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**Rotterdam Convention on the Prior Informed  
Consent Procedure for Certain Hazardous  
Chemicals and Pesticides in International Trade  
Conference of the Parties**

**First meeting**

Geneva, 20–24 September 2004

Item 3 of the provisional agenda\*

**Matters stipulated by the Convention for action by the Conference  
of the Parties at its first meeting: adoption of the rules of procedure  
for the Conference of the Parties**

## **Adoption of the rules of procedure for the Conference of the Parties**

### **Note by the secretariat**

#### **Introduction**

1. Article 18, paragraph 4, of the Rotterdam Convention states: "The Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat."
2. At its eighth session, the Intergovernmental Negotiating Committee adopted and decided to forward to the Conference of the Parties draft rules of procedure.<sup>1</sup> The adopted draft rules were attached as annex III to the report of that session (UNEP/FAO/PIC/INC.8/19).
3. The Committee stated in a footnote to rule 45, however, that paragraph 1 of rule 45 remained open and needed to be revisited, because the question of whether all decisions on substance required consensus remained under review by certain delegations.

\* UNEP/FAO/RC/COP.1/1.

<sup>1</sup> UNEP/FAO/PIC/INC.8/19, para. 80.

4. At its tenth session, the Intergovernmental Negotiating Committee reconsidered the draft rules of procedure. The issue addressed in the footnote to rule 45 remained unresolved, and the Committee agreed to forward the draft rules unchanged to the Conference of the Parties for consideration at its first meeting.<sup>2</sup> The text of the draft rules of procedure was attached as annex IV to the report of the Committee's tenth session (UNEP/FAO/PIC/INC.10/24) and is attached as an annex to the present note.

### **Suggested action by the Conference of the Parties**

5. The Conference of the Parties may wish to consider the draft rules of procedure as forwarded by the Intergovernmental Negotiating Committee and attached as the annex to the present note.

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<sup>2</sup> UNEP/FAO/PIC/INC.10/24, para. 92.

## **Annex**

### **Draft rules of procedure for the Conference of the Parties**

#### **I. Introduction**

##### *Scope*

##### *Rule 1*

The present rules of procedure shall apply to any meeting of the Conference of the Parties to the Convention convened in accordance with Article 18 of the Convention.

##### *Definitions*

##### *Rule 2*

For the purposes of the present rules:

1. "Convention" means the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, adopted at Rotterdam, on 10 September 1998;
2. "Parties" means Parties to the Convention;
3. "Conference of the Parties" means the Conference of the Parties established by Article 18 of the Convention;
4. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with Article 18 of the Convention;
5. "Regional economic integration organization" means an organization defined in Article 2 (h) of the Convention;
6. "President" means the President of the Conference of the Parties elected in accordance with Rule 22, paragraph 1;
7. "Secretariat" means the Secretariat established by Article 19, paragraph 1 of the Convention.
8. "Subsidiary body" means the body established pursuant to Article 18, paragraph 6 of the Convention, as well as any body established pursuant to Article 18, paragraph 5 (a) of the Convention.
9. "Parties present and voting" means Parties present at the meeting in which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

#### **II. Meetings**

##### *Place of meetings*

##### *Rule 3*

The meetings of the Conference of the Parties shall take place at the seat(s)<sup>3</sup> of the Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Secretariat in consultation with the Parties.

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<sup>3</sup> Will depend on the decision regarding the location of the Secretariat.

*Dates of meetings*

*Rule 4*

1. Unless otherwise decided by the Conference of the Parties, the second and third ordinary meetings of the Conference of the Parties shall be held yearly and, thereafter, ordinary meetings shall be held every two years.

2. At each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting. The Conference of the Parties should endeavour not to hold such meetings at a time that would make the attendance of a significant number of delegations difficult.

3. Extraordinary meetings of the Conference of the Parties shall be held at such times as may be decided either by the Conference of the Parties at an ordinary meeting or at the written request of any Party, provided that, within ninety days of the request being communicated to the Parties by the Secretariat, it is supported by at least one third of the Parties.

4. In the case of an extraordinary meeting held at the written request of a Party, it shall be held not more than ninety days after the date on which the request is supported by at least one third of the Parties in accordance with paragraph 3.

*Notification of meetings*

*Rule 5*

The Secretariat shall notify all Parties of the dates and venue of ordinary and extraordinary meetings at least sixty days before the meeting in question is due to commence.

### **III. Observers**

*Participation of United Nations, specialized agencies and non-Parties*

*Rule 6*

1. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings as observers.

2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting, unless at least one third of the Parties present at the meeting object.

*Participation of other bodies or agencies*

*Rule 7*

1. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the Secretariat of its wish to be represented at a meeting as an observer may be so admitted unless at least one third of the Parties present at the meeting object.

2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent, unless at least one third of the Parties present at the meeting object.

*Notification by Secretariat**Rule 8*

The Secretariat shall notify those entitled to be observers and those which have informed the Secretariat of their wish to be represented, pursuant to rules 6 and 7, of the dates and venue of the next meeting.

**IV. Agenda***Preparation of provisional agenda**Rule 9*

In agreement with the President, the Secretariat shall prepare the provisional agenda for each meeting.

*Items on provisional agenda for ordinary meeting**Rule 10*

The provisional agenda for each ordinary meeting shall include, as appropriate:

- (a) Items arising from the articles of the Convention, including those specified in its Article 18;
- (b) Items the inclusion of which has been decided at a previous meeting;
- (c) Items referred to in rule 16;
- (d) The proposed budget as well as all questions pertaining to the accounts and financial arrangements;
- (e) Any item proposed by a Party and received by the Secretariat before the provisional agenda is circulated.

*Distribution of provisional agenda**Rule 11*

For each ordinary meeting, the provisional agenda, together with supporting documents, shall be distributed in the official languages by the Secretariat to the Parties at least six weeks before the opening of the meeting.

*Supplementary items**Rule 12*

The Secretariat shall, in agreement with the President, include any item that is proposed by a Party and has been received by the Secretariat after the provisional agenda for an ordinary meeting has been produced, but before the opening of the meeting, in a supplementary provisional agenda.

*Addition, deletion, deferment or amendment of items**Rule 13*

When adopting the agenda for an ordinary meeting, the Conference of the Parties may decide to add, delete, defer or amend items. Only items that are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

*Agenda for extraordinary meeting*

*Rule 14*

The agenda for an extraordinary meeting shall consist only of those items proposed for consideration by the Conference of the Parties at an ordinary meeting or in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the notification of the extraordinary meeting.

*Report on administrative and budgetary implications*

*Rule 15*

The Secretariat shall report to the Conference of the Parties on the administrative and budgetary implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the Conference of the Parties decides otherwise, no such substantive agenda item shall be considered until at least forty-eight hours after the Conference of the Parties has received a report of the Secretariat on its administrative and budgetary implications.

*Incomplete consideration of item*

*Rule 16*

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the provisional agenda of the next ordinary meeting, unless otherwise decided by the Conference of the Parties.

**V. Representation and credentials**

*Composition of delegation*

*Rule 17*

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

*Alternates and advisers*

*Rule 18*

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

*Submission of credentials*

*Rule 19*

The credentials of representatives as well as the names of alternate representatives and advisers shall be submitted to the Secretariat if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

*Examination of credentials**Rule 20*

The Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties.

*Provisional participation**Rule 21*

Representatives shall be entitled to participate provisionally in the meeting, pending a decision by the Conference of the Parties to accept their credentials.

**VI. Officers***Election of officers**Rule 22*

1. At the first ordinary meeting of the Conference of the Parties, a President and four Vice-Presidents, one of whom shall act as Rapporteur, shall be elected from among the representatives of the Parties present at the meeting. These officers shall serve as the Bureau of the Conference of the Parties. Each of the United Nations regional groups shall be represented by one Bureau member. The Bureau shall remain in office until the closure of the second ordinary meeting of the Conference of the Parties, including for any intervening extraordinary meeting.

2. At the second and subsequent ordinary meetings of the Conference of the Parties, the election of officers from among the Parties to serve as the Bureau for the following meeting of the Conference of the Parties shall take place before the end of the meeting. These officers shall commence their term of office at the closure of the meeting and shall serve until the closure of the following ordinary meeting of the Conference of the Parties, including for any intervening extraordinary meeting.

3. The offices of the President and Rapporteur shall normally be subject to rotation among the United Nations regional groups. No elected officer may serve on the Bureau for more than two consecutive terms.

4. The President shall participate in meetings of the Conference of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the meetings and to exercise the right to vote.

5. The Chairs of the Chemical Review Committee and any other subsidiary bodies shall be members ex-officio of the Bureau.

*General powers of the President**Rule 23*

1. In addition to exercising the powers conferred upon the President elsewhere by the present rules, the President shall declare the opening and closing of the meeting, preside at the meetings, ensure the observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to the present rules, shall have complete control of the proceedings and over the maintenance of order thereat.

2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

3. The President, in the exercise of the functions of that office, remains under the authority of the Conference of the Parties.

*Acting President*

*Rule 24*

1. The President, if temporarily absent from a meeting or any part thereof, shall designate a Vice-President to act as President. The President so designated shall not at the same time exercise the rights of a representative of a Party.

2. A Vice-President acting as President shall have the powers and duties of the President.

*Replacement of an officer*

*Rule 25*

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's term.

## **VII. Subsidiary bodies**

*Application of rules to subsidiary bodies*

*Rule 26*

Save as provided in rules 28 to 33, the present rules shall apply mutatis mutandis to the proceedings of any subsidiary bodies, subject to any modifications decided by the Conference of the Parties.

*Establishment of subsidiary bodies*

*Rule 27*

1. The Conference of the Parties may establish, in accordance with Article 18, paragraph 5 (a), such subsidiary bodies, as it considers necessary for the implementation of the Convention, in addition to the subsidiary body established under Article 18, paragraph 6.

2. Meetings of subsidiary bodies shall be held in public unless the Conference of the Parties or the subsidiary body concerned decides otherwise.

*Quorum for non open-ended subsidiary bodies*

*Rule 28*

In the case of a subsidiary body that is not open-ended, a simple majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum.

*Dates of meetings*

*Rule 29*

The Conference of the Parties shall decide on the dates of the meetings of the subsidiary bodies, taking note of any proposals to hold such meetings in conjunction with the meetings of the Conference of the Parties.



*Election of officers for subsidiary bodies**Rule 30*

The Chair of the Chemical Review Committee shall be elected by the Conference of the Parties. Unless the Conference of the Parties decides otherwise, the Chair of any other subsidiary body shall be elected by the Conference of the Parties. Each subsidiary body shall elect its own officers other than the Chair. The officers of such subsidiary bodies shall be elected with due regard to the principle of equitable geographical representation and shall not serve for more than two consecutive terms.

*Matters for consideration**Rule 31*

Subject to Article 18, paragraph 6 (b), of the Convention, the Conference of the Parties shall determine the matters to be considered by each subsidiary body and the President may, upon the request of the Chair of the subsidiary body concerned, adjust the allocation of work.

**VIII. Secretariat***Duties of the heads of the Secretariat**Rule 32*

1. The heads of the Secretariat shall jointly exercise the functions of that office in all meetings of the Conference of the Parties and of its subsidiary bodies. Either head of the Secretariat may designate a representative to serve in its place.

2. The heads of the Secretariat shall jointly arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, within available resources. The heads of the Secretariat shall jointly manage and direct such staff and services and provide appropriate support and advice to the Bureau of the Conference of the Parties and its subsidiary bodies.

*Functions of the Secretariat**Rule 33*

In addition to the functions specified in the Convention, in particular in article 19, the Secretariat shall, in accordance with the present rules:

- (a) Arrange for interpretation at the meeting;
- (b) Collect, translate, reproduce and distribute the documents of the meeting;
- (c) Publish and distribute the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting; and
- (e) Arrange for the custody and preservation of the documents of the meeting.

**IX. Conduct of business***Sessions**Rule 34*

Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise.

*Quorum*

*Rule 35*

1. The President shall not declare a session of the meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the Parties to the Convention are present. The presence of two thirds of the Parties to the Convention shall be required for any decision to be taken.

2. For the purposes of determining a quorum for a decision to be taken on a matter within the competence of a regional economic integration organization, that organization shall be counted to the extent of the number of votes it is entitled to cast in accordance with paragraph 2 of Article 23 of the Convention.

*Procedures for speaking*

*Rule 36*

1. No one may address a meeting without having previously obtained the permission of the President. Subject to rules 38, 39, 40 and 42, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.

2. The Conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

*Precedence*

*Rule 37*

The Chair or Rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

*Points of order*

*Rule 38*

During the discussion of any matter, a representative may at any time raise a point of order, on which the President shall immediately rule in accordance with the present rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

*Decisions on competence*

*Rule 39*

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote taken on the proposal or amendment in question.

*Proposals and amendments to proposals*

*Rule 40*

Proposals and amendments to proposals shall normally be introduced in writing, in one of the official languages, by the Parties and handed to the Secretariat, which shall circulate copies to delegations. As a general rule, no proposal or amendment to proposal shall be discussed or put to the vote at any session unless copies of it have been circulated to delegations not later than the day preceding

that session. The President may, however, permit the discussion and consideration of proposals, of amendments to proposals or of procedural motions even though such proposals, amendments to proposals or motions have not been circulated or have been circulated only the same day.

*Order of procedural motions*

*Rule 41*

1. Subject to rule 40, the following motions shall have precedence in the order indicated below over all other proposals or motions:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the question under discussion;
- (d) To close the debate on the question under discussion.

2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

*Withdrawal of proposals or motions*

*Rule 42*

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other Party.

*Reconsideration of proposals*

*Rule 43*

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover, to one speaker in favour of and two against the proposal, after which it shall be put immediately to the vote.

## **X. Voting**

*Right to vote*

*Rule 44*

1. Each Party shall have one vote, except as provided for in paragraph 2.

2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

*Majority required*

*Rule 45*

1. The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless

otherwise provided by the Convention, by the financial rules referred to in Article 18, paragraph 4 of the Convention or by the present rules of procedure.<sup>4</sup>

2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting.

3. If the question arises whether a matter is one of procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.

4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

#### *Rule 46*

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Conference of the Parties may, after each vote on a proposal, decide whether to vote on the next proposal.

#### *Division of proposals and amendments*

#### *Rule 47*

1. Any representative may request that any part of a proposal or of an amendment to a proposal be voted on separately. The President shall allow the request unless a Party objects. If an objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The President may limit the time allowed to each speaker.

2. If the request referred to in paragraph 1 is allowed or adopted, those parts of a proposal or of an amendment to a proposal that are approved shall then be put to vote as a whole. If all operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

#### *Amendment to a proposal*

#### *Rule 48*

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

#### *Order of voting on amendments to a proposal*

#### *Rule 49*

If two or more amendments to a proposal are moved, the Conference of the Parties shall first vote on the amendment furthest removed in substance from the original proposal, then on the next amendment furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

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<sup>4</sup> Paragraph 1 of rule 45 remains open and needs to be revisited, because the question of whether all decisions on substance require consensus remains under review by certain delegations.

*Method of voting for general matters**Rule 50*

1. Voting, except for elections, shall normally be by show of hands. A roll call vote shall be taken if so requested by any Party. The roll call shall be taken in the English alphabetical order of the names of the Parties, beginning with the Party whose name is drawn by lot by the President. If at any time, however, a Party requests a secret ballot, that shall be the method of voting on the issue in question.

2. When the Conference of the Parties votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll call.

3. The vote of each Party participating in a roll call or recorded vote shall be included in the relevant documents of the meeting.

*Conduct during voting**Rule 51*

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his/her vote on his/her own proposal or amendment, except if it has been amended.

**XI. Elections***Method of voting for elections**Rule 52*

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

*Absence of majority**Rule 53*

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1.

*Election to two or more elective places**Rule 54*

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.

2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

## **XII. Languages and sound records**

### *Official languages*

#### *Rule 55*

The official languages of the Conference of the Parties shall be Arabic, Chinese, English, French, Russian and Spanish.

### *Interpretation*

#### *Rule 56*

1. Statements made in an official language shall be interpreted into the other official languages.

2. A representative of a Party may speak in a language other than an official language if the Party provides for interpretation into one such official language.

### *Languages of official documents*

#### *Rule 57*

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

### *Sound recordings of meetings*

#### *Rule 58*

Sound recordings of the meetings of the Conference of the Parties, and whenever possible of the subsidiary bodies, shall be kept by the Secretariat, consistent with the practice of the United Nations.

## **XIII. Amendments to the rules of procedure**

### *Rule 59*

The present rules of procedure may be amended by consensus by the Conference of the Parties.

#### **XIV. Overriding authority of the Convention**

##### *Precedence of Convention*

##### *Rule 60*

In the event of any conflict between any provision of the present rules and any provision of the Convention, the Convention shall prevail.

#### **XV. Miscellaneous**

##### *Italicized headings*

##### *Rule 61*

The italicized headings of the present rules are for reference purposes only. They shall be disregarded in the interpretation of the rules.

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