 Meetings of the Committee shall be open unless it decides otherwise or this Rule provides otherwise. The Committee may decide that all or part of any meeting will be closed. It shall meet in closed session at the request of the Party concerned and when considering information that is confidential in accordance with Rule VII below.

6.4 For the purposes of section VI.8 of the Compliance Procedures, the Committee shall, through the Secretary, inform the Contracting Party concerned through official channels, with a copy to the National Focal Point, of a meeting of the Committee where a submission related to that Contracting Party will be considered, and may invite that Contracting Party to attend such meeting.

6.5 The Committee may, subject to the availability of financial resources and where the circumstances so require, invite to its meetings any expert or person with valuable knowledge to provide technical opinion, advice or information that may assist it in the consideration of a matter before it.

6.6 Only members of the Committee and Secretariat officials may be present during elaboration and adoption of a decision by the Committee, unless otherwise decided by the Committee.

Rule VII CONFIDENTIALITY

7.1 Save as otherwise provided for in this Rule, no information held by the Committee shall be kept confidential.

7.2 The Committee and any person involved in its work shall seek to ensure the confidentiality of information that has been provided to it in confidence by a Contracting Party in respect of its own compliance.

7.3 Information relating to the identity of a person who provides information to the Committee shall be kept confidential if that person asks that it be kept confidential because of a substantiated concern in relation to penalization, persecution or harassment.

7.4 Information that is in the public domain shall in no circumstance be deemed to be confidential.

7.5 Records and reports of the Committee shall not contain any information that the Committee must keep confidential. In the case of closed meetings, the discussions and information must be kept confidential unless otherwise decided by the Committee.

Rule VIII DECISION-MAKING

8.1 The Committee shall make every effort to adopt its decisions by consensus, unless by consensus another method of arriving at a decisions is reached.

8.2 The Committee shall, through the Secretary, communicate the decision to the Contracting Party concerned through official channels, with a copy to the National Focal Point. The Secretary shall make decisions available to other Contracting Parties and to the public.

Rule IX USE OF ELECTRONIC MEANS

9.1 Electronic means of communication may be used by the members of the Committee for the purpose of conducting its business, to the extent agreed by the Committee. This includes:

- (a) Conducting informal consultations;
- (b) Elaborating and taking decisions in writing using electronic means of communication except for decisions under section VII of the Compliance Procedures.

9.2 The Committee may establish further rules on electronic means of communication under paragraph

1.b of this Rule, taking into account the provisions of Rule VII above, including on the verification of the receipt of a draft decision by all members and the adoption of a decision on a no-objection basis.

9.3 Any decision taken in accordance with paragraph 1.b above shall be deemed to be taken at the headquarters of the Secretariat of the International Treaty.

Rule X PUBLICATION OF DOCUMENTS

Subject to Rule VII above, the Secretary shall make all documents of the Committee available to the public.

Rule XI FORMAT OF SUBMISSIONS BY A CONTRACTING PARTY WITH RESPECT TO ITSELF

11.1 Any submission pursuant to section VI.1.a of the Compliance Procedures shall be received through official channels of the Contracting Party concerned or from its National Focal Point, and be delivered to the Secretariat in hard copy and/or by electronic means. Any relevant document in support of the submission shall be annexed thereto.

11.2 Any such submission shall, in addition to the requirements of section VI.2 of the Compliance Procedures, include:

- (a) Additional information substantiating the matter of concern;
- (b) A list of all documents annexed to the submission;
- (c) Any measures requested from the Committee pursuant to section VII of the Compliance Procedures.

Rule XII FORMAT OF SUBMISSIONS BY A CONTRACTING PARTY WITH RESPECT TO ANOTHER CONTRACTING PARTY

12.1 Any submission pursuant to section VI.1.b of the Compliance Procedures shall be received through official channels of the Contracting Party making the submission, and be delivered to the Secretariat in hard copy and/or by electronic means. Any relevant document in support of the submission shall be annexed thereto.

12.2 Any such submission shall, in addition to the requirements of section VI.2 of the Compliance Procedures, identify the Contracting Party concerned, and include:

- (a) Any additional information substantiating the matter of concern;
- (b) A list of all documents annexed to the submission.

12.3 Pursuant to section VI.4 of the Compliance Procedures, the submission shall be forwarded through official channels to the Contracting Party concerned and copied to its National Focal Point.

Rule XIII FORMAT OF SUBMISSIONS BY THE GOVERNING BODY

13.1 A decision by the Governing Body to make a submission pursuant to section VI.1.c of the Compliance Procedures shall be in the form of a Resolution adopted by it. Any such submission shall, in addition to the requirements of section VI.2 of the Compliance Procedures, identify any Contracting Party concerned.

13.2 Pursuant to section VI.4 of the Compliance Procedures, the submission shall be forwarded through official channels to any Contracting Party concerned and copied to its National Focal Point.

Rule XIV
FORMAT FOR CONSIDERATION OF STATEMENTS AND QUESTIONS CONCERNING THE
IMPLEMENTATION OF A CONTRACTING PARTY'S OBLIGATIONS UNDER THE
INTERNATIONAL TREATY

Any statement or question pursuant to section IX.2 of the Compliance Procedures shall be received through official channels of that Contracting Party or from its National Focal Point, and be delivered to the Secretariat in hard copy and by electronic means. Any relevant document in support of the statement or question shall be annexed to the letter.

Rule XV
DECISIONS OF THE COMMITTEE

15.1 A decision of the Committee, pursuant to section VII of the Compliance Procedures, shall contain:

- (a) The name of the Contracting Party concerned;
- (b) A statement identifying the matter of concern;
- (c) The provisions of the International Treaty and any Resolutions of the Governing Body as well as relevant sections of the reports of the Governing Body and its subsidiary bodies, that are applicable to the matter of concern;
- (d) The substantive decision on the matter of concern, including the measures taken, if any;
- (e) Reasons for the decision.

15.2 A recommendation of the Committee, pursuant to section IX.6 of the Compliance Procedures, shall contain:

- (a) The name of the Contracting Party that addressed to the Committee statements and questions concerning the implementation of its own obligations under the International Treaty, or the Governing Body, as the case may be;
- (b) A statement identifying the matter raised;
- (c) The relevant provisions of the International Treaty and Resolutions of the Governing Body as well as relevant sections of the reports of the Governing Body and its subsidiary bodies;
- (d) The recommendation;
- (e) Reasons for the recommendation.

Rule XVI
RECORDS AND REPORTS

16.1 Following each meeting, the Bureau shall record the main outcomes and submit such records, through the Secretariat, to the members of the Committee for approval.

16.2 In submitting its report in accordance with section IV.1.g of the Compliance Procedures, the Committee shall take those records into account.

Rule XVII
LANGUAGES

17.1 The working language of the Committee shall be English or any other official United Nations language agreed by the Committee.

17.2 The submissions from the Contracting Party concerned, the response and the information, pursuant to in section VI.5 of the Compliance Procedures, shall be made in any one of the six official languages of the United Nations. The Secretariat shall make arrangements to translate them into English if they are submitted in one of the languages of the United Nations other than English. This Rule shall also apply in respect of questions or statements pursuant to section IX.2 of the Compliance Procedures.

17.3 A representative of the Contracting Party concerned taking part in the proceedings of the Committee in accordance with section VI.8 of the Compliance Procedures may speak in a language other than the working language of the Committee, if the Contracting Party provides for interpretation.

**Rule XVIII
EXPENSES**

Expenses incurred by members of the Committee, when attending sessions of the Committee, shall be covered by the budget of the International Treaty. Any member may choose for his or her costs not to be so covered.

**Rule XIX
AMENDMENTS TO THE RULES OF PROCEDURE**

19.1 Any amendment to these Rules of Procedure shall be adopted by consensus by the Committee and submitted to the Bureau of the Governing Body and to the Governing Body for consideration and approval.

19.2 Notwithstanding Rule XXI below, any amendment of these Rules of Procedures adopted by the Committee and approved by the Bureau of the Governing Body shall be provisionally applied pending their approval by the Governing Body.

**Rule XX
OVERRIDING AUTHORITY OF THE COMPLIANCE PROCEDURES**

In the event of a conflict between any provision of these Rules of Procedure and any provision of the Compliance Procedures, the provisions of the Compliance Procedures shall prevail.

**Rule XXI
ENTRY INTO FORCE**

These Rules of Procedure and any amendments thereto shall come into force upon their approval by the Governing Body.