



Assembly of States Parties

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Amendments to the Rules of Procedure of the Committee on Budget and Finance

1. This document outlines the amendments to the Rules of Procedure of the Committee on Budget and Finance adopted by the Assembly at its eighteenth session. The full text of the amended Rules of Procedure is contained in the annex to resolution ICC-ASP/18/Res.1. The purpose of this document is to enable the reader to more easily identify the amendments that were adopted by the Assembly. Accordingly, a version of the Rules of Procedure with the amendments marked up is contained in the annex to this document. New text is shown in **bold** and deleted text is shown in ~~strike through~~.

Annex

Amendments to the Rules of Procedure of the Committee on Budget and Finance

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~~ **twice** per year.¹

Rule 2

Place of sessions

~~The~~ **In general, 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 (**hereafter referred to as “the Assembly”**) 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; **or**
 - (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, **unless the Assembly decides otherwise.**

Rule 4

Notification of members

The Chairperson, **via the Executive Secretary,**² 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”)~~ **Executive Secretary** 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 **members;**
- (c) All items proposed by the Chairperson;
- (d) All items proposed by any members of the Committee; **and**
- (e) All items proposed by the Court.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-7 February 2003 (ICC-ASP/1/3/Add.1), ICC-ASP/1/Res.4, annex, para. 4.*

² Refer to rule 16.

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 **and States Parties** 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, **the Court** 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 ~~9-8~~

Functions

1. **The Committee is a subsidiary body of the Assembly composed of independent experts elected by the Assembly.³**
2. 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~~ **the Committee** 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.~~ **The Committee** shall also consider reports of the **Audit Committee⁴** and the **External Auditor** concerning the financial operations of the Court and shall transmit them to the Assembly together with any comments ~~that~~ **which** it may deem appropriate.

Rule ~~8-9~~

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 **during their term**.
3. **Members of the Committee shall inform the Chairperson⁵ about any potential conflict of interest they might have or that may arise. Members finding themselves in such a situation shall not participate in the consideration of matters to which the conflict relates and shall not vote on such matters. If the Chairperson has any conflict of interest, the Committee members should be informed and the Vice-Chairperson will chair the consideration of the matter.**

IV. ~~Officers~~ Members of the Committee

Rule 10

Election and term of the Chairperson and the Vice-Chairperson

1. Each year at its first meeting, the Committee shall elect a Chairperson and a Vice-Chairperson from among its members.

³ ICC-ASP/1/Res.4.

⁴ At its fourteenth session, the Assembly approved the re-establishment of the Audit Committee. *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, paras. 140-145 and annex IV.

⁵ Or Vice-Chairperson if the member in this case is the Chairperson.

2. The Chairperson and the Vice-Chairperson shall be elected for a term of one year, **ending on the day before the first session in the following calendar year, and 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 **and exercise his/her functions**.
2. If the Chairperson ceases to hold office pursuant to rule 15, the Vice-Chairperson shall take his/her place **and exercise his/her functions** until the election of a new Chairperson.

Rule 14 12

General powers 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~~ **may** 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~~ **relevant meetings, to support the work of the Committee or may delegate another member to do so. The Chairperson shall report to all members on any such meetings.**

Rule 12 13

Powers of the Acting Chairperson

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

Rule 13-14

Rapporteur

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

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.~~
- 1. The Committee is assisted by the Secretariat of the Assembly of States Parties (ASP Secretariat). An Executive Secretary from within the ASP**

Secretariat has been designated for this purpose.⁶ Additional resources as and when these are required may be allocated by the Head of the ASP Secretariat.

2. The Executive Secretary reports to the Chair of the Committee on all issues of substance pertaining to the work of the Committee but remains a member of the ASP Secretariat in line with the management structure of the Court.⁷

3. The Executive Secretary, a staff member of 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 archive of the Committee and, generally, perform all other work that the Committee may require.

4. The Executive Secretary will fulfil such duties by coordinating between the Committee members and the respective units of the Court.

5. The Executive Secretary shall be responsible for all the arrangements that may be necessary for the meetings, including ensuring that the Committee has all the pertinent documents (in line with the agenda of the meeting) to be able to undertake its work.

~~3. 6.~~ The ~~Head of the Secretariat~~ Executive Secretary shall keep the members of the Committee informed of any questions that may be brought before it for consideration.

~~4. 7.~~ The ~~Head of the Secretariat~~ Executive Secretary 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~~ 17

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~~ 18

Voting rights

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

Rule ~~20~~ 19

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.

⁶ *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part B.2, para. 122.

⁷ ICC-ASP/2/Res.3.

Rule 21 20**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 21**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 22**Elections**

All elections ~~in the Committee~~ shall be held by secret ballot **and the procedure shall be conducted by the Secretariat**.

Rule 24 23**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 24****Languages of the Committee**

In line with rule 38 of the ASP Rules of Procedure, Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Committee. **The Committee can decide which language(s) to use among these six languages as working languages.**

Rule 26 25**Interpretation**

Statements made in any of the six languages of the Committee shall be interpreted into the other five languages, **if requested by any Committee member and in line with the relevant rules.**

Rule 27 26**Other languages**

1. 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.
2. Interpretation into the other languages of the Committee (by the interpreters of the ~~Secretariat Court~~, **where possible**) may be based on the interpretation given in the first such language.

Rule 28 27**~~Languages of recommendations and documents~~ Translation of 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.⁸

IX. Meetings**Rule 29 28****~~Private and public meetings~~ Meetings**

1. The meetings of the Committee shall be held in private **closed session**, unless the Committee decides otherwise.

⁸ ICC-ASP/7/Res.7.

2. ~~At the close of a private meeting of the Committee, the Chairperson may, if the Committee so decides,~~ **The Committee may decide to** issue a communiqué through the ~~Secretariat~~ **Executive Secretary**.

X. Review of the Rules

Rule 29

Review of the Rules

The Rules of Procedure may be reviewed, if and when necessary. Any proposed amendments shall be approved by the Assembly.
