



List of issues for the facilitative branch stocktaking exercise

Background note

I. Introduction

1. At its thirteenth meeting, the facilitative branch agreed to develop its own list of stocktaking issues. It requested the secretariat to prepare a draft list, including items identified at this meeting, in particular, electronic decision-making, seeking expert advice and engagement with expert review teams (ERTs). It further requested the secretariat to circulate the list to members and alternate members for comment and on the basis of comments received on the draft list and under the guidance of the chairperson and vice-chairperson, to prepare a revised list for circulation prior to its next meeting for consideration at that meeting.¹
2. Further to those requests and under the guidance of the chairperson and vice-chairperson, the secretariat has prepared a list of issues for consideration by the facilitative branch.

II. List of issues

A. Electronic decision-making

3. At its thirteenth meeting, the facilitative branch considered the possible impact on its work of the adoption by plenary of a working arrangement that would provide that decision-making by electronic means under rule 11, paragraph 2, of the rules of procedure with respect to a Party may only take place by voting.²
4. The branch concluded that its consideration by noting that it appreciated the rationale behind the proposal and that electronic decision-making was provided for in its rules of procedure. However, members and alternate members raised concerns with the proposed working arrangements, including the need to explain the rationale behind the proposal in the draft text so that it was clear why consensus was not available in this context; to confirm that the working arrangement would not impact on the voting majority provided for in section II, paragraph 9; how to ascertain members present and voting in the absence of a physical meeting; security issues and the possibility of a Party concerned raising procedural issues on how electronic voting is conducted. The branch agreed to bring these issues to the attention of the plenary and to invite the enforcement branch to further reflect on its proposal.³
5. At its twenty-third meeting, the enforcement branch indicated, on the basis of the discussion it had, that it does not see the need to pursue its proposal for a new working arrangement on electronic decision-making and suggested that this be brought to the attention of plenary.⁴

¹ CC/FB/13/2013/2, paragraph 13.

² CC/FB/13/2013/2, paragraph 9.

³ CC/FB/13/2013/2, paragraph 10.

⁴ CC/EB/23/2013/3, paragraph 14.



B. Seeking expert advice

6. At its thirteenth meeting, the facilitative branch considered the issue of whether, as part of its function to provide advice and facilitation, the branch could request expert advice. It noted that it did not find it necessary to seek expert advice during its previous consideration of matters under its indicative working arrangements,⁵ but the branch may wish to seek such advice in the future if it considers it necessary to do so, acting in accordance with the procedures and mechanisms and rule 22 of the rules of procedure. The issue of expert advice would be placed on its stocktaking list of issues for future review.⁶

C. Engagement with expert review teams (ERTs)

7. In the context of considering how it could continue to enhance its facilitative function, the facilitative branch, at its thirteenth meeting, decided to explore ways to continue a dialogue with lead reviewers. It suggested that the interaction between the review process and facilitative branch could be an issue for a future workshop and requested the secretariat to explore how to invite some lead reviewers to attend facilitative branch meetings as observers.⁷

⁵ CC/FB/11/2012/2, Annex 1.

⁶ CC/FB/13/2013/2, paragraph 11.

⁷ CC/FB/13/2013/2, paragraph 8.