

Brussels, 3 September 2025
(OR. en)

12366/25

Interinstitutional File:
2021/0383 (NLE)

LIMITE

CYBER 230
COPEN 240
JAI 1176
COPS 420
RELEX 1092
JAIEX 91
TELECOM 276
POLMIL 250
CFSP/PESC 1250
ENFOPOL 302
DATAPROTECT 189

NOTE

From:	Commission Services
To:	Delegations
Subject:	UN Convention against Cybercrime - Contribution of the EU and its Member States on the consolidated draft text of the rules of procedure

Delegations may find in annex a copy of the contribution from the EU and its Member States sent by the Commission to the UN AHC Secretariat on 1 September 2025:

1. A summary of comments from the EU and its Member States
2. An Annex with textual suggestions highlighted in yellow.



Non-paper

Comments on the consolidated draft text of the rules of procedure of the Conference of the States Parties to the United Nations Convention against Cybercrime

(Status: 1 September 2025)

Comments of the European Union and its Member States

(Austria, Belgium, Bulgaria, Czech Republic, Croatia, Cyprus, Denmark, Estonia, Finland, Germany, Greece, France, Hungary, Italy, Ireland, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden)

The European Union (EU) and its Member States would like to thank the secretariat of the UN Ad Hoc Committee (UN AHC) for its preparation of the consolidated draft text of the rules of procedure of the Conference of the States Parties of the United Nations Convention against Cybercrime ('the Convention').

The EU and its Member States have examined the consolidated draft text that the secretariat has circulated to delegations for their comments.

Concerning the consolidated draft text of the rules of procedure, in line with previous submissions, the EU and its Member States believe that the processes in relation to the Convention should continue being transparent and inclusive. The future rules of procedure of the Conference of the States Parties to the Convention should therefore preserve and enhance the level of involvement and participation that multi-stakeholders had in the UN AHC, whose modalities are described in the document [A/AC.291/6](#) of 2 March 2022, and integrate those modalities. These stakeholders include relevant non-governmental organizations, civil society organizations, academic institutions and the private sector.

The UN AHC modalities have proven to enable positive and substantial contributions of multi-stakeholders. These modalities have been widely recognized as inclusive and conducive to producing a robust text of the Convention, which was ultimately adopted by consensus. Guaranteeing the involvement of stakeholders is necessary to ensure that the future Conference of the State Parties is able to fulfil its objectives in practice, as set out in Article 57 of the Convention. Their involvement will improve the capacity of and cooperation between States Parties to achieve the objectives set forth in this Convention, and to promote and review its implementation, through the activities, procedures and methods of work described in its paragraph 5.

To ensure that the process continues benefitting from the stakeholders' views and contributions, the future Rules of Procedure should:

- Use the term 'multi-stakeholders' instead of 'entities and organizations' across the text for the sake of consistency with the vocabulary used in the UN AHC and define them in a broad sense in line with the General Assembly resolution 75/282.
- Ensure in Rules 16 and 17 that stakeholders can (1) attend plenary meetings of the Conference as well as intersessional meetings and the meetings of its subsidiary bodies; (2) deliver statements including through spokespersons selected among themselves; (3) receive documents and (4) submit their views in writing to the Conference, which shall be posted, in their original language and translated by the Secretariat in all UN official languages on the website of UNODC. For the sake of clarity, it might be useful to consider merging rules 16 and 17 given their overlapping substance.
- The list of multi-stakeholders having observer status should be updated regularly, for example every two years, so as to ensure that all relevant voices are heard as the Conference of the State Parties progresses in its activities and procedures under the Convention. For the first meeting of the Conference of States Parties, the EU and its Member States are open to include a provision ensuring de facto accreditation of all multi-stakeholders who participated in the UN AHC. This list should then be updated before each regular session. These elements could be included in Article 16 if it is proposed to merge it with Article 17.

The Conference of the State Parties should guarantee multilingualism.

The Conference of the State Parties should meet in regular sessions held either biannually or triannually depending which frequency is more efficient in terms of time and resources. The EU suggests that between each regular session, the Bureau should organize consultations with multi-stakeholders to take stock of their input on the implementation of the Convention. A report on these consultations should be published in all official languages of the United Nations on the website of the UN AHC.

The EU and its Member States are flexible regarding the format of participation in meetings, but in case of remote participation, meetings shall be interpreted in all the working languages of the United Nations.

Finally, the EU and its Member States propose that the rules relating to protocols should not have a dedicated section, but be dealt with in the other sections, which deal in particular with decision-making (for. ex.: Section XIV). the EU and its Member States are supportive of the introduction of a new rule requiring proposals for additional protocols to be communicated at least one year prior to negotiation in order to facilitate their examination by the States Parties.

More detailed textual suggestions proposed by the EU and its Member States are provided in the Annex highlighted in yellow.

Consolidated draft text of the rules of procedure for the Conference of the States Parties to the United Nations Convention against Cybercrime (informal document for the consideration of Member States)

1. This document was elaborated by the secretariat ahead of the upcoming session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes to prepare the draft text of the rules of procedure for the Conference of the States Parties to the United Nations Convention against Cybercrime, to be held in Vienna from 26 to 30 January 2026.
2. The present document was prepared in line with the timeline for the preparation of parliamentary documentation approved by the Bureau of the Ad Hoc Committee on 15 April 2025 and circulated among Member States on 23 April 2025. Pursuant to that timeline, the secretariat received 9 submissions on behalf of 35 Member States by the deadline of 6 June 2024, followed by 7 additional submissions from 7 Member States, that is, a total of 16 submissions from 42 Member States, as of 14 July 2025. All submissions were made available, as received, on the website of the session,¹ and taken into account in the elaboration of this document.
3. This consolidated draft text is based on the Rules of Procedure for the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC ROP), as the most recent relevant text. All changes to the UNCAC ROP are in track-changes. Substantive changes were introduced on the basis of the proposals of Member States in their first round of comments received until conclusion of the document by the secretariat on 14 July 2025. In addition, and where necessary to account for the specificities of the Convention, additional changes were made, including of rules governing supplementary protocols, which are borrowed, *mutatis mutandis*, from the Rules of Procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (UNTOC ROP).
4. The secretariat sought to insert explanatory footnotes and square brackets throughout the document to clarify the basis for proposed text, and to identify provisions that appear to require further consideration or language on the basis of comments received so far. Therefore, the secretariat looks forward to the submission of comments, or any additional proposal, by Member States on the consolidated draft text by the deadline of 31 August 2025, as foreseen in the above-mentioned timeline, including new draft text to address the identified issues.

¹ www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/ahc_session_on_RoP/main.html.

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I. General

Rule 1. Use of terms

For the purposes of these rules:

(a) “Convention” shall mean the United Nations Convention against **Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes**, adopted by the General Assembly in its resolution **79/243 of 24 December 2024**;

(b) “Protocols” shall mean the **Protocols supplementing the United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes in conformity with articles 61 and 62 of the Convention and the relevant provisions of the Protocols in question**²

(~~bc~~) “~~States-Parties~~” shall mean States parties to the Convention in accordance with its articles ~~64~~⁶⁷, paragraphs 3 and 4, and ~~65~~⁶⁸. “**States Parties**” shall also mean, where applicable, **States parties to any Protocol supplementing the Convention in conformity with articles 61 and 62 of the Convention and the relevant provisions of the Protocol in question**³;

(~~ed~~) “Conference” shall mean the Conference of the States Parties to the Convention established in accordance with article ~~57~~⁶³ of the Convention;

(~~de~~) “Session” shall mean any session of the Conference convened in accordance with article ~~57~~⁶³ of the Convention and with the present rules;

(~~ef~~) “Secretary-General” shall mean the Secretary-General of the United Nations;

(~~fg~~) “Secretariat” shall mean the secretariat of the Conference in accordance with article ~~58~~⁶⁴ of the Convention; the functions of the Secretariat shall be performed by the United Nations Office on Drugs and Crime in accordance with General Assembly resolution ~~79/243~~^{58/4};

(~~gh~~) “Rules” shall mean the rules of procedure for the Conference of the States Parties to the Convention;

(~~hi~~) “Regional economic integration organization” shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the Convention and **its Protocols and** which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it; references to “States parties” and “signatory States” under these rules shall apply, mutatis mutandis, to such organizations within the limits of their respective competence;

² **In the first round of comments submitted to the secretariat, some Member States proposed the inclusion of rules governing future Protocols supplementing the Convention. This inclusion would anticipate the possible adoption of Protocols in line with the relevant provisions of the Convention, without prejudging such decisions by the future Conference. References to protocols have therefore been included, mutatis mutandis, based on the relevant provisions of the UNTOC ROP and the proposals of a Member State.**

³ **The second sentence of this provision is adapted from rule 1(c) UNTOC ROP, with modifications to reflect that no supplementary protocols have, to date, been adopted.**

(i) “~~Entities and organizations~~**Multi-stakeholders**” shall mean the entities and organizations a list of which is established by the General Assembly and which have received a standing invitation from the General Assembly to participate as observers in the sessions and work of all international conferences convened under its auspices **as well as interested global and regional intergovernmental organizations, including United Nations bodies, specialized agencies and funds, as well as functional commissions of the Economic and Social Council; non-governmental organizations that are in consultative status with the Economic and Social Council; and other relevant non-governmental organizations, civil society organizations, academic institutions and the private sector**.⁴

Rule 2. Scope of application

1. These rules of procedure shall apply to any session of the Conference convened in accordance with article ~~57~~⁶³ of the Convention.

2. These rules shall apply, mutatis mutandis, to any mechanism or body that the Conference may establish in accordance with article ~~57~~⁶³ of the Convention, unless it decides otherwise.

II. Sessions

Rule 3. Regular sessions

1. The Conference shall meet in regular sessions, which shall be held at least ~~biennially~~ **alt: every three years**⁵ unless it decides otherwise.⁶

2. Unless otherwise decided by the Conference, its second regular session shall be held within one year after the first session.

3. The date of commencement and duration of each regular session shall be decided by the Conference at the previous session, on the recommendation of the bureau of the Conference made in consultation with the secretariat.

4. Between each regular session, the Bureau will organize consultations with multi-stakeholders to take stock of their input on the implementation of the Convention. A report on these consultations will be published in all official languages of the United Nations on the website of the Ad Hoc Committee.

Rule 4. Special sessions

1. Special sessions of the Conference may be held at such times, at such place and with such duration as agreed by the Conference.

⁴ The secretariat notes that this definition is contained in draft rule 16, paragraph 1 (which reproduces rule 16 UNTOC ROP and rule 16 UNCAC ROP), and therefore Member States may consider whether the term requires a definition in draft rule 1.

⁵ Several Member States proposed that the Conference should convene every three years, while many others supported a frequency of at least once every two years.

⁶ A Member State recommended that the time schedule of the regular sessions could take into account the schedule of the Conference of the Parties to UNTOC and the Conference of States Parties to UNCAC. The secretariat notes that this would as always depend on decisions by separate governing bodies, as well as on the availability of resources, including of space.

2. Any State party may request the secretariat to convene a special session of the Conference. The secretariat shall immediately inform the other States parties of the request and enquire whether they concur in it. If within thirty days of the date of the communication of the secretariat a majority of the States parties concur in the request, a special session of the Conference shall be convened. Such special session shall be held at the earliest convenient date, subject to the availability of funding, including extrabudgetary funding.

Rule 5. Notification of sessions

The secretariat shall notify the States parties, as well as the observers referred to in rules 14 to 17, at least sixty days in advance of a regular session and at least thirty days in advance of a special session, of the opening date, place and expected duration thereof.

Rule 6. Place of sessions

The sessions of the Conference shall take place at the seat of the secretariat, unless the Conference decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the States parties.

Rule 7. Temporary adjournment of sessions

The Conference may decide at any session to adjourn temporarily and resume its meetings at a later date.

III. Agenda

Rule 8. Drawing up of the provisional agenda

1. The provisional agenda for a session shall be drawn up by the secretariat in consultation with the bureau.
2. The provisional agenda for a session shall include:
 - (a) Items arising from the provisions of the Convention **and the Protocols**;
 - (b) Items the inclusion of which has been decided at a previous session of the Conference;
 - (c) Items relating to the organization of the session;
 - (d) Items relating to voluntary contributions as provided for in articles **54, 56, and 57** ~~60, 62 and 63~~ of the Convention;
 - (e) Any item proposed by any State party, the bureau or the Secretary General-.

Rule 9. Communication of the provisional agenda

The provisional agenda for a session shall be communicated **in all official languages of the United Nations** by the secretariat to the States parties, as well as the observers referred to in rules 14 to 17, at least sixty days in advance of a regular session and at least thirty days in advance of a special session, together with any supplementary documentation, if necessary.

Rule 10. Explanatory memorandum

Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents or by a draft recommendation or decision.

Rule 11. Adoption of the agenda

At each session, the provisional agenda shall be submitted to the Conference for consideration and approval as soon as possible after the opening of the session.

IV. Representation of States parties

Rule 12. Representation of States parties

Each State party participating⁷ in a session shall be represented by one representative, who may be accompanied by alternate representatives and advisers as the State party may require. The representative and all such alternate representatives and advisers shall constitute the State party's delegation to the Conference.

Rule 13. Alternates

Each representative may designate any alternate in his or her delegation to act in his or her place during the Conference.

V. Observers

Rule 14. Participation of signatories

1. Subject to prior written notification to the Secretary-General, any State or regional economic integration organization signatory to the Convention in accordance with its article ~~64~~⁶⁷, paragraphs 1 and 2, shall be entitled to participate as an observer in the Conference.

2. Participation of such signatories shall entitle them:

- (a) To attend meetings of the Conference and its subsidiary bodies⁸;
- (b) To deliver statements at such meetings;
- (c) To receive the documents of the Conference;
- (d) To submit their views in writing to the Conference; and
- (e) To participate in the deliberative process of the Conference.

⁷ A Member State commented that participation should not be limited to “physical participation”, but should instead be understood to also comprise a possible “virtual presence”. It is worth noting that the holding of large intergovernmental meetings in a hybrid format, with in-person and online participation, was a practice aimed at securing the continuity of business during the COVID-19 pandemic, that has since been discontinued by the secretariat. The holding of large intergovernmental meetings in a hybrid format is currently only feasible with funds made available for this purpose.

⁸ This addition was proposed by a Member State.

Rule 15. Participation of non-signatories

1. Any other State or regional economic integration organization that has not signed the Convention in accordance with its article ~~64~~⁶⁷, paragraphs 1 and 2, may apply to the bureau for observer status, which shall be accorded unless otherwise decided by the Conference.²

2. Without taking part in the adoption of decisions on substantive and procedural matters, whether by consensus or by vote, at the Conference, such non-signatory States and regional economic integration organizations may:

- (a) Attend plenary meetings of the Conference [and its subsidiary bodies]¹⁰;
- (b) Deliver statements at such meetings at the invitation of the President in consultation with the bureau;
- (c) Receive the documents of the Conference; and
- (d) Submit their views in writing to the Conference.¹¹

Rule 16. Participation of ~~entities and intergovernmental~~¹² organizations ~~multi-stakeholders~~

1. Subject to prior written notification to the Secretary-General, representatives of entities and organizations that have received a standing invitation from the General Assembly to participate as observers in the sessions and work of all international conferences convened under its auspices, as well as interested global and regional intergovernmental organizations, including United Nations bodies, specialized agencies and funds, as well as functional commissions of the Economic and Social Council; non-governmental organizations that are in consultative status with the Economic and Social Council; and other relevant non-governmental organizations, civil society organizations, academic institutions and the private sector ~~representatives of United Nations bodies, specialized agencies and funds, as well as representatives of functional commissions of the Economic and Social Council,~~ shall be entitled to participate as observers in the deliberations of the Conference.¹³

2. Representatives of any other relevant intergovernmental organization may also apply to the bureau for observer status, which shall be accorded unless otherwise decided by the Conference.

3. Without taking part in the adoption of decisions on substantive and procedural matters, whether by consensus or by vote, at the Conference, such ~~entities and organizations~~ multi-stakeholders may:

⁹ A Member State indicated that observer States should have the opportunity to participate in negotiations in the Conference and its subsidiary bodies (while recognizing that observer States cannot participate in a vote). In this Member State's view, should this not be implemented, then the UNTOC ROP should apply.

¹⁰ This addition was proposed by a Member State.

¹¹ A Member State proposed to include a provision on the neutrality of non-signatories, especially if they are asked to submit written opinions or participate in deliberations.

¹² This addition was proposed by a Member State.

¹³ It is noted that many Member States underscored that the participation of observers should be based on General Assembly resolution 75/282 as well as the modalities for the participation of stakeholders in the work of the Ad Hoc Committee.

- (a) Attend plenary meetings of the Conference **[intersessional meetings and the meetings of its subsidiary bodies]**¹⁴;
- (b) Deliver statements at such meetings at the invitation of the President in consultation with the bureau. **Multi-stakeholders are encouraged to select from among themselves spokespersons, in a balanced and transparent way, taking into account—equitable geographical representation, gender parity and diversity;**
- (c) Receive the documents of the Conference; and
- (d) Submit their views in writing to the Conference. **The submissions shall be posted, in their original language and translated by the Secretariat in all UN official languages on the website of UNODC.**

Rule 17. Participation of non-governmental organizations

- I 1. Relevant non-governmental organizations having consultative status with the Economic and Social Council may apply to the bureau for observer status, which should be accorded unless otherwise decided by the Conference.¹⁵

¹⁴ **This addition was proposed by a Member State.**

¹⁵ **This provision was bracketed as it may require further consideration by Member States, in light of the multiple comments received. While some Member States did not provide any specific comments on this provision, a Member State proposed that ECOSOC-accredited non-governmental organizations should be automatically accorded observer status and others proposed according them observer status upon notifying the Bureau of their participation. A Member State noted that it would be necessary to provide for a special procedure for admitting non-governmental organizations to the work of the Conference and that, at present, they would be involved on the basis of general rules (rules 56-71 UNCAC ROP). That Member State proposed the following language: “Relevant non-governmental organizations having consultative status with the Economic and Social Council may apply to the bureau for observer status. The Bureau shall be responsible for selecting non-governmental organizations, whose competence corresponds to the scope and objectives of the Conference, and for keeping the States parties informed at all stages”.**

2. Other relevant non-governmental organizations, **civil society organizations, academic institutions and the private sector** may also apply to the bureau for observer status. The secretariat shall circulate as a document a list of such organizations with sufficient information at least thirty days prior to the Conference. If there is no objection to a non-governmental organization, observer status should be accorded unless otherwise decided by the Conference. If there is an objection, the matter will be referred to the Conference for a decision.¹⁶

3. Without taking part in the adoption of decisions on substantive and procedural matters, whether by consensus or by vote, at the Conference, such non-governmental organizations may:¹⁷

(a) Attend plenary meetings of the Conference, **intersessional meetings, and the meetings of its subsidiary bodies**¹⁸;

(b) Upon the invitation of the President and subject to the approval of the Conference, make oral statements or provide written reports^[1] through a limited number of representatives on questions relating to their activities; and

(c) Receive the documents of the Conference.

4. The list of organisations referred to in paragraph 2 should be updated every two years.

¹⁶ This provision was bracketed as it may require further consideration by Member States, in light of the multiple comments received.

A Member States highlighted that the participation of stakeholders should be based on rule 17, paragraph 2, UNCAC ROP under a silence procedure. Any objections by a State Party to these stakeholders must be submitted in writing with clear reasoning. In the event a State Party objects, the matter would be resolved as a procedural issue through a plenary vote, with resolution required no later than the opening session before substantive agenda items begin.

A Member State noted that it would be necessary to provide for a special procedure for admitting non-governmental organizations to the work of the Conference and that, at present, they would be involved on the basis of general rules (rules 56-71 UNCAC ROP). That Member State proposed the following language: "Other relevant non-governmental organizations, whose competence corresponds to the scope and objectives of the Conference, may also apply to the Bureau for observer status, provided that the Bureau is informed thereof. In order to participate in the work of the Conference, they shall provide information on the objectives, programs and activities of the organization in the areas within the competence of the Conference. These non-governmental organizations will be invited as observers in the absence of objections from the participating States (on a non-objection basis). The Bureau shall provide the list of applicants for observer status to the participating States and put it on a "silence procedure" for a period of 3 weeks. The applicant shall be granted observer status if the Bureau does not receive any objections for the participating States during this period."

¹⁷ A Member State underscored that this rule could serve as a basis for the modalities of participation for relevant stakeholders. Many Member States also underscored that the Modalities of the participation of multi-stakeholders in the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes (A/AC.291/6, Annex II) should serve as a baseline of participation. For some Member States, the modalities should apply, in particular, to private sector participation.

^[1] The secretariat is under no obligation to translate reports submitted by non-governmental organizations into the official languages of the United Nations [original footnote of UNCAC ROP].

¹⁸ Many Member States indicated that observers should be allowed to attend meetings of the Conference as well as its subsidiary bodies and meetings in the intersessional period. Many Member States also highlighted the importance of keeping an updated list of relevant stakeholders.

VI. Credentials

Rule 18. Submission of credentials

1. The credentials of representatives of each State party and the names of the persons constituting the State party's delegation shall be submitted to the secretariat if possible not later than twenty-four hours in advance of the opening of the session.
2. Any later change in the composition of the delegation shall also be submitted to the secretariat.¹⁹
3. The credentials shall be issued by the Head of State or Government, by the Minister for Foreign Affairs or by the Permanent Representative to the United Nations of the State party, or, in the case of a regional economic integration organization, by the competent authority of that organization.
4. When the Conference is to consider proposals for amendments to the Convention in accordance with article ~~66~~69 of the Convention and rule 52 of the rules of procedure, the credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs of the State party, or, in the case of a regional economic integration organization, by the competent authority of that organization.

Rule 19. Examination of credentials

The bureau of any session shall examine the credentials and submit its report to the Conference.

Rule 20. Provisional admission to a session

Pending a decision of the bureau upon their credentials, representatives shall be entitled to participate provisionally in the session. Any representative of a State party to whose admission another State party has made objection shall be seated provisionally with the same rights as other representatives of States parties until the bureau has reported and the Conference has taken its decision.

Rule 21. Notification regarding participation of representatives of observers

The names of designated representatives of observers and of alternates and advisers who accompany them shall be submitted to the secretariat.

VII. Officers

Rule 22. Election

1. At the opening of each session, a President, three Vice-Presidents and a Rapporteur shall be elected from among the representatives of the States parties that are present at the session.
2. The President, the Vice-Presidents and the Rapporteur shall serve as the officers of the session.

¹⁹ A Member State proposed setting a time limit for notifying the secretariat of any changes in the delegation before the session opens.

3. In electing the officers of the session, each of the five regional groups shall be represented by ~~one officer~~ **two officers, one of whom shall be from among the representatives of the States that are Parties to the Convention and one or more and if possible all the Protocols that have entered into force by the opening of the session. The bureau shall include at least two representatives of States that are Parties to all the instruments that have entered into force by the opening of the session.**²⁰ The offices of the President and Rapporteur of the Conference shall normally be subject to rotation among the five regional groups.

Rule 23. Term of office

The President, the Vice-Presidents and the Rapporteur shall hold office until their successors are elected at the next session.

Rule 24. Acting President

1. If the President finds it necessary to be absent during a session or any part thereof, he or she shall designate one of the Vice-Presidents to take his or her place.

2. When the Conference considers matters pertaining solely to a Protocol to the Convention, the President, in the event that he or she is the representative of a State not party to the Protocol in question, shall designate one of the Vice-Presidents who is the representative of a State that is party to the Protocol in question to take his or her place.²¹

Rule 25. Powers and duties of the Acting President

A Vice-President acting as President shall have the same powers and duties as the President.

Rule 26. Replacement of the President

If the President is unable to perform his or her functions, the officers shall select a new President from among the Vice-Presidents.²²

²⁰ The second sentence of this provision is taken verbatim from rule 22, paragraph 3, of the UNTOC ROP to account for the possibility of supplementary Protocols. A Member State noted that the UNCAC and UNTOC ROPs do not provide for the number of Bureau members, and proposed “for a more equitable geographical distribution and maintaining a balance of power, to borrow the procedure for forming the bureau from the Rules of the Ad Hoc Committee”, including that “the Conference elects its officials, namely one Chair, 13 Vice Chairs and one Rapporteur.” See also draft rule 30.

²¹ Paragraph 2 of this rule was taken verbatim from rule 24, paragraph 2, UNTOC ROP to account for the possibility of supplementary Protocols. A Member State proposed its deletion, as it would run counter to the impartiality of the president.

²² A Member States proposed balancing the approaches in the UNCAC and UNTOC ROPs, given that the equivalent rule 26 UNTOC ROP refers to selecting a new President from among the Vice-Presidents, while rule 26 UNCAC ROP refers to selecting a new President from among the representatives of States parties in the same region, which could make quick replacement difficult, especially if no representative from the same region is available.

Rule 27. General powers of the President

In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall declare the opening and closing of each plenary meeting of the session, direct the discussions in plenary meeting, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He or she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings at any meeting and over the maintenance of order thereat. The President may, in the course of the discussion of an item, propose to the Conference the limitation of the time to be allowed to speakers, the limitation of the number of times each representative may speak, the closure of the list of speakers or the closure of the debate. He or she may also propose the suspension or the adjournment of the meeting or the adjournment of the debate on the item under discussion. He or she may also make statements on behalf of the Conference.

Rule 28. The President shall remain under the authority of the Conference

The President, in the exercise of his or her functions, shall remain under the authority of the Conference.

Rule 29. The President shall not vote

The President, or a Vice-President acting as President, shall not vote but shall designate another member of his or her delegation to vote in his or her place.

VIII. Bureau

Rule 30. Composition and functions

The President, the Vice-Presidents and the Rapporteur shall constitute the bureau of the Conference, which shall meet as necessary during the session to review the progress of work and to make recommendations for furthering such progress. It shall also meet at such other times as the President deems necessary or upon the request of any other of its members. The bureau shall assist the President in the general conduct of work that falls within the competence of the President and perform such other functions as foreseen by these rules.²³

Rule 31. Replacement of officers of the bureau

If an officer of the bureau other than the President resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, a representative of the same State party shall be named by the State party concerned to replace the said officer for the remainder of that officer's mandate.

²³ A Member State noted that the UNCAC and UNTOC ROPs do not provide for the number of Bureau members, and proposed “for a more equitable geographical distribution and maintaining a balance of power, to borrow the procedure for forming the bureau from the Rules of the Ad Hoc Committee”, including that “the Conference elects its officials, namely one Chair, 13 Vice Chairs and one Rapporteur.” See also draft rule 22.

IX. Secretariat

Rule 32. Duties of the Secretary-General

The Secretary-General shall act in that capacity in all meetings of the Conference. He or she may designate a member of the secretariat to act in his or her place at those meetings.

Rule 33. Duties of the secretariat

In addition to the functions specified in article ~~58~~⁶⁴ of the Convention, the secretariat shall receive, translate, reproduce and distribute documents, reports and decisions of the Conference; interpret speeches made at the meetings; prepare, print and circulate the records of the session; have the custody and proper preservation of the documents in the archives of the Conference; distribute all documents of the Conference; assist the President and bureau of the Conference in the performance of their functions; and, generally, perform all other work and functions that the Conference may require.

X. Languages²⁴

Rule 34. Official and working languages

Arabic, Chinese, English, French, Russian and Spanish shall be both the official and the working languages of the Conference.

Rule 35. Interpretation of speeches made in the official languages

Speeches made in any of the six official languages of the Conference shall be interpreted into the other five languages.

Rule 36. Interpretation of speeches made in a language other than the official languages

Any representatives may make a speech in a language other than the official languages of the Conference. In that case, he or she shall provide for interpretation into one of the languages of the Conference. Interpretation into the other languages of the Conference by the interpreters of the secretariat may be based on the interpretation given in the first such language.

Rule 37. Languages of documents submitted by States parties and observers

All documents submitted by States parties and observers to the secretariat shall be in one of the official languages of the Conference.

Rule 38. Languages of recommendations and decisions

All recommendations, decisions and other documents shall be published in the official languages of the Conference.

²⁴ **A Member State stated that, although rules 34 to 38 regulate the use of official languages and comprehensive translations, they do not address issues relating to differences in the interpretation between translated copies. That Member State therefore recommended specifying an official language to be used as a reference in the event of different interpretations, in order to avoid conflicts during implementation.**

XI. Records

Rule 39. ~~Sound~~ Recording of meetings

~~Sound~~ Recordings of the meetings of the Conference, including sound recordings, shall be made by the secretariat.²⁵

XII. Public and private meetings

Rule 40. General principles

1. The plenary meetings of the Conference shall normally be held in public unless the Conference decides otherwise.
2. Meetings of the bureau shall be held in private unless the bureau decides otherwise.
3. Decisions of the Conference taken at a private meeting shall be announced at the following public meeting.

XIII. Conduct of business

Rule 41. Quorum

1. The President may declare a meeting of the Conference open and permit the debate to proceed when at least one third of the States parties participating in the session are present.
2. The presence of a majority of the States parties shall be required for any decision to be taken.

Rule 42. Speeches

No representative may address the Conference without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

Rule 43. Statements by the secretariat

The Secretary-General, or a member of the secretariat designated by him or her as his or her representative, may at any time make either oral or written statements to the Conference concerning any question under consideration by it.

²⁵ A Member State proposed deleting the term “Sound” to ensure the provision applies to any recording. It should be noted that the secretariat currently does not have the resources to ensure that other types of recording than sound recordings are made.

Rule 44. Points of order

During the discussion of any matter, a representative of a State party may rise to a point of order and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative of a State party may appeal against the ruling of the President. The appeal shall be immediately put to the vote and the President's ruling shall stand unless overruled by a majority of the States parties present and voting. A representative of a State party rising to a point of order may not speak on the substance of the matter under discussion.

Rule 45. Time limit on speeches

The Conference may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. Before a decision is taken, two representatives of States parties may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a representative exceeds his or her allotted time, the President shall call him or her to order without delay.

Rule 46. Closing of the list of speakers and right of reply

During the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. He or she may, however, accord the right of reply to any representative if a speech delivered after he or she has declared the list closed makes this desirable.

Rule 47. Adjournment of debate

During the discussion of any matter, a representative of a State party may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives of States parties may speak in favour of, and two against, the motion, after which the motion shall be immediately decided upon, if necessary by being put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 48. Closure of debate

A representative of a State party may at any time move orally the closure of the debate on the item under discussion, whether or not any other representative has signified his or her wish to speak. Permission to speak on the closure of the debate shall be accorded only to two representatives of States parties opposing the closure, after which the motion shall be immediately decided upon, if necessary by being put to the vote. If the Conference is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

Rule 49. Suspension or adjournment of the meeting

During the discussion of any matter, a representative of a State party may move orally the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Rule 50. Order of procedural motions

Subject to rule 44, the procedural motions indicated below shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) To close the debate on the item under discussion.

Rule 51. Proposals and amendments

Proposals and amendments shall be submitted by States parties and signatory States, normally in writing, to the secretariat, which shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or considered for decision at any meeting of the Conference unless copies of it have been circulated to all participants in all the official languages of the Conference not later than one day in advance of the meeting. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.²⁶

*Rule 52. Proposals of amendments to the Convention **and the Protocols thereto***

Proposals of amendments to the Convention **and the Protocols thereto** shall be communicated to the States parties by the Secretary-General at least six months in advance of the session at which they are proposed for consideration and subsequent adoption.²⁷

Rule 53. Decisions on competence

Subject to rule 50, any motion by a State party calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.

Rule 54. Withdrawal of proposals and motions

Any proposal or motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended by decision of the Conference. A proposal or a motion thus withdrawn may be reintroduced by any representative of a State party.

Rule 55. Reconsideration of proposals and amendments

When a proposal or amendment has been adopted or rejected, it shall not be reconsidered at the same session unless the Conference, by a two-thirds majority of the States parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers of States parties opposing reconsideration, after which the motion shall be immediately put to the vote.

²⁶ **A Member State proposed the inclusion of wording to ensure sufficient time for discussion and consideration of amendments or procedural motions circulated on the same day, without requiring immediate decision-making.**

²⁷ **A Member State proposed that amendments to the Convention should not be considered until at least eighty States have become Parties to the Convention.**

XIV. Decision-making

Rule 56. Consensus

States parties shall make every effort to adopt decisions in the Conference by consensus.

Rule 57. Voting rights

1. If consensus cannot be reached, decisions shall be taken by vote and each State party shall have one vote.

2. **On questions covered by articles 62 and 66 of the Convention,** regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are parties. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. On all other questions, regional economic integration organizations, in matters within their competence, shall have as many votes as they have constituent members. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

Rule 58. Decisions on matters of substance and budgetary questions

States parties shall make every effort to reach agreement on all matters of substance and budgetary questions by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, decisions shall, as a last resort, be taken by a two-thirds majority of the States parties present and voting, except:

- (a) As otherwise provided in the Convention **and the Protocols**;
- (b) In the case of the adoption of decisions on budgetary questions, which shall require unanimity.

Rule 59. Decisions on amendments to proposals relating to matters of substance

Decisions of the Conference on amendments to proposals relating to matters of substance shall be made by a two-thirds majority of the States parties present and voting.

Rule 60. Decisions on matters of procedure

Without prejudice to rule 56 and except as otherwise provided in these rules, decisions on matters of procedure shall be taken by a simple majority of the States parties present and voting.

Rule 61. Decision whether the matter is one of substance or not

When the issue arises as to whether the matter is one of substance or not, that matter shall be treated as one of substance unless otherwise decided by the Conference by the majority required for a decision on matters of substance.

Rule 62. Amendments to the Convention

Amendments to the Convention proposed pursuant to article ~~66~~69, paragraph 1, of the Convention on which consensus cannot be reached shall be adopted by the Conference by a two-thirds majority of the States parties present and voting.

Rule 63. Meaning of the phrase “States parties present and voting”

For the purposes of these rules, the phrase “States parties present and voting” means States parties casting an affirmative or negative vote. States parties that abstain from voting are considered as not voting.

Rule 64. Method of voting

1. The Conference shall normally vote by show of hands or by standing, but a representative of any State party may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the States parties, beginning with the State party whose name is drawn by lot by the President. The name of each State party shall be called in any roll-call and one of its representatives shall reply “yes”, “no” or “abstention”. The result of the voting shall be inserted in the record in the English alphabetical order of the names of the States parties.

2. When the Conference votes by mechanical or electronic means, a non-recorded vote shall replace a vote by show of hands or by standing and a recorded vote shall replace a roll-call vote. A representative of any State party may request a recorded vote. In the case of a recorded vote, the Conference shall, unless a representative of a State party requests otherwise, dispense with the procedure of calling out the names of the States parties; nevertheless, the result of the voting shall be inserted in the record in the same manner as that of a roll-call vote.

Rule 65. Conduct during voting

After the President has announced the commencement of voting, no representative shall interrupt the voting, except that representatives of States parties may interrupt on a point of order in connection with the actual conduct of the voting.

Rule 66. Explanation of vote or position

1. Representatives of States parties may make brief statements consisting solely of explanations of their votes before the voting has commenced or after the voting has been completed, except when the vote is taken by secret ballot. The representative of a State party sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended. The President may limit the time to be allowed for such explanations.

2. Similarly, explanatory statements of position may be made in connection with a decision taken without a vote.

Rule 67. Division of proposals and amendments

A representative of a State party may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be first voted upon. Permission to speak on the motion for division shall be given only to two representatives of States parties in favour and two representatives against. If the motion for division is carried, those parts of the proposal or of the amendment which 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.

Rule 68. Voting on amendments

1. When an amendment to a proposal is moved, the amendment shall be voted first. When two or more amendments are moved to a proposal, the Conference shall first vote on the amendment deemed by the President to be furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, 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.
2. A motion shall be considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 69. Voting on proposals

If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 70. Elections

1. All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot on an agreed candidate or slate of candidates. There shall be no nominations.
2. When two or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast or the largest number of votes shall be elected.
3. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places.

Rule 71. Equally divided votes

If a vote is equally divided, the President shall give additional time for reconsideration of the issue before the proposal is once again put to the vote. In case the vote is still equally divided, the proposal voted upon shall be considered rejected.

XV. Budgetary and financial questions

Rule 72. Preparation of a budget

The secretariat shall prepare a budget for the financing of activities of the Conference related to technical ~~[cooperation—assistance]~~²⁸ undertaken in accordance with ~~[articles 53, 54, 56 and 57 60, 62 and 63 and chapters II to V of the Convention and the relevant provisions of any Protocol]~~²⁹ **[relevant provisions of the Convention and any Protocol]**³⁰ and communicate it to the States parties at least sixty days in advance of the opening of the regular session at which the budget is to be adopted.

Rule 73. Adoption of the budget

The Conference shall consider and decide on the budget prepared pursuant to rule 72.

Rule 74. Financial Regulations and Rules

The Financial Regulations and Rules of the United Nations^[2] shall govern, mutatis mutandis, the financial administration of the budget approved by the Conference.

Rule 75. Statements of financial implications

Any proposal or amendment that may have financial implications shall be accompanied by a statement of financial implications prepared by the secretariat, which shall be made available to the Conference prior to its consideration of and action upon the proposal or amendment in question.

²⁸ **A Member State proposed to align the term “technical cooperation” employed in the UNTOC and UNCAC ROPs with the term “technical assistance” used in the Convention.**

²⁹ **The numbering of articles has been adjusted, reflecting the equivalent or similar rules of the UNTOC ROP, which refer to articles 29 to 32 UNTOC.**

³⁰ **A Member State proposed to include a general reference to “relevant provisions of the Convention and its Protocol(s)”.**

^[2] ST/SGB/2003/7 **[original footnote of UNCAC ROP]**.

XVI. Protocols³¹

Rule 76. Decision-making on the Protocols

When the Conference undertakes deliberations concerning any Protocol, any recommendation or decision pertaining solely to that Protocol shall be taken only by the States parties to that Protocol present and voting.³²

Rule 77. Amendments to the Protocols

Amendments to any Protocol on which consensus cannot be reached shall be adopted by a two-thirds majority of the States parties to that Protocol present and voting.³³

XVII. Interpretation, amendment and suspension of the rules of procedure

Rule ~~76~~78. Italicized headings

The italicized headings of these rules, which were inserted for reference purposes only, shall be disregarded in the interpretation of the rules.

Rule ~~77~~79. Method of amendment

These rules may be amended by a decision of the Conference taken by a two-thirds majority of the States parties present and voting.

Rule ~~78~~80. Suspension of rules

Any of these rules may be suspended, subject to the provisions of the Convention, by a decision of the Conference taken by a two-thirds majority of the States parties present and voting.

Rule ~~79~~81. Overriding authority of the Convention

In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.

Rule ~~80~~82. Entry into force

These rules shall enter into force immediately after their adoption.

³¹ Member States may wish to consider including a new rule on the adoption of protocols based on article 62 of the Convention. A Member State proposed that if the Conference is to consider proposals for supplementary protocols to the Convention in accordance with article 62 of the Convention, proposals should be communicated to the States parties by the Secretary-General at least one year in advance of the session at which they are proposed for consideration and adoption, and negotiated over a sufficient number of sessions to ensure all efforts to reach consensus can be exhausted.

³² This rule is adapted from rule 76 of the UNTOC ROP, modified to reflect that no protocol has yet been adopted. A similar rule was proposed by a Member State.

³³ This rule is adapted from rule 77 of the UNTOC ROP, modified to reflect that no protocol has yet been adopted. A similar rule was proposed by a Member State.