

9. Rules of Procedure of the Committee on Budget and Finance⁺

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⁺ The Rules of Procedure of the Committee on Budget and Finance are reproduced from the *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Second session, New York, 8-12 September 2003* (United Nations publication, Sales No. E.03.V.13), annex III. The amendments are reflected via footnotes.

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I. Sessions

Rule 1

Frequency of sessions

The Committee on Budget and Finance (hereafter referred to as “the Committee”) shall meet when required and at least once per year.

Rule 2

Place of sessions

The Committee shall normally meet at the seat of the Court. Sessions of the Committee may be held at another place if the Committee and/or the Assembly of States Parties so decides.

Rule 3

Convening of sessions

1. Sessions of the Committee shall be convened at the request of:
 - (a) The Assembly of States Parties;
 - (b) The majority of the members of the Committee;
 - (c) The Chairperson of the Committee.
2. Before the Chairperson makes a request to convene a session of the Committee, he/she shall consult the members of the Committee, including on the date and duration of the session.
3. Any session of the Committee called pursuant to a request of the Assembly of States Parties shall be convened as soon as possible but no later than sixty days from the date of the request.

Rule 4

Notification of members

The Chairperson shall notify the members of the Committee as early as possible of the date and duration of each session.

II. Agenda

Rule 5

Drawing up of the provisional agenda

The provisional agenda for each session of the Committee shall be drawn up by the Secretariat of the Assembly of States Parties (hereinafter referred to as “the Secretariat”) in consultation with the Chairperson of the Committee, whenever possible, and shall include:

- (a) All items proposed by the Assembly;
- (b) All items proposed by the Committee;
- (c) All items proposed by the Chairperson;

- (d) All items proposed by any members of the Committee;
- (e) All items proposed by the Court.

Rule 6

Communication of the provisional agenda

The provisional agenda for each session of the Committee shall be communicated to the members of the Committee and the Court as early as possible in advance of the session, but at least twenty-one days before the opening of the session. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members of the Committee and to the States Parties of the Assembly sufficiently in advance of the session.

Rule 7

Adoption of the agenda

1. At the beginning of each session the Committee shall adopt its agenda for the session, on the basis of the provisional agenda.
2. The Committee may, if necessary, amend the agenda, provided that no item referred to it by the Assembly be deleted or modified.

III. Functions of the Committee

Rule 8

Incompatible activities and confidentiality

1. Members of the Committee shall have no financial interest in any activity relating to matters upon which the Committee has the responsibility to make recommendations. They shall not disclose, even after termination of their functions, any confidential information coming to their knowledge by reason of their duties for the Committee.
2. Members of the Committee shall not be eligible to assume any other functions at the International Criminal Court.

Rule 9

Functions

The Committee shall be responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications or any other matter of a financial, budgetary or administrative nature as may be entrusted to it by the Assembly of States Parties. In particular, it shall review the proposed programme budget of the Court, prepared by the Registrar, in consultation with the other organs referred to in article 34, subparagraphs (a) and (c), of the Rome Statute, and shall make the relevant recommendations to the Assembly concerning the proposed programme budget. It shall also consider reports of the Auditor concerning the financial operations of the Court and shall transmit them to the Assembly together with any comments that it may deem appropriate.

IV. Officers

Rule 10

Election and term of Chairperson and Vice-Chairperson

1. Each year at its first meeting, the Committee shall elect a Chairperson and a Vice-Chairperson from among its members.
2. The Chairperson and the Vice-Chairperson shall be elected for a term of one year. They shall be eligible for re-election twice.

Rule 11

Acting Chairperson

1. In the absence of the Chairperson, the Vice-Chairperson shall take his/her place.
2. If the Chairperson ceases to hold office pursuant to rule 15, the Vice-Chairperson shall take his/her place until the election of a new Chairperson.

Rule 12

Powers of the Acting Chairperson

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

Rule 13

Rapporteur

The Committee may appoint, if necessary, one of its members as Rapporteur for any particular question.

Rule 14

General powers of the Chairperson

1. The Chairperson, in the exercise of his/her functions, remains under the authority of the Committee.
2. In addition to exercising the powers conferred upon him/her elsewhere in these rules, the Chairperson shall declare the opening and closing of each meeting of the Committee, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings of the Committee and over the maintenance of order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Committee the limitation of time to be allowed to speakers, the limitation of the number of times each member may speak on any question, the closure of the list of speakers or the closure of the debate. He/she may also propose the suspension or the adjournment of the meeting or of the debate on the question under discussion.
3. The Chairperson shall represent the Committee at meetings of the Assembly of States Parties.

Rule 15

Replacement of the Chairperson or the Vice-Chairperson

If the Chairperson or the Vice-Chairperson ceases to be able to carry out his/her functions or ceases to be a member of the Committee, he/she shall cease to hold such office and a new Chairperson or Vice-Chairperson shall be elected for the unexpired term.

V. Secretariat

Rule 16

Duties of the Head of the Secretariat

1. The Head of the Secretariat shall act in that capacity in all meetings of the Committee. He/she may designate a member of the Secretariat to act as his/her representative. He/she shall perform such other functions as are assigned to him/her by the Committee.
2. The Head of the Secretariat shall provide and direct the staff required by the Committee, taking into account to the greatest extent possible the requirements of economy and efficiency, and be responsible for all the arrangements that may be necessary for its meetings.
3. The Head of the Secretariat shall keep the members of the Committee informed of any questions that may be brought before it for consideration.
4. The Head of the Secretariat shall provide to the Committee, at its request, information and reports on questions specified by the Committee.

Rule 17

Duties of the Secretariat

The Secretariat shall receive, translate, reproduce and distribute recommendations, reports and other documents of, and provided to, the Committee, interpret statements made at meetings, prepare and circulate, when it is so decided, records of the session, have custody and proper preservation of the documents in the archives of the Committee and, generally, perform all other work that the Committee may require.

VI. Conduct of business

Rule 18

Conduct of business

As far as conduct of business is concerned, the proceedings of the Committee shall be governed by general practice as reflected in the Rules of Procedure of the Assembly of States Parties.

VII. Decision-making

Rule 19

Voting rights

Each member of the Committee, including the Chairperson, shall have one vote.

Rule 20

Decision-making

1. As a general rule, decision-making in the Committee should be by consensus. If all efforts to reach a decision by consensus have been exhausted, decisions shall be taken by a majority of members present and voting.
2. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

Rule 21

Meaning of the phrase “members present and voting”

For the purposes of these rules, the phrase “members present and voting” means members present and casting an affirmative or negative vote. Members who abstain from voting shall be considered as not voting.

Rule 22

Conduct of voting

The Committee shall apply *mutatis mutandis* the rules relating to the conduct of voting in the Rules of Procedure of the Assembly of States Parties.

Rule 23

Elections

All elections in the Committee shall be held by secret ballot.

Rule 24

Conduct of elections

The Committee shall apply *mutatis mutandis* the rules relating to elections in the Rules of Procedure of the Assembly of States Parties.

VIII. Languages

Rule 25

Languages of the Committee

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Committee.

Rule 26
Interpretation

Statements made in any of the six languages of the Committee shall be interpreted into the other five languages.

Rule 27
Other languages

Any member may make a statement in a language other than the languages of the Committee. In this case, he/she shall himself/herself provide for interpretation into one of the languages of the Committee. Interpretation into the other languages of the Committee by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 28¹
Languages of recommendations and documents

All recommendations and other documents of the Committee shall be published in the languages of the Committee which are also the official languages of at least one State Party to the Rome Statute, unless otherwise decided by the Chairperson of the Committee.

IX. Meetings

Rule 29
Private and public meetings

1. The meetings of the Committee shall be held in private unless the Committee decides otherwise.
2. At the close of a private meeting of the Committee, the Chairperson may, if the Committee so decides, issue a communiqué through the Secretariat.

¹ As amended by resolution ICC-ASP/7/Res.7.