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COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Hundred and Seventeenth Session

Rome, 24-26 October 2022

The European Commission for the Control of Foot-and-Mouth Disease (EuFMD) - Proposal to amend the Constitution

I. Introduction

1. This item has been placed on the Provisional Agenda of the Committee on Constitutional and Legal Matters (hereinafter “CCLM” or “the Committee”) under Rule XXXIV, paragraph 7 (b) of the General Rules of the Organization (“GRO”), whereby the Committee considers specific items referred to it which may arise out of “*the formulation, adoption, entry into force and interpretation of multilateral conventions and agreements concluded under Article XIV of the Constitution*”.
2. This document addresses proposed amendments to the Constitution of the European Commission for the Control of Foot-and-Mouth Disease (hereinafter “the EuFMD” or “the Commission”), which are set out in the Annex hereto.

II. Background

3. The EuFMD Constitution (hereinafter the “EuFMD Constitution”) was approved by the FAO Conference at its Seventh Session in 1953,¹ in accordance with Article XIV of the FAO Constitution. It entered into force on 12 June 1954 with acceptance by six European countries. Membership grew rapidly in the 1950s and 1960s, and again after 1990, when eastern European countries, in particular, joined the Commission. There are currently 39 parties to this treaty.²
4. Since its original approval, the EuFMD Constitution has been amended on a number of occasions, most recently in 2015.³

¹ Resolution 33/53.

² Albania, Austria, Belgium, Bosnia Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Norway, Poland, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Republic of North Macedonia, The Netherlands, Türkiye, and The United Kingdom.

³ These amendments have been agreed at the 9th (1962), 20th (1973), 22nd (1977), 28th (1989), 32nd (1997) and 41st (2015) Sessions of the Commission, and subsequently approved by the 39th (1962, Resolution 3/39), 61st (1973, Resolution 5/61), 72nd (1977, Resolution 5/72), 96th (1989, Resolution 2/96), 113th (1997) and 153rd (2015, Resolution 2/153) Sessions of the Council, respectively.

5. Pursuant to Article XIV, paragraph 2 of the EuFMD Constitution, “[p]roposals for the amendment of the Constitution may be made by any Member of the Commission in a communication addressed to both the Chairperson of the Commission and the Director-General of the Organization. The Director-General shall immediately inform all Members of the Commission of all proposals for amendments”. Any proposed amendment requires approval by a two-thirds majority of the membership of the Commission (Article XIV, paragraph 1).

III. Proposed amendments to the EuFMD Constitution

A. Rationale for the proposed amendments

6. The 43rd General Session of the Commission, held on 17-18 April 2019, endorsed a new Strategic Plan (“Hold-FAST”) for 2019-2023 that extends the scope of the preparedness and risk reduction activities of the Commission to cover other transboundary animal diseases (TADs) similar to Foot-and-Mouth Disease (FMD) which pose an immediate threat to EuFMD Members,⁴ and recommended that the Executive Committee “review the benefits to the EuFMD of updating to the Constitution”⁵ with a view, *inter alia*, to reflecting this change in programme activities.⁶

7. The Executive Committee initiated a review process in October 2020⁷ and proposals for amendments to the EuFMD Constitution were submitted for consideration at the 44th General Session of the Commission, which took place on 21-23 April 2021.⁸ After several rounds of consultation, in December 2021, the Government of Ireland submitted the proposals for amendments to the Director-General of FAO,⁹ who circulated them to all Members of the Commission, in accordance with Article XIV of the EuFMD Constitution.

8. On 27 April 2022, the Commission held a Special Session to approve the proposed amendments. Thirty-seven out of 39 Members were present at the Session and voted in favour of the proposed amendments. The proposals were, consequently, endorsed.¹⁰

9. The proposed amendments to the EuFMD Constitution, which are set out in the **Annex** to this document, aim at:

- a) Extending the mandate of the Commission to cover other TADs similar to FMD, which pose a threat to the territories of Members, while stating that the prevention and control of FMD remain the core objective of the Commission. This is reflected in the revised **Preamble** and **Article IV** of the EuFMD Constitution;
- b) Expanding the scope of the Members’ existing obligations in **Article II** to encompass other TADs similar to FMD which pose a threat to the territories of Members;
- c) Adding a new paragraph at the end of **Article IV** to provide a list of TADs similar to FMD and indicating that other diseases may be identified by the Commission on the basis of specific criteria to be developed and endorsed by it. This is intended to ensure that diseases are regularly reviewed and prioritized by the Commission according to existing threats to its Members;

⁴ The Hold-FAST Strategy 2019-2023 was developed in response to a request from Members to address issues raised at the WOAHA 28th Regional Conference for Europe (Tbilisi, Georgia, 17-21 September 2018) regarding the need to leverage EuFMD expertise to support preparedness for other transboundary animal diseases (TADs) in the European region.

⁵ Report of the 43rd General Session of the EuFMD Commission, page 6, recommendation No. 15.

⁶ Consideration was also given to extending membership of the Commission to countries bordering Europe. However, this amendment was not included in the proposal submitted to the 44th General Session of the Commission.

⁷ Report of the Extraordinary Meeting of the Executive Committee of the EuFMD Commission (Session 99.1), 21 October 2020.

⁸ Report of the 44th General Session of the EuFMD Commission, 21-23 April 2021, pages 47-49.

⁹ The representative of the Government of Ireland also served as the Chairperson of the Commission at the time of submission of the proposed amendments.

¹⁰ Report of the Special Session of the EuFMD Commission, 27 April 2022.

- d) Updating the references to the World Organization for Animal Health from “OIE” to “WOAH”¹¹ in **Article I** and to the FAO/WOAH Reference Laboratories in **Article II**;
- e) Introducing a new paragraph under **Article II** to ensure that national laboratories for FMD continue to operate in accordance with the EuFMD Minimum Biorisk Management Standards, as regularly updated by the Commission;¹²
- f) Replacing the term “methods” with “policies” in **Article II**;
- g) Clarifying that the term “any Associate Member” in **Article IX** refers to any Associate Member of FAO;
- h) Replacing the reference to “two Vice-Chairpersons” with “First Vice-Chairperson and Second Vice-Chairperson” in **Article VI** and **Article X**, to ensure consistency with the rest of the EuFMD Constitution and the amendments to the Rules of Procedure;¹³ and
- i) Making other minor editorial changes or corrections throughout the text of the EuFMD Constitution.

B. Considerations on the proposed amendments

i. Alignment with FAO’s framework

10. The EuFMD Secretariat has confirmed that the proposed amendments are in conformity with the FAO Strategic Framework 2022-31 as well as the FAO Medium Term Plan 2022-25 and will contribute to the implementation of the One Health Programme Priority Area (PPA-BP3), which is aimed at “[s]trengthened and better performing national and international integrated One Health systems for human, animal, plant and environmental health achieved through improved pest and disease prevention, early warning and management of national and global health risks, including AMR”.¹⁴

ii. Potential overlaps and synergy with other regional initiatives and bodies

11. The 44th General Session of the Commission highlighted the “importance of collaboration, coordination and synergy between regional organizations and programs for successful global control or eradication of FMD and other priority transboundary animal diseases”.¹⁵ Several Members considered that the extension of the Commission’s mandate to other TADs similar to FMD (collectively known as “FAST” diseases) would ensure better preparedness for managing FAST disease outbreaks in the European region and help achieve greater synergies at the regional level, taking into account the training platform, modelling and risk monitoring tools and the expertise of the Commission. Some EuFMD Members are not recognized as officially free from TADs similar to FMD (e.g. peste des petits ruminants). The Commission was of the view that extending its mandate would assist its Members towards the eradication and recognition of freedom from such diseases and reduce the risk of its introduction from neighbouring countries.

12. The EuFMD governance ensures close coordination with FAO, the European Union (EU) and WOAH.¹⁶ All three Organizations were present at the meetings of the Commission and the Executive Committee where the proposed amendments were presented and raised no concerns regarding any potential overlap or duplication with their own activities. Furthermore, at its Special Session of 27 April 2022, the Commission defined the criteria on the basis of which other TADs similar to FMD

¹¹ The Organization announced that its acronym was changed from “OIE” to “WOAH” on 28 May 2022, after the proposed amendments to the EuFMD Constitution were endorsed by the Commission. All references to the previous acronym “OIE” have been replaced accordingly in the text of the Annex.

¹² The Minimum Biorisk Management Standards (MBMS) for laboratories working with foot-and-mouth disease were endorsed by the Commission at its 26th General Session in 1985 and subsequently modified in 1993, 2009, 2013, and 2019. All EuFMD Members are already bound to implement these standards.

¹³ A revision of the EuFMD Rules of Procedure is also being undertaken in parallel.

¹⁴ CL 168/3 Annex 1, page 7.

¹⁵ Report of the 44th General Session of the EuFMD, page 6, paragraph 11.

¹⁶ Pursuant to Article 1, paragraph 2 of the Constitution, the three Organizations shall have the right to be represented at all sessions of the Commission and its Committees, but without the right to vote.

could be identified under the proposed new Article IV, paragraph 11. One of these criteria refers to “[the absence of] *significant conflicts with initiatives of FAO, the OIE [WOAH] or the EU to coordinate the prevention, preparedness and control measures carried out by affected or at risk Member Nations*”.

13. The Commission operates in accordance with the vision and strategy of the Global Framework for Progressive Control of Transboundary Animal Diseases (GF-TADs) and is a member of the GF-TADs Regional Steering Committee for Europe. GF-TADs is a joint initiative of FAO and WOA and provides a platform to look for synergies and avoid duplications, overlaps and gaps when establishing programmes for TADs control at the regional and global level. Through GF-TADs, the Commission would ensure alignment and coordination with other initiatives related to TADs control at the regional and global level, including the Peste des petits ruminants Global Eradication Programme (PPR-GEP), the joint FAO-WOA Secretariat for Rinderpest, and the Standing Group of Experts on Lumpy Skin Disease in South-East Europe (SGE LSD).

C. Entry into force of amendments and “additional obligations”

14. Under Article XIV of the EuFMD Constitution, amendments shall become effective only with the concurrence of the FAO Council.

15. Amendments not involving additional obligations for Members of the Commission shall take effect as from the date of the decision of the Council (Article XIV, paragraph 5). Amendments which involve additional obligations “*shall, after approval by the Council, bind the Members of the Commission who have accepted the amendment, as from the date on which it has been accepted by two-thirds of the membership of the Commission, and thereafter for each remaining Member of the Commission upon the date of receipt by the Director-General of the instrument of acceptance of the amendment by that Member*” (Article XIV, paragraph 6).

16. At its 31st Session in October 1977, the CCLM set down the following criteria for determining whether amendments to agreements establishing statutory bodies under Article XIV of the FAO Constitution involve new or additional obligations:

“If, as a result of the amendments, the overall burden to be borne by contracting parties in the implementation of their existing obligations, would remain substantially the same, the amendments would not involve new obligations. If that burden would be transformed in such a way that the tasks to be performed were different in character from those entailed under existing obligations, the amendments causing such a transformation could be said to involve new obligations. Any extension of an existing obligation could not be considered per se as a new obligation; there might however be cases where such an extension could be considered as tantamount to a new obligation – where, for example, it was bound to have substantial financial implications for the contracting parties or the burden entailed was disproportionate to the existing burden on contracting parties.”¹⁷

17. While the proposed amendments to the EuFMD Constitution do not explicitly create new financial obligations, the advice of the CCLM is sought as to whether the expansion of the mandate of the Commission to other TADs similar to FMD would constitute additional obligations for the purpose of Article XIV of the EuFMD Constitution.

IV. Suggested Action by the Committee

18. The CCLM is invited to review the proposed amendments as endorsed by the Commission in light of the Basic Texts of the Organization and, in particular, to provide its views on whether any of the proposed amendments involve additional obligations for the Members of the Commission.

¹⁷ Report of the Thirty-first Session of the CCLM, 10-14 October 1977, paragraph 46.

19. The CCLM is further invited to endorse the draft Resolution contained in the Annex, as adjusted to reflect the Committee's views with respect to the question of additional obligations, for submission to the Council for consideration and approval.

Annex

Resolution/...

Amendments to the Constitution of the European Commission for the Control of Foot-And-Mouth Disease**THE COUNCIL**

Recalling the Conference's approval of the Constitution of the Commission for the Control of Foot-and-Mouth Disease (the "EuFMD Constitution") under Article XIV of the FAO Constitution at its Seventh Session in 1953, which came into force on 12 June 1954;

Further recalling amendments to the EuFMD Constitution agreed at the 9th, 20th, 22nd, 28th, 32nd and 41st Sessions of the Commission, and subsequently approved by the 39th, 72nd, 96th, 113th and 153rd Sessions of the Council, respectively;

Recalling also that the Commission at its Special Session held virtually on 27 April 2022, approved further amendments to the EuFMD Constitution;

Having considered the Report of the 117th Session of the Committee on Constitutional and Legal Matters, and [**noting** that the Committee concluded that the amendments would not involve new obligations for Members of the Commission and would, accordingly, come into force upon receiving the concurrence of the Council] [**noting** that the Committee concluded that the amendments would create additional obligations for Members of the Commission and, therefore, after approval by the Council, would bind only those Members who accept them, as from the date on which the amendments have been accepted by two-thirds of the membership of the Commission];

Approves the amendments to the EuFMD Constitution, in accordance with its Article XIV(5), as follows:

PREAMBLE¹

The contracting Governments, having regard to the urgent necessity of preventing the recurrence of the heavy losses to European agriculture caused by the repeated outbreaks of foot-and-mouth disease, hereby establish, within the framework of the Food and Agriculture Organization of the United Nations, a Commission to be known as the European Commission for the Control of Foot-and-Mouth Disease, whose *core objective* shall be to promote national and international actions with respect to preventive and control measures against foot-and-mouth disease in Europe. *The contracting Governments, considering the opportunity to implement sensible and cost-effective combination of actions, concur on the possibility, without negatively impacting on the core objective, to extend the preparedness and risk reduction activities of the Commission to similar transboundary animal diseases which are regularly identified according to the threat posed to their territories.*

¹Proposed deletions are indicated in strikethrough, new text is in italics and underlined.

ARTICLE I

Membership

1. Membership in the European Commission for the Control of Foot-and-Mouth Disease (hereinafter referred to as “the Commission”) shall be open to such European Member Nations of the Food and Agriculture Organization of the United Nations, to such States participating as Members in the Regional Conference for Europe and Central Asia of the Food and Agriculture Organization of the United Nations and serviced by the Regional Office for Europe of the Food and Agriculture Organization of the United Nations and to such European Member Nations of the ~~International OIE of Epizooties~~ *World Organisation for Animal Health (hereinafter referred to as “the WOAH”)* that are Members of the United Nations, ~~as~~ *and* accept this Constitution in accordance with the provisions of Article XV. The Commission may, by a two-thirds majority of the membership of the Commission, admit to membership such other European States that are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency as have submitted an application for membership and a declaration made in a formal instrument that they accept the obligations of this Constitution as in force at the time of admission.

2. The Food and Agriculture Organization of the United Nations (hereinafter referred to as “the Organization), ~~the World Organisation for Animal Health (hereinafter referred to as “the WOAH”)~~, the European Union, and the Organization for Economic Cooperation and Development shall have the right to be represented at all sessions of the Commission and its Committees, but their representatives shall not have the right to vote.

ARTICLE II

Obligations of Members regarding National Policies and International Cooperation for the Control of Foot-and-Mouth Disease *and similar transboundary animal diseases*

1. Members undertake to control foot-and-mouth disease with a view to its ultimate eradication by the institution of suitable quarantine and sanitary measures and by one or more of the following ~~methods~~ *policies*:

- 1) ~~a~~-slaughter policy;
- 2) slaughter together with vaccination;
- 3) maintenance of totally immune cattle population by vaccination; other susceptible livestock may be vaccinated;
- 4) vaccination in zones surrounding outbreaks.

~~Methods~~ *Policies* adopted shall be rigorously carried out. For Members not recognised by the WOAH as having the status of freedom from foot-and-mouth disease, except where the status has been temporarily suspended, there should be in place a national plan for the progressive control of the disease.

~~2. — Members should have available contingency plans for the immediate management of incursions of foot and mouth disease and ensure that sufficient financial, human and technical resources are available for the immediate application of the control methods indicated in Article II (1).~~

2. ~~3.~~ Members adopting policy 2 or 4 undertake to have available a supply of vaccine or antigen for vaccine production sufficient to ensure adequate protection against the disease in case the spread of the disease ~~can not~~ *cannot* be controlled exclusively by sanitary measures. Each Member shall collaborate with and assist other Members in all concerted measures for the control of foot-and-mouth disease and in particular in the supply of vaccine or antigen for vaccine production where necessary. The quantities of antigen and vaccine to be stored for national and international use shall be

determined by Members ~~in light of~~ considering the findings of the Commission and the advice of the WOAH.

3. ~~2.~~ Members should have available contingency plans for the immediate management of incursions of foot-and-mouth disease and similar transboundary animal diseases and ensure that sufficient financial, human and technical resources are available for the immediate application of the control ~~methods~~ policies indicated in Article II (1).
4. Members shall make such arrangements for the typing of virus from outbreaks of foot-and-mouth disease and similar transboundary animal diseases as may be required by the Commission and shall immediately notify the Commission and the WOAH of the results of such typing.
5. Members shall make arrangements for the rapid dispatch of ~~new isolates~~ representative samples of foot-and-mouth disease and similar transboundary animal diseases to a member of the FAO/WOAH Reference Laboratories network ~~FAO designated World Reference Laboratories~~ for further characterization.
6. Members undertake to provide the Commission with any information which it may need to carry out its functions. In particular, Members shall immediately report to the Commission and to the WOAH any outbreak of foot-and-mouth disease and similar transboundary animal diseases, ~~and its~~ their extent and shall make such further detailed reports as the Commission may require.
7. Members shall ensure that all laboratories for foot-and-mouth disease operate, as a minimum, in accordance with the Minimum Biorisk Management Standards, as regular updated by the Commission.

ARTICLE III

Seat

1. The seat of the Commission and its Secretariat shall be in Rome at the Headquarters of the Organization.
2. Sessions of the Commission shall be held at its seat, unless they are convened elsewhere in pursuance of a decision of the Commission at a previous session, or, in exceptional circumstances, of a decision of the Executive Committee.

ARTICLE IV

General Functions

1. To enter into arrangements, through the Director-General of the Organization, with the WOAH within the framework of any agreements between the Organization and the WOAH to ensure that:
 - 1.1 all Members are provided with technical advice on any problem relating to the control of foot-and-mouth disease and similar transboundary animal diseases;
 - 1.2 comprehensive information on outbreaks of ~~the disease~~ foot-and-mouth disease and similar transboundary animal diseases and identification of viruses~~s~~ is collected and disseminated as quickly as possible;
 - 1.3 special research work required on foot-and-mouth disease and similar transboundary animal diseases is carried out.
2. To collect information on national programmes for control of and research on, foot-and-mouth disease and similar transboundary animal diseases.
3. To determine, in consultation with the Members concerned, the nature and extent of assistance needed by such Members for implementing their national programmes.

4. To stimulate and plan joint action wherever required in the implementation of prevention and control programmes and to this effect arrange means whereby adequate resources can be made available, for example, for the production and storage of vaccine, through agreements between Members, and to promote the global control of foot-and-mouth disease.
5. To arrange for suitable facilities for the typing and characterization of viruses.
6. To ensure the availability of an international laboratory (World Reference Laboratory) with facilities for rapid characterization of foot-and-mouth disease virus by appropriate methods.
7. To maintain information on the stocks of antigen and vaccine for foot-and-mouth disease and similar transboundary animal diseases available in ~~member countries~~ Member Nations and other ~~countries~~ nations and to keep the position continuously under review.
8. To offer advice to other organizations on the allocation of any available funds for assisting in prevention and control of foot-and-mouth disease and similar transboundary animal diseases in Europe.
9. To enter into arrangements, through the Director-General of the Organization, with other organizations, regional groups or with Nations not Members of the Commission, for participation in the work of the Commission or its Committees, or for mutual assistance on problems of controlling foot-and-mouth disease. These arrangements may include the establishment of, or participation in, joint Committees.
10. To consider and approve the report of the Executive Committee on the activities of the Commission, the accounts for the past financial period and the budget and programme for the ensuing biennium, for submission to the Finance Committee of the Organization.
11. To undertake preparedness and risk reduction activities regarding other transboundary animal diseases similar to foot-and-mouth disease which pose an immediate threat to territories of Members. The transboundary animal diseases herewithin considered similar to foot-and-mouth disease are lumpy skin disease, peste des petits ruminants, Rift Valley fever, rinderpest, sheep pox and goat pox. Other diseases shall be identified based on elements of similarity to foot-and-mouth disease, which remains the core objective of the Commission, and criteria to be developed and endorsed by the Commission.

ARTICLE V

Special Functions

The following shall be the special functions of the Commission:

1. To assist in the prevention and control of outbreaks in emergency situations in any manner considered appropriate by the Commission and the Member or Members concerned. For this purpose the Commission or its Executive Committee, in conformity with the provisions of Article XI (5), may use any uncommitted balances of the Administrative Budget referred to in Article XIII (7) as well as any supplementary contributions which may be provided for emergency action under Article XIII (4).
2. To take suitable action in the following fields:
 - 2.1 Storage of antigen and/or vaccines by or on behalf of the Commission for distribution to any Member in case of need.
 - 2.2 Promotion when necessary of the establishment by a Member or Members of “*cordons sanitaires*” to prevent the spread of diseases, following the recommendations of the WOA and, as applicable, the European Union.

2.3 The training of personnel of Members as required for management of an emergency response and the establishment of a cadre of trained personnel who can assist other Members in case of need.

2.4 The maintenance and promotion of appropriate biocontainment standards, and training in these, for handling of materials containing foot-and-mouth disease virus by Members.

3. To carry out such further special projects as may be suggested by Members or by the Executive Committee and approved by the Commission for achieving the purposes of the Commission as set forth in this Constitution.

4. Funds from the surplus of the Administrative Budget may be used for the purposes stated in paragraphs 2 and 3 of this Article when such action is approved by the Commission by a two-thirds majority of the votes cast, providing such majority is more than one half of the membership of the Commission.

ARTICLE VI

Sessions

1. Each Member shall be represented at Sessions of the Commission by a single delegate who may be accompanied by an alternate and by experts and advisers. Alternates, experts and advisers may take part in the proceedings of the Commission but not vote, except in the case of an alternate who is duly authorized to substitute for the delegate.

2. Each Member shall have one vote. Decisions of the Commission shall be taken by a majority of the votes cast except as otherwise provided in this Constitution. A majority of the Members of the Commission shall constitute a quorum.

3. The Commission shall elect, at the end of each regular session, a Chairperson, ~~and two Vice-Chairpersons~~ a First Vice-Chairperson and a Second Vice-Chairperson and the Members of the Executive Committee from amongst the delegates. The Commission shall also appoint the Members of special or standing Committees.

4. The Director-General of the Organization in consultation with the Chairperson of the Commission shall convene a regular session of the Commission at least every two years. Special sessions may be convened by the Director-General in consultation with the Chairperson of the Commission or, if so requested, by the Commission in regular sessions or by at least one third of the Members during intervals between regular sessions.

ARTICLE VII

Committees

1. The Commission may establish temporary, special or standing Committees to study and report on matters pertaining to the purpose of the Commission, subject to the availability of the necessary funds in the approved budget of the Commission.

2. These Committees shall be convened by the Director-General of the Organization in consultation with the Chairperson of the Commission and with the Chairperson of the special or standing committee concerned, at such times and places as are in accordance with the objectives for which they were established.

3. Membership in such Committees may be open to all Members of the Commission or consist of selected Members of the Commission or of individuals appointed in their personal capacity because of their competence in technical matters, as determined by the Commission. On proposal of the Chairperson, observers may be invited to participate in the meetings of the special and standing Committees.

4. Members of the Committees shall be appointed at the regular session of the Commission and each Committee shall elect its own Chairperson.

ARTICLE VIII

Rules and Regulations

Subject to the provisions of this Constitution, the Commission may, by a majority of two-thirds of its membership, adopt and amend its own Rules of Procedure and Financial Regulations, which shall be in conformity with the General Rules and Financial Regulations of the Organization. The Rules of the Commission and any amendments thereto shall come into force upon approval by the Director-General of the Organization, the Financial Regulations and amendments thereto being subject to confirmation by the Council of the Organization.

ARTICLE IX

Observers

1. Any Member Nation of the Organization that is not a Member of the Commission and any Associate Member *of the Organization*, may be invited to, or, upon its request, be represented by an observer at sessions of the Commission. It may submit memoranda and participate without vote in the discussions.
2. States which, while not Members of the Commission nor Members or Associate Members of the Organization, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon request and subject to the concurrence of the Commission through its Chairperson and to the provisions relating to the granting of observer status to nations adopted by the Conference of the Organization, be invited to attend in an observer capacity sessions of the Commission.
3. Participation of international organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization as well as by the rules on relations with international organizations adopted by the Conference or Council of the Organization. All such relations shall be dealt with by the Director-General of the Organization. The relations between the Organization and the WOAAH are governed by such agreement between the Organization and the WOAAH as may be in force.

ARTICLE X

Executive Committee

1. An Executive Committee shall be established and shall be composed of the Chairperson and the ~~two~~ *First and Second* Vice-Chairpersons of the Commission and six delegates of Members selected by the Commission at the end of its regular session. Due regard should be taken to ensure that the membership of the Executive Committee is equitably geographically representative. The Chairperson and the Vice-Chairpersons of the Commission shall be the Chairperson and Vice-Chairpersons of the Executive Committee.
2. Members of the Executive Committee shall hold office until the end of the next regular session without prejudice to the right of re-election.
3. If a delegate in the Executive Committee becomes permanently unavailable for unavoidable reasons, the Member represented by that delegate shall be requested to nominate a new delegate for the remainder of the term.

4. The Executive Committee shall meet at least twice at reasonable intervals between any two successive regular sessions of the Commission.
5. The Secretary of the Commission shall act as Secretary to the Executive Committee.

ARTICLE XI

Functions of the Executive Committee

The Executive Committee shall:

1. Make proposals to the Commission concerning policy matters and the programme of activities;
2. Implement the policies and programmes approved by the Commission;
3. Submit to the Commission the draft programme and Administrative Budget, and the accounts for the past biennium;
4. Prepare the report on the activities of the Commission during the past biennium for approval by the Commission and transmission to the Director-General of the Organization;
5. Undertake such other duties as the Commission may delegate to it, in particular with reference to emergency action under Article V (1).

ARTICLE XII

Administration

1. The staff of the Secretariat of the Commission shall be appointed by the Director-General with the approval of the Executive Committee, and for administrative purposes shall be responsible to the Director-General. They shall be appointed under the same terms and conditions as the staff of the Organization.
2. The expenses of the Commission shall be paid out of its Administrative Budget except those relating to such staff and facilities which can be made available by the Organization. The expenses to be borne by the Organization shall be determined and paid within the limits of the biennial budget prepared by the Director-General and approved by the Conference of the Organization in accordance with the General Rules and the Financial Regulations of the Organization.
3. Expenses incurred by delegates, their alternates, experts and advisers when attending sessions of the Commission and its Committees as government representatives, as well as the expenses incurred by observers at sessions, shall be borne by the respective governments or organizations. The expenses of experts invited by the Commission to attend meetings of the Commission or its Committees in their individual capacity shall be borne by the budget of the Commission.

ARTICLE XIII

Finance

1. Each Member of the Commission undertakes to contribute annually its share of the administrative budget in accordance with a scale of contribution. This scale of contribution shall be adopted by the Commission with a two-thirds majority of its Members in accordance with the Financial Regulations of the Commission.
2. Contributions of States which acquire membership between two regular sessions of the Commission shall be determined by the Executive Committee in accordance with the Financial Regulations of the Commission; for this purpose, such criteria as may be specified in the Financial Regulation shall apply. The determination made by the Executive Committee shall be subject to confirmation by the Commission at its next regular session.

3. Annual contributions provided for under paragraphs 1 and 2 above shall be payable before the end of the first month of the year to which they apply.
4. Supplementary contributions may be accepted from a Member or Members or from organizations or individuals for emergency action or for the purpose of implementing special schemes or campaigns of control which under Article V the Commission or Executive Committee may adopt or recommend.
5. All contributions from Members shall be payable in currencies to be determined by the Commission in agreement with each contributing Member.
6. All contributions received shall be placed in a Trust Fund administered by the Director-General of the Organization in conformity with the Financial Regulations of the Organization.
7. At the end of each financial period, any uncommitted balance of the Administrative Budget shall be retained in the Trust Fund and made available for the following years' budget.

ARTICLE XIV

Amendments

1. This Constitution may be amended by the Commission by a two-thirds majority of the membership of the Commission.
2. Proposals for the amendment of the Constitution may be made by any Member of the Commission in a communication addressed to both the Chairperson of the Commission and the Director-General of the Organization. The Director-General shall immediately inform all Members of the Commission of all proposals for amendments.
3. No proposal for the amendment of the Constitution shall be included in the agenda of any session unless notice thereof has been received by the Director-General of the Organization at least 120 days before the opening of the session.
4. Amendments shall become effective only with the concurrence of the Council of the Organization.
5. An amendment not involving additional obligations for Members of the Commission shall take effect from the date of the decision of the Council.
6. An amendment which, in the view of the Commission, involves additional obligations, for Members of the Commission shall, after approval by the Council, bind the Members of the Commission who have accepted the amendment, as from the date on which it has been accepted by two-thirds of the membership of the Commission, and thereafter for each remaining Member of the Commission upon the date of receipt by the Director-General of the instrument of acceptance of the amendment by that Member.
7. The instruments of acceptance of amendments involving additional obligations shall be deposited with the Director-General who shall inform all Members of the Commission of the receipt of such instruments.
8. The rights and obligations of any Member of the Commission that has not accepted an amendment involving additional obligations shall for a period not exceeding two years as from the date of entry into force of the amendment, continue to be governed by the provisions of the Constitution as they stood prior to the amendment. Upon expiry of the afore-mentioned period, any Member of the Commission that has not accepted such amendment shall be bound by the Constitution as so amended.
9. The Director-General shall inform all Members of the Commission of the entry into force of any amendment.

ARTICLE XV

Acceptance

1. Acceptance of this Constitution shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization and shall take effect, as regards Members of the Organization or the WOAAH, on receipt of such instrument by the Director-General who shall forthwith inform each of the Members of the Commission.
2. Membership of States that are eligible for membership under Article I, but are neither Members of the Organization nor of the WOAAH, shall become effective on the date on which the Commission approves the application for membership in conformity with the provisions of Article I. The Director-General shall inform each of the Members of the Commission of the approval of any application for membership.
3. Acceptance of the Constitution may be made subject to reservations. The Director-General of the Organization shall notify forthwith all Members of the Commission of the receipt of any application for membership or any instrument of acceptance of the Constitution either of which contains a reservation. A reservation shall become effective only upon unanimous approval by the Members of the Commission. The Members of the Commission not having replied within three months from the date of the notification by the Director-General of the reservation shall be deemed to have accepted the reservation. Failing unanimous approval by the Members of the Commission of a reservation, the nation making the reservation shall not become a party to this Constitution.

ARTICLE XVI

Withdrawal

1. Any Member may withdraw from the Commission at any time after the expiration of one year from the date on which its acceptance took effect or from the date on which the Constitution entered into force, whichever is the later, by giving written notice of withdrawal to the Director-General of the Organization who shall forthwith inform all Members of the Commission. The withdrawal shall become effective one year from the date of receipt of the notification of withdrawal.
2. Non-payment of two consecutive annual contributions shall be regarded as implying withdrawal of the defaulting Member from the Commission.
3. Any Member of the Commission withdrawing from the Organization *or* the WOAAH, when such withdrawal results in this Nation no longer being a Member of either of these two Agencies, shall be deemed to have withdrawn simultaneously from the Commission.

ARTICLE XVII

Settlement of Disputes

1. If there is any dispute regarding the interpretation or application of this Constitution, the Member or Members concerned may request the Director-General of the Organization to appoint a Committee to consider the question in dispute.
2. The Director-General shall there-upon, after consultation with the Members concerned, appoint a Committee of experts which shall include representatives of those Members. This Committee shall consider the question in dispute, taking into account all documents and other forms of evidence submitted by the Members concerned. This Committee shall submit a report to the Director-General of the Organization who shall transmit it to the Members concerned and to the other Members of the Commission.

3. The Members of the Commission agree that the recommendations of such a Committee, while not binding in character, will become the basis for renewed consideration by the Members concerned of the matter out of which the disagreement arose.

4. The Members concerned shall share equally the expenses of the experts.

ARTICLE XVIII

Termination

1. This Constitution shall be terminated by a decision of the Commission taken by a three-fourths majority of the membership of the Commission. It shall automatically be terminated should membership, as a result of withdrawals, comprise fewer than six Nations.

2. On termination of the Constitution all assets of the Commission shall be liquidated by the Director-General of the Organization and after settlement of all liabilities the balance shall be distributed proportionally amongst Members on the basis of the scale of contributions in force at the time. Nations whose contributions are in arrears for two consecutive years and hence deemed to have withdrawn in conformity with Article XVI (2) shall not be entitled to a share of the assets.

ARTICLE XIX

Entry into Force

1. This Constitution shall enter into force upon receipt by the Director-General of the Organization of notifications of acceptance from six Member Nations of the Organization or of the WOAHA, providing that their contributions represent in the aggregate not less than 30 percent of the Administrative Budget provided for in Article XIII (1).

2. The Director-General shall notify all Nations having deposited notifications of acceptance of the date on which this Constitution comes into force.

3. The text of this Constitution drawn up in the English, French and Spanish languages, which languages shall be equally authoritative, was approved by the Conference of the Organization on the Eleventh day of December 1953.

4. Two copies of the text of this Constitution shall be authenticated by the Chairperson of the Conference and the Director-General of the Organization, one copy of which shall be deposited with the Secretary-General of the United Nations and the other in the archives of the Organization. Additional copies of this text shall be certified by the Director-General and furnished to all Members of the Commission with the indication of the date on which Constitution has come into force.