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COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Hundred and First Session

Rome, 21 - 23 October 2015

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

I. INTRODUCTION

1. This item has been placed on the Provisional Agenda of the Committee on Constitutional and Legal Matters (hereinafter “CCLM” or “the Committee”) under Rule XXXIV, paragraph 7 (b) of the General Rules of the Organization (“GRO”), whereby the Committee considers specific items referred to it which may arise out of “*the formulation, adoption, entry into force and interpretation of multilateral conventions and agreements concluded under Article XIV of the Constitution*”.

2. This document addresses proposed amendments to the Constitution of the European Commission for the Control of Foot-and-Mouth Disease (hereinafter “the EuFMD” or “the Commission”), which are set out in the **Annex** hereto. The Commission's Constitution was approved and submitted to Members, in accordance with Article XIV of the FAO Constitution, by the Conference at its Seventh Session in 1953.¹ The Constitution entered into force on 12 June 1954 with the acceptance of the original Constitution by six European countries. Since its original approval, the Constitution has been amended on a number of occasions, most recently in 1997.² The amendments reflected in the **Annex** were approved by the Commission at its 41st General Session held in Rome, Italy, from 23 to 24 April 2015.

II. BACKGROUND OF THE COMMISSION

3. Foot-and-Mouth Disease (“FMD”) control was deemed a priority to rebuild the economies and food security of Europe after World War II and, following devastating pan-European epidemics of 1951-52, the Commission was established in 1954. Membership grew rapidly in the 1950s and 1960s,

¹ Resolution 33/53.

² Amendments having been agreed at the Ninth (1962), 20th (1973), 22nd (1977), 28th (1989) and 32nd Sessions of the Commission, as subsequently approved by the 39th (1962, Resolution 3/39), 61st (1973, Resolution 5/61), 72nd (1977, Resolution 5/72), 96th (1989, Resolution 2/96) and 113th (1997) Sessions of the Council, respectively.

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and again after 1990, when eastern European countries, in particular, joined the Commission. The most recent country to join was the Republic of Georgia, in 2013, and current membership stands at 38.³

4. The Constitution restricts membership to countries in the European region, while it is increasingly the case that services provided by EuFMD are requested by countries outside the European region, some of which have been willing to make substantial voluntary contributions for collaborative projects in capacity building, deemed of mutual benefit to the EuFMD membership and the non-members concerned.

5. The EuFMD outputs and achievements are important to FAO's work to achieve Strategic Objective 2 ("SO2") to "*increase and improve provision of goods and services from agriculture, forestry and fisheries in a sustainable manner*", and Strategic Objective 5 ("SO5") to "*increase the resilience of livelihoods to treats and crises*", particularly in the European Region.

III. PROPOSED AMENDMENTS TO THE EuFMD CONSTITUTION

A. The rationale for amending the Constitution

6. A proposal for amendments to the Constitution was submitted to the Director-General by the Government of Austria in December 2014, following the 88th Session of the EuFMD's Executive Committee. This proposal, although submitted by one Member, reflected the work of the Commission's Executive Committee following the 40th General Session of the Commission in April 2013.⁴ The Executive Committee took the opportunity to thoroughly review the Constitution.

7. By Article XI of the Constitution, the Commission's Executive Committee is charged, *inter alia*, with making "*proposals to the Commission concerning policy matters and the programme of activities*". The main concern of the Executive Committee, which led to the work to review and revise the Constitution, was to reinforce the governance of the Commission and, specifically, to lengthen the period for which those elected to the Executive Committee would serve on it, as further described in paragraph 12 below.

8. In relation to **Article II** on the **Obligations of Members**, two amendments are put forward:

- 1) The first proposal concerns the introduction in **Article II(1)** of a requirement that Members not recognized by the World Animal Health Organization ("OIE") as being free from FMD put in place a ***national plan for the progressive control of the disease***. This proposed amendment brings the obligations of Members into line with the 2012 FAO/OIE Global Foot and Mouth Disease Control Strategy ("the FAO/OIE Global Strategy"). Of the current membership, this amendment directly affects only Georgia, Israel and Turkey, and each of these Members already has national control plans in place following the Progressive Control Pathway for Foot and Mouth Disease ("PCP").⁵ The proposed amendment of Article II(1)

³ Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia, Turkey, United Kingdom.

⁴ The similar needs of EuFMD members and certain non-European countries, mostly OECD members, lay behind a proposal to remove the European regional restriction on membership. However, this proposed amendment to the Constitution was not supported by the membership at the 41st General Session.

⁵ The PCP was developed by the Commission in 2008 to encourage eligible European countries which are not yet members of the Commission (most of which are not free of FMD) towards control. It was subsequently adopted, in 2011, by FAO and the OIE as a tool for national advancement in disease management. The PCP assists countries to develop sustainable, risk based strategic plans for FMD management. It is "*a set of FMD*

aims to ensure that countries not currently FMD-free, but which wish to enter into membership, can utilize the PCP to fulfil the obligation to commit to the eventual control of the disease. The proposed addition also addresses the concern of the Members that the existing obligations under Article II(1) are too onerous for some potential new members, by enabling a stepwise approach to management in which the national plans evidence the commitment desired. These national plans are currently assessed through processes jointly agreed by FAO and OIE.

- 2) The second proposed amendment to Article II, introduces a new **subparagraph 2** and relates to **good emergency management planning**, and reflects the fact that almost all Members have eradicated the disease. The proposed addition requires Members to “have available contingency plans for the immediate management of incursions of foot-and-mouth disease and ensure that sufficient financial, human and technical resources are available for the immediate application of the control methods indicated in Article II.1”. It calls for the provision of sufficient resources to meet the obligations relating to control measures that they already accept in Article II. It is noted that the last amendments to the Constitution in 1997 were made in recognition of the fact that “*the initial purpose of the Commission, which was the control of foot-and-mouth disease, now must be modified by emphasizing the new role of the Commission which is to promote preventive measures and emergency preparedness*”.⁶ It is further observed that the 28 Members of the European Union (EU) who are also Members of the Commission are already required to meet these requirements under EU animal health laws, and that almost all the States acceding to the EU have met these requirements. Furthermore, the proposed amendment ensures that new applicants for membership recognize the obligation to have capacity in place for emergency management.

9. In relation to **Article IV on General Functions**, the addition of a function of the Commission under **paragraph 4** of promoting “*the global control of foot-and-mouth disease*” aims to ensure that the EuFMD is able, under its mandate, to contribute to **promoting control of FMD outside Europe**, in support of the FAO/OIE Global Strategy. It is consistent with the existing general function of the EuFMD in Article IV.4 to “*stimulate and plan joint action wherever required*”. It is anticipated that this would bring EuFMD work under the FAO Strategic Objectives, facilitate support by EuFMD programmes for the achievement of SO5, and contribute to promoting better prevention and control programmes outside Europe. This does not presume direct involvement in non-member countries but, rather, working with FAO decentralized offices in their regional initiatives and projects in support of SO5.

10. The proposed amendments to **Article V concerning Special Functions**, are two-fold:

- 1) The amendments introduce new **subparagraphs 2.3 and 2.4** which are intended to align the provisions concerning the Commission’s special functions with its existing practice in respect of the **provision of training for emergency response and the maintenance and promotion of standards**. The proposals elaborate upon the existing special function under Article V (1) by which the EuFMD is to “*assist in the prevention and control of outbreaks in emergency situations in any manner considered appropriate by the Commission and the Member or Members concerned*”. Since 1985, the EuFMD has been responsible for the Biorisk Management Standards for laboratories (national laboratories and vaccine producers) handling the FMD virus. These standards are referenced in EU Directives. In addition, the EuFMD has,

control activity stages that [...], if implemented, should enable countries to progressively increase the level of FMD control to the point where an application for OIE-endorsement of a national control programme vaccination [...] or official freedom from FMD with or without vaccination [...] may be successful and the status sustainable”. *The Progressive Control Pathway for Foot and Mouth Disease Control – Principles, Stage Descriptions and Standards*, 26 January 2011, Section 1.A.

⁶ See document CCLM 67/5, at paragraph 6.

for the past five years, provided training to establish a European cadre of experts for emergency response. The work programme of the Commission is important in assisting the Members to fulfil the international standards for emergency preparedness of veterinary services for the disease, and has played an important role in Europe in assisting countries to develop national strategic plans for control of FMD. It was, therefore, considered necessary to include reference in the Constitution to the promotion of progressive control of FMD pathway, as the PCP has become the EuFMD tool for assisting improved strategic planning and implementation of national control plans. This is also considered to contribute to FAO's efforts under SO5 to ensure better long term prevention of animal health crises.

- 2) In addition, a reference to the recommendations of the OIE and, as applicable, the EU, is introduced into subparagraph 2.2, indicating a source of guidance in the implementation of that provision concerning the promotion "*when necessary of the establishment by a Member or Members of 'cordons sanitaires' to prevent the spread of disease*". In view of differing interpretations of the principles governing cordon sanitaires, there is a need to ensure that EuFMD promotion would be within the context of long-established co-ordination arrangements between EuFMD, the EU and OIE.

11. In relation to **Article IX** regarding **Observers**, the proposed amendment would enable States that are not members of the Commission or FAO to attend the *meetings of the Executive Committee* where the Chairperson agrees. This proposal is intended to respond to the interest of certain non-member countries to collaborate and contribute, including through additional voluntary contributions, to the work programme of the EuFMD.

12. In relation to **Article X** on the **Executive Committee**, a number of matters were considered by the Commission:

- 1) Under the existing provisions of the Constitution, the Executive Committee is composed of the Chairperson, two Vice-Chairpersons of the Commission and five delegates of Members selected by the Commission. It is proposed, in **Article X(1)**, to *increase the number of delegates from five to six*. This is a consequence of the change to the Rules of Procedure relating to the Chairperson and Vice-Chairpersons that were adopted by the Commission at its 41st Session.⁷ It also relates to the need to ensure that the growing non-EU membership is adequately represented and representative, and better balances the 28 Members who belong to the EU, as further discussed in the following paragraph.
- 2) A further proposed addition to Article X(1) is the introduction of the requirement that "*Due regard should be taken to ensure that the membership of the Executive Committee is equitably geographically representative*". The question of **geographic representation** has become an issue affecting governance and, ultimately, the effectiveness of decision-making and direction

⁷ The Commission seeks to secure longer term commitment of officers in the *Chairperson and the two Vice Chair positions*. Currently, elections of officers for the Steering Committee are held at the General Sessions of the Commission which, over the past 20 years, have been held every two years. The recommended amendments seek to encourage a commitment to serve for a period longer than two years by those elected and, specifically, to encourage those standing for office to, as far as possible, anticipate a four- to six-year commitment. In order to achieve this, the procedures for the election of officers have been modified so that, at each election the First Vice-Chairperson "*shall normally be nominated for an ensuing term of office as Chairperson*" and the Chairperson "*shall normally be nominated for an ensuing term of office as Second Vice-Chairperson*". The Commission anticipates that continuity of development of the Commission will be encouraged by such a mechanism. It was decided, following circulation of the draft proposal, and consultation with the Members and the Office of the Legal Counsel of FAO, that it was more appropriate to give effect to these changes in the Rules of Procedure rather than in the Constitution. Consequently, amended Rules of Procedure were put to the 41st Session of the Commission and were duly adopted. The amendments to the Rules of Procedure will enter into force upon approval by the Director-General, as provided in Article VIII of the Constitution.

for the Commission, since there had been over-representation of certain countries over a lengthy period and the subsequent loss of engagement and involvement of certain regions of Europe, in part because of perceptions that the focus of the EuFMD was not relevant to their concerns. The 28 EU members had collectively decided that, as part of their contribution to the EuFMD, they would reach agreement between themselves prior to the Commission's Sessions, establishing geographic subgroups for the purpose of selecting and supporting their candidate for election to the Executive Committee. This has been the EU practice since 2011. It was felt by the Executive Committee, and endorsed by the Commission, that Article X should promote processes that lead to better representation of the various subregions of Europe, in particular those that are not free from FDM, without prescription on the countries in each subregion.

13. The opportunity has also been taken to update the terminology used in the Commission by, for example, the replacement of the term "Chairman" with "Chairperson".

B. Entry into force of amendments to the Constitution, and "additional obligations"

14. Under Article XIV of the Constitution, amendments shall become effective only with the concurrence of the Council. Amendments not involving additional obligations for Members of the EuFMD shall take effect from the date of the decision of the Council (Article XIV(5)). Amendments which involve additional obligations, pursuant to Article XIV(6), "*shall, after approval by the Council, bind the Members of the Commission who have accepted the amendment, as from the date on which it has been accepted by two-thirds of the membership of the Commission, and thereafter for each remaining Member of the Commission upon the date of receipt by the Director-General of the instrument of acceptance of the amendment by that Member*". The advice of the CCLM is specifically requested on whether the proposed amendments, as negotiated and endorsed by the Commission, involve additional obligations for the Members of the Commission.

15. At its Thirty-fifth Session in October 1977, the CCLM set down the criteria for determining whether amendments to agreements establishing statutory bodies under Article XIV of the FAO Constitution involve new or additional obligations. These criteria have subsequently been endorsed by the Council⁸ and the Conference⁹ and reflect the established practice of the Organization. In particular, the CCLM stated:

*"if, as a result of the amendments, the overall burden to be borne by contracting parties in the implementation of their existing obligations, would remain substantially the same, the amendments would not involve new obligations. If that burden would be transformed in such a way that the tasks to be performed were different in character from those entailed under existing obligations, the amendments causing such a transformation could be said to involve new obligations. Any extension of an existing obligation could not be considered per se as a new obligation; there might however be cases where such an extension could be considered as tantamount to a new obligation – where, for example, it was bound to have substantial financial implications for the contracting parties or the burden entailed was disproportionate to the existing burden on contracting parties."*¹⁰

16. The overall burden to be borne by the Members of the EuFMD in the implementation of their existing obligations would remain substantially the same if the amendments are approved. The changes to the text of the Constitution do not impose any significant extra obligations or burdens in the implementation of their existing obligations upon the Members of the Commission. In particular, in relation to Article II, the amendments facilitate the achievement by Members of their existing

⁸ CL 72/REP, paragraph 139.

⁹ See, for example, the Report of the Twenty-Ninth Session of the Conference, paragraph 132.

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

obligations, as addressed under paragraph 8 above.¹¹ The amendments to Articles IV and V elaborate on existing general and special functions that are already, more generally, reflected in those provisions, as described at paragraphs 9 and 10, respectively. The other proposed amendments are more procedural in nature and, similarly, do not appear to establish additional obligations.

17. Consequently, this review of the proposed amendments would appear to confirm that none of them creates additional obligations for its Members and, consequently, they would appear to be outside the scope of paragraph 6 of Article XIV of the EuFMD Constitution. Should the CCLM confirm that the proposed amendments do not introduce additional obligations for Members of the Commission, the amendments adopted by consensus by the Commission at its 41st General Session would come into force upon approval by the FAO Council.

IV. SUGGESTED ACTION BY THE COMMITTEE

18. The CCLM is invited to review the proposed amendments as endorsed by the Commission at its 41st Session in light of the Basic Texts of the Organization and, in particular, to provide its views on whether any of the proposed amendments involve additional obligations for the Members of the Commission.

19. The Committee is further invited to submit the draft Council resolution, set forth in the **Annex**, to the Council for consideration and adoption.

¹¹ Moreover, the work programme of the Commission from 2015 to 2019, supported by the EU, provides assistance to countries that are currently not free of FMD to develop the national control plans, and makes possible the specific support to non-members that express the desire to develop those plans or emergency management capacities, that will assist them to meet these obligations should they desire to enter into membership.

ANNEX**RESOLUTION .../..****AMENDMENTS TO THE CONSTITUTION OF THE EUROPEAN COMMISSION FOR THE CONTROL OF FOOT-AND-MOUTH DISEASE****THE COUNCIL**

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

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

Recalling also that the Commission, at its 41st Session held in Rome, Italy, from 23 to 24 April 2015, approved further amendments to the Constitution;

Having considered the report of the 101st Session of the Committee on Constitutional and Legal Matters, and **noting** that the Committee found that amendments would not involve new obligations for Members of the Commission and would, accordingly, come into force upon receiving the concurrence of the Council;

Approves the amendments to the Constitution of the European Commission for the Control of Foot and Mouth Disease, in accordance with Article XIV(5), as follows:

PREAMBLE ^[12]

The contracting Governments, having regard to the urgent necessity of preventing the recurrence of the heavy losses to European agriculture caused by the repeated outbreaks of foot-and-mouth disease, hereby establish, within the framework of the Food and Agriculture Organization of the United Nations, a Commission to be known as the European Commission for the Control of Foot-and-Mouth Disease, whose object shall be to promote national and international action with respect to preventive and control measures against foot-and-mouth disease in Europe.

ARTICLE I**Membership**

1. Membership in the European Commission for the Control of Foot-and-Mouth Disease (hereinafter referred to as "the Commission") shall be open to such European Member Nations of the Food and Agriculture Organization of the United Nations, to such States participating as members in the Regional Conference for Europe and Central Asia of the Food and Agriculture Organization of the

[¹² Proposed deletions are indicated in strikethrough, new text is in italics and underlined.]

United Nations and serviced by the Regional OIE for Europe of the Food and Agriculture Organization of the United Nations and to such European Member Nations of the International OIE of Epizootics that are Members of the United Nations, as accept this Constitution in accordance with the provisions of Article XV. The Commission may, by a two-thirds majority of the membership of the Commission, admit to membership ~~such~~ other European States that are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency as have submitted an application for membership and a declaration made in a formal instrument that they accept the obligations of this Constitution as in force at the time of admission.

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

ARTICLE II

Obligations of Members regarding National Policies and International Cooperation for the Control of Foot-and-Mouth Disease

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

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

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

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

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

34. Members shall make such arrangements for the typing of virus from outbreaks of foot-and-mouth disease as may be required by the Commission and shall immediately notify the Commission and the OIE of the results of such typing.

45. Members shall make arrangements for the rapid dispatch of new isolates to the FAO designated World Reference Laboratory for further characterization.

56. Members undertake to provide the Commission with any information which it may need to carry out its functions. In particular, Members shall immediately report to the Commission and to the OIE any outbreak of foot-and-mouth disease and its extent and shall make such further detailed reports as the Commission may require.

ARTICLE III

Seat

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

ARTICLE IV

General Functions

1. To enter into arrangements, through the Director-General of the Organization, with the OIE within the framework of any agreements between the Organization and the OIE to ensure that:
 - 1.1 all Members are provided with technical advice on any problem relating to the control of foot-and-mouth disease;
 - 1.2 comprehensive information on outbreaks of the disease and identification of virus is collected and disseminated as quickly as possible;
 - 1.3 special research work required on foot-and-mouth disease is carried out.
2. To collect information on national programmes for control of and research on, foot-and-mouth disease.
3. To determine, in consultation with the Members concerned, the nature and extent of assistance needed by such Members for implementing their national programmes.
4. To stimulate and plan joint action wherever required in the implementation of prevention and control programmes and to this effect arrange means whereby adequate resources can be made available, for example, for the production and storage of vaccine, through agreements between Members., and to promote the global control of foot-and-mouth disease.
5. To arrange for suitable facilities for the typing and characterization of virus.
6. To ensure the availability of an international laboratory (World Reference Laboratory) with facilities for rapid characterization of virus by appropriate methods.
7. To maintain information on the stocks of antigen and vaccine available in member countries and other countries and to keep the position continuously under review.

8. To offer advice to other organizations on the allocation of any available funds for assisting in prevention and control of foot-and-mouth disease in Europe.
9. To enter into arrangements, through the Director-General of the Organization, with other organizations, regional groups or with Nations not Members of the Commission, for participation in the work of the Commission or its committees, or for mutual assistance on problems of controlling foot-and-mouth disease. These arrangements may include the establishment of, or participation in, joint committees.
10. To consider and approve the report of the Executive Committee on the activities of the Commission, the accounts for the past financial period and the budget and programme for the ensuing biennium, for submission to the Finance Committee of the Organization.

ARTICLE V

Special Functions

The following shall be the special functions of the Commission:

1. To assist in the prevention and control of outbreaks in emergency situations in any manner considered appropriate by the Commission and the Member or Members concerned. For this purpose the Commission or its Executive Committee, in conformity with the provisions of Article XI (5), may use any uncommitted balances of the Administrative Budget referred to in Article XIII (7) as well as any supplementary contributions which may be provided for emergency action under Article XIII (4).
2. To take suitable action in the following fields:
 - 2.1 Storage of antigen and/or vaccines by or on behalf of the Commission for distribution to any Member in case of need.
 - 2.2 Promotion when necessary of the establishment by a Member or Members of “cordons sanitaires” to prevent the spread of disease, following the recommendations of the OIE and, as applicable, the European Union.
 - 2.3 The training of personnel of Members as required for management of an emergency response and the establishment of a cadre of trained personnel who can assist other Members in case of need.
 - 2.4 The maintenance and promotion of appropriate biocontainment standards, and training in these, for handling of materials containing foot-and-mouth disease virus by Members.
3. To carry out such further special projects as may be suggested by Members or by the Executive Committee and approved by the Commission for achieving the purposes of the Commission as set forth in this Constitution.
4. Funds from the surplus of the Administrative Budget may be used for the purposes stated in paragraphs 2 and 3 of this Article when such action is approved by the Commission by a two-thirds majority of the votes cast, providing such majority is more than one half of the membership of the Commission.

ARTICLE VI

Sessions

1. Each Member shall be represented at Sessions of the Commission by a single delegate who may be accompanied by an alternate and by experts and advisers. Alternates, experts and advisers may take part in the proceedings of the Commission but not vote, except in the case of an alternate who is duly authorized to substitute for the delegate.
2. Each Member shall have one vote. Decisions of the Commission shall be taken by a majority of the votes cast except as otherwise provided in this Constitution. A majority of the Members of the Commission shall constitute a quorum.
3. The Commission shall elect, at the end of each regular session, a Chairperson and two Vice-Chairpersons and the members of the Executive Committee from amongst the delegates. The Commission shall also appoint the members of special or standing Committees.
4. The Director-General of the Organization in consultation with the Chairperson of the Commission shall convene a regular session of the Commission at least every two years. Special sessions may be convened by the Director-General in consultation with the Chairperson of the Commission or, if so requested, by the Commission in regular sessions or by at least one third of the Members during intervals between regular sessions.

ARTICLE VII

Committees

1. The Commission may establish temporary, special or standing committees to study and report on matters pertaining to the purpose of the Commission, subject to the availability of the necessary funds in the approved budget of the Commission.
2. These committees shall be convened by the Director-General of the Organization in consultation with the Chairperson of the Commission and with the Chairperson of the special or standing committee concerned, at such times and places as are in accordance with the objectives for which they were established.
3. Membership in such committees may be open to all Members of the Commission or consist of selected Members of the Commission or of individuals appointed in their personal capacity because of their competence in technical matters, as determined by the Commission. On proposal of the Chairperson, observers may be invited to participate in the meetings of the special and standing committees.
4. Members of the committees shall be appointed at the regular session of the Commission and each committee shall elect its own Chairperson.

ARTICLE VIII

Rules and Regulations

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

General of the Organization, the Financial Regulations and amendments thereto being subject to confirmation by the Council of the Organization.

ARTICLE IX

Observers

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

ARTICLE X

Executive Committee

1. An Executive Committee shall be established and shall be composed of the ~~Chairman~~^{Chairperson}, two Vice-Chairmen^{Vice-Chairpersons} of the Commission and ~~six~~^{five} delegates of Members selected by the Commission at the end of its regular session. Due regard should be taken to ensure that the membership of the Executive Committee is equitably geographically representative. The ~~Chairman~~^{Chairperson} and the ~~Vice-Chairmen~~^{Vice-Chairpersons} of the Commission shall be the ~~Chairman~~^{Chairperson} and ~~Vice-Chairpersons~~^{Vice-Chairpersons} of the Executive Committee.
2. Members of the Executive Committee shall hold office until the end of the next regular session without prejudice to the right of re-election.
3. ~~If a vacancy occurs in the Executive Committee before the expiration of the term of appointment, the Committee may proceed to fill the vacancy request a Member of the Commission to appoint a representative to fill the vacancy for the remainder of the term.~~ If a delegate in the Executive Committee becomes permanently unavailable for unavoidable reasons, the Member represented by that delegate shall be requested to nominate a new delegate for the remainder of the term.
4. The Executive Committee shall meet at least twice at reasonable intervals between any two successive regular sessions of the Commission.
5. The Secretary of the Commission shall act as Secretary to the Executive Committee.

ARTICLE XI

Functions of the Executive Committee

The Executive Committee shall:

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

ARTICLE XII

Administration

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

ARTICLE XIII

Finance

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

Regulation shall apply. The determination made by the Executive Committee shall be subject to confirmation by the Commission at its next regular session.

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

ARTICLE XIV

Amendments

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

date of entry into force of the amendment, continue to be governed by the provisions of the Constitution as they stood prior to the amendment. Upon expiry of the afore-mentioned period, any Member of the Commission that has not accepted such amendment shall be bound by the Constitution as so amended.

9. The Director-General shall inform all Members of the Commission of the entry into force of any amendment.

ARTICLE XV

Acceptance

1. Acceptance of this Constitution shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization and shall take effect, as regards Members of the Organization or the OIE, on receipt of such instrument by the Director-General who shall forthwith inform each of the Members of the Commission.

2. Membership of States that are eligible for membership under Article I, but are neither Members of the Organization nor of the OIE, shall become effective on the date on which the Commission approves the application for membership in conformity with the provisions of Article I. The Director-General shall inform each of the Members of the Commission of the approval of any application for membership.

3. Acceptance of the Constitution may be made subject to reservations. The Director-General of the Organization shall notify forthwith all Members of the Commission of the receipt of any application for membership or any instrument of acceptance of the Constitution either of which contains a reservation. A reservation shall become effective only upon unanimous approval by the Members of the Commission. The Members of the Commission not having replied within three months from the date of the notification by the Director-General of the reservation shall be deemed to have accepted the reservation. Failing unanimous approval by the Members of the Commission of a reservation, the nation making the reservation shall not become a party to this Constitution.

ARTICLE XVI

Withdrawal

1. Any Member may withdraw from the Commission at any time after the expiration of one year from the date on which its acceptance took effect or from the date on which the Constitution entered into force, whichever is the later, by giving written notice of withdrawal to the Director-General of the Organization who shall forthwith inform all Members of the Commission. The withdrawal shall become effective one year from the date of receipt of the notification of withdrawal.

2. Non-payment of two consecutive annual contributions shall be regarded as implying withdrawal of the defaulting Member from the Commission.

3. Any Member of the Commission withdrawing from the Organization of the OIE, when such withdrawal results in this Nation no longer being a Member of either of these two Agencies, shall be deemed to have withdrawn simultaneously from the Commission.

ARTICLE XVII

Settlement of Disputes

1. If there is any dispute regarding the interpretation or application of this Constitution, the Member or Members concerned may request the Director-General of the Organization to appoint a committee to consider the question in dispute.
2. The Director-General shall there-upon, after consultation with the Members concerned, appoint a committee of experts which shall include representatives of those Members. This committee shall consider the question in dispute, taking into account all documents and other forms of evidence submitted by the Members concerned. This committee shall submit a report to the Director-General of the Organization who shall transmit it to the Members concerned and to the other Members of the Commission.
3. The Members of the Commission agree that the recommendations of such a committee, while not binding in character, will become the basis for renewed consideration by the Members concerned of the matter out of which the disagreement arose.
4. The Members concerned shall share equally the expenses of the experts.

ARTICLE XVIII

Termination

1. This Constitution shall be terminated by a decision of the Commission taken by a three-fourths majority of the membership of the Commission. It shall automatically be terminated should membership, as a result of withdrawals, comprise fewer than six Nations.
2. On termination of the Constitution all assets of the Commission shall be liquidated by the Director-General of the Organization and after settlement of all liabilities the balance shall be distributed proportionally amongst Members on the basis of the scale of contributions in force at the time. Nations whose contributions are in arrears for two consecutive years and hence deemed to have withdrawn in conformity with Article XVI (2) shall not be entitled to a share of the assets.

ARTICLE XIX

Entry into Force

1. This Constitution shall enter into force upon receipt by the Director-General of the Organization of notifications of acceptance from six Member Nations of the Organization or of the OIE, providing that their contributions represent in the aggregate not less than 30 percent of the Administrative Budget provided for in Article XIII (1).
2. The Director-General shall notify all Nations having deposited notifications of acceptance of the date on which this Constitution comes into force.
3. The text of this Constitution drawn up in the English, French and Spanish languages, which languages shall be equally authoritative, was approved by the Conference of the Organization on the Eleventh day of December 1953.
4. Two copies of the text of this Constitution shall be authenticated by the Chairperson of the Conference and the Director-General of the Organization, one copy of which shall be deposited with

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