ICGEB

International Centre for Genetic Engineering and Biotechnology

THE LEGAL DOCUMENTS

ICGEB International Centre for Genetic Engineering and Biotechnology
Developing Knowledge

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Message from the Director-General and the Chief, Legal & Administration

The collection of the ICGEB legal documents contains the main legal texts of the Organisation: the Statutes and the Rules of Procedure of its two governing bodies, the Board of Governors and the Council of Scientific Advisers. This publication upholds the mandate of the ICGEB by illustrating how it is unique among all International Organisations, representing an effective means of promoting global growth, equity and providing appropriate responses to societal challenges, such as hunger and impoverished health.

The ICGEB is committed to bringing its experience to the service of Member States through a tripartite approach: first, by promoting excellence in basic and applied research in the Life Sciences; second, by developing innovative technologies to be transferred to industrial partners in Member States, and third, by strengthening capacities and skills of scientists from its constituency and facilitating the creation of appropriate research facilities in Member States.

This publication is a tribute to the Organisation, now entering its fourth decade of activity, and is also a valid tool for all Member State representatives participating in its Governing bodies, partners, donors and readers worldwide interested in international law or engaged with the ICGEB. Care has been taken to ensure that the structure and format of this document allows easy access and consultation of the texts presented in the official English version.

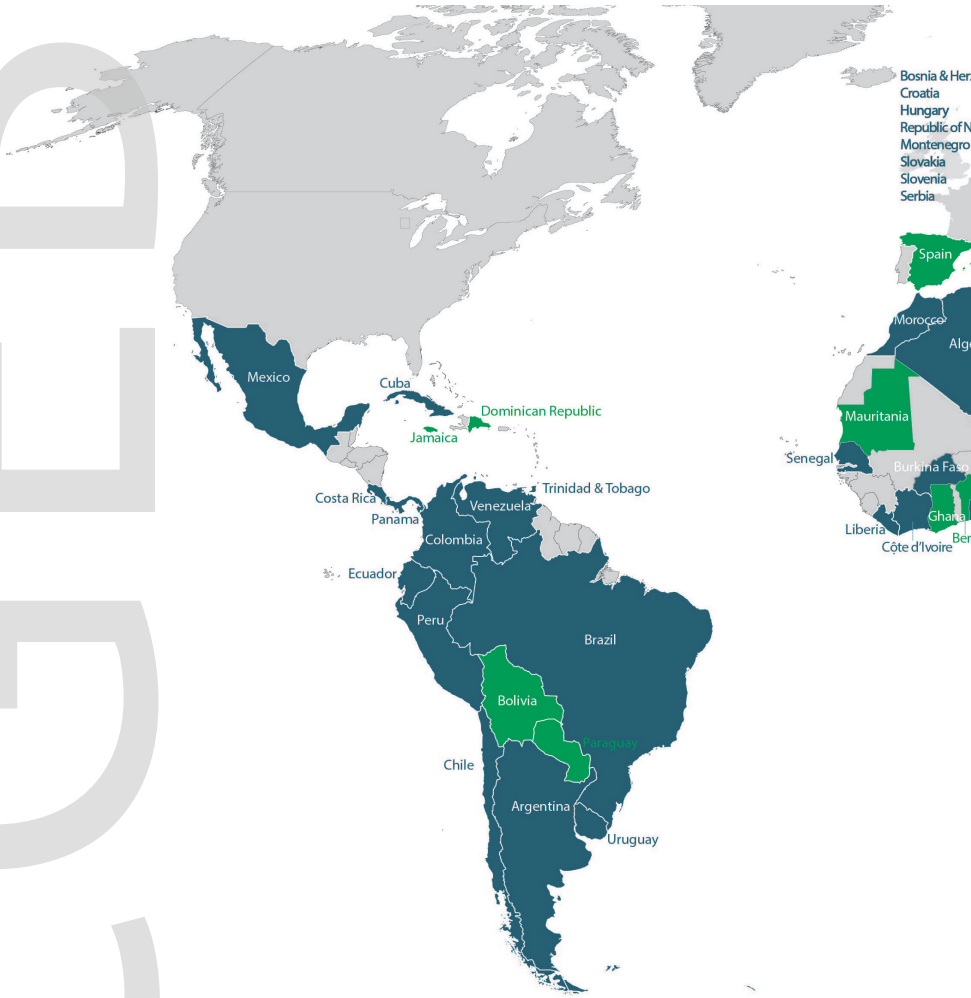
We take this opportunity to thank the Governors, the Council, the Directors, officials, researchers, fellows and personnel of the three ICGEB Components in Trieste, New Delhi and Cape Town, for their enduring enthusiasm, co-operation and dedication over the years.

April 2018

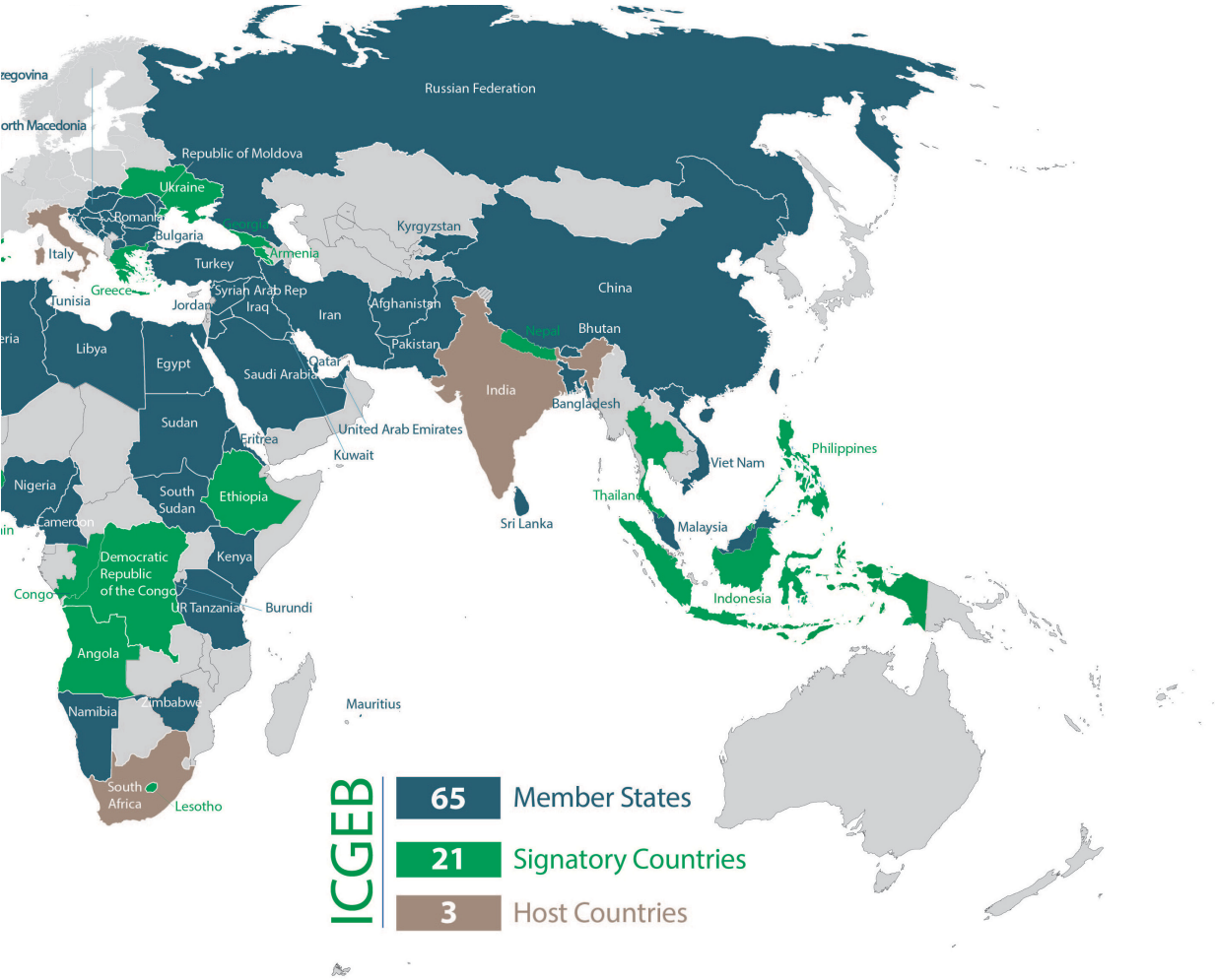
Mauro Giacca

Maria Luisa Fichera

ICGEB



The International Centre for Genetic Engineering and Biotechnology is an Intergovernmental Organisation for research, training and technology transfer in Life Sciences to promote sustainable global development



The ICGEB is supported by over 60 Member States (shown in blue on the map).

The Statutes

13 September 1983

THE STATUTES

PREAMBLE

THE STATES, PARTIES TO THE PRESENT STATUTES

Recognizing the need for developing and applying peaceful uses of genetic engineering and biotechnology for the benefit of mankind,

Urging that the potential of genetic engineering and biotechnology should be utilized to contribute to solving the pressing problems of development, particularly in the developing countries,

Being aware of the need for international co-operation in this field, particularly in research, development and training,

Emphasizing the urgency of strengthening the scientific and technological capabilities of developing countries in this field,

Recognizing the important role that an International Centre would play in the application of genetic engineering and biotechnology for development,

Bearing in mind that the High-Level Meeting held on 13-17 December 1982 in Belgrade, Yugoslavia, recommended that an International Centre for Genetic Engineering and Biotechnology of high excellence be established soonest possible, and

Recognizing the initiative taken by the Secretariat of UNIDO for the promotion and the preparation of the establishment of such a Centre,

HAVE AGREED as follows:

Article 1
Establishment and Seat of the Centre

1. An International Centre for Genetic Engineering and Biotechnology (hereinafter referred to as "the Centre") is hereby established as an international organization comprising a centre and a network of affiliated national, sub-regional and regional centres.
2. The Centre shall have its seat at .....

Article 2
Objectives

The objectives of the Centre shall be:

- (a) To promote international co-operation in developing and applying peaceful uses of genetic engineering and biotechnology, in particular for developing countries;
- (b) To assist developing countries in strengthening their scientific and technological capabilities in the field of genetic engineering and biotechnology;
- (c) To stimulate and assist activities at regional and national levels in the field of genetic engineering and biotechnology;
- (d) To develop and promote application of genetic engineering and biotechnology for solving problems of development, particularly in developing countries;
- (e) To serve as a forum of exchange of information, experience and know-how among scientists and technologists of Member States;
- (f) To utilize the scientific and technological capabilities of developing and developed countries in the field of genetic engineering and biotechnology; and
- (g) To act as a focal point of a network of affiliated (national, sub-regional and regional) research and development centres.

Article 3
Functions

Towards the fulfilment of its objectives, the Centre shall generally take necessary and appropriate action, and in particular shall:

- (a) Carry out research and development including pilot-plant activities in the field of genetic engineering and biotechnology;
- (b) Train at the Centre and arrange the training elsewhere of scientific and technological personnel, particularly from developing countries;
- (c) Provide, upon request, advisory services to Members to develop their national technological capacity;
- (d) Promote interaction between the scientific and technological communities of the Member States through programmes to enable visits of scientists and technologists to the Centre, and through programmes of associateship and other activities;
- (e) Convene expert meetings to strengthen the activities of the Centre;
- (f) Promote networks of national and international institutions as appropriate to facilitate activities such as joint research programmes, training, testing and sharing of results, pilot-plant activities, information and material exchange;
- (g) Identify and promote without delay the initial network of highly qualified research centres to serve as Affiliated Centres, promote existing national, sub-regional, regional and international networks of laboratories, including those associated with the organizations mentioned in Article 15, active in or related to the field of genetic engineering and biotechnology to serve as Affiliated Networks, as well as promote the establishment of new highly qualified research centres;
- (h) Carry out a programme of bio-informatics to support in particular research and development and application for the benefit of developing countries;
- (i) Collect and disseminate information on fields of activities of concern to the Centre and the Affiliated Centres;
- (j) Maintain close contacts with industry.

Article 4
Membership

1. Members of the Centre shall be all States that have become parties to these Statutes in accordance with Article 20 thereof.
2. Founding Members of the Centre shall be all Members that have signed these Statutes before their entry into force in accordance with Article 21 thereof.

Article 5
Organs

1. The organs of the Centre shall be:
   - (a) The Board of Governors,
   - (b) The Council of Scientific Advisers,
   - (c) The Secretariat.
2. Other subsidiary organs may be established by the Board of Governors in accordance with Article 6.

Article 6
Board of Governors

1. The Board of Governors shall consist of a representative of each Member of the Centre, and serving in an *ex officio* capacity without the right to vote, the Executive Head of UNIDO or his representative. In nominating their

representatives, Members shall pay due regard to their administrative capability and scientific background.

2. In addition to exercising other functions specified in these Statutes, the Board shall:

- (a) Determine the general policies and principles governing the activities of the Centre;
- (b) Admit the new Members to the Centre;
- (c) Approve the work programme and the budget after having taken into account the recommendations of the Council of Scientific Advisers, adopt the financial regulations of the Centre and decide on any other financial matter, particularly the mobilization of resources for the effective operation of the Centre;
- (d) Grant, as a matter of the highest priority, on a case-by-case basis the status of an Affiliated Centre (national, sub-regional, regional and international) to research centres of Members States that fulfil accepted criteria of scientific excellence, and of an Affiliated Network to national, regional and international laboratories;
- (e) Establish, in accordance with Article 14, rules which regulate patents, licensing, copyrights and other rights to intellectual property, including the transfer of results emanating from the research work of the Centre;
- (f) Upon recommendation of the Council, take any other appropriate action to enable the Centre to further its objectives and carry out its functions.

3. The Board shall hold a regular session once a year, unless it decides otherwise. Regular sessions shall be held at the seat of the Centre unless otherwise determined by the Board.
4. The Board shall adopt its own rules of procedure.
5. A majority of the Members of the Board shall constitute a quorum.
6. Each Member of the Board shall have one vote. Decisions shall be made preferably by consensus, otherwise by a majority of the Members present and voting, except that decisions on the appointment of the Director, programmes of work and the budget shall be made by a two-thirds majority of the Members present and voting.
7. Representatives of the United Nations, the specialized agencies and the International Atomic Energy Agency, as well as of intergovernmental organizations and non-governmental organizations may, upon invitation of the Board, participate as observers in its deliberations. For this purpose, the Board shall establish a list of organizations that have relationship with and have expressed interest in the work of the Centre.
8. The Board may establish subsidiary organs on a permanent or *ad hoc* basis, as may be necessary for the effective discharge of its functions, and shall receive reports from such organs.

Article 7
Council of Scientific Advisers

1. The Council shall consist of up to ten scientists and technologists in the substantive fields of the Centre. A scientist from the Host State shall be a member of the Council. The members of the Council shall be elected by the Board. Due regard shall be paid to the importance of electing the members on a balanced geographical basis. The Director shall serve as Secretary of the Council.

2. Except for the initial election, the members of the Council shall hold office for a period of three years and be eligible for reappointment for another period of three years. The terms of the members shall be such that not more than one-third be elected at one time.
3. The Council shall elect a chairman from among its members.
4. In addition to exercising other functions specified in these Statutes or delegated to it by the Board, the Council shall:

- (a) Examine the draft work programme and the budget of the Centre and make recommendations to the Board;
- (b) Review the implementation of the approved work programme and make an appropriate report to the Board;
- (c) Elaborate on the medium and long-term prospectives of the Centre's programmes and planning including specialized and new fields of research and make recommendations to the Board;
- (d) Assist the Director on all substantive, scientific and technical matters concerning the activities of the Centre, including the co-operation with Affiliated Centres and Networks;
- (e) Approve safety regulations for the research work of the Centre;
- (f) Advise the Director on the appointment of senior staff (Heads of
- Departments and above).

5. The Council may constitute *ad hoc* panels of scientists from Member States for the preparation of specialized scientific reports to facilitate its task of advising and recommending suitable measures to the Board.
6. (a) The Council shall hold a regular session once a year, unless it decides otherwise;
   (b) Sessions shall be held at the seat of the Centre, unless otherwise determined by the Council.
7. The Heads of Affiliated Centres and one representative for each Affiliated Network may participate in an observer capacity in the deliberations of the Council.
8. Senior scientific staff may attend the sessions of the Council, if so requested.

Article 8
Secretariat

1. The Secretariat shall comprise the Director and the staff.
2. The Director shall be appointed from among candidates of Member States by the Board after consultation with the Council and shall hold office for a period of five years. The Director may be reappointed for a further period of five years after which he shall not be eligible for reappointment. The Director should be a person of the highest possible standing and respect in the scientific and technological field of the Centre. Due regard shall also be given to the experience of the candidate in the management of a scientific centre and a multidisciplinary team of scientists.
3. The staff shall comprise a Deputy Director, Heads of Departments and other professional, technical, administrative and clerical personnel including manual workers as the Centre may require.
4. The Director shall be the chief scientific/administrative officer and the legal representative of the Centre. He shall act in that capacity at all meetings of the Board and its subsidiary organs. Subject to directives and control of the Board or the Council, the Director shall have the overall responsibility and authority to direct the work of the Centre.

He shall perform such other functions as are entrusted to the Director by these organs. The Director shall be responsible for the appointment, organization and functioning of the staff. The Director shall establish a consultation mechanism with senior scientists of the Centre concerning the evaluation of scientific results and current planning of scientific work.

5. In the performance of their duties the Director and the staff shall not seek or receive instructions from any government or from any authority external to the Centre. They shall refrain from any action that might reflect on their position as international officials responsible only to the Centre. Each Member undertakes to respect the exclusively international character of the responsibilities of the Director and the staff and not to seek to influence them in the discharge of their responsibilities.
6. The staff shall be appointed by the Director under regulations approved by the Board. The conditions of service of staff shall conform as far as possible to those of the United Nations common system. The paramount consideration in the employment of the scientific and technical staff and in determining the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity.

Article 9
Affiliated Centres and Networks

1. In pursuance of paragraph 1 of Article 1, sub-paragraph (g) of Article 2 and sub-paragraph (g) of Article 3, the Centre shall develop and promote a system of Affiliated Centres and Affiliated Networks to fulfil the objectives of the Centre.
2. Based on the recommendation of the Council, the Board shall establish the criteria for granting the status of an Affiliated Centre to research centres and decide upon the extent of formal relationship of Affiliated Centres to the organs of the Centre.
3. Based on the recommendation of the Council, the Board shall establish criteria for granting the status of Affiliated Networks to such national, regional and international groups of laboratories of Member States which have special potential for strengthening the activities of the Centre.
4. Upon approval of the Board the Centre shall conclude agreements for establishing relationship with the Affiliated Centres and Networks. These agreements may include, but not be limited to, scientific and financial aspects.
5. The Centre may contribute to the financing of Affiliated Centres and Networks according to a formula approved by the Board in agreement with interested Member States.

Article 10
Financial Matters

1. The financing of the Centre shall in general consist of:

- (a) Initial contributions for launching the Centre;
- (b) Annual contributions by the Members preferably in convertible currency;
- (c) General and special voluntary contributions, including gifts, bequests, subventions and funds in trust from Members, non-member states, the United Nations, its specialized agencies, the International Atomic Energy Agency, the United Nations Development Programme, intergovernmental and non-governmental organizations, foundations,

institutions and private persons subject to the approval of the Board;

- (d) Any other sources, subject to the approval of the Board.

2. For financial considerations, least developed countries, as defined by the appropriate resolutions of the United Nations may become Members of the Centre on the basis of more favourable criteria to be established by the Board.
3. The Host State shall make an initial contribution by making available to the Centre the necessary infrastructure (land, buildings, furniture, equipment, etc.) as well as through a contribution to the operating costs of the Centre in the initial years of its operation.
4. The Director shall prepare and submit to the Board through the Council a draft programme of work for the following fiscal period together with the corresponding financial estimates.
5. The fiscal period of the Centre shall be the calendar year.

Article 11
Assessment and Auditing

1. During the first five years the regular budget of the Centre shall be based on the amounts pledged annually by each Member for those five years. After the first five-year period consideration may be given to the possibility of the Board assessing annual contributions each year for the following year on the basis of a formula recommended by the Preparatory Committee which shall take into account the contribution of each Member to the regular budget of the United Nations, based on its most recent scale of assessment.
2. States which become Members of the Centre after 31 December may consider the possibility of a special contribution towards capital expenditure and current operational costs for the year in which they become Members.
3. Contributions made in accordance with the provisions of paragraph 2 of this Article shall be applied in reducing the contributions of other Members unless otherwise decided by the Board by the majority of all Members.
4. The Board shall appoint auditors to examine the accounts of the Centre. The auditors shall submit a report on the annual accounts to the Board through the Council.
5. The Director shall furnish the auditors with such information and assistance as they may require to carry out their duties.
6. States which have to seek approval of these Statutes by their legislative authorities for participating in the Centre and have therefore signed the Statutes *ad referendum* shall not be obliged to pay a special contribution as foreseen in paragraph 2 of this Article in order to effect their participation.

Article 12
Headquarters Agreement

The Centre shall conclude a headquarters agreement with the Host Government. The provisions of such agreement shall be subject to the approval of the Board.

Article 13
Legal Status, Privileges and Immunities

1. The Centre shall have juridical personality. It shall be fully empowered to discharge its functions and achieve its objectives, including the following:

- (a) To conclude agreements with States or international organizations;

- (b) To award contracts;
- (c) To acquire and dispose of movable and immovable property;
- (d) To initiate legal proceedings.

2. The Centre, its property and assets wherever located shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.
3. All premises of the Centre shall be inviolable. The property and assets of the Centre wherever located shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative actions.
4. The Centre, its property, assets, income and transactions shall be exempt from all taxation including customs duties, prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Centre for its official use. The Centre shall also be exempt from any obligation relating to the payment, withholding or collection of any tax or duty.
5. Representatives of the Members shall enjoy such privileges and immunities as are provided for by Article IV of the Convention on Privileges and Immunities of the United Nations.
6. Officials of the Centre shall enjoy such privileges and immunities as are provided for by Article V of the Convention on Privileges and Immunities of the United Nations.
7. Experts of the Centre shall enjoy the same privileges and immunities as are provided for officials of the Centre in paragraph 6 hereinbefore.
8. All persons undergoing training or taking part in a scheme for the exchange of personnel at the headquarters of the Centre or organized elsewhere within the territory of the Members in pursuance of the provisions of these Statutes shall have the right of entry into sojourn, or exit as is necessary for the purpose of their training or the exchange of personnel. They shall be granted facilities for speedy travel and visas where required shall also be granted promptly and free of charge.
9. The Centre shall co-operate at all times with the appropriate authorities of the Host State and other Members to facilitate the proper administration of justice, secure the observance of national laws and prevent the occurrence of any abuse in connection with privileges, immunities and facilities mentioned in this Article.

Article 14
Publications and Rights to Intellectual Property

1. The Centre shall publish all results of its research activities provided such publication does not contravene its general policy regarding rights to intellectual property approved by the Board.
2. All rights, including title, copyright and patent rights, relating to any work produced or developed by the Centre shall be vested in the Centre.
3. It shall be the policy of the Centre to obtain patents or interests in patents on results of genetic engineering and biotechnology developed through projects of the Centre.
4. Access to intellectual property rights concerning the results emanating from the research work of the Centre shall be

granted to Members and to developing countries that are not Members of the Centre in accordance with applicable international conventions. In formulating rules regulating access to intellectual property the Board shall not establish criteria prejudicial to any Member or group of Members.

5. The Centre shall use its patent and other rights, and any financial or other benefits associated herewith, to promote, for peaceful purposes, the development, production and wide application of biotechnology, predominantly in the interest of developing countries.

Article 15
Relations with other Organizations

In undertaking activities and in pursuance of its objectives, the Centre may with the approval of the Board seek as appropriate co-operation with other States not parties to these Statutes, the United Nations and its subsidiary organs, the specialized agencies of the United Nations and the International Atomic Energy Agency, governmental and non- governmental organizations, national scientific institutes and societies.

Article 16
Amendments

1. Any Member may propose amendments to the Statutes. Texts of proposed amendments shall be promptly communicated by the Director to all Members and shall not be considered by the Board until ninety days after the dispatch of such communication.
2. Amendments shall be approved by a two-thirds majority of all Members and shall enter into force for those Members who have deposited instruments of ratification.

Article 17
Withdrawal

Any Member may withdraw at any time after five years of membership upon giving one year's written notice to the Depository.

Article 18
Liquidation

In case of termination of the Centre the State in which the Centre's headquarters are located, shall be responsible for the liquidation, unless otherwise agreed upon by the Members at the time of termination. Except as otherwise decided by the Members, any surplus shall be distributed among those States which are Members of the Centre at the time of the termination in proportion to all payments made by them from the date of their becoming Members of the Centre. In the event of a deficit, this shall be met by the existing Members in the same proportions as their contributions.

Article 19
Settlement of Disputes

Any dispute involving two or more Members concerning the interpretation or application of these Statutes, which is not settled through negotiations between the parties concerned or, if needed, through the good offices of the Board, shall be submitted, at the request of the disputing parties to any of the means to a peaceful solution provided in the Charter of the United Nations within three months from the date on which the Board states that the dispute cannot be settled through the good offices of the Board.

Article 20
Signature, Ratification, Acceptance and Accession

1. These Statutes shall be open for signature by all States at the Meeting of Plenipotentiaries held in Madrid on 12-13 September 1983, and thereafter at United Nations Headquarters in New York until the date of their entry into force in accordance with Article 21.
2. These Statutes shall be subject to ratification or acceptance by signatory States. The appropriate instruments shall be deposited with the Depository.
3. After the entry into force of these Statutes in accordance with Article 21, States that have not signed the Statutes may accede to them by depositing instruments of accession with the Depository after their request for membership has been approved by the Board.
4. States which have to seek approval of these Statutes by their legislative authorities may sign on an *ad referendum* basis until the appropriate approval has been obtained.

Article 21
Entry into Force

1. These Statutes shall enter into force when at least 24 States, including the Host State of the Centre, have deposited instruments of ratification or acceptance and, after having ascertained among themselves that sufficient financial resources are ensured, notify the Depository that these Statutes shall enter into force.
2. For each State acceding to these Statutes, these Statutes shall enter into force on the 30th day after deposit by such State of its instrument of accession.
3. Until the entering into force of the Statutes in accordance with paragraph 1 hereinbefore, they shall be applied provisionally upon signature within the limits allowed by national legislation.

Article 22
Depository

The Secretary-General of the United Nations shall be the Depository of these Statutes and shall send the notifications he issues in that capacity to the Director as well as to the Members.

Article 23
Authentic Texts

These Statutes shall be authentic in Arabic, Chinese, English, French, Russian and Spanish.

IN WITNESS WHEREOF the undersigned Plenipotentiaries being duly authorized by their respective Governments thereto, have signed the present Statutes:

Done at Madrid this thirteenth day of September one thousand nine hundred and eighty three, in a single original.

PROTOCOL

of the Reconvened Plenipotentiary Meeting on the Establishment of the International Centre for Genetic Engineering and Biotechnology held at Vienna on 3 to 4 April 1984.

The Seat of the Centre in the meaning of paragraph 2 of Article 1 of the Statutes of the International Centre for Genetic Engineering and Biotechnology shall be at Trieste, Italy, and New Delhi, India.
This Protocol shall be opened for signature in

Vienna from 4 to 12 April 1984 and thereafter at United Nations Headquarters in New York until the date of entry into force of the Statutes in accordance with Article 21 thereof.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed the present Protocol on behalf of their respective Governments.

Done at Vienna this fourth day of April one thousand nine hundred and eighty -four, in a single original.

UNITED NATIONS - NATIONS UNIES reference C.N.155.1997.TREATIES-1 (Depositary Notification)

STATUTES OF THE INTERNATIONAL CENTRE FOR GENETIC ENGINEERING AND BIOTECHNOLOGY CONCLUDED AT MADRID ON 13 SEPTEMBER 1983

ADOPTION OF AMENDMENTS

AMENDMENTS TO ARTICLES 6 (6) AND 7 (1) OF THE STATUTES OF THE INTERNATIONAL CENTRE FOR GENETIC ENGINEERING AND BIOTECHNOLOGY ADOPTED BY THE BOARD OF GOVERNORS AT TRIESTE (ITALY) ON 3 DECEMBER 1996

TRANSMISSION OF THE TEXT OF THE AMENDMENTS

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

I

At its third Session, held in Trieste (Italy) from 2 to 3 December 1996, the Board of Governors of the International Centre for Genetic Engineering and Biotechnology, having ascertained that the two-thirds of Members were present, adopted amendments to articles 9 (6) and 7 (1) of the above Statutes. Reference is made to the provisions of article 16 (2) of the Statutes which stipulate that the Amendments "shall enter into force for those Members who have deposited instruments of ratification."

II

The text of the adopted amendments as contained in document (ICGEB/BG.3/21) dated 5 December 1996 is transmitted herewith as an annex to this notification in its six languages.

5 May 1997

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned

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C.N.155.1997.TREATIES-1 (Annex)

Amendments to the Statutes

28

Having ascertained that the two thirds majority of Members were present, in accordance with Article 16 of the Statutes of the ICGEB, the Board adopted the following amendment of Article 6.6 of the Statutes.

> *"Each Member of the Board shall have one vote. Decisions shall be made preferably by consensus, otherwise by a majority of the Members present and voting, except*

that decisions on the appointment of the Director, programmes and work and the budget shall be made by a two-thirds majority of the Members present and voting. A Member in arrears exceeding its assessed contribution due for one year will be suspended of its right to vote unless the Board of Governors decides that the failure to pay is due to circumstances beyond the control of the Member in question."

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Similarly, the Board adopted the following amendment to Article 7.1 of the Statutes:

"The Council shall consist of up to fifteen scientists and technologists in the substantive fields of the Centre. Ten members will be selected from ICGEB Member Countries on the basis of scientific excellence, with due regard to geographic distribution, and will also include one representative from each of the ICGEB Host Countries. No more than one of these ten members will represent each Member Country. The remaining five members will be selected from any country of countries (Member or non-Member) on the basis of scientific excellence and with regard to the different fields of activity of the Centre. The Members of the Council shall be elected by the Board. The Director shall serve as Secretary of the Council."

Rules of the Board of Governors

Rev. November 2010

RULES OF THE BOARD

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I. GENERAL

Rule 1
Authority for the present rules and interpretation

1. The present rules of procedure are adopted under the authority of, and subject to, the Statutes of the International Centre for Genetic Engineering and Biotechnology. In the event of a conflict between any provision of the present rules and any provision of the Statutes, the Statutes shall prevail.
2. The description of the present rules in the table of contents and in their headings are for reference purposes only and should be disregarded in the interpretation of the rules.

Rule 2
Definitions

As used in the present rules:
"*Statutes*" means the Statutes of the ICGEB;
"*Centre*" means the International Centre for Genetic Engineering and Biotechnology;
"*Components*" mean the components of the seat of the Centre at Trieste, Italy, New Delhi, India and Cape Town, South Africa;
"*Board*" means the Board of Governors;
"*Member*" means a State which is a party to the Statutes of the International Centre for Genetic Engineering and Biotechnology;
"*Member of the Board*" means a Member acting in the capacity of a member of the Board; "*Director-General*" means the Director-General of the International Centre for Genetic Engineering and Biotechnology;
"*Director of Component*" means the Director of the Component of Trieste, New Delhi or Cape Town;
"*Secretary*" means the Secretary of the Board referred to in Rule 22;
"*Affiliated Centre*" or "*Affiliated Network*" means a Centre or a Network granted status of an Affiliated Centre or Network in accordance with Article 9 of the Statutes;
"*Subsidiary organ*" means a permanent or *ad-hoc* organ established by the Board pursuant to Article 6.8 of the Statutes.

II. SESSIONS

Rule 3
Regular sessions

1. The Board shall hold a regular session once a year, unless it decides otherwise.[1] A regular session shall be held at such dates as determined by the Board at its previous session. A regular session shall be held sufficiently in advance of the following financial year to approve the work programme and the budget of the Centre.
2. Not later than six weeks prior to the scheduled date of a regular session, an alteration of the date of the regular session may be requested by not less than five Members of the Board. The Secretary shall forthwith communicate the request to the other Members of the Board, together with appropriate observations, including financial implications, if any. If within fourteen days of the enquiry, a majority of those Members of the Board, who have expressed themselves in favour of or against the request, explicitly concurs in the request, the Secretary shall convene the Board accordingly.

[1] *Article 6.3 of the Statutes*

Rule 4
Convening of special sessions

Any Member of the Board may request the Secretary to convene a special session of the Board. The Secretary shall immediately inform the other Members of the Board of the request and of the items proposed for consideration in the request, as well as of the estimated costs and relevant administrative considerations, and enquire whether they concur in it. If within twenty one days of the inquiry, a majority of those Members of the Board, who have expressed themselves in favour of or against the request, explicitly concurs in the request, the Secretary shall convene a special session of the Board. Such a session shall normally be held within forty-five days of the receipt by the Secretary of a request for such a session, at a date set by the Secretary in consultation with the President of the Board.

Rule 5
Place of sessions

Regular and special sessions of the Board shall be held at the component of the seat at Trieste, unless otherwise determined by the Board.

Rule 6
Notification of opening date of sessions

1. The Secretary shall notify all Members of the Board and any other participant, of the opening date of each session of the Board, the place and expected duration thereof.
2. Such notification shall be sent:

- (a) In the case of a regular session, at least sixty days in advance of the opening date of the session;
- (b) In the case of a special session, immediately after the date has been set in accordance with Rule 4, and in any event not later than fourteen days before the opening date of the session.

Rule 7
Adjournment of sessions

The Board may decide in the course of any session to adjourn temporarily and resume its meeting at a later date, provided that due regard is given to the financial implications of holding an adjourned session.

III. AGENDA

Rule 8
Preparation and distribution of the provisional agenda

1. The President of the Board, in consultation with the Secretary, shall draw up the provisional agenda for each session of the Board on the basis of items proposed for inclusion in the provisional agenda or referred to the Board in conformity with Rule 9 or 11. Substantive items on the provisional agenda shall be accompanied by annotations indicating briefly the history of each item, the proposed documentation, the substance of the matter to be discussed and any earlier relevant decisions by the Board.
2. Regular sessions. The Secretary shall submit to the Board at each regular session the provisional agenda for the following regular session. After the Board has considered the provisional agenda for the following session, that agenda, incorporating any amendments made by the Board, shall be communicated by the Secretary to all Members of the Board and to other participants to whom

notification of the session is to be sent pursuant to Rule 6.

3. Special sessions. The provisional agenda for a special session shall be distributed together with the notification of the opening date of the session, to be sent pursuant to Rule 6.

Rule 9
Contents of the provisional agenda for a regular session

1. The provisional agenda for each regular session of the Board shall include:

- (a) All items which the Board has previously decided to include in the provisional agenda;
- (b) Any item proposed by a Member;
- (c) The draft programme of work and corresponding budget proposals for the next financial period, prepared by the Director-General after having taken into account the recommendations of the Council of Scientific Advisers;
- (d) The report of the Council of Scientific Advisers;
- (e) Election of members of the Council of Scientific Advisers;
- (f) Any financial matter which under the Statutes or the present rules require the Board's attention or action, or which the Director-General decides it is necessary to place before the Board;
- (g) Any application for admission to membership in the Centre;
- (h) Any application for admission as Affiliated Centre or Affiliated Network; [2]
- (i) Any item regarding patents, copyrights and other rights to intellectual property, including licensing and other transfer of results emanating from the research work of the Centre, which require consideration by the Board.[3]
- (j) Any proposed amendment to the Statutes, which has been dispatched to all Members at least ninety days before the opening date of the session concerned;[4]
- (k) Invitation of observers pursuant to Article 6.7 of the Statutes;
- (l) Any other item required by the Statutes;
- Opening and closing dates and place of the next regular session of the Board.

2. In order to be considered for inclusion in the provisional agenda for a regular session of the Board, all proposals for agenda items and supporting documents must reach the Secretary at least sixty days before the opening date of the session.

Rule 10
Supplementary items

The inclusion of supplementary items in a provisional agenda that has been considered by the Board may be proposed by any authority entitled to propose items under Rule 9. The request for inclusion of a supplementary item shall be supported by a statement from the authority initiating it, indicating the urgency of consideration of the proposed item and the reasons that precluded its submission before consideration of the provisional agenda by the Board. The Secretary shall communicate to the Board any requests for the inclusion of supplementary items received before the commencement of a regular session, together with the supporting statements and such observations as he may wish to offer.

[2] *Article 6.2(d) of the Statutes*.
[3] *Ibid., Article 6.2(e) and Article 14.*
[4] *Ibid., Article 16.1.*

Rule 11
Contents of the provisional agenda for a special session

The provisional agenda for a special session shall consist only of those items proposed for consideration in the request for the holding of the session and such ancillary items as may be required to enable the Board to hold the special session.

Rule 12
Explanatory memoranda

All proposals for agenda items submitted under Rule 9 regarding a regular session, or contained in a request for the holding of a special session, shall be accompanied by an explanatory memorandum.

Rule 13
Distribution of pre-session documentation relating to proposed agenda items

Documents required for the consideration of items on the provisional agenda or of supplementary items shall be distributed by the Secretary, as far as possible at the same time as the provisional agenda and in any event not later than 6 weeks before the opening date of a regular session and fourteen days before the opening date of a special session. When for any reason this cannot be done, the Secretary shall circulate a report explaining the reason for the delay with an indication of the dates on which the documents are expected to be distributed.

Rule 14
Adoption of the agenda for a regular session

1. At the beginning of each regular session, the Board shall adopt its agenda for the session on the basis of the provisional agenda and any supplementary items proposed in accordance with Rule 10. The Board normally shall include in its agenda for the session only items for which adequate documentation has been circulated to members of the Board. If the item requires a decision by the Board, the corresponding documentation should circulate at least 6 weeks before the beginning of the regular session.
2. Any of the authorities referred to in rule 9, which has requested the inclusion of an item in the agenda, shall be entitled to be heard by the Board on the inclusion of the item in the agenda for the session.
3. During a regular session, the Board may revise the agenda for the session by adding, deleting, deferring or amending items.

IV. REPRESENTATION

Rule 15
Representation of Members of the Board

1. The delegation of each Member of the Board shall be composed of a Governor and an Alternate Governor, who shall be duly designated as the representatives of the Member concerned and who may be accompanied by such advisers as may be required. In designating their representatives, Members shall pay due regard to their administrative capability and scientific background.[5] As far as possible, the Governor or the Alternate Governor shall be persons competent to

address the scientific issues involved in the work of the Centre.
2. The names and titles of all persons constituting the delegation of a Member of the Board shall be submitted in writing to the Secretary, not later than one week before the opening date of the session.

V. OFFICERS OF THE BOARD

Rule 16
Elections

1. Every two years, at the end of its regular session, following consultations among the Delegates, the Board shall elect a President and a Vice-President from among the Governors. These officers shall constitute the Bureau of the Board for its following two regular sessions.
2. Until the Board has elected its President, the President or the Alternate elected for the previous term, or in their absence a representative of their country/countries, shall preside.
3. The offices of the President and the Vice-President shall be subject to the principle of equitable geographical rotation.

Rule 17
Term of office and replacement

1. The President and the Vice-President shall hold office for a term of two years and until their successors are elected.
2. On the vacation of office by any of the officers, the Board shall as soon as possible elect a new officer. On the vacation of office by the President, the Bureau shall designate the Vice-President to serve as Acting President until a new President has been elected for the unexpired term of office.

Rule 18
Absence of the President

If the President is to be absent from a meeting or any part thereof, the Vice-President shall take his place. The Vice-President acting as President shall have the same powers and duties as President.

Rule 19
Voting rights of the President

The President, or the Vice-President acting as President, shall not vote but may designate another member of his delegation to vote instead.

VI. SUBSIDIARY ORGANS

Rule 20
Ad-hoc subsidiary organs

1. At each session, the Board may set up sessional or intersessional committees in order to enable the Board to adopt a decision on a particular question for which further study and report appear to be necessary. Sessional committees shall conclude their work and report to the Board at the session at which they were set up.
2. When setting up a sessional or intersessional committee, the Board shall determine its membership and elect its Chairman. The committee shall elect such other officers as it may require. The President of the Board is not eligible to hold any office in a committee.

[5] *Ibid., Article 6.1.*

VII. SECRETARIAT

Rule 21
Duties of the Director-General

The Director-General is the chief scientific/administrative officer and the legal representative of the Centre and he shall act in that capacity in all meetings of the Board and its subsidiary organs.[6] He may designate a member of the Secretariat to act in his place at any such meetings. He may be assisted by the three Directors of Components and other members of his staff at such meetings.

Rule 22
Duties of the Secretary of the Board

1. The Director-General shall make available the services of a staff member of the Secretariat to act as the Secretary of the Board.
2. The Secretary of the Board shall direct the staff required by the Board and its subsidiary organs and shall be responsible for all necessary arrangements for their meetings, including preparation and distribution of documents.
3. The Secretary shall:

- arrange to receive, reproduce and circulate the documents of the Board and its subsidiary organs;
- keep records of discussions, circulate the records of the sessions including the reports, resolutions and other formal decisions adopted by the Board and the relevant documentation;
- arrange for the custody of the documents and records of the Board in the archives of the Centre;
- generally perform all other work that the Board may require in connection with its proceedings.

Rule 23
Statements by the Director-General

The Director-General, the Secretary of the Board, or a member of the Secretariat duly designated by them, may make oral as well as written statements to the Board and its subsidiary organs concerning any question under consideration.

VIII. CONDUCT OF BUSINESS

Rule 24
Quorum

A majority of the Members of the Board shall constitute a quorum.[7]

Rule 25
General powers of the President

1. In addition to the powers conferred upon him elsewhere by the present rules, the President shall preside at the meetings of the Board, declare the opening and closing of each such meeting, direct the discussions, ensure observance of the present rules, accord the right to speak, put questions to the Board for decision and announce such decisions.
2. The President, in the exercise of his functions, remains under the authority of the Board.

Rule 26
Submission and circulation of proposals

Proposals shall normally be submitted in writing to the Secretary, who shall circulate copies thereof to all Members of the Board and to representatives and observers of Non-Members

[6] *Ibid., Article 8.4.RE*

[7] I*bid., Article 6.5.*

participating in the session. Unless otherwise approved by the Board, proposals shall be taken up for consideration only after copies have been circulated to all the delegations participating in the session.

Rule 27
Proposals involving expenditure

1. Each year, the Director-General shall prepare and submit to the Board at least six weeks before the opening date of the annual regular session a draft five-year programme of work with indicative estimates of income and expenditure together with a detailed programme of work and the estimates of income and expenditure for the following calendar year.[8] As provided in Article 10.4 of the Statutes, the draft programmes of work and the corresponding estimates shall previously have been examined by the Council of Scientific Advisers.
2. No resolution, decision or amendment involving expenditure shall be considered by the Board unless it is accompanied by an estimate of expenditures prepared by the Director- General.

Rule 28
Decisions on competence

Any motion calling for a decision on the competence of the Board to discuss any matter or to adopt a proposal submitted to it shall be decided immediately before the matter is discussed further.

Rule 29
Withdrawal of proposals and motions

1. A proposal or motion may be withdrawn by its sponsor at any time before voting on it has commenced, or a decision on it has been taken or an amendment to it has been adopted.
2. A proposal or a motion thus withdrawn may be reintroduced by another Member of the Board.

Rule 30
Invitation to technical advisers

The Board may by consensus invite to one or more of its meetings any person whose scientific or technical advice it considers useful for its work. At the invitation of the presiding officer, such person may make a statement concerning the scientific or technical aspects of a question under consideration by the Board and answer questions from representatives or observers relating thereto.

IX. DECISION-MAKING

Rule 31
Consensus

The Board normally shall adopt its decisions by consensus. A vote shall, however, be taken if a representative so requests.

Rule 32
Voting rights and majority required

1. Each Member of the Board shall have one vote.[9]
2. Unless otherwise provided, decisions of the Board taken by vote shall be made by a majority of the Members present and voting.[10]

[8] *Ibid., Article 10.4.*
[9] *Ibid., Article 6.6. 10 Ibid., Article 6.6.*
[10] *Ibid., Article 6.6.*

3. Decisions on the appointment of the Director-General, in accordance with the procedure stated in Rule 43, as well as on the adoption of programmes of work and the budget shall be taken by a two-thirds majority of the Members present and voting.[11]
4. Approval of proposed amendments to the Statutes shall require a two-thirds majority of all Members. Such proposals shall not be considered by the Board until ninety days after the Secretary has dispatched the proposed amendment to all Members.[12]
5. For the purpose of the present rules, the phrase "Members present and voting" means Members of the Board participating in the session and casting an affirmative or a negative vote. Members of the Board who are absent from the session or who abstain from voting shall be regarded as not voting.

Rule 33
Methods of voting

The Board normally shall vote by show of hands, but any representative may request a roll-call, which shall then be taken in the English alphabetical order of the names of the Members of the Board participating in the session, beginning with the delegation whose name is drawn by lot by the President.
The name of each such Member shall be called in all roll-calls, and its representative shall reply "yes", "no" or "abstention". The vote of each Member of the Board participating in a roll-call shall be inserted in the record of or report on the meeting.

[11] *Ibid., Article 6.6.*
[12] *Ibid., Article 16.1 and 2.*

Rule 34
Conduct during voting

After the President has announced the commencement of voting, the voting shall not be interrupted until the result has been announced, except on a point of order in connection with the actual conduct of the voting. After the result of the voting has been announced by the President, the voting shall be considered completed and the result final.

Rule 35
Explanation of vote

The President may permit a Member of the Board to make a brief statement in explanation of his vote either before or after the voting on the proposal or motion being voted upon.

Rule 36
Division of proposals

A Member of the Board may move that parts of a proposal be voted on separately. If another Member of the Board objects, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to two Members of the Board in favour of and to two opposing the division. If the motion is carried, those parts of the proposal that are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 37
Amendments

1. A proposal shall be considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal.
2. Unless the Board decides otherwise, amendments may be subject to sub-amendments.

Rule 38
Order of voting on amendments

1. When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Board shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. If no amendments are adopted, the proposal shall be put to the vote in its original form.
2. When the Board decides, in accordance with Rule 36, to consider an extensive text in convenient portions (such as paragraphs or articles), each of these shall be treated as a separate proposal for the purpose of paragraph 1 above.

Rule 39
Order of voting on proposals

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Board decides otherwise, be voted on in the order in which they were submitted. The Board may, after each vote on a proposal, decide whether to vote on the next proposal.
2. Revised proposals shall be voted on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case, the original proposal shall be considered as with-drawn and the revised proposal shall be treated as a new proposal.
3. A motion requiring that no decision be taken on a proposal shall have priority over that proposal.

Rule 40
Elections

1. The election of officers shall be decided by secret ballot unless, in the absence of any objection, the Board decides to proceed without taking a ballot on an agreed candidate or list of candidates.
2. When candidates are to be nominated, each nomination shall be made by only one representative, after which the Board shall immediately proceed to the election.

Rule 41
Balloting

1. When one or more elective places are to be filled at one time under the same conditions, each delegation entitled to vote may cast a vote for as many candidates as there are places to be filled, and those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.
2. If the number of candidates so elected is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the unsuccessful candidates having obtained the largest number of votes in the previous ballot, but not exceeding twice the number of places remaining to be filled. However, in case of a tie between a greater number of unsuccessful candidates, a special ballot shall be held for the purpose of reducing the number of candidates to the required

number; if a tie again results among more than the required number of candidates, the President shall reduce their number to that required by drawing lots.

3. If in such a restricted ballot a remaining vacancy cannot be filled because the votes for the candidates for it are equally divided, the President shall decide between them by drawing lots.

Rule 42
Procedure for the election of members of the Council of Scientific Advisers

1. The Board shall elect the members of the Council.[13] The Board shall elect up to twelve scientists and technologists, in their personal capacity, in the substantive fields of the Centre, in addition to a scientist from each of the three Host States.
2. The members of the Council shall hold office for a period of three years and be eligible for reappointment for another period of three years. The terms of the members shall be such that not more than one-third be elected at one time.[14] One year before the expiry of the mandate of the respective members of the Council, the President of the Board shall invite nominations from Member Governments. To be eligible for consideration, nominations of candidates must be received by the Secretary within a deadline set by the President and should be accompanied by all relevant information regarding the scientific and/or technical qualifications of the candidate, as well as by any complementary background information, which may be relevant to the work of the Centre. On receipt of the nominations, the Secretary shall circulate such candidatures to all Members of the Board.
3. During the concerned session of the Board, the President shall make arrangements for convening an informal group of scientific experts from the delegations to the session to examine all candidates and to propose to the Board for its consideration a list of names for election by consensus.
4. A candidature may be withdrawn at any stage by the nominating Government.

Rule 43
Procedure for appointment of the Director-General

1. One year before the expiry of the term of office of the Director-General, the President shall invite nominations from Members drawing to their attention that any candidate so nominated should be a person of the highest possible standing and respect in the scientific and technological fields of the Centre. Due regard shall also be given to the experience of the candidate in the management of a scientific centre and a multidisciplinary team of scientists. A date will be indicated by which the nominations are to be received.
2. A candidate for the post of Director-General shall be nominated in writing by a Member to the President of the Board by the required date.[15] On receipt of the nominations, the President shall circulate such candidatures to all members of the Council of Scientific Advisers and request the Chairman of the Council to convene a meeting of the Council to consider the candidatures.

[13] *Ibid., Article 7.*
[14] *Ibid. Article 7.2 of the Statutes.*
[15] *Based on Article 8.2 of the Statutes.*

3. The Chairperson of the Council shall convene a meeting of the Council to consider the candidatures received from the President. The Council shall recommend three candidates to the President by the date indicated by him.
4. A candidature may be withdrawn at any stage by the candidate or by the nominating Government.
5. The Board shall consider the recommendations of the Council in private meetings. It preferably shall reach a decision by consensus, failing which the decision shall be made by secret ballot by a two thirds majority of the Members present and voting.[16]
6. The Director-General shall submit to the Board for endorsement his proposal for the appointment of each Director of Component, after consultation with the Government of the Host Country where the relevant Component is located.

X. LANGUAGE AND RECORD

Rule 44
Language of the Board

English shall be the language of the Board.

Rule 45
Conclusions and decisions of the Board

The draft of the conclusions and decisions of the Board shall be prepared by the Secretary who shall be assisted by the Director-General and his staff.
Before closure of the session, the Board will consider the draft and approve it with such modifications as it may consider appropriate. The printed text of such conclusions and decisions shall be distributed by the Secretary to all Members and to others participating in the session as early as possible.

XI. MEETINGS

Rule 46
Attendance

The meetings of the Board and its subsidiary organs are open only to the Members of the Board and to those who have been invited to attend in accordance with Rule 47, as well as to members of the Secretariat.

Rule 47
Participation of Non-Members of the Board

1. Representatives of States which have signed the Statutes of the Centre but not yet ratified them shall be entitled to participate without the right to vote in the deliberations of the Board.
2. Representatives of States which have not signed the Statutes, but which are members of the United Nations, a specialized agency of the United Nations or of the Inter- national Atomic Energy Agency may, upon request, be invited to attend the meetings of the Board as observers, without the right to vote. They may be authorized by the Board to make a statement of a general character on an item on the agenda of particular concern to them.
3. Pursuant to Article 6.7 of the Statutes, representatives of the United Nations, the specialized agencies of the United Nations and of the International Atomic Energy Agency, as well as

[16] *Ibid., Article 6.6.*

of intergovernmental and non-governmental organizations, may be invited by the Board to participate as observers in its deliberations, without the right to vote.

4. Non-members of the Board shall be represented by duly designated representatives whose names and titles shall be submitted to the Secretary at least one week before the opening date of the session. They may not make any procedural motion or request, raise points of order or appeal against rulings of the President.

XII. WRITTEN STATEMENTS

Rule 48
Distribution of written statements by representatives

Written statements submitted by representatives of one or more Members or by other participants shall with the consent of the President be distributed by the Secretary to all delegations. The text of those statements shall be provided by the delegation of the State concerned.

XIII. AMENDMENT AND SUSPENSION OF THE RULES OF PROCEDURE

Rule 49
Amendments

Subject to Rule 1, the present rules may be amended by a decision of the Board, taken by a majority of the Members of the Board present and voting, after the Bureau has reported on the proposed amendment.

Rule 50
Suspension

Subject to Rule 1, any of the present rules may be suspended by a decision of the Board, taken by a majority of the Members of the Board present and voting. Any such suspension shall be limited to a specified and stated purpose and to a period required to achieve that purpose.

Rules of the Council of Scientific Advisers

Rev. 10/2011

RULES OF THE CSA

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I. GENERAL

Rule 1
Authority for the present rules and interpretation

The present rules of procedure are adopted subject to the Statutes of the International Centre for Genetic Engineering and Biotechnology. In the event of a conflict between any provision of the present rules and any provision of the Statutes, the Statutes shall prevail.

Rule 2
Definitions

As used in the present rules:
"*Statutes*" means the Statutes of the ICGEB;
"*Centre*" means the International Centre for Genetic Engineering and Biotechnology;
"Components" mean the components of the seat of the Centre at Trieste, Italy, New Delhi, India, and Cape Town, South Africa;
"*Board*" means the Board of Governors;
"*Member*" means a State which is a party to the Statutes of the ICGEB;
"*Member of the Board*" means a Member acting in the capacity of a member of the Board;
"*Director-General*" means the Director-General of the ICGEB;
"*Director*" means the Director of the component of Trieste, New Delhi or Cape Town;
"*Council*" means the Council of Scientific Advisers;
"*Chairperson*" means the Chairperson of the Council of Scientific Advisers;
"*Secretary of the Council*" means the Director-General of the ICGEB pursuant to Article 7.1 of the Statutes;
"*Affiliated Centre*" or "*Affiliated Network*" means a Centre or a Network granted status of an Affiliated Centre or Network in accordance with Article 9 of the Statutes.

II. SESSIONS

Rule 3
Regular Sessions

1. The Council shall hold a regular session once a year, unless it decides otherwise.[1] A regular session shall be held at such dates as determined by the Council at its previous session.
2. Senior scientific staff may attend the sessions of the Council, if so requested.[2]
3. The Heads of the Affiliated Centres and one representative for each Affiliated Network may participate in an observer capacity in the deliberations of the Council.[3]

Rule 4
Special Sessions

Upon request of the President of the Board, the Chairperson shall convene a special session of the Council for the purpose of considering the candidatures for the post of Director-General and recommending three candidates to the President by the date indicated by him.[4]
The Chairperson may convene a Special Session of the Council, in consultation with the Director-General, for any urgent matter which may arise between two Regular Sessions.

[1] *Article 7.6(a) of the Statutes.*
[2] *Ibid., Article 7.8.*
[3] *Ibid., Article 7.7.*
[4] *Rule 43.3 of the Rules of Procedure of the Board of Governors; Article 8.2 of the Statutes.*

Rule 5
Place of Sessions

Regular and special sessions of the Council shall be held on a rotational basis at the components at Trieste, New Delhi and Cape Town, unless otherwise determined by the Council.[5]

Rule 6
Private Meetings

The meetings of the Council shall be held in private, unless the Council decides otherwise.

Rule 7
Notification of Sessions

At least 30 days before the opening date, the Secretary of the Council shall notify all members of the Council and any other participant, of the opening date of each session of the Council, the place and expected duration thereof. In the case of a special session to consider the candidatures for the post of Director-General, the Chairperson shall notify all members of the Council of the opening date and the place of the session. Such notification also shall be circulated at least 30 days before the opening date of the special session.

III. AGENDA

Rule 8
Preparation and distribution of provisional agenda

1. Regular sessions - The Secretary of the Council shall submit to the Council at each regular session the draft provisional agenda for the following regular session. After the Council has considered the draft provisional agenda for the following session, incorporating any amendments made by the Council, the provisional agenda shall be communicated by the Secretary of the Council to all members of the Council and to other participants.
2. Special sessions - The provisional agenda for a special session shall be distributed by the Chairperson, together with the notification of the opening date and the place of the session.

Rule 9
Contents of Provisional Agenda

1. The provisional agenda of each regular session shall include, inter alia:

- (a) all items which the Council has previously decided to include in the provisional agenda;
- (b) any item proposed by a member of the Council;
- (c) the draft programme of work and corresponding detailed estimates of income and expenditure for the next calendar year as well as the draft five-year programme of work with indicative estimates of income and
- expenditure;[6]
- (d) review of the implementation of the programme of work for the previous calendar year and of the status of the programme of work for the current
- calendar year and report to the Board thereon;[7]
- (e) the medium and long-term prospectives of the Centre's programmes and planning including specialized and new fields of research, for elaboration

[5] *Article 7.6(b) of the Statutes.*
[6] *Ibid., Article 7.4(a).*
[7] *Ibid., Article 7.4(b).*

- and recommendations by the Council to the Board;[8]
- (f) safety regulations for the research work of the Centre, for review and approval;[9]
- (g) substantive, scientific and technical matters concerning the activities of the Centre, including the cooperation with Affiliated Centres and
- Networks;[10]
- (h) recommendations for senior staff appointments, as needed;[11]
- (i) any other item required by the Statutes or delegated to the Council by the Board;
- (j) opening and closing dates and place of the next regular session of the Council.

2. In order to be considered for inclusion in the provisional agenda for a regular session of the Council, all proposals for agenda items and supporting documents must reach the Secretary of the Council at least forty-five days before the opening date of the session.

Rule 10
Supplementary items

The Secretary of the Council may include any item suitable for the agenda, which may arise between the dispatch of the provisional agenda and the opening day of the session as a proposed supplementary item which the Council shall examine with the provisional agenda.

[8] *Ibid., Article 7.4(c).*
[9] *Ibid., Article 7.4(e).*
[10] *Ibid., Article 7.4(d).*
[11] *Ibid., Article 7.4(f).*

Rule 11
Distribution of pre-session documentation relating to proposed agenda items

Documents required for consideration of items on the provisional agenda or supplementary items shall be distributed by the Secretary of the Council with the provisional agenda, but in any event not later than 4 weeks before the opening date of a regular session.

Rule 12
Adoption of the agenda for a regular session

1. At the beginning of each regular session, the Council shall adopt its agenda for the session based on the provisional agenda and any supplementary items proposed in accordance with Rule 10.
2. During a regular session, the Council may revise the agenda for the session by adding, deleting, deferring or amending items.

IV. CHAIRPERSON AND VICE-CHAIRPERSON OF THE COUNCIL

Rule 13
Elections

At the beginning of each regular annual session, the Council shall elect a Chairperson and a Vice-Chairperson from among its members.[12] The Chairperson and the Vice-Chairperson shall hold office until their successors are elected and assume their offices.

[12] *Ibid., Article 7.3.*

Rule 14
Duties of the Chairperson and the Vice-Chairperson

In addition to exercising the powers conferred upon him/her elsewhere by these rules, the Chairperson shall preside at the sessions of the Council, accord the right to speak, direct the discussion, put questions to the session for decision, announce such decisions and ensure observance of these rules. If the Chairperson cannot preside at a meeting or any part thereof, the Vice-Chairperson shall take his/her place and shall then have the same powers and duties as those of the Chairperson.

V. AD-HOC PANELS OF SCIENTISTS

Rule 15
Ad-hoc Panels of Scientists

1. The Council may constitute ad-hoc panels of scientists from Member States for the preparation of specialized scientific reports to facilitate its task of advising and recommending suitable measures to the Board.[13]
2. When setting up a sessional or intersessional ad-hoc panel of scientists, the Council shall determine its membership and elect its Chairperson. The panel shall elect such other officers as it may require.

VI. SECRETARIAT

Rule 16
Duties of the Secretary of the Council

1. The Director-General of the ICGEB shall serve as Secretary of the Council.[14] He may delegatethis function to a member of the staff of the ICGEB.
2. The Secretary of the Council shall be responsible for all necessary arrangements for the Council's meetings, including preparation and distribution of documents.
3. The Secretary of the Council shall keep records of discussions, arrange for custody of the documents and records of the Council and generally perform all other work that the Council may require in connection with its proceedings.
4. The reports of the sessions made by the Secretary of the Council shall be approved by the Chairperson. In the case of a special session to consider the candidatures for the post of Director-General, the Chairperson shall keep records and prepare a report of the session and submit it to the Council for approval.

VII. CONDUCT OF BUSINESS

Rule 17
Quorum

Five (5) Members of the Council shall constitute a quorum.

Rule 18
Proposals Involving Expenditure

1. Each year, the Director-General shall prepare and submit to the Council, at least forty-five days prior to the opening date of its annual regular session, a draft programme of work and the corresponding detailed estimates of income and expenditure for the next calendar year, as well as the draft five-year programme of work with indicative estimates of income and expenditure.[15]

[13] *Ibid., Article 7.5.*
[14] *Ibid., Article 7.1.*

[15] *Article 10.4 of the Statutes and Financial Regulations, Article III. 16 Financial Regulation 3.7.*

2. The Council shall consider the proposed programmes of work and corresponding estimates and submit its recommendations prior to the opening of the Board's session.[16]
3. No decision or amendment involving expenditure shall be considered by the Council unless it is accompanied by an estimate of expenditures prepared by the Director-General.[17]

Rule 19
External Auditor's Report

The External Auditor's report on the annual accounts of the Centre with the audited financial statements shall also be submitted to the Council at least forty-five days prior to the opening date of the annual regular session of the Council.[18]

Rule 20
Submission and Circulation of Proposals

Proposals shall normally be submitted in writing to the Secretary of the Council, who shall circulate copies to all members of the Council and to representatives and observers participating in the session.

Rule 21
Proposals Regarding Affiliated Centres and Networks

1. The Council shall recommend criteria to the Board for granting the status of an Affiliated Centre to research centres.[19]
2. The Council shall recommend criteria to the Board for granting the status of Affiliated Networks to such national, regional and international groups of laboratories of member States which have special potential for strengthening the activities of the Centre.[20]

VIII. DECISION-MAKING

Rule 22
Consensus

The Council shall normally adopt its decisions by consensus. If a member so requests, a vote shall be taken.

Rule 23
Voting Rights and Majority Required

1. Each member of the Council shall have one vote.
2. Decisions of the Council taken by vote shall be made by a majority of the members present and voting.
3. For the purpose of these rules, the phrase "members present and voting" means members of the Council participating in the session and casting an affirmative or negative vote. Members of the Council who are absent from the session or who abstain from voting shall be regarded as not voting.

Rule 24
Methods of Voting

The Council normally shall vote by a show of hands, but any Council member may request a roll-call.

[16] *Financial Regulation 3.7.*
[17] *Derived from Financial Regulation 3.9.*
[18] *Article 11.4 of the Statutes and Financial Regulation 10.3.*
[19] *Article 9.2 of the Statutes. 20 Ibid., Article 9.3.*
[20] *Ibid., Article 9.3.*

Rule 25
Explanation of Vote

The Chairperson may permit a member of the Council to make a brief statement in explanation of his vote either before or after the voting on the proposal being voted upon.

Rule 26
Election of the Chairperson

The election of the Chairperson and Vice-Chairperson shall be decided by secret ballot unless, in the absence of any objection, the Council decides to proceed without taking a ballot on an agreed candidate.

IX. LANGUAGE AND RECORD

Rule 27
Language of the Council

English shall be the language of the Council.

Rule 28
Conclusions and Recommendations of the Council

1. The Secretary shall prepare a draft report on each Council session, which shall include conclusions and recommendations agreed upon by consensus and also other significant views expressed during the discussions.
2. After approval of the draft report by the Chairperson and submission of the report to the Council members, the report of the Council session shall be submitted to the Board for its consideration and action.

X. AMENDMENT AND SUSPENSION OF THE RULES OF PROCEDURE

Rule 29
Amendments

Subject to Rule 1, the present rules may be amended by a decision of the Council, taken by a majority of the members of the Council present and voting.

Rule 30
Suspension

Subject to Rule 1, any of the present rules may be suspended by a decision of the Council, taken by a majority of the members present and voting. Any suspension shall be limited to a specified and stated purpose and to a period required to achieve that purpose.

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ICGEB Trieste
AREA Science Park - Padriciano, 99
34149 Trieste, **ITALY**
Tel.: +39-040-37571 - Email: icgeb@icgeb.org

ICGEB New Delhi
Aruna Asaf Ali Marg
110 067 New Delhi, **INDIA**
Tel: +91-11-26741358 - Email: icgeb@icgeb.res.in

ICGEB Cape Town
Wernher and Beit Building (South) - UCT Campus
Anzio Road, Observatory 7925
Cape Town, **SOUTH AFRICA**
Tel: +27-21- 4066335 - Email: capetown@icgeb.org

www.icgeb.org

ICGEB | Office of the External Relations
AREA Science Park - Padriciano, 99 - 34149 Trieste
Tel.: 040-3757216 | Fax: 040-3757380
Email: governance@icgeb.org