

RAP PUBLICATION 2009/22

**ASIA AND PACIFIC PLANT PROTECTION
COMMISSION RULES**



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COMMISSION RULES**

The Asia and Pacific Plant Protection Commission (APPPC)
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
REGIONAL OFFICE FOR ASIA AND THE PACIFIC
Bangkok 2009

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FOREWORD

At its 84th Session (November 1983), the FAO Council approved a number of amendments to Articles II, III, IV and XIV of the Plant Protection Agreement for Asia and the Pacific, to introduce mandatory contributions for the Contracting Governments. These amendments entered into force on 4 September 2009 (the 30th day after acceptance by two-thirds of the Contracting Governments).

Pursuant to Article II.1(a) and 5 of the Agreement, the Asia and Pacific Plant Protection Commission (APPPC) adopted its Rules of procedure and Financial Rules during the 26th Session (August-September 2009, New Delhi, India).

These Rules will govern the procedural activities and the financial administration of the Commission under the framework of the General Rules of FAO. The Rules of procedure shall apply to all sessions of the Commission and the activities of the Secretary under the framework of the General Rules of FAO.

The Financial Rules shall govern the financial administration of the Commission; for all matters not covered by these Rules, the Financial Regulations and procedures of the Organizations shall apply.

This document presents the APPPC rules of procedure and financial rules.

It is expected that these Rules will strengthen and promote greater efficiency of the Asia and Pacific Plant Protection Commission through regulated administration and financial management.



He Changchui
Assistant Director-General and
FAO Regional Representative for
Asia and the Pacific

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ASIA AND PACIFIC PLANT PROTECTION COMMISSION RULES OF PROCEDURE*

Rule I. Definitions

For the purpose of these Rules, the following definitions apply:

- (a) **Agreement:** the Plant Protection Agreement for the Asia and Pacific Region approved by the Council at its twenty-third session (November 1955), subsequently amended;
- (b) **Chairperson and Vice-Chairpersons:** the Chairperson and the Vice-Chairpersons of the Commission.
- (c) **Commission:** the Asia and Pacific Plant Protection Commission established in pursuance of Article II of the Agreement.
- (d) **Conference:** the Conference of the Organization.
- (e) **Contracting Government:** a party to the Agreement.
- (f) **Contributing Contracting Government:** a Contracting Government that has accepted the amendments to Articles II, III, IV and XIV to the Agreement introducing mandatory contributions and entering into force on 4 September 2009.
- (g) **Convention:** the International Plant Protection Convention.
- (h) **Council:** the Council of the Organization.
- (i) **Delegate:** the representative of a Contracting Government as specified in Article II of the Agreement.
- (j) **Delegation:** the delegate and his alternate(s), experts and advisers.
- (k) **Director-General:** the Director-General of the Organization.
- (l) **Observer Nation and Observer Organization:** any Member or Associated Member of the Organization, or a Nation that is not a member of the Commission, nor a Member or an Associated Member of the Organization but is a Member of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, and attends a session of the Commission; or an Intergovernmental

* Adopted at the 26th Session of APPPC, 31 August to 4 September 2009.

Organization with which the Organization has concluded a cooperation agreement.

- (m) **Organization:** the Food and Agriculture Organization of the United Nations.
- (n) **Region:** the Asia and Pacific Region as specified in the Agreement.
- (o) **Secretary:** the Secretary of the Commission.

Rule II. Scope

These Rules of Procedure shall apply to all sessions of the Commission and the activities of the Secretary. They shall also apply, *mutatis mutandi*, to its subsidiary bodies unless the Commission decides otherwise.

Rule III. Sessions of the Commission

1. Pursuant to Article II.3 of the Agreement, the Commission shall meet whenever convened by the Director-General, in consultation with the Chairperson and the Secretary, at least once every two years in accordance with the requirements of the Commission's programmes and the terms of the invitation by the country in which the session is to be held, as appropriate.

2. The Director-General shall convene an extraordinary session of the Commission at the request of at least one third of the Contracting Governments.

3. Invitations to a regular session of the Commission shall be issued by the Secretary and sent to Contracting Governments and to potential Observer Nations or Intergovernmental Organizations, not less than forty-five days in advance of the date fixed for the opening of the session. Invitations to extraordinary sessions shall be issued not less than thirty days in advance of the date fixed for the opening of such extraordinary sessions.

4. In order that a proposal to hold a session of the Commission or any of its organs, in a given country, may be considered, such a country (i) must have ratified, without reservation, the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, or (ii) given the assurance that all delegates, representatives, experts, observers, or other persons entitled to attend such a session in accordance with the terms of the Agreement or these Rules, will enjoy the privileges and immunities necessary for the independent exercise of their functions in connection with the session.

Rule IV. Registration

The Secretary shall

- (a) make arrangements for the registration of delegates and observers, including by establishing a standard format to that effect;
- (b) report to the Commission on the registration of delegates and observers, as may be required.

Rule V. Agenda

1. Notwithstanding the provisions of Article II of the Agreement, the agenda for each regular session of the Commission shall include the following items:

- (a) election of the Chairperson and of the Vice-Chairpersons, as appropriate;
- (b) adoption of the agenda;
- (c) consideration of the report by the Secretary on the financial and administrative affairs of the Commission, and of the report by the Chairperson, or the Secretary as appropriate, on the activities of the Commission;
- (d) consideration of the programme of work and the estimates for the budget and the levels of mandatory contribution for each Contributing Contracting Government;
- (e) consideration of the reports on inter-sessional activities of the subsidiary bodies of the Commission; and of significant developments in the pest and disease situation and management in the Region;
- (f) consideration of the time and place of the next session;
- (g) consideration of items referred to the Commission by the Conference, the Council, the Director-General, or the Commission on Phytosanitary Measures of the Convention, or its Secretary.

2. The agenda shall include, upon approval by the Commission, items approved at the previous session, proposed by the subsidiary bodies of the Commission and by a Contracting Government.

3. The agenda of an extraordinary session shall consist only of the items relating to the purpose for which the session was called.

4. Formal proposals relating to items on the agenda and amendments thereto introduced during a session of the Commission shall be made in writing and handed over to the Chairperson or the Secretary, who shall arrange copies to be circulated to all delegates attending the session.

Rule VI. Secretariat

Notwithstanding the terms of the mandate assigned to the Secretary, the duties of the Secretariat shall include, as appropriate, to:

- (a) receive and transmit the Commission's official communications;
- (b) maintain contact with appropriate government officials, in particular the National Plant Protection Organizations, with the Regional Plant Protection Organizations recognized as such by the Organization under the provision of Article IX of the Convention, and with the Secretary of the Convention, to facilitate consultation and cooperation on all matters pertaining to the objectives of the Commission;
- (c) maintain an active and effective network of national focal points for routine communication on progress and results of the activities of the Commission;
- (d) prepare and implement work programmes, prepare budgets and ensure timely reporting to the Commission and to the Director-General;
- (e) manage the funds of the Commission in accordance with the its Financial Rules and the Financial Regulations and procedures of the Organization;
- (f) formulate proposals regarding the budget and programme of work, or other activities, of the Commission financed by the regular budget of the Organization;
- (g) promote, facilitate and monitor the development of databases for plant protection;
- (h) advise on the coordination of the programmes of research of the Contracting Governments;
- (i) participate in the oversight of activities of projects carried out under the general framework of the Commission or its subsidiary bodies;

- (j) organize sessions of the Commission and its subsidiary bodies and other related technical meetings, as well as prepare, or arrange for the preparation, of background documents and papers and a report on the Commission's activities and the programme of work for the submission to the Commission at its regular sessions, and arrange for the subsequent publication of the report and the proceedings of the Commission, as well as its subsidiary bodies and related technical meetings;
- (k) take such appropriate steps as may be required to ensure coordination between the activities of the Commission and those carried out by the Organization through the Plant Production and Protection Division, and with the Secretary of the Convention, with particular reference to all matters having policy, financial or programme implications.

Rule VII. Chairmanship

1. The Commission shall elect, from among delegates or their alternates attending the session at which they are elected, the Chairperson and three Vice-Chairpersons of the Commission, who shall assume office immediately following the regular session at which they were elected and who shall be elected for two regular sessions. The Chairperson and the Vice-Chairpersons shall be eligible for re-election for a further two regular sessions.

2. The Chairperson shall exercise the functions conferred on him elsewhere in these Rules and, in particular, shall:

- (a) declare the opening and closing of each plenary meeting of the Commission;
- (b) direct the discussions at such meetings and ensure observance of these Rules, accord the right to speak, propose questions and announce decisions;
- (c) rule on points of order;
- (d) subject to these Rules, have complete control over the proceedings of the session;
- (e) appoint such committees of the session as the Commission may direct.

3. In the absence of the Chairperson, or at the request of the Chairperson, the functions of the Chairperson shall be exercised by one of the Vice-Chairpersons.

4. The Chairperson, or the Vice-Chairpersons when acting as Chairperson, shall not vote and another member of their delegations shall represent their Contracting Government.

5. In case either the Chairperson or any of the Vice-Chairpersons are unable to serve, the Secretary shall temporarily exercise the functions of the Chairpersons and shall conclude the session when its agenda is fully covered.

6. The Commission may adopt rules, consistent with the present Rules, clarifying the functions of the Chairperson and Vice-Chairperson, with particular reference to any functions performed during the inter-session period.

Rule VIII. Decision-making, voting arrangements and procedures

1. Each Contracting Government shall be represented on the Commission and shall have one vote. A majority of the Contracting Governments shall constitute a quorum. Except as otherwise provided in the Agreement or in this Rule, all decisions of the Commission shall be taken by a majority of votes cast unless, by consensus, another method of arriving at a decision is reached.

2. Except as otherwise provided in Rule VIII.5 below, voting in plenary sessions of the Commission shall be by a show of hands, except that a vote by roll call shall be taken if a special majority is required by the Agreement or these Rule, or if a request for a vote by roll call is made by any delegation.

3. A vote by roll call shall be conducted by calling upon delegations in English alphabetical order.

4. The record of any roll call vote shall show the votes cast by each delegate and any abstention.

5. Voting on matters relating to individuals, except the election of the Chairperson and Vice-Chairpersons of the Commission and its committees, shall be by secret ballot.

6. When, on the first ballot, no nominee for an office obtains a majority of the votes cast, there shall be taken a second ballot confined to the two candidates obtaining the largest number of votes. If, on the second ballot, the votes are equally divided, the Chairperson shall decide between the candidates by drawing lots.

7. If the Commission is equally divided when a vote is taken on a question other than an election, a second vote shall be taken at the next meeting of the current session. If the Commission is then equally divided, the proposal shall be regarded as rejected.

8. Voting arrangements and other related matters not specifically provided for by the Agreement, or by these Rules, shall be governed, *mutatis mutandis*, by Rule XII of the General Rules of the Organization.

9. Observers may, upon invitation of the Chairperson, address the Commission and participate but with neither the right to express their consensus nor to vote.

Rule IX. Committees and other subsidiary bodies, and technical meetings

1. The establishment of Committees and other subsidiary bodies, and the holding of technical meetings shall be subject, whenever required, to the availability of necessary funds in the relevant approved budget. When the related expenses are to be borne by the Organization, the determination of such availability shall be made by the Director-General. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Commission shall have before it a report from the Director-General on the administrative and financial implications thereof.

2. Committees and other subsidiary bodies, and technical meetings, established or held under this Rule, shall be:

- (a) established or held for the purpose of providing the Commission with independent advice on technical, economical, administrative and legal, and environmental issues under its mandate;
- (b) open to all Contracting Governments.

Rule X. Budget and finance

1. Any estimates of expenditures to be covered by the budget of the Organization shall be reported by the Secretary to the Commission for information. Such estimates are part of the general budget of the Organization and, without prejudice to the relevant rules of the Organization and the decisions of its Governing Bodies, they constitute the limits within which funds may be committed for purposes approved by the Conference of FAO.

2. Any estimates of expenditures to be covered by the mandatory contributions provided for by Contributing Contracting Governments under Article III of the Agreement, shall be submitted by the Secretary to the session of the Commission for approval by consensus. Once approved, they are forwarded to the Director-General, provided that any budgetary or financial matters relative to the budget of the Commission shall be dealt with in accordance with the Financial Rules of the Commission and the Financial Regulations and procedures of the Organization.

Rule XI. Observers

At the opening of a session of the Commission, the Secretary circulates a list of observers who have requested to be present at the session.

Rule XII. Records and reports

1. At each session, the Commission shall approve a report embodying its decisions, views, recommendations and conclusions. Such other records, for its own use, as the Commission may, on occasion, decide, shall also be maintained.

2. The report of the Commission shall be transmitted after each session, by the Secretary, to the Director-General, and circulated by the Secretary to all Contracting Governments, to other Regional Plant Protection Organizations and to observers that attended the Session, for their information, and, upon request, to other Members and Associate Members of the Organization.

3. Recommendations and decisions of the Commission having policy, programme or financial implications for the Organization shall be brought by the Secretary, through the Director-General, to the attention of the Conference or Council of the Organization for appropriate action.

Rule XIII. Expenses

1. Expenses incurred by representatives of Contracting Governments and any delegation, when attending sessions of the Commission, as well as the expenses incurred by observers at sessions, shall be borne by their respective government or organization.

2. Notwithstanding the provisions of Rule XIII.1 above, the expenses of Contracting Governments which are developing countries, especially lesser-developed countries, and countries with economies in transition, invited to attend sessions of the Commission and its subsidiary bodies, may be met by the core administrative budget of the Commission on decisions taken under exceptional circumstances as declared by the Commission.

3. Any financial operations of the Commission and its subsidiary bodies shall be governed by the appropriate provisions of the Financial Rules of the Commission and the Financial Regulations and procedures of the Organization.

Rule XIV. Languages

The languages of the Commission shall be the languages of the Agreement.

Rule XV. Amendments

Amendments to these Rules may be adopted on the motion of any delegation by a two-thirds majority of the Contracting Governments, at any plenary meeting of the Commission, provided an announcement is made at a plenary meeting and copies of the proposal for the amendment have been distributed to delegations not less than twenty-four hours before the meeting at which action is to be taken.

Rule XVI. Application of the General Rules of FAO

The provisions of the General Rules of the Organization shall apply *mutatis mutandis* to all matters not specifically dealt with under the present Rules.

Rule XVII. Entry into force

These Rules and any amendments thereto shall come into force upon their approval by the Commission.

ASIA AND PACIFIC PLANT PROTECTION COMMISSION FINANCIAL RULES*

Rule I. Definitions

For the purpose of these Rules, the following definitions apply:

- (a) **Agreement:** the Plant Protection Agreement for the Asia and Pacific region approved by the Council at its twenty-third session (November 1955), subsequently amended.
- (b) **Commission:** the Asia and Pacific Plant Protection Commission established in pursuance of Article II of the Agreement.
- (c) **Contracting Government:** a party to the Agreement.
- (d) **Contributing Contracting Government:** a Contracting Government that has accepted the amendments to Articles II, III, IV and XIV to the Agreement introducing mandatory contributions and entering into force on 4 September 2009.
- (e) **Delegate:** the representative of a Contracting Government as specified in Article II of the Agreement.
- (f) **Delegation:** the delegate and his alternate(s), experts and advisers.
- (g) **Director-General:** the Director-General of the Organization.
- (h) **Mandatory contribution:** the contribution paid by a Contributing Contracting Government as per Articles II, III, IV and XIV to the Agreement in its amended version entering into force on 4 September 2009.
- (i) **Organization:** the Food and Agriculture Organization of the United Nations.
- (j) **Secretary:** the Secretary of the Commission.

Rule II. Applicability

1. These Rules shall govern the financial administration of the Commission established in pursuance of Article II of the Agreement.

* Adopted at the 26th Session of APPPC, 31 August to 4 September 2009.

2. For all matters not covered by these Rules, the Financial Regulations and procedures of the Organizations shall apply.

Rule III. Financial period

The financial period shall be two calendar years.

Rule IV. Budget

1. The budget comprises the mandatory contributions referred to in Rule I.(h) above and any voluntary contribution; it may also reflect, in an appropriate manner, expenditure borne by the Organization.

2. The estimates for mandatory contributions:

(a) are prepared by the Secretary who circulates them to the Contributing Contracting Governments, as well as to Contracting Governments, not less than forty-five days before each regular session;

(b) cover income and expenditure for the financial period to which it relates and is presented in United States dollars;

(c) are presented by lines of expenditure and divided into sub-lines of expenditure as appropriate, which shall reflect the programme of work covered by such estimates, including such other information, annexes or explanatory statements as may be requested by the Commission.

3. At the end of each financial period, the Secretary reports to the Commission on:

(a) the amount of the voluntary contributions and other forms of assistance received during the past financial period from organizations, individuals and other sources;

(b) the activities funded by such voluntary contributions.

4. The budget referred to in Rule IV.1 above shall provide for:

(a) administrative expenditure, including an amount to cover the Organization's costs equal to 13 percent of the budget of the Commission;

- (b) expenditure for activities of the Commission provided that the relevant estimates are presented in a single total only, and that detailed estimates for each particular activity are approved as “supplementary details” of the budget;
 - (c) contingencies for the purposes, and in accordance, with the criteria fixed by the Commission.
5. At each biennial session, the Commission shall:
- (a) adopt the estimates for mandatory contributions as well as the related programme of work for the coming biennium;
 - (b) endorse the expenditures made on the basis of the estimates referred to in Rule IV.5(a) above, and the expenditures made for the activities funded by the voluntary contribution referred to in Rule IV.3(b) above.
6. The budget of the Commission shall be submitted to the Finance Committee of the Organization for its information.
7. When a Government referred to in Article X of the Agreement, or a Contracting Government, becomes a Contributing Contracting Government during the course of a financial period, any contribution made by such new Contributing Contracting Government is considered as a voluntary contribution as per Rule IV.3(a) above.
8. Expenditures shall consist of such expenses as are incurred in the implementation of the programme of work, including necessary project staff costs and the administrative and operational support costs incurred by the Organization and charged strictly in accordance with the policy on support cost reimbursement approved in conformity with the Financial Regulations of the Organization.

Rule V. Appropriations

1. After the estimates have been adopted as per Rule IV.5(a), the appropriations therein shall constitute the authorization for the Secretary to incur obligations and make payments for the purposes for which the appropriations were adopted and up to the amounts so adopted.

2. In cases of emergency, the Secretary is authorized to accept additional contributions from a Contributing Contracting Government or a Contracting Governments or grants from other sources, and incur expenditure against them for emergency actions for which such contributions or grants were specifically provided. Such contributions, grants and expenditure related thereto shall be administrated in accordance with the Financial Regulations of the Organization and shall be reported in detail to the next session of the Commission.

3. Any appropriation not utilized at the closure of the biennial budget shall be cancelled or, where an obligation remains a valid charge, transferred against current appropriations.

4. Any balance of contributions exceeding expenditure at the closure of the biennial budget shall be integrated into the budget of the following biennial period.

5. Transfers between lines of expenditure may be effected by the Secretary who shall report accordingly to the Commission.

Rule VI. Provision of funds

1. The appropriations of the part of the budget constituted by mandatory contributions shall be financed by contributions from Contributing Contracting Governments determined and payable in accordance with Article III of the Agreement. Pending receipt of annual contributions, the Secretary is authorized to finance budgeted expenditure from the uncommitted balance of the biennial budget, as mentioned in Rule V.3 above.

2. Before the beginning of each calendar year the Secretary shall inform the Contributing Contracting Governments of their obligations in respect of mandatory contributions.

3. Mandatory contributions shall be due and payable in full preferably within 30 days of the receipt of the communication of the Secretary referred to in Rule VI.2 above, or as of the first day of the calendar year to which they relate, whichever is later. As of 1 January of the following calendar year, the unpaid balance of such contributions shall be considered to be one year in arrears.

4. Any contributions to the biennial budget shall be assessed in United States dollars and shall be calculated in accordance with the pertinent scale of contributions adopted by the Commission and annexed to these Rules and forming an integral part thereof. The contributions shall be paid in United States dollars unless otherwise determined by the Commission.

Rule VII. Funds

All contributions, donations and other forms of assistance received shall be placed in one or more Trust Funds administered by the Director-General in conformity with the Financial Regulations of the Organization.

Rule VIII. Accounts

1. With respect to the Trust Funds referred to in Rule VII above, the Organization shall maintain the following accounts:

- (a) a general account to which shall be credited receipts of all mandatory contributions paid under Article III of the Agreement and from which shall be met all expenditure chargeable against the sums allocated to the biennial budget;
- (b) such additional accounts as may be necessary to which shall be credited the voluntary contributions and from which shall be met all expenditure related thereto.

2. Financial reports on the income and expenditure of each such account shall be prepared and submitted to the Commission and the Contracting Governments for such period and at such frequency as determined by the Commission.

Rule IX. Amendments

Amendments to these Rules may be adopted on the motion of any delegation by a two-thirds majority of the Contracting Governments, at any plenary meeting of the Commission, provided an announcement is made at a plenary meeting and copies of the proposal for the amendment have been distributed to delegations not less than twenty-four hours before the meeting at which action is to be taken.

Rule X. Application of the general rules of FAO

The provisions of the General Rules of the Organization shall apply *mutatis mutandis* to all matters not specifically dealt with under the present Rules.

Rule XI. Entry into force

These Rules and any amendments thereto shall come into force upon their approval by the Commission.

Annex

SCALE OF CONTRIBUTIONS

The scale of contribution is based on percentage of contributions to UN regular budget. It is subject to change at biennium basis in line with UN scale of assessment.

Scale of contributions (2010-2011) – APPPC

No.	APPPC member countries endorsing mandatory contributions	Percentage contributions to UN regular budget for 2007-2009 based on UN scale of assessments ¹	Percentage contribution of APPPC's endorsing countries based on UN scale of assessment	Adjusted % contributions based on UN's 22% maximum assessment rate and LDC ceiling criteria (0.010%)
1.	China ²	2.667	33.832	22.000
2.	Republic of Korea ²	2.173	27.566	22.000
3.	Australia ²	1.787	22.669	22.000
4.	India	0.450	5.708	12.288
5.	New Zealand	0.256	3.247	6.991
6.	Malaysia	0.190	2.410	5.188
7.	Indonesia	0.161	2.042	4.396
8.	Philippines	0.078	0.989	2.130
9.	Pakistan	0.059	0.748	1.611
10.	Viet Nam	0.024	0.304	0.655
11.	Sri Lanka	0.016	0.203	0.437
12.	DPR Korea	0.007	0.089	0.191
13.	Fiji	0.003	0.038	0.082
		7.871		99.970
14.	Bangladesh ³	0.010	0.127	0.010
15.	Cambodia ³	0.001	0.013	0.010
16.	Lao PDR ³	0.001	0.013	0.010
	Total	7.883	100.000	100.000

Notes:

¹ The rates derive directly from the United Nations Scale of Assessments established for 2007-2009 for 192 member States. Reference is made to General Assembly's Resolution No. 6/137 on scale

of assessments for the apportionment of the expenses of the United Nations, which was distributed on 13 February 2007. The total rates form the basis for calculating the percentage contributions of APPPC's endorsing countries, the total of which adds up to a full 100 percent.

- ² The UN scale of assessment is subject to a maximum assessment rate of 22 percent, as set out in the UN General Assembly's resolution 55/5 B of 23 December 2000 (Reference: Item 1(h) on Page 2).
- ³ The percentage share of contributions by each of the three least developed countries (LDCs) including, on September 2009, Bangladesh, Cambodia and Lao PDR does not exceed 0.010 percent. Based on the criteria of the UN scale of assessment, the maximum assessment rate for the least developed countries (LDC ceiling) is 0.010 percent, as set out in the UN General Assembly's resolution 55/5 B of 23 December 2000 (Reference: Item 1(g) on Page 2).

The above share of contributions is based upon the list of Least Developed Countries prepared by UN Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLIS) which was established by the UN General Assembly in 2001.

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