



## Proposal for a CIML Resolution on the interpretation of the term 'colleague' in Article XVII of the OIML Convention (OIML B 1)

1. The first paragraph of Article XVII of the “Convention establishing an International Organization of Legal Metrology” (OIML Convention, OIML B 1), reads:

*“Committee Members unable to attend a meeting may delegate their vote to one of their colleagues who shall then be their representative. In such event, a single Member may not have more than two votes in addition to his own.”*

The text of this paragraph suggests that, when the OIML Convention was drafted, the term ‘colleague’ was used to refer only to another CIML Member.

2. From the records, it appears that in setting up the organization of the OIML, the BIPM was used as a model. Members of the CIPM (which may be regarded as the BIPM equivalent of the CIML) are elected ‘*a titre personnel*’, i.e. they formally do not represent a country. Moreover, the number of members of the CIPM is limited to eighteen.

3. The view that in drafting the OIML Convention, the functioning of the CIML was modeled after the CIPM is supported by the following:

(a) the original 1955 version of the OIML Convention provides for a Committee that consists of a maximum of twenty members of different nationality, elected by the Conference (with the consent of their government). In between Conferences, vacant positions could be filled by cooptation.

(b) a provision in Article XIII of the OIML Convention (1968):

*“They [i.e. the CIML Members] shall give the Committee the benefit of their experience, advice and work but shall not commit their Government or their Administration”*

4. Over the last few decades, one of the most important roles of the OIML has become that of an international standards setting organization in the field of legal metrology. As a consequence, and under the influence of the criteria for international standards setting bodies as laid down in, for example, the WTO/TBT Agreement, CIML Members are increasingly considered as representing their country when the CIML approves OIML Recommendations (a role originally considered for the delegates to the Conference when ‘sanctioning’ an OIML Recommendation).

5. In the early years, in recording the decisions taken in a CIML meeting, individual votes were not recorded. The transcripts of the CIML debates suggest that decisions were taken by consensus.

6. Nowadays, CIML Resolutions are voted on at the end of a CIML meeting and the votes are recorded as given by a country, strengthening the suggestion that a CIML decision is actually a decision of the Members of the OIML. Consensus decisions are still the objective, but a small number of ‘no’-votes is often acceptable.

7. In view of the evolution of the functioning of the CIML as described above, it may be considered that it is sometimes more appropriate that, when a designated CIML Member is unable to attend a CIML meeting, he/she is able to delegate his/her vote to someone from his/her own government or administration, rather than to a CIML Member designated by a foreign government.

9. It is, therefore, suggested that the CIML discusses this issue, considers an interpretation of the OIML Convention and submits a proposal for approval to the 14<sup>th</sup> Conference in 2012.

10. The proposed draft CIML Resolution is:

“Draft Resolution No. ...

*The Committee,*

Considering

*(a) that, when the OIML was established in 1955, its organization was modeled after the BIPM, established by the Metre Convention in 1875;*

*(b) that, in view of the history of the text of the OIML Convention, the term ‘colleague’ used in Article XVII of the OIML Convention refers to another CIML Member;*

*(c) the role of the OIML as an international standards setting organization, and the evolution of the functioning of the CIML in the light of that role, namely that CIML decisions are increasingly viewed as decisions of the OIML Members,*

Noting that Article XIII of the OIML Convention was amended in 1968, changing the composition of the CIML from a maximum of 20 members elected by the Conference to one representative per OIML Member, designated by his/her government,

Of the opinion that it may sometimes be more appropriate for a CIML Member who is unable to attend a CIML meeting, to delegate his/her vote to someone from his/her own government or administration, instead of to another CIML Member,

Resolves to request the 14<sup>th</sup> OIML Conference to approve the following interpretation, applicable to the first paragraph of Article XVII of the OIML Convention:

A ‘colleague’ may be: either another CIML Member, or someone designated by the absent CIML Member to represent him. In the latter case, the representative shall be from the same administration as the absent CIML Member and may not represent other CIML Members, i.e. may not receive proxies from other CIML Members.”

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