

**Rules of Procedure
for the Electronic Communications Committee
(and its subordinate entities)**

Edition 7

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PREFACE

In carrying out its activities the ECC will establish close cooperation and consultation with relevant European bodies in particular the European Commission and the European Free Trade Association. The ECC should also establish contact with equivalent organisations outside Europe.

ARTICLE 1 – MEMBERSHIP AND PARTICIPATION IN MEETINGS

- 1.1 Members of CEPT are Members of the ECC as of right.
- 1.2 Representatives of the European Commission and of the European Free Trade Association Secretariat are Counsellors of the ECC. Counsellors are entitled to participate in meetings of the ECC with the right to speak but not to vote.
- 1.3 Representatives of relevant inter-governmental organisations as well as other organisations or non-CEPT Administrations concerned with electronic communications may be invited by the relevant Chairmen to participate as Observers in their meetings on an ad hoc basis (see also Article 3.8).
- 1.4 The ECC is assisted by the Office. The Office is entitled to participate in the meetings of the ECC with the rights to provide documents and to speak but not to vote.

ARTICLE 2 - STRUCTURE

The ECC shall have the following structural entities:

- Plenary,
- Steering Group,
- and may have:
 - Working Groups;
 - Task Groups;
 - Project Teams.

ARTICLE 3 - PLENARY

The functions of the Plenary shall be in particular to:

- 3.1 periodically review the ECC mission and strategy.
- 3.2 determine the general policy and make decisions on the management of the work of the ECC, including its working methods.

- 3.3 elect its Chairman (ECC Chairman) and Vice Chairmen and inform the CEPT Presidency.
- 3.4 propose amendments to the ECC Terms of Reference as appropriate for consideration by the CEPT Assembly.
- 3.5 approve the Rules of Procedure of the ECC and any subsequent modifications to them and to decide upon disputes arising from their application.
- 3.6 approve Deliverables as required.
- 3.7 approve and maintain its Working Methods document.
- 3.8 in accordance with Article 1.3, decide on the participation of Observers in meetings of the ECC.
- 3.9 decide upon the creation or cessation of Working Groups, Task Groups and Project Teams of the Plenary and approve their Terms of Reference.
- 3.10 appoint Chairmen of the Working Groups, Task Groups and Project Teams of the Plenary.
- 3.11 act on all other matters related to the activities of its structural entities referred to in Article 2.

ARTICLE 4 - STEERING GROUP

- 4.1 The Steering Group's functions shall include:
 - co-ordination of the work of the ECC;
 - preparation of a draft long term work programme for approval by the Plenary every year;
 - preparation of an annual work programme based on the long term work programme for approval by the Plenary at its final meeting of each year;
 - preparation and maintenance of a long term schedule for meetings to be approved by the Plenary;
 - reporting to each Plenary meeting.
- 4.2 The meetings of the Steering Group are chaired by the Chairman of the Plenary. When the Chairman is unavailable, Steering Group meetings are chaired by one of the Vice Chairmen of the Plenary.

4.3 The Steering Group shall comprise:

- the Chairman and the Vice Chairmen of the Plenary;
- the Chairman and the Vice Chairmen of each Working Group;
- the Chairmen and Vice Chairmen of the Project Teams and Task Groups of the Plenary;
- the Director of the Office;
- the Chairman of the Council;
- the Counsellors.

4.4 Where the Chairman and Vice Chairmen of the Plenary agree, the Steering Group may also invite others to attend its meetings.

ARTICLE 5 - WORKING GROUPS

5.1 The Working Groups provide a forum for consensus building among European interests in electronic communications. They also provide a focus for harmonising European views for use in the International Telecommunication Union (ITU).

5.2 Within its Terms of Reference, each Working Group shall prepare, and regularly update, its Work Programme, listing all work items with their target dates and submit the programme to the Plenary for approval.

5.3 Working Groups shall develop and approve ECC Recommendations and Reports, and develop draft ECC Decisions for approval by the Plenary.

5.4 The Working Groups shall appoint their own Vice Chairmen and the Chairmen of their Project Teams. The appointment of Vice Chairmen shall be notified to the Plenary.

5.5 Subject to any directions from the Plenary, Working Groups shall be free to organise themselves.

ARTICLE 6 – TASK GROUPS

6.1 The Plenary may identify urgent priority items as items for a Fast Track Approach and establish a Task Group to progress such an issue.

6.2 In cases where the issue is within the competencies of more than one Working Group the Plenary may decide that the Task Group shall report directly to the Plenary.

6.3 The Task Group shall be responsible for developing the relevant ECC Decision(s) and liaise as necessary with all Working Groups with a relevant interest in the issue.

6.4 The Plenary shall appoint the Chairman of the Task Group, approving its terms of reference and setting the deadline for the conclusion of its work. In cases where it is decided that the Task Group does not report directly to the Plenary, the Plenary shall decide which single Working Group the Task Group shall report to.

6.5 Task Groups are dissolved by the Plenary once they have completed their work on the urgent priority items assigned to them.

ARTICLE 7 - PROJECT TEAMS

- 7.1 Project Teams may be established by the Plenary and its Working Groups to work on well-defined tasks for limited time periods.
- 7.2 Project Teams shall submit regular progress reports on their work to their parent body.
- 7.3 Subject to any directions from their parent body, Project Teams are free to organise themselves.

ARTICLE 8 – PRINCIPLES FOR APPOINTING CHAIRMEN AND VICE CHAIRMEN

- 8.1 Only Members' representatives are entitled to be Chairmen or Vice Chairmen. Representatives of the Office may serve as Chairmen of Task Groups and Project Teams.
- 8.2 The primary considerations for choosing Chairmen and Vice Chairmen are the experience and qualifications of the persons concerned.
- 8.3 As far as possible there should be an equitable geographical distribution of appointments.
- 8.4 The Chairman and Vice Chairmen of any group shall not represent the same Member.
- 8.5 Appointments shall normally be for a maximum of three years with the possibility of reappointment for one further consecutive term only. For Working Groups preparing for ITU Conferences the term of the Chairman shall normally be limited to one Conference cycle.
- 8.6 The number of Vice Chairmen for any ECC entity shall be limited to two.
- 8.7 A Vice Chairman shall assume the responsibilities and role of the Chairman, when the Chairman is unavailable.

ARTICLE 9 - PROCEDURE FOR APPOINTMENT OF THE CHAIRMAN AND VICE CHAIRMEN OF PLENARY AND CHAIRMEN OF WORKING GROUPS

- 9.1 A list of all posts should be maintained on the Office website giving names of individuals, Members, period in office, date of appointment, date of end of current terms, eligibility to re-election of current post.
- 9.2 An announcement shall be made at the Plenary meeting prior to the Plenary meeting which will need to make an appointment, of the vacancy and the need to make the appointment at the subsequent meeting.
- 9.3 Following this meeting the ECC Chairman shall invite all CEPT Members (ECC List A) to consider submitting a candidate for the vacant post. The information shall also be sent to the individuals on the Plenary distribution list (ECC List B).
- 9.4 Candidates must be proposed by the Member at least one month prior to the Plenary meeting which shall make the appointment. The Member must make a commitment that the necessary resources (including secretarial services) to support the chairmanship shall be provided should their candidate be successful. Brief curriculum

vitae for the candidate should be included, indicating relevant qualification and experience. This information shall be placed immediately on the Office website accessible to CEPT Members only.

- 9.5 The names, including CV, shall be circulated to all CEPT Members (ECC List A). The information shall also be sent to the individuals on the Plenary distribution list (ECC List B).
- 9.6 Members unable to attend the Plenary meeting making the appointment, are invited to advise the ECC Chairman, in writing, of their preference, and give their proxy vote in accordance with Article 15.3.
- 9.7 Candidates may be requested to make a presentation of their candidature during the first day of the Plenary meeting where the appointment has to be made.
- 9.8.1 During the Plenary meeting, where the appointment is to be made, the ECC Chairman, if there is more than one candidate, shall seek a decision by means of a secret ballot, in accordance with Articles 14.3 to 14.6 and Article 15. If there are only two candidates and they receive the same number of votes, there shall be a second round of voting, after sufficient time for consultation between the two rounds. If in this case too, the two candidates receive the same number of votes and If no candidate volunteers to withdraw, the elected candidate is randomly selected by means of a lottery draw.
- 9.8.2 If there are more than two candidates and no candidate is elected in the first round, there shall be multiple rounds. In every subsequent round except from the last round, if no candidate is elected, the candidate who receives the lowest number of votes shall not participate in the next round.
- 9.8.3 If in any subsequent round referred to in paragraph (2) two or more candidates receive equal lowest number of votes, the candidate who is randomly selected by means of a lottery draw shall not participate in the next round.
- 9.8.4 If at the end of a round, one or more candidate(s) withdraw(s), the voting procedure continues with all other candidates, including the one(s) who received the lowest number of votes in the round.
- 9.8.5 If in the final round between two (2) candidates, both of them get the same number of votes, there shall be sufficient time available to allow for consultations. If no candidate volunteers to withdraw, the elected candidate is randomly selected by means of a lottery draw.
- 9.8.6 There shall be sufficient time available between two consecutive rounds in order to allow for consultations.

ARTICLE 10 - DOCUMENTATION

- 10.1 Deliverables developed by ECC shall include:
 - ECC Decisions,
 - Designation of European Service Identifiers,
 - European Common Proposals,
 - ECC Recommendations,
 - ECC Reports,
 - CEPT Reports,
 - Policy Goals.

- 10.2 ECC Decisions are measures on significant harmonisation matters. ECC Decisions are approved as prescribed in Article 12.
- 10.3 European Common Proposals are submissions to ITU Conferences, Assemblies, and meetings, signed by CEPT Members and developed by a mechanism specified in the Working Methods document.
- 10.4 ECC Recommendations are measures which Administrations are encouraged to apply. They are developed by a mechanism specified in the Working Methods document. They are principally intended as harmonisation measures for those matters where Decisions are not yet relevant or to provide guidance to national administrations.
- 10.5 ECC Reports are the result of studies by the ECC normally in support of a harmonisation measure. They are developed by a mechanism specified in the Working Methods document.
- 10.6 CEPT Reports are the final result of studies by the ECC in response to Mandates from the EC.
- 10.7 Policy Goals are kept under continuous review by the ECC Plenary and shall be maintained on the Office website.

ARTICLE 11 - MEETINGS OF THE PLENARY, WORKING GROUPS, PROJECT TEAMS AND TASK GROUPS

- 11.1 Two kinds of meetings are possible: ordinary and extraordinary.
- 11.2 Ordinary meetings are convened at the established dates and in order to fulfil the normal working programme. Ordinary meetings will not exceed duration of five days.
- 11.3 Extraordinary meetings are special ones convened for the resolution of unforeseen problems or issues where an ECC position is very important or urgent. The agenda for an extraordinary meeting is fixed before the meeting and cannot be amended during the meeting.
- 11.4 Meetings shall be convened by the Chairmen. Extraordinary meetings shall be convened at the request of at least five Members.
- 11.5 The Plenary shall meet at least twice a year.
- 11.6 Meetings of the ECC shall be hosted on a voluntary basis by Members or organisations.
- 11.7 At least one month before the date of the meeting an official invitation and the draft agenda shall be sent to the lists of official e-mail addresses of Members and the relevant distribution list.
- 11.8 Documents to be considered at a meeting should be available in electronic form to Members and participants at least two weeks prior to the meeting. No formal decision can be taken on issues raised in documents placed on the Office website less than two weeks before the meeting, except by the unanimous agreement of all Members participating in the meeting.
- 11.9 Meeting hosts are not required to provide paper copies of documents except in cases where a document was placed on the Office website less than three days before the start of the meeting.

- 11.10 It is for each Member, Counsellor and Observer to decide upon the composition of its delegation. Organisations who participate as Observers may be requested to limit their delegations to one or two persons.
- 11.11 Closed sessions shall be held without Observers present at the request of one Member supported by at least three Members, or the Chairman.
- 11.12 Minutes shall record all the essential decisions taken during the meeting and if required the different positions expressed and shall be approved by the participants of the meeting.

ARTICLE 12 – MECHANISM FOR ECC DECISIONS

12.1 INTRODUCTION

- 12.1.1 Decisions should be the outcome of any decision making process on matters of significant harmonisation in the electronic communications regulatory field, within the context of the long term ECC strategy and policy. The over-riding policy on Decisions should be to maintain their credibility, to use them only when there is a need for significant harmonisation, and to develop and write them in as flexible a way as possible so as to include as many of the Members administrations as possible in their implementation, whilst maintaining the necessary level of harmonisation. Decisions should neither impose nor discriminate in favour of the use of a particular type of technology, although this does not preclude the taking of proportionate steps to promote certain specific services where this is justified.
- 12.1.2 Decisions that "designate" a frequency band for a harmonised application are intended to foster the deployment of an application to meet a market demand in a harmonised manner throughout CEPT. Members implementing the Decision commit themselves to make spectrum available for this harmonised application which includes assessing when and where there is a demand for the harmonised service/application and deciding whether that demand is great enough to exclude other services and applications from the harmonised band. Such Decisions shall not inhibit radiocommunication equipment meeting different standards from operating in an identified frequency band provided it offers the same spectrum use and application as specified in a Decision for the band and is placed on the market in conformity with the essential requirements i.e. it makes effective use of the spectrum allocated to terrestrial/space radio communications so as to avoid harmful interference.
- 12.1.3 Decisions should include a preferred date of implementation or, when necessary, a definite date of implementation. Where a definitive date of implementation is included, a derogation for countries with particular difficulties may be agreed in the form of a footnote listing these countries and giving an agreed later date of implementation in their case.
- 12.1.4 There are four main elements to the Decision making mechanism: development and approval, commitment and implementation, amendment, and withdrawal.

12.2 DEVELOPMENT AND APPROVAL

- 12.2.1 The Plenary shall decide whether a new item of work should lead to a Decision or other deliverable. There should be a minimum of five Members ¹ supporting a proposal for the development of a draft Decision before the Plenary approve its development.

¹ Including the administration initiating the proposal.

In exceptional cases, Working Groups may begin work on a draft Decision, pending approval by the Plenary at its next meeting.

- 12.2.2 The Plenary may review its approval at any time during the development of the draft Decision, in particular taking account of any difficulties reported to it by the responsible entity.
- 12.2.3 Where more than one entity is involved, before work is started, the Plenary shall appoint the lead entity.
- 12.2.4 The responsible entity developing a draft Decision should seek advice with regard to the regulatory consistency and enforceability of the draft Decision, as described in the Working Methods document.
- 12.2.5 Proposals for draft Decisions shall follow the standard format, and shall include a date for entry into force.
- 12.2.6 A draft Decision agreed by the responsible entity for Public Consultation shall be notified to Members by the Office using e-mail. A copy of the draft shall either be attached to the e-mail or shall be placed within the website documentation area for downloading by members, as advised in the e-mail. Providing no objections to proceed to Public Consultation are received by the Office from any Member within two weeks of this notification, the draft Decision is considered to be approved for Public Consultation to be carried out during a minimum period of two months. If such an objection is received, the draft Decision shall be placed on the agenda of the next Plenary for decision on Public Consultation.
- 12.2.7 In cases where the Plenary approves draft Decisions for Public Consultation this will proceed without the notification referred to in 12.2.6.
- 12.2.8 Proposals for draft Decisions shall be available at least two weeks prior to the Plenary meeting at which they will be considered.
- 12.2.9 The Plenary will only consider proposed draft Decisions which are referenced on the draft agenda for the meeting.
- 12.2.10 The Plenary shall be informed of the names of any Members of the responsible entity which opposed the draft. The reason for opposition should be given.
- 12.2.11 The Plenary shall approve by consensus a draft text for Public Consultation to be carried out during a minimum period of two months. In cases where there is no consensus the voting procedure of Article 12.2.15 shall be applied.
- 12.2.12 The draft Decision will be published on the Office website specifying the deadline for comments, and their recipient.
- 12.2.13 If the schedule of meetings allows, the responsible entity shall consider the results of the Public Consultation and shall present proposals to the Plenary on how to incorporate any adopted new element resulting from it into the draft Decision. If the schedule of meetings does not allow this procedure the Chairman of the responsible entity shall present the results of the Public Consultation directly to the Plenary
- 12.2.14 The Plenary shall consider the results of the Public Consultation together with the proposals from the responsible entity, or its Chairman, when approving the draft ECC Decision.

12.2.15 The Plenary shall approve draft Decisions where possible by consensus. Exceptionally, where this is not possible and to avoid a weakening of the text the following voting procedure shall be applied:

a vote in accordance with Article 14, except that the votes shall also be weighted in accordance with the contributory share class specified in Article 19 of the CEPT Rules of Procedure. The Decision shall be approved providing a simple majority of votes cast, totalling two thirds or more of the weighted votes, are in favour.

12.2.16 The Decision shall be included as an annex to the Minutes of the meeting at which it was approved and be published on the Office website.

12.3 COMMITMENT AND IMPLEMENTATION

12.3.1 The Chairman shall, immediately following the approval of a Decision, ask how many Members intend to implement the Decision. Members attending the meeting who can not implement the Decision should specify the reasons for such, which will be included in the Minutes of the Meeting

12.3.2 Members having implemented a Decision shall inform the Office about this. The names of the Members that have implemented a Decision will be published on the Office website.

12.3.3 The national measures necessary to implement a Decision shall, if practicable, contain a reference to the Decision. This reference could be made for example as a footnote to the national frequency table.

12.3.4 Members shall communicate to these national measures to the Office.

12.3.5 Members may commit themselves to Decisions at any time. A list of the Members that have implemented the Decisions will be updated regularly by the Office and published on the Office website. This information should be: Yes, implemented; or No, not implemented. However, the first response shall be accompanied with a reference to the national measures implementing the Decision, and the latter response could be qualified by information on any parts of the Decision that have been implemented, or any information provided by Members on their commitment to implement the Decision, in which case the intended date of implementation should be provided.

12.3.6 Members may withdraw their commitment in the case of prevailing legislation and shall inform the ECC Chairman and the Office accordingly.

12.4 REVIEW

12.4.1 Each Decision shall be reviewed every three years from its date of approval to determine the extent of its implementation and the take-up of any frequency bands designated in the Decision, taking account of an initial assessment made by the Office, and any other relevant information. As a consequence of this review the Plenary shall decide whether to maintain, revise or withdraw the Decision.

12.5 AMENDMENT ²

- 12.5.1 The Plenary should decide whether or not a process to amend an Decision should start.
- 12.5.2 The development and approval of amended Decisions shall follow the provisions of Article 12. 2. with the exception of an amendment to an Annex of a Decision which will be in accordance with 12.5.3
- 12.5.3 Decisions may include one or more Annexes, amendments to which would not require Public Consultation in accordance with Article 12.5.2 but may take place in accordance with Article 12.5.4. Such Annexes shall only include information of a factual nature related to the Decision.
- 12.5.4 The Plenary may instruct an entity to amend an Annex of a Decision in accordance with Article 12.5.3. The Annex, amended by the responsible entity will be placed on the Office website, and the Members will be notified of this by the Office using e-mail. Providing no objections are received by the Office from any Member within two weeks of this notification, the amended Annex is approved. If such an objection is received, the amended Annex shall be placed on the agenda of the next meeting of the Plenary for further consideration.
- 12.5.5 In justified cases, where there would be severe difficulties in implementing the amended Decision, a derogation for Members which have implemented the existing Decision may be incorporated in the amended Decision, in order to allow an extended period for its implementation.
- 12.5.6 On the approval of the amended Decision, the previous Decision is automatically withdrawn.
- 12.5.7 Unless agreed otherwise, the reference number shall remain unchanged, but the new version shall have a reference next to the title, stating "Amended < place, date >".
- 12.5.8 In the case where an error in an approved Decision is identified the Plenary may provisionally approve a corrigendum for final approval at its following meeting providing there is no objection. Corrected Decisions shall keep their original number followed by the date of this correction.
- 12.5.9 In case an EC Decision is published, which for the EU Member States, Iceland, Liechtenstein and Norway, overrides the contents of an ECC Decision, the ECC may decide to:
- either include a statement in its ECC Decision, following the title of the Decision, reading as follows:

"Comparable technical specifications to those given in this ECC Decision are given in EC Decision no. {<year>/no./EC}. EU Member States and, if so approved by the EEA Joint Committee, Iceland, Liechtenstein and Norway are obliged to implement the EC Decision."
 - or amend its ECC Decision accordingly.

Article 12.5.7 applies.

² These provisions are also applicable to ERC and ECTRA Decisions

12.5.10 In case an ECC Decision makes additional provisions to an existing ECC Decision which has a direct correspondence with EC Decisions, the following statement shall be included after the title of such an ECC Decision:

“For EU Member States, Iceland, Liechtenstein and Norway, this Decision is without prejudice to provisions in EC Decision {<year>/no/EC} containing comparable technical specifications to those given in ECC Decision {ECC/DEC/(xx)YY} referenced in this Decision. EU Member States and, if so approved by the EEA Joint Committee, Iceland, Liechtenstein and Norway are obliged to implement the EC Decision.”

Article 12.5.7 applies.

12.6 WITHDRAWAL²

- 12.6.1 For withdrawal of a Decision the procedures given in either 12.6.2 or 12.6.3 shall be followed.
- 12.6.2 If a Decision is to be withdrawn because it is outdated and not superseded by a new Decision, a new Decision withdrawing the said Decision shall be developed in accordance with Article 12.2. Such withdrawing Decision may withdraw one or more approved Decisions and shall follow the format specified in the Working Methods document.
- 12.6.3 If the Decision is to be withdrawn because it is superseded by a new Decision, withdrawal shall be reflected as one of the *Decides* of the new Decision.
- 12.6.4 A withdrawn Decision shall be kept on the list of deliverables on the ERO website with the following note: *“ECC/DEC(XX)YY – Please note that this Decision has been withdrawn in accordance with ECC/DEC(AB)CD”*, where (AB)CD refers to the reference number of the new Decision that withdrew or superseded the old Decision.

ARTICLE 13 - LANGUAGES

- 13.1 As a general rule, provision shall be made for simultaneous interpretation in the three CEPT languages at meetings of the Plenary. However, subject to prior Arrangement of all Members concerned with a particular meeting or a series of meetings, an exception to this rule may be made. Such prior Arrangement shall be obtained on the initiative of the Member organising the meeting, or the first meeting in the case of a series of meetings, sufficiently in advance to enable this Member to take the appropriate practical measures.

ARTICLE 14 - CONDUCT OF MEETING AND VOTING

- 14.1 As a general rule the ECC will act by consensus, otherwise by a simple majority of votes cast, except where specific alternative provisions have been agreed. Project Teams and Task Groups shall not vote.
- 14.2 Consensus is defined as the general agreement, characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments. Consensus does not imply unanimity.
- 14.3 Only Members have the right to vote.
- 14.4 The vote of each Member shall be cast in alphabetical order according to the French names of countries whose Members are present or represented by proxy.
- 14.5 Abstentions are not taken into account in calculating the majority.
- 14.6 If the number of abstentions is equal to, or more than, half the number of votes cast, the question discussed must be taken up again at a later meeting, at which this rule will not apply.

² These provisions are also applicable to ERC and ECTRA Decisions

- 14.7 A secret ballot shall be used if decided by the Chairman or requested by at least two Members.

ARTICLE 15 - QUORUM AND PROXY VOTING

- 15.1 The quorum, present or represented by proxy, required for voting under the procedure described in Article 14 shall consist of at least 50% of the total number of Members of CEPT.
- 15.2 The quorum for a vote taken by correspondence must be reached by the date specified in the voting papers issued to each National Delegation.
- 15.3 A Member unable to attend a meeting where a vote is due to be taken may cast a vote by proxy. To be valid a proxy vote must be notified in writing to the Chairman in advance of the meeting, indicating which other Member has been given the proxy. No Member may cast more than one proxy on a particular vote.

ARTICLE 16 - AMENDMENTS TO THE RULES OF PROCEDURE

- 16.1 Proposed amendments to the Rules of Procedure shall be put to the Plenary giving not less than two months notice.
- 16.2 Approval of amendments to the Rules of Procedure shall require not less than 75% of the total votes cast to be in favour.
-