

EUTELSAT

ASSEMBLY OF PARTIES

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RULES OF PROCEDURE FOR THE
ASSEMBLY OF PARTIES

This document contains the Rules of Procedure of the Assembly of Parties, as adopted by the Assembly at its First meeting and amended at its Sixth, Twenty-ninth, Thirtieth and Thirty-ninth meetings.

RULES OF PROCEDURE OF THE ASSEMBLY OF PARTIES OF EUTELSAT

PART I : DEFINITIONS

Rule 1: Definitions

For the purpose of these rules:

- a) “the Convention” means the Convention establishing the European Telecommunications Satellite Organization “EUTELSAT”;
- b) “the Assembly” means the Assembly of Parties of EUTELSAT;
- c) other words and expressions defined in the Convention have the same meaning in these Rules of Procedure.

PART II : MEETINGS

Rule 2 : Ordinary Meetings

Ordinary meetings of the Assembly shall be held once every two years, unless the Assembly decides at any meeting that the following meeting shall be held at a different interval. At each meeting the Assembly shall determine the date of its next meeting.

Rule 3 : Extraordinary Meetings

- a) The Executive Secretary shall convene an extraordinary meeting of the Assembly upon the request of one or more Parties which receives the support of one third of the Parties including the requesting Party or Parties, or at the request of Eutelsat S.A. A request for an extraordinary meeting shall state the purposes for which it is required and shall be addressed in writing to the Executive Secretary.
- b) The Executive Secretary shall immediately communicate a request from a Party or Parties to the remaining Parties to ascertain whether it has the requisite support. If the request has not received the requisite support within 15 working days of such communication the request shall be deemed to have been withdrawn.
- c) Extraordinary meetings shall be held as soon as possible, but not sooner than 20 working days after a request has been received from a Party or Parties.

Rule 4 : Place of Meetings

Ordinary and extraordinary meetings shall be held in Paris or its immediate surroundings, unless the Assembly decides otherwise.

PART III :PARTICIPATION

Rule 5 : Delegates

Each Party may designate as its delegates one representative and such alternates and advisers as it deems necessary. A Party may be represented by another Party, but no Party may represent more than two other Parties.

Rule 6 : Observers

The Executive Secretary shall invite as observers to any meeting:

- i) representatives of any State, other than a Party;
- ii) any individual or any representative of another entity which the Assembly has decided to invite.

Rule 7 : Chairman of the Directorate of Eutelsat S.A.

The Chairman of the Directorate of Eutelsat S.A. or, in his absence, an accredited representative shall be invited as required, to attend meetings but without the right to vote.

Rule 8: Credentials

Credentials of delegations of Parties and observers shall be sent to the Executive Secretary in advance of each meeting. The Executive Secretary, acting in accordance with the guidelines in the Annex to these Rules of Procedure, shall examine all credentials. The credentials of delegations of Parties and observers shall be made available by the Executive Secretary for review by any delegation.

PART IV: AGENDA

Rule 9: Ordinary Meetings

- a) Each Party and the Executive Secretary may propose items for inclusion on the agenda of an ordinary meeting. Proposals shall be received by the Executive Secretary no later than 40 days before the beginning of the meeting. Each

proposal shall be sent in writing and shall state the nature of the proposal and the reasons why it should be considered at the meeting.

- b) The Executive Secretary shall assemble and coordinate the proposals received into a provisional agenda which shall also include all matters which the Convention, these Rules and its earlier decisions require the Assembly to consider. The Executive Secretary shall communicate the provisional agenda to all Parties and observers at least 30 days before the beginning of the meeting.
- c) The Assembly shall adopt the agenda by a simple majority. Urgent items may be added to the agenda by a two-thirds majority at the time of adoption of the agenda or later in the meeting.

Rule 10: Extraordinary Meetings

The agenda of an extraordinary meeting shall be restricted to the purposes for which the meeting was convened.

PART V: OFFICERS

Rule 11: Chairman and Vice-Chairman of an Ordinary Meeting of the Assembly

At the first session of each ordinary meeting the Assembly shall elect a Chairman and a Vice-Chairman from among the representatives of the Parties. They shall assume office immediately and shall remain in office until the election of their successors at the next ordinary meeting.

Rule 12: Temporary Chairman

Until a new Chairman has been elected, the Chairman of the preceding meeting or, if he is unable to act, the Vice-Chairman or, if he too is unable to act, the Executive Secretary, shall act as Chairman.

Rule 13: Extraordinary Meetings

The Chairman of the preceding ordinary meeting or, in his absence, the Vice-Chairman shall preside at an extraordinary meeting.

At each extraordinary meeting, at the start of which neither the Chairman nor the Vice-Chairman is available, the Executive Secretary shall act as Temporary Chairman until an Acting Chairman is elected. The Acting Chairman shall hold office for the duration of that meeting only.

Rule 14: Election

At the beginning of each ordinary meeting of the Assembly the Chairman, the Acting Chairman or the Executive Secretary, as the case may be, shall ask for nominations for the offices of the Chairman and Vice-Chairman. If an officer is not elected by acclamation, the election shall be held by secret ballot by a simple majority vote taken as follows:

- a) the Secretary of the meeting shall collect the ballots and, together with two tellers appointed by the Chairman, count the votes in the presence of the Assembly.
- b) If two or more candidates obtain an equal number of votes a further ballot shall be held with respect to these candidates only. If the votes are again divided equally, the temporary Chairman shall decide by drawing lots.
- c) If there are more than two candidates and none of them obtains a simple majority, a new ballot shall be held between the two candidates who obtained the largest number of votes. If the votes for second place are equally divided a new ballot shall be held between the candidate obtaining the largest number of votes and those in second place. If no candidate obtains a majority on the second ballot, a third ballot shall be held between the candidate obtaining the largest number of votes and one of the candidates in second place drawn by lot by the temporary Chairman.

Rule 15: Chairman's Absence or Inability to Act

If the Chairman is absent or unable to act as such, the Vice-Chairman shall assume the responsibilities of the Chairman.

Rule 16: Chairman's Voting

The Chairman or the acting Chairman of the Assembly shall not vote.

PART VI: CONDUCT OF BUSINESS

Rule 17: Quorum

A quorum shall consist of a majority of all the Parties provided that, taking account of the possibility of multiple representation, not less than one third of all the Parties are present.

Rule 18: Privacy of Proceedings

- a) Meetings of the Assembly shall not be open to the general public or press, unless the Assembly decides otherwise.
- b) The Assembly may decide to limit attendance at any session of a meeting to Parties only. In that case, only members of delegations may receive documents relating to such session, unless the Assembly decides otherwise.
- c) The Assembly may adopt special measures to protect the confidentiality of documents dealing with issues of a delicate nature or when confidentiality is in the interest of EUTELSAT.

Rule 19: Responsibilities of the Chairman

- a) The Chairman shall exercise the powers of his office in accordance with customary practice. He shall remain under the authority of the meeting.
- b) The Chairman shall open and close the meeting, direct the deliberations, ensure that these Rules are applied, give the floor to speakers, put questions to the vote and announce decisions taken.
- c) The Chairman shall ensure that discussion is confined to the point at issue and may interrupt any speaker who departs from this rule.

Rule 20: Procedural Motions

- a) Speakers on procedural motions and points of order shall be given priority over speakers on matters of substance, but may not take advantage of this rule to speak on the substance of the matter under discussion.
- b) The following motions shall have precedence, in the order indicated below, over all other proposals or motions:
 - i) to suspend a session;
 - ii) to adjourn a session;
 - iii) to adjourn the debate on the question under discussion;
 - iv) to close the debate on the question under discussion;

- c) during the discussion of any matter a delegate may raise a point of order. The Chairman shall immediately decide the point of order in accordance with these Rules.
- d) A delegate may appeal against a ruling of the Chairman. The appeal shall be put to the vote and the Chairman's ruling shall stand unless overruled by a simple majority.
- e) In the case of the motions, mentioned in paragraph b) above and those mentioned in Rule 22 and Rule 28 b), only the proposer and one other speaker in favour of the motion, and two speakers against the motion may speak. Thereafter the motion shall be put to the vote.

Rule 21: Substantive Proposals

- a) Substantive proposals shall be in writing and, as a general rule, presented by the representative of a Party to the Assembly at least 24 hours before their consideration.
- b) A proposal may be withdrawn by its author before voting on it has begun if no amendments have been proposed by other delegates. The proposal may be reintroduced at any time by any delegate provided the item on the Agenda under which it falls has not been closed.

Rule 22: Reconsideration

When a proposal has been adopted or rejected it may not be reconsidered at the same meeting unless on a motion adopted by a two-thirds majority the Assembly otherwise decides.

Rule 23: Speeches

- a) No delegate may speak without permission of the Chairman. Speakers shall be called upon in the order in which they request the floor. The Chairman shall protect the right of each delegate to express his opinion freely and fully on the point at issue, subject to paragraphs b) and c) of this rule.
- b) During the discussion, the Chairman may read the list of speakers and declare the closure of that list. Nevertheless, he may grant the right of reply to any delegate when an intervention made after the closure of the list of speaker makes it necessary.

- c) The Chairman with the agreement of the Assembly may limit the time given to each speaker or the number of speeches by each delegation on a given question. Whenever the time so given is exceeded, the Chairman shall call the speaker to order.

Rule 24: Records

- a) The Executive Secretary shall have prepared official records of the Assembly in two parts:
 - i) a Record of Decisions taken during the Session;
 - ii) statements, if any, submitted by representatives before the end of the Session;
- b) Meeting documents and official records shall be distributed in the two working languages.
- c) Any representative shall have the right to have distributed during the meeting as a document any statement relative to an item under discussion, and this statement will be attached to the official records of the meeting. Such statements shall be submitted to the Executive Secretary in writing in one of the official languages.
- d) The Record of Decisions taken during the meeting shall be approved by the Assembly before the end of the meeting to which it relates. This Record together with the statements described in subparagraph ii) of paragraph a) of this Rule shall be the only official record of the Assembly's proceedings.

PART VII: VOTING

Rule 25: Majority Required

- a) Each Party shall have one vote in meetings of the Assembly.
- b) Decisions on matters of substance shall be taken by a two-thirds majority, and on procedural matters by a simple majority. A Party which represents one or two other Parties under Rule 5 may vote separately for each Party it represents.
- c) Decisions whether a question is procedural or substantive shall be made by the Chairman. His decisions may be overruled by a two-thirds majority.
- d) Simple and two-thirds majorities shall be calculated on the basis of the Parties present and voting. Parties which abstain from voting shall be considered as not voting.

Rule 26: Method of Voting

- a) Unless technical means are used, or the vote is taken by secret ballot in accordance with paragraph b), votes shall be taken by a show of hands or, if any delegation so requests, by roll call. Roll calls shall be taken in the alphabetical order of the French names of the Parties, beginning with the Party chosen by the Chairman by drawing lots.
- b) Voting shall be by secret ballot when at least two delegates so request.
- c) Delegates may explain their votes before the beginning of a vote has been announced or, except when the vote is secret, after the voting. The Chairman may limit the time allowed for such explanations.

Rule 27: Interruption of the Voting

After the Chairman has announced the beginning of a vote, no delegate shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.

Rule 28: Voting Upon Parts of a Proposal

- a) A delegate may move that part of a proposal or part of an amendment shall be voted on separately.
- b) Division is allowed if requested. Those parts of the proposal or of the amendment which have been adopted shall subsequently be put to the vote as a whole.
- c) If all operative parts of the proposal or the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 29: Order of Voting on Amendments

- a) When an amendment is moved to a proposal, the amendment shall be voted on first.
- b) If two or more amendments are moved, they shall be voted on in the reverse order in which they are moved unless otherwise decided. However where an amendment which has been adopted necessarily implies the rejection of another amendment, the latter shall not be put to a vote.
- c) If one or more amendments are adopted, the original proposal as amended shall then be voted upon.

Rule 30: Order of Voting on Proposals

Several proposals relating to the same question shall be put to the vote in the order in which they are received, unless otherwise decided. After each vote the meeting may decide not to vote on the other proposals. If there are more than two proposals, an indicative vote may be taken first.

Rule 31: Equally Divided Votes

If, on an issue other than elections, the votes are equally divided, a second vote shall be taken at a later Session held not later than 48 hours after the first vote. If in the second vote the votes are again equally divided, the proposal shall be deemed rejected.

PART VIII: PROCEDURES FOR ELECTION OF EXECUTIVE SECRETARY AND APPOINTMENT OF PARTIES PARTICIPATING IN THE ADVISORY COMMITTEE

Rule 32: Election of Executive Secretary

1. All efforts should be made to reach a consensus on one candidate.
2. In the case that 1 is not possible, the Assembly shall use the following procedure:
 - a) voting concerning the appointment of the Executive Secretary shall be by secret ballot ;
 - b) before holding each ballot, each Party present shall receive, a written numbered list of the names of all candidates standing in that ballot in alphabetical order;
 - c) in each ballot, each delegation should indicate the candidate it supports by marking an "x" next to the candidate's name;
 - d) failure to mark an "x" shall be considered as an abstention; if there is more than one candidate selected with an "x", then that ballotslip will be deemed to be invalid;
 - e) the Chairman shall designate two representatives of Parties to act as tellers to count the ballotslips;
 - f) a candidate who obtains two-thirds of the votes of Parties present and voting in the *first ballot* shall be appointed as Executive Secretary, by acclamation;
 - g) if, in the first ballot, no candidate is appointed in accordance with paragraph f) a number of successive ballots shall be held, in each of which the following rules shall apply, subject to paragraph h) below:

- i) the candidate who received the least number of votes in the previous ballot, including the first ballot, shall not be included in the list of candidates for the subsequent ballot;
 - ii) if a candidate obtains two-thirds of the votes of the Parties present and voting in a ballot, that candidate shall be appointed as Executive Secretary, by acclamation;
 - iii) the ballots will continue either until a candidate is appointed under paragraph ii) above or there are only two candidates remaining;
 - iv) a further ballot will then be held between the two remaining candidates, and the candidate who obtains a simple majority of the votes of Parties present and voting shall be appointed as Executive Secretary, by acclamation;
 - v) if, after the further ballot referred to in paragraph iv) above, there is a tie, the Assembly shall consider what alternative procedure should be adopted to appoint the Executive Secretary;
- h) if, after any ballot, there is a tie between two or more candidates having the least number of votes so that, the candidate to be excluded from the next ballot cannot be determined, an intermediate ballot shall first be held among the candidates who have tied to determine which of them should be submitted to the next ballot. For that purpose, the candidate who receives the least number of votes shall be excluded from the next ballot. If there is a tie in the intermediate ballot between any of the candidates, the Chairman shall draw lots among the tied candidates and the last one of them to be drawn shall be excluded from the next ballot;
- i) the Chairman of the Assembly may allow such time as he considers necessary between ballots, for consultations among Parties.

Rule 33: Appointment of Parties participating in the Advisory Committee

- a) One month in advance of the meeting, the Secretariat sends a letter inviting Parties wishing to become members of the Advisory Committee to submit their candidature.
- b) Parties wishing to apply for membership of the Advisory Committee should inform the Secretariat in writing at the latest fourteen days in advance of the meeting. The Secretariat forwards all letters of candidature to Parties at the latest seven days before the meeting, together with information about the composition of the previous Advisory Committees.

- c) If more than seven Parties, in addition to the Party acting as the Notifying Administration¹, present their candidatures, the Chairman of the Assembly of Parties, at the start of the meeting on the first day, invites candidate Parties to reach a consensus, bearing in mind the principle of rotation.
- d) The Chairman of the Assembly of Parties ascertains if there is a consensus.
- e) In the case there is no consensus, voting concerning the selection will take place by secret ballot.
- f) Each Party present or represented receives a ballot slip listing the candidate Parties in French alphabetical order.
- g) Each Party present or represented should mark an 'x' next to the chosen candidates;
- h) If there are more than seven 'X's (or more than one 'x' per candidate), or a vote for a Party which has withdrawn its candidature, the ballot slip is deemed to be invalid.
- i) The Chairman designates two representatives of Parties, which are not candidates, to act as tellers. Each teller counts the ballot slips and lists the number of votes for each candidate. The tellers check that they both have the same results and hand a summary of votes for each candidate to the Chairman of the Assembly of Parties.
- j) The first seven candidates in terms of total votes received are selected to serve on the Advisory Committee.
- k) In the case of tie for the last position(s), the Chairman of the Assembly of Parties seeks a consensus and decides whether an additional vote is required and how this will be conducted.

PART IX: MISCELLANEOUS

Rule 34: Committees and Working Groups

- a) During a meeting the Assembly may, if it considers necessary, establish committees or working groups composed of representatives of the Assembly, and submit to them any item on the agenda for review and comments.
- b) The members of the committees or working groups of the Assembly shall be designated by the Chairman, subject to the approval of the Assembly.

Rule 35: Languages

The official and working languages of the Assembly are French and English. Translation and simultaneous interpretation shall be provided at meetings of the Assembly.

Rule 36: Secretary of Meetings

¹ France, via its competent authority, is responsible for communicating with the ITU (International Telecommunication Union) on the rights of use of radiofrequencies assigned to EUTELSAT prior to its restructuring in 2001.

The Executive Secretary shall appoint the Secretary of each meeting of the Assembly.

Rule 37: Amendment of the Rules

The Assembly may amend these Rules by a two-thirds majority. Proposals for amendment shall be considered only at ordinary meetings.

ANNEX

GUIDELINES FOR THE EXECUTIVE SECRETARY'S EXAMINATION OF THE CREDENTIALS OF DELEGATIONS OF PARTIES AND OBSERVERS

1. The Executive Secretary shall use the authoritative List of Parties to the EUTELSAT Convention contained in document AP 1 - 7 (as updated from time to time), which list has been prepared and will be updated according to the latest information supplied by the Depositary for the Convention.
2. The Executive Secretary shall examine the credentials of Representatives and Alternate Representatives to determine whether they authorise the designated Representatives and Alternates to act on behalf of the Parties concerned.
3. Representatives and Alternates may be accredited to represent more than one Party, but no Party may represent more than two other Parties.
4. Credentials in the form of a letter shall be considered to have been issued by the proper authority if they have been issued by an official of an embassy, a ministry, or department of the Party.
5. Should there be any disagreement with a delegation regarding the acceptability of a credential, the Executive Secretary shall report on the matter to the Meeting.