



Advisory Centre on WTO Law
Centre Consultatif sur la Législation de l'OMC
Centro de Asesoría Legal en Asuntos de la OMC

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RULES OF PROCEDURE
OF THE MANAGEMENT BOARD OF
THE ADVISORY CENTRE ON WTO LAW

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I. COMPOSITION AND DUTIES

Rule 1

In accordance with Article 3, paragraph 4 and Article 12 (on transitional provisions) of the Agreement establishing the Advisory Centre on WTO Law, the Management Board shall consist of four Members (five in the initial five-year period), a representative of the least developed countries (LDCs) and the Executive Director in an *ex officio* capacity.

Rule 2

Members and the representative of the LDCs are appointed by the General Assembly for a period of two years. Members and the representative of the LDCs are eligible for re-appointment for further periods of two years.

Rule 3

The Management Board shall take actions required of it under the Agreement, the Financial Regulations and the Staff and Pension Regulations and the Staff Rules of the Centre.

Rule 4

1. The persons serving on the Management Board shall serve on an *ad personam* basis. They shall regulate their conduct with the interests of the Centre in view and avoid placing themselves in a position where their private interests would actually or potentially conflict with the interests of the Centre.
2. In discharging their functions, the persons on the Management Board undertake not to solicit, accept or act upon instructions from any government, nor to be influenced by any other organizations or undue extraneous factors.
3. Prior to appointment or reappointment by the General Assembly, the persons serving on the Management Board shall disclose to the Chairperson of the General Assembly any information or interest in any matter within the purview of the Centre that they may consider likely to impede their capacity to discharge their functions on an *ad personam* basis. On taking up their duties, they shall make and sign the declaration contained in Annex 1 to these Rules of Procedure and shall also respect the continuous disclosure obligations detailed therein.

Rule 5

The Management Board shall elect a Chairperson and a Vice-Chairperson from among its members. The election shall take place at the first meeting of the year and shall take effect at the end of the meeting. The Chairperson and the Vice-Chairperson shall hold office until the end of the first meeting of the following year but are eligible for re-election.

Rule 6

If the Chairperson is absent from any meeting or part thereof, the Vice-Chairperson shall perform the functions of the Chairperson.

Rule 7

If the Chairperson can no longer perform the functions of the office, the Vice-Chairperson shall perform those functions pending the election of a new Chairperson.

II. MEETINGS

Rule 8

1. The Management Board shall meet as often as necessary to perform the functions envisaged in Article 3, paragraph 6 of the Agreement.
2. At each meeting, a provisional date for the next meeting shall be agreed upon.
3. In the intervals between the meetings of the Management Board, any of its Members, the representative of the LDCs and the Executive Director may propose a decision in writing. Such a decision shall be deemed to have been adopted by the Management Board if all its Members have accepted it in writing.
4. The meetings of the Management Board shall be held in private.

Rule 9

The Management Board shall consider at its Autumn session preceding each financial period the budget estimates prepared by the Executive Director well in time for it to be submitted to the General Assembly for adoption.

Rule 10

The Management Board may adopt special rules of procedure in case of an appeal from a Member or a least developed country (LDC) to whom the legal services or access to the Technical Expertise Trust Fund have been denied.

Rule 11

Meetings of the Management Board shall be convened by the Chairperson of the Management Board in consultation with the Executive Director. The Executive Director shall issue a notice to this effect not less than ten calendar days prior to the date set for the meeting. Meetings may be convened with shorter notice for matters of significant importance or urgency at the request of a member concurred in by the majority of the members.

III. AGENDA

Rule 12

A list of the items proposed for the agenda of the meeting shall be communicated to the members and the representative of the LDCs together with the convening notice for the meeting. It shall be open to any member or the representative of the LDCs to suggest items for inclusion in the proposed agenda up to, and not including, the day on which the notice of the meeting is to be issued.

Rule 13

Requests for items to be placed on the agenda of a forthcoming meeting shall be communicated to the Executive Director.

Rule 14

A proposed agenda shall be circulated by the Executive Director on behalf of the Chairperson of the Board ten days before the meeting.

Rule 15

The first item of business at each meeting shall be the consideration and approval of the agenda. Members and the representative of the LDCs may suggest amendments to the proposed agenda, or additions to the agenda under "Other Business". Members shall provide the Chairperson or the Executive Director, and the other members directly concerned, whenever possible, advance notice of items intended to be raised under "Other Business".

Rule 16

The Management Board may amend the agenda or give priority to certain items at any time in the course of the meeting.

IV. CONDUCT OF BUSINESS

Rule 17

In accordance with Article 4, paragraph 2 of the Agreement, a simple majority of the members, i.e. three, shall constitute a quorum.

Rule 18

In addition to exercising the powers conferred elsewhere by these rules, the Chairperson shall declare the opening and closing of each meeting, shall direct the discussion, accord the right to speak, submit questions for decision, announce decisions, rule on points of order and, subject to these rules, have complete control of the proceedings. The Chairperson may also call a speaker to order if the remarks of the speaker are not relevant.

Rule 19

During the discussion of any matter, a member or the representative of the LDCs may raise a point of order. In this case the Chairperson shall immediately state the ruling. If the ruling is challenged, the Chairperson shall immediately submit it for decision and it shall stand unless overruled.

Rule 20

During the discussion of any matter, a member and the representative of the LDCs may move the adjournment of the debate. Any such motion shall have priority and shall be submitted for decision immediately.

Rule 21

A member and the representative of the LDCs may at any time move the closure of the debate. Any such motion shall be submitted for decision immediately.

Rule 22

Members and the representative of the LDCs should avoid unduly long debates under "Other Business". Discussions on substantive issues under "Other Business" shall be avoided, and the Management Board shall limit itself to taking note of the announcement by the sponsoring member or the representative of the LDCs, as well as any reactions to such an announcement by others or the representative of the LDCs directly concerned.

Rule 23

While the Management Board is not expected to take action in respect of an item introduced as "Other Business", nothing shall prevent the Board, if it so decides, to take action in respect of any such item at a particular meeting, or in respect of any item for which documentation was not circulated at least ten calendar days in advance.

Rule 24

Proposals and amendments to proposals shall normally be introduced in writing and circulated to all members and the representative of the LDCs not later than twelve hours before the commencement of the meeting at which they are to be discussed.

Rule 25

If two or more proposals are moved relating to the same question, the meeting shall first decide on the most far-reaching proposal and then on the next most far-reaching proposal and so on.

Rule 26

When an amendment is moved to a proposal, the amendment shall be submitted for decision first and, if it is adopted, the amended proposal shall then be submitted for decision.

Rule 27

When two or more amendments are moved to a proposal, the meeting shall decide first on the amendment farthest removed in substance from the original proposal, then, if necessary, on the amendment next farthest removed, and so on until all the amendments have been submitted for decision.

Rule 28

Parts of a proposal may be decided on separately if a member of the representative of the LDCs requests that the proposal be divided.

V. DECISION-MAKING

Rule 29

The Management Board shall take decisions in accordance with the decision-making provisions of the Agreement establishing the Advisory Centre on WTO Law, in particular Article 4 thereof entitled "Decision-Making".

Rule 30

When, in accordance with the Agreement, in particular Article 4, paragraph 2, the Chairperson has determined that a decision cannot be arrived at by consensus and not all members are present at that meeting, he may decide to either postpone a vote to a next meeting of the Board or have a postal vote by airmail ballots or ballots transmitted by telegraph or telefax in accordance with the procedures described in Annex 2 to these rules.

VI. RECORDS

Rule 31

Records of the discussions of the Management Board shall be in the form of minutes and a list of decisions. The Management Board shall report its decisions to the General Assembly. The Management Board may draw any issue to the attention of the General Assembly that pertains to the good functioning of the Centre.

VII. REVISION

Rule 32

The Management Board may submit at any time a proposal to the General Assembly to revise these rules or any part of them.

ANNEX 1: GENERAL STANDARDS OF CONDUCT FOR THE MANAGEMENT BOARD

Rule 1

The present Annex is intended to underline certain basic principles and to promote a clearer understanding of the general standards of conduct required of the persons serving on the Management Board of the Advisory Centre on WTO Law.

Rule 2

Persons serving on the Management Board shall conduct themselves at all times in an appropriate manner and shall avoid any action which may adversely reflect on their capacity to discharge their functions or on their integrity, independence, impartiality and discretion.

Rule 3

Members and the representative of the LDCs serving on the Management Board shall, on taking up their duties, make and sign the following declaration:

"I solemnly undertake to exercise in all loyalty, discretion and conscience the functions entrusted to me as a person serving on the Management Board of the Advisory Centre on WTO Law, to discharge these functions and regulate my conduct with the interests of the Advisory Centre on WTO Law only in view, not to seek or accept instructions in regard to the performance of my duties from any government or other authority external to the Centre, not to be influenced by any other organizations or undue extraneous factors nor to accept remuneration there from with respect to my service with the Advisory Centre on WTO Law either prior to, during or after such service."

Rule 4

The persons serving on the Management Board shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person any information known to them by reason of their official position which has not been made public, except where so authorised by a consensus decision of the Management Board. They shall not at any time use such information to private advantage.

Rule 5

1. The persons serving on the Management Board shall respect the continuous disclosure obligations. They shall disclose to the Chairperson of the Management Board any information or interest in any matter within the purview of the Centre that they may consider likely to impede their capacity to discharge their functions on an *ad personam* basis.

2. Should serious doubts arise during the deliberations of the Management Board regarding the ability of a person serving on the Management Board to act on an *ad personam basis*, they shall be communicated to the Chairperson. The Chairperson shall deal with the matter as necessary.

Rule 6

1. Persons serving on the Management Board shall enjoy, in the interest of the Advisory Centre on WTO Law, the privileges, immunities, and facilities referred to and set out in the Headquarters Agreement with the Swiss Confederation. In cases where problems relating to privileges and immunities arise, persons serving on the Management Board shall immediately report these to the Executive Director or the Chairperson of the General Assembly.

2. Such privileges, immunities, and facilities shall not excuse the persons serving on the Management Board from the performance of their private obligations or from the due observance of the law.

ANNEX 2: RULES FOR AIRMAIL BALLOTS AND BALLOTS TRANSMITTED BY TELEGRAPH OR TELEFAX

1. In any case where the Chairperson of the Management Board decides that a vote be taken by airmail ballots or ballots transmitted by telegraph or telefax, ballot papers shall be distributed to the Members present at the meeting and a notice shall be sent to each Member not present. The notice shall contain such information as the Chairperson considers necessary and a clear statement of the question to which each Member shall be requested to answer "yes" or "no".

2. The Chairperson of the Management Board shall determine the date and hour by which votes must be received. The time-limit shall be set at no later than thirty days after the date the notice is sent. Any member from which a vote has not been received within such time-limit shall be regarded as not voting.
