



Rules of Procedure and Financial Regulations of the ICPR

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Rules of Procedure and Financial Regulations of the ICPR

According to Article 7, Paragraph 4 of the Convention on the Protection of the Rhine (the Convention) the International Commission for the Protection of the Rhine (ICPR) gives itself the following Rules of Procedure and Financial Regulations applicable to the Commission's work and its Secretariat.

1. Plenary Assemblies

1.1 Time and place of the annual plenary assembly are settled in the preceding Plenary Assembly. At latest two months before the Plenary Assembly the President¹ of the Commission has the draft agenda communicated to the heads of delegations and requests their comments within two weeks before issuing the invitation to the Plenary Assembly.

1.2 The President calls for extraordinary Plenary Assemblies upon his own initiative or upon request of at least two delegations and communicates the agenda. The President calls for the extraordinary Plenary Assembly to be held as soon as possible, and at latest within two months after agreement with the delegations. The choice of venue and further matters to be placed on the agenda are part of the agreement procedure.

1.3 In its Plenary Assemblies, the Commission prepares resolutions to be passed by the Ministers in charge of the Rhine.

1.4 Simultaneous interpretation of the Plenary Assemblies into the three working languages of the Commission is provided for. The expenses for the required technical means are borne by the inviting Contracting Party. The Secretariat is in charge of providing interpretation services.

1.5 The following deadlines apply to submitting and supplying documents for the Plenary Assembly:

- a. Meeting documents must be submitted to the Secretariat at latest six weeks before the Plenary Assembly.

The Secretariat must provide these documents in all three working languages of the Commission to the delegations at latest two weeks before the Plenary Assembly.

- b. For documents submitted to the Secretariat within less than six weeks before the Plenary Assembly, translation into the other working languages of the Commission and timely distribution to the delegations cannot be granted.
- c. Meeting documents submitted too late and which can thus not be translated into the other two working languages of the Commission or documents submitted to the Secretariat within less than two weeks before the Plenary Assembly are distributed (in the language submitted) at the attention of the delegations.

¹ The designations of functions used in the Rules of Procedure and the Financial Regulations are not sex-specific.

They will only be discussed in the Plenary Assembly if all delegations agree.

2. Written Decision-making

2.1 According to Article 10, Paragraph 5 of the Convention, the Commission can make decisions in writing beyond the Plenary Assembly. The President or one of the delegations may file an application for written decision-making by submitting a draft resolution signed by the head of delegation to the President. The President of the Commission will immediately pass on the draft resolution to all delegations, and requests their statement within two months.

2.2 If the draft is not accepted within the deadline fixed it is considered to be rejected but must be put on the agenda of the next Plenary Assembly.

3. Presidency

3.1 The President is in the chair of the Plenary Assembly, and takes into account the regulations of the Rules of Procedure and Financial Regulations for Cooperation of the International Commission for the Protection of the Rhine (ICPR) with the Coordination Committee Rhine (CC). He takes initiatives and submits proposals aimed at promoting ICPR work and performs further duties assigned by the Commission.

Should he temporarily be prevented from taking the chair, he will be represented by another member of the delegation chairing the Commission.

3.2 The President of the Commission fulfils his functions with the support of the staff and the means he disposes of within his national functions and in the Commission's Secretariat. Unless the Commission decides otherwise, expenses arising within the fulfilment of his functions are borne by the Contracting Party assuring the Presidency of the Commission.

3.3 The President may assign the Secretary General or a representative of the Commission to temporarily perform certain duties.

3.4 The President, representing the Commission, is in charge of the Secretariat.

3.5 The President annually submits a report on his activities to the Plenary Assembly.

4. Advisory Groups and their Procedure

4.1 The Commission may decide to set up permanent strategic and technical Advisory Groups to handle its tasks. The Commission decides on the mandate of these groups and on a work schedule. When new Advisory Groups are set up, item 10.10 must be taken into account.

4.2 The Commission decides on the working method for coordinating its Advisory Groups, on frequency and the way, in which the Chairmen of the Advisory Groups are to report on the implementation of the work they have been commissioned with.

4.3 Upon the proposal of a delegation or Advisory Group the Commission nominates the Chairman of each Advisory Group for a period of two years. Preferably, the Chairman of an Advisory Group should be member of a delegation. The Chairman of an Advisory Group can be re-elected.

4.4 Unless the Commission decides otherwise, the meetings of Advisory Groups are simultaneously interpreted into the Commission's three working languages.

5. Meeting Documents and Publications

5.1 Unless the Plenary Assembly decides otherwise, all publications and the reports of public interest adopted by the Plenary Assembly are published in the Commission's three working languages.

5.2 The Secretariat presents the documents for the Plenary Assemblies and the Commission's decisions in all three working languages of the Commission.

5.3 The meeting documents drafted for the Advisory Groups are submitted by the Contracting Parties in one of the working languages and the secretariat sees to their translation into the other two working languages. Documents entirely or partly presented in English will not be translated. The Advisory Groups for which these meeting documents are submitted may decide not to discuss these documents.

5.4 Meeting documents for Advisory Groups of the Commission must at latest be submitted to the Secretariat two weeks before the meeting concerned. Documents submitted to the Secretariat at a later date are passed on at the attention of the delegations and may only be discussed if all delegations agree to do so in the beginning of the meeting.

5.5 All publications and the ICPR website are also published in English. The translation of extensive publications into English requires a decision of the Commission.

6. Secretariat

6.1 The Secretariat supports the Commission and its Advisory Groups as well as the President in the execution of the respective tasks.

The Secretariat is obliged to be neutral in fulfilling its tasks.

Tasks

6.2 On behalf of the respective Chairman the Secretariat issues invitations for Plenary Assemblies and meetings of Advisory Groups and prepares these meetings.

Unless decided otherwise, the Secretariat issues the minutes of the Plenary Assembly and each meeting of Advisory Groups within an appropriate period of time.

6.3 The delegations' correspondence with the Commission is addressed to the Secretariat which is also notified of any changes concerning the members of the delegations as rapidly as possible. The Secretariat passes on the information and the documents within due time and is in charge of submitting documents for the meetings.

6.4 The Secretariat carries out further tasks which the Commission entrusts it with.

Executive Secretary

6.5 The Executive Secretary is the head of the Secretariat. The Commission establishes the Executive Secretary's job description and decides upon his substitute.

6.6 The Executive Secretary is in charge of the work and management of the Secretariat, staff management and the employment of all staff in the Secretariat according to the staffing schedule.

The Executive Secretary drafts the preliminary annual budget. He is in charge of managing income and expenditures within the adopted budget, of sound accounting and of drafting the yearly statement of account according to the budget.

6.7 The President of the Commission is in charge.

Staff of the Secretariat

6.8 The Commission decides on the staff appointment scheme, the job specifications and the contract modalities for the Secretariat staff.

Employment Ads and Choice

6.9 The Executive Secretary of the Secretariat and the technical staff are recruited by employment ads published in the states of the Rhine catchment and on the ICPR website. Staff for administrative tasks within the Secretariat and interpreters and/or translators are recruited by publishing employment ads in those states of the Rhine catchment considered to be relevant and on the ICPR website.

6.10 The Executive Secretary is proposed by a selection committee and appointed by the President of the Commission after approval by the Commission. The selection committee consists of the President of the Commission and appointed representatives of the delegations. The selection committee's proposal is based on an assessment of all applications received and after conducting job interviews with a limited number of candidates.

6.11 Technical staff and staff for administrative tasks including interpreters and/or translators are employed by the President of the Commission upon the proposal of a selection committee and upon agreement of the Commission. The selection committee consists of the President of the Commission, the Executive Secretary and representatives designated by the delegations. The proposal of the selection committee is based on an evaluation of all applications received and job interviews with a limited number of candidates.

Employment Contracts and Payment

6.12 The Executive Secretary and all staff of the Secretariat are Commission employees.

6.13 The conditions of the German federal wage agreement for public services – TvöD Bund apply to all employment contracts.

6.14 In order to enable a regular change of nationalities represented and/or scientific input, the Executive Secretary will at maximum be appointed for a four year period. This contract may be renewed once without advertising, provided that the Commission consents.

New scientific staff of the Secretariat will be appointed on the basis of a four year employment contract. If their performance is good, an unlimited employment contract can be concluded, afterwards.

Administrative staff of the Secretariat including interpreters and/or translators will be appointed for two years. If their performance is good, an unlimited employment contract can be concluded, afterwards, provided that the Commission consents.

6.15 The first six months of a new employment contract are considered as probationary period. This probationary period can at maximum be prolonged once by the same period.

As soon as the Commission ceases to exist, all employment contracts existing at that time shall terminate.

6.16 A dismissal of the Executive Secretary or of a staff member requires prior consent of the Commission.

7. Cooperation with States in the Rhine Catchment and with Intergovernmental Organisations

7.1 With a view to coordinated implementation of EU directives in the Rhine river basin district together with the Republic of Austria, the Principality of Liechtenstein and the Region of Wallonia, the Commission has defined the conditions of cooperation with these states/region in the "Rules of Procedure and Financial Regulations for the Cooperation of the International Commission for the Protection of the Rhine (ICPR) with the Coordination Committee Rhine (CC)".

7.2 The Commission can determine rules of cooperation with other intergovernmental organisations.

8. Cooperation with Non Governmental Organisations (NGO) and external experts

Cooperation with NGOs

In order to be admitted to cooperate with the ICPR, an NGO must comply with the following conditions:

- a. accept the targets and basic principles of the ICPR Convention;
- b. dispose of specific technical or scientific competence or other competences pertaining to the targets of the Convention;
- c. prove a well structured administration;
- d. dispose of regulations that permit to speak as accredited representative in the name of its members.

8.2 Applications for granting the observer status are addressed to the Commission's secretariat.

Any application for granting the observer status should be addressed to the Secretariat at least twelve weeks prior to a Plenary Assembly. This application shall:

- a. comprise (i) a description of the organisation and (ii) competence and experience it may contribute to the Commission's work;
- b. list the reasons for why the non governmental organisation esteems its contribution useful for the Commission's work; and
- c. include a confirmation in writing that the non governmental organisation respects the obligations under the ICPR Rules of Procedure.

8.3 Upon receipt of an NGO application for granting observer status

- a. the Executive Secretary immediately forwards it to all Contracting Parties, requesting them to make a statement on the application;
- b. the Executive Secretary distributes a summary of the statements of all Contracting Parties concerning the application in question at latest four weeks prior to the Commission meeting.

8.4 The observer status of an NGO enters into force immediately after the corresponding decision of the Commission. In its decision the Commission may determine, to which topics or Advisory Groups the NGO is admitted as an observer.

8.5 If an NGO with observer status does not participate in the Commission's work for two years in succession, the President of the Commission may decide to withdraw the observer status.

8.6 The Secretariat establishes a list of the NGOs acknowledged by the Commission.

8.7 An NGO acknowledged as observer has access to all ICPR meeting documents except for those treating financial, staff or other confidential issues. The observer may only use these documents for activities in connection with the work of the Commission. ICPR documents may not be spread any further.

8.8 An NGO acknowledged as observer may submit documents with information and proposals for discussion. These will be distributed in consultation with the Chairman of the Advisory Group concerned in all three working languages of the Commission and will be discussed at the discretion of the participants in the meeting.

8.9 For practical reasons the Commission may limit the number of NGOs participating in a certain meeting. In this case, a balanced participation of the different interests will be granted.

Cooperation with External Experts

8.10 Advisory Groups of the Commission and the Executive Secretary may decide to let external experts participate in a meeting or part of a meeting.

9. Distribution of Expenditure for the Annual Budget

According to Article 13, Par. 2 of the Convention expenditure to cover the annual ICPR budget is shared by the Contracting Parties as follows:

- a. The European Union pays a 2.5 % share.
- b. The Swiss Confederation pays a 12 % share.
- c. The other Contracting Parties pay the rest at the following shares:

Federal Republic of Germany	32.5%
French Republic	32.5%
Grand Duchy Luxemburg	2.5%
Kingdom of the Netherlands	32.5%

10. Budget / Financial Rulings

Budget

10.1 The financial year of the Commission is the calendar year.

10.2 The Executive Secretary submits the following documents to the delegations at latest 10 weeks before the Plenary Assembly deciding on the budget:

- a. Annual statements of accounts of the preceding year including a statement of the auditors;
- b. The draft budget for the following year;
- c. a non binding forecast for the three years following that year.

The draft budget in Euro (€) is to be subdivided into single items according to the origin of the income and the purpose of expenditures. Staff and office expenditures are listed individually and separately. Each single item must be justified. The draft comprises a list of the contributions paid by the Contracting Parties. Income and expenditure of the draft budget must be well-balanced.

The annual Plenary Assembly adopts the budget for the following year.

Payment of Contributions

10.3 Once the Commission has adopted the annual budget, the Executive Secretary shall notify each Contracting Party of the amount of its contribution.

The contributions of the Contracting Parties calculated on this basis are paid to the ICPR account by 15 February of each year at latest. Transfer costs are borne by the Contracting Parties. Item 10.10 of these Rules of Procedure will be respected.

If disadvantages arise for the Commission's budget due to considerably delayed payments by the delegations, the delegations concerned are debited with the resulting deficits at latest together with the contributions due for the following year. The Commission may decide to refrain from this procedure.

Management of Financial Means

10.4 In accordance with the budget adopted and the regulations of the Rules of Procedure in hand, the President and the Executive Secretary dispose of the Commission's means. To this effect, the Commission, represented by the President, confers the corresponding powers on the Executive Secretary.

10.5 Budgetary means must be spent economically. Expenditure is debited the budgetary year in which it arises. The total sum estimated in the budget must not be exceeded. The different items of the budget may be exceeded by up to 20 % if the required financial means are saved on other positions. It is not admissible to cover office expenditures with means allocated to staff expenditures.

10.6 In accordance with item 10.7 and unless the Commission decides otherwise, surpluses are refunded to the Contracting Parties according to the ratio formula of Article 9 and taking into account the contributions actually paid.

Reserve fund

10.7 With a view to maintaining the Commission's solvency in the beginning of the budgetary year, the Commission constitutes a reserve fund amounting to 10 % of the budget at maximum.

The reserve fund is constituted with the help of budgetary means to an amount required for the budgetary year.

Revised Budget and Special Budget

10.8 Should it appear during a financial year that, due to circumstances unknown when drafting the budgetary planning, new or higher expenses will occur, a supplementary budget is drafted replacing the current one.

Once the supplementary budget has been voted by the Commission together with a decision on that part of the expenses, which may be covered by the ICPR reserve fund, the Executive Secretary informs the Contracting Parties of the supplementary contributions and the deadline for their payment.

10.9 The Commission may constitute special budgets for earmarked expenses. Special budgets are constituted by contributions of the Contracting Parties either according to a fixed ratio formula or in the form of voluntary contributions, eventually by a sponsor.

Eventual interests arising from the budgets or surplus funds remaining after payment of all obligations are refunded to the Contracting Parties according to their shares in this special budget.

10.10 The Executive Secretary is heard prior to any decision-making with financial consequences for the budget; this also applies to considerable administrative effects on the Secretariat.

If the Executive Secretary reasonably explains that the effects of the planned decision are not covered by the Commission's financial means at hand, the Commission will not take any decision unless the required means are secured.

Audit

10.11 The Commission elects two auditors for a two years term of office. The auditors control the due entry into the books and the effective administration of the budgetary means. They may be re-elected for one more term of office.

10.12 The auditors audit the annual statement of accounts before the end of March of the following year. They submit a written report to the next Plenary Assembly of the Commission. On the basis of this report, the Commission decides upon giving formal approval to the actions of the President and the Executive Secretary.

10.13 The Contracting Parties may examine the accounts books, receipts and further justified documents at the Secretariat's headquarters after a prior settlement of date.

11. Further Regulations

11.1 The Plenary Assemblies and the meetings of the Advisory Groups are not public.

11.2 Correspondence and documents are not public, unless the Commission decides otherwise.

11.3 As a rule, meetings of the Advisory Groups are held at the seat of the Secretariat.

12. Entry into Force

The Rules of Procedure and Financial Regulations enter into force on 8 July 2022.