

## **RULES OF PROCEDURE**

(Rules of procedure which are also provisions of the Convention are asterisked for ease of reference)

### ***Chapter 1 - Representation***

1. Each Contracting Party shall appoint to the Commission not more than two representatives who may be accompanied at any of its meetings by experts and advisers (Article 3(3) of the Convention).\*
2. Contracting Parties shall inform the Secretary of the names of their appointed representatives and of the approximate number of experts or advisers expected to attend each meeting, no later than one month prior to the meeting.
3. The Commission may invite any Government or international organisation to be represented at its meeting by an observer delegation. Observer status shall be governed by the Rules set out in Chapter 8<sup>1</sup>

### ***Chapter 2 - President and Vice Presidents***

4. The Commission shall elect its own President and not more than two Vice Presidents (Article 3(4) of the Convention).\*
5. The President shall be elected from among the Contracting Parties for a term of three years and shall be eligible for re-election provided that he shall not serve for more than two terms in succession. He shall remain in office until his successor is elected. A representative of a Contracting Party who is elected President shall no longer represent that Contracting Party, which will have the right to appoint another representative. The President may resign at any time. In the event of the office of President falling vacant the Commission shall elect a new President at its next meeting.
6. The President shall have the following powers and responsibilities:
  - (a) convene the regular and extraordinary meetings of the Commission in accordance with Article 3(6) of the Convention;
  - (b) preside at each meeting of the Commission;
  - (c) open and close each meeting of the Commission;

<sup>1</sup> Amended at the 20<sup>th</sup> Annual Meeting, 2001

- (d) make rulings on points of order raised at meetings of the Commission, provided that each representative retains the right to request that any such decision be submitted to the Commission for approval;
- (e) put questions and notify the Commission of the results of votes;
- (f) approve a provisional Agenda for the meeting after consultation with representatives and the Secretary (see also paragraph 28);
- (g) sign, on behalf of the Commission, the reports of each meeting for transmission to its members, representatives and other interested persons as official documents of the proceedings; and
- (h) exercise other powers and responsibilities as provided in these rules and make such decisions and give such directions to the Secretary as will ensure that the business of the Commission is carried out effectively and in accordance with its decisions.

7. Two Vice-Presidents shall be elected from among the Contracting Parties for a term of three years and shall be eligible for re-election. The Vice-Presidents shall remain in office until their successors are elected but may resign at any time. In the event of an office of Vice-President falling vacant, the Commission shall elect a new Vice-President at the next meeting. One Vice-President shall be designated First Vice-President and the other Second Vice-President, but both shall have equal status. In the event of the office of President falling vacant the First Vice-President shall act as President until a new President is elected; he shall also act as President whenever the President is unable to act. A Vice President who is a member of a delegation shall not act in that capacity while he is acting as President; the Contracting Party of which he is a representative shall have the right during any such period to appoint another person to represent it in his place.

8. The same Contracting Party shall not provide the President and one or both Vice-Presidents.

### ***Chapter 3 - Meetings***

9. Except when the Commission determines otherwise, it shall meet once a year in London at such time as it decides; provided, however, that upon the request of a Contracting Party and subject to the concurrence of three other Contracting Parties, the President shall, as soon as practicable, convene a meeting at such time and place as he may determine (Article 3(6) of the Convention).\*

10. Attendance by a simple majority of the Contracting Parties shall constitute a quorum for opening the meeting.

11. The President shall decide all questions of order raised at meetings of the Commission subject to the right of any Contracting Party to request that any ruling by the President shall be submitted to the Commission for decision by vote. In that event, the President shall call for a vote and announce the outcome to the Commission.
12. Observers may address the Commission at the discretion of the President. The representatives of Contracting Parties may invite their experts or advisers to address the Commission.
13. The Secretary shall draft and distribute summary records of each day's proceedings. These shall be made available to participants as soon as possible.
14. Summary records, reports, minutes of Committees, resolutions, proposals, recommendations, advice and other formal decisions adopted by the Commission shall be transmitted as soon as possible by the Secretary after each meeting to Contracting Parties and Governments and international organisations attending the meeting as observers.

#### ***Chapter 4 - Secretary***

15. The Commission shall appoint its own Secretary and such other staff as it may require (Article 3(7) of the Convention).\*
16. The Secretary shall be the executive officer of the Commission. All communications to and from the Commission shall be addressed to or emanate from the Secretary. Communications to Contracting Parties shall be addressed to their appointed representatives. He shall be responsible to the Commission for, *inter alia*, the following functions:
  - (a) the management of the Commission's office;
  - (b) transmitting to Contracting Parties, in English, reports of the proceedings of the Commission;
  - (c) notifying Contracting Parties, without undue delay, of the recommendations adopted by the Commission under the Convention;
  - (d) notifying Contracting Parties of any objections to, withdrawals from or terminations of recommendations and of the entry into force of any recommendations or agreement between Contracting Parties to give effect to a recommendation;

- (e) informing Contracting Parties of the relevant legislative measures and agreements concluded by other Contracting Parties;
- (f) preparing draft budgets and draft budget estimates, calculating and notifying Contracting Parties of the contributions due, and for the receipt and disbursement of all monies received by the Commission in accordance with the rules adopted by the Commission for the conduct of its financial affairs;
- (g) preparing a draft provisional agenda which shall be communicated to the President, representatives of Contracting Parties and invited observers not less than 60 days before the date of the meeting;
- (h) notifying Contracting Parties of any proposed amendments to the Convention;
- (i) providing secretarial services for all meetings of the Commission and of its Committees;
- (j) performing such other functions as may be assigned to him by the Commission.

### ***Chapter 5 - Committees***

17. The Commission may set up such Committees and other subsidiary bodies as it considers desirable for the exercise of its duties and functions (Article 3(8) of the Convention).\*

18. The Commission shall adopt rules for the conduct of its financial affairs (Article 17(9) of the Convention).\*

19. The Commission shall appoint a Finance and Administration Committee (the terms of reference of which shall be prescribed in the Financial Rules) and any other committees considered desirable.

20. Each Committee will draw up its own rules of procedure, if necessary.

21. Each Committee shall elect a Chairman and a Vice-Chairman. The procedure for such elections and for the conduct of business generally by Committees shall be based on that followed by the Commission.

22. Reports of the proceedings of all committees, including particulars of all proposals, shall be made to the Commission.

## ***Chapter 6 - Voting<sup>2</sup>***

23. Each Contracting Party shall have one vote in the Commission. Decisions of the Commission shall be taken by a simple majority or, if this Convention specifically requires a qualified majority, by a two-thirds majority of the votes of all Contracting Parties present and casting affirmative or negative votes, provided that no vote shall be taken unless there is a quorum of at least two thirds of the Contracting Parties. If there is an even division of votes on any matter which is subject to a simple majority decision the proposal shall be regarded as rejected (Article 3(9) of the Convention).\*

24. Any amendment to a proposal before the Commission shall be voted on before the proposal.

25. Where any proposal before the Commission can be divided into separate parts, the President may, with the agreement of the majority of the Contracting Parties present, put each part to the vote separately.

26. Votes shall be taken by show of hands, or by roll call in the English alphabetical order of the names of the Contracting Parties or by ballot, as determined by the Commission. The President shall call for votes where required and announce their results to the Commission.

27. A vote may in an emergency be taken by post or other means of written communication. The issue to be put to a vote and the closing date of the voting period of 30 days shall be communicated to all Contracting Parties. The Secretariat shall ensure that the communication has been received by all Contracting Parties. The outcome of the vote shall be communicated immediately to all Contracting Parties, if applicable, starting the objection period as set out in Article 12 of the Convention. The issue to be put to a vote and the closing date of the voting period of 30 days shall be communicated to all Contracting Parties. The outcome of the vote shall be communicated immediately to all contracting Parties, if applicable, stating the objection period as set out in Article 12 of the Convention.

If a Contracting Party fails to reply within the voting period, it will be recorded as having abstained and be considered part of the relevant quorum for voting purposes.

## ***Chapter 7 - Order of Business***

28. A provisional agenda for each meeting shall be settled by the President after consultation with Contracting Parties. It shall include all items proposed by them, and all

<sup>2</sup> Amended at the Extraordinary Meeting of NEAFC, April 2002

Recommendations of the Commission that would lapse unless renewed at the meeting. The provisional agenda shall be communicated to all Contracting Parties, the date of posting to be not less than 60 days before the date of the meeting.

29. Contracting Parties proposing items for inclusion in the agenda shall provide an explanatory memorandum for each item in time for distribution with the provisional agenda.

30. Except with the unanimous agreement of all the Contracting Parties, no item of business which involves the recommendation of measures under Articles 5, 6, 7, or 8 of the Convention or the amendment of the Rules of Procedure or other standing rules, shall be the subject of decisive action by the Commission unless the subject matter has been included in the provisional agenda for the meeting at which it is discussed.

31. The official language of the Commission shall be English. Reports of the proceedings of the Commission shall be transmitted to the Contracting Parties in English.

32. In case of doubt as to the interpretation and application of any of the Rules of Procedure, the President shall give a ruling.

### ***Chapter 8 – Rules Granting Observer Status<sup>3</sup>***

33. The Secretary shall invite:

(a) intergovernmental organisations that have regular contacts with NEAFC as regards fisheries matters or whose work is of interest to NEAFC or vice versa

(b) non-Contracting Parties identified as harvesting fishery resources in the area beyond waters under the fisheries jurisdiction of Contracting Parties (the Regulatory Area).

34. All non-governmental organisations (NGOs) which support the objectives of the Convention, have a demonstrated interest in the species under the purview of NEAFC and are in good standing should be eligible to participate as an observer in all plenary meetings of the Commission, except meetings held in executive sessions or meetings of Heads of Delegations.

35. Any NGO desiring to participate as an observer in a meeting of the Commission shall notify the Secretary of its desire to participate at least 100 days in advance of the meeting. This application must include:

<sup>3</sup> Amended at the 20<sup>th</sup> Annual Meeting, 2001

- (a) name, address, telephone, fax number and e-mail address of the organisation and the person(s) proposed to represent the organisation;
- (b) address of all its national/regional offices;
- (c) aims and purposes of the organisation and a statement that the NGO generally supports the objectives of the Convention, ie conservation and optimum utilisation of the fishery resources in the Convention Area;
- (d) information on the organisation's total number of members, its decision making process and its funding;
- (e) a brief history of the organisation and a description of its activities;
- (f) representative papers and other similar resources produced by or for the organisation on the conservation, management, or science of fishery resources to which the Convention applies;
- (g) a history of NEAFC observer status granted/revoked;
- (h) information or input that the organisation plans to present at the meeting in question and that it would wish to be circulated by the Secretary for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.

36. The Secretary shall review applications received within the prescribed time and, at least 90 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Paragraphs 34 and 35. If one or more of the Contracting Parties object giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted in accordance with the procedures laid down in Article 3, paragraph 9 of the Convention at least 30 days prior to the meeting. The Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.

37. Any NGO admitted to a meeting of the Commission may:

- (a) attend meetings, as set forth above, but may not vote;
- (b) make an oral statement during the meeting upon invitation of the Chairman;
- (c) distribute documents at the meetings through the Secretary;
- (d) engage in other activities as appropriate and as approved by the Chairman.

Any NGO admitted to a meeting of the Commission may not use films, videos, tape recording devices etc to record meeting proceedings.

38. If additional expenses are incurred by their participation, observers will be required to pay a fee, as determined by the Secretary.

39. The Secretary will determine whether, due to conference room capacity, seating limitations require that a limited number of observers per NGO may be present at any meeting. The Secretary will transmit any such determination in the conditions of participation.

40. All observers admitted to a meeting shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Secretary.

41. All observers admitted to a meeting shall comply with all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NEAFC may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of observer status.

### ***Chapter 9 - Amendment of Rules***

42. Subject to the following exception, these rules of procedure and any other standing rules may be amended by a simple majority of the Contracting Parties voting, subject to paragraph 30 of these Rules of Procedures, provided that the text of the proposed amendments has been included with the provisional agenda. However, those rules of procedure which are also provisions of the Convention may only be amended under the provisions set out at Article 19 of the Convention.

## **RULES FOR FINANCE AND ADMINISTRATION COMMITTEE**

(Rules which are also provisions of the Convention are asterisked)

### ***Chapter 1 - General Financial Arrangements***

1. The financial year of the Commission shall be from 1 January to 31 December.
2. The Secretary shall:
  - (a) establish such detailed financial procedures and accounting records as are necessary to ensure effective financial administration and control of the Commission's funds;
  - (b) deposit and maintain the funds of the Commission with a financial institution to be approved by the President;
  - (c) invest, in consultation with the President, such monies that are not expected to be required for disbursement within a reasonable period.

### ***Chapter 2 - Finance and Administration Committee***

3. The terms of reference of the Finance and Administration Committee, appointed in accordance with paragraph 19 of the Rules of Procedure, shall be to advise the Commission on the annual budget, expenditure, contributions, amendments to these rules, staff matters, administrative matters and such other matters as the Commission may direct.
4. The Committee shall meet once a year, during the period of the annual meeting convened under Article 3(6) of the Convention, unless the Commission decides otherwise.
5. The Committee shall consist of four representatives (or delegate and advisers) from different Contracting Parties appointed by the Commission. However representatives of other Contracting Parties may participate in the proceedings of the Committee and shall have equal status with the appointed members. Such other persons as the Committee may invite may attend meetings of the Committee and, at the Chairman's discretion, participate in the deliberations but shall not have the right to vote.
6. The Committee shall elect a Chairman and a Vice-Chairman. The procedure for such elections and for the conduct of business generally shall be based on that prescribed for the Commission in the Rules of Procedure (see Chapters 2, 3, 6 and 7 of the Rules of Procedure), subject to the provisions of these Rules.

7. The Chairman shall report the proceedings of the Committee, including where appropriate particulars of votes taken, to the Commission.

### ***Chapter 3 - Budget***

8. At each annual session the Commission shall adopt a budget for the following financial year and a budget estimate for the financial year following thereafter. A draft budget and draft budget estimate shall be submitted by the President of the Commission to the Contracting Parties not less than 40 days before the meeting of the Commission at which they are to be considered (Article 17(3) of the Convention).\*

9. The draft budget for the following financial year and the draft budget estimate for the year thereafter shall be drawn up by the Secretary and agreed by the President before being circulated to Contracting Parties prior to the Annual Meeting. The budget shall cover, *inter alia*, the following items:

- (a) salaries of Secretariat staff and accommodation charges;
- (b) stationery, printing and postage;
- (c) cost of meetings;
- (d) a contribution to the International Council for the Exploration of the Sea (ICES);
- (e) auditors' fee;
- (f) contributions from Contracting Parties;
- (g) any other substantial items of expenditure.

10. The budget and budget estimate shall first be considered by the Finance and Administration Committee before being considered for adoption by the Commission. The Finance and Administration Committee shall adopt proposals by a 2/3 majority of the members present.

11. Unforeseen and extraordinary expenses necessary to the good conduct of the business of the Commission, but not included in the budget, may be authorised by the President, in consultation with the Chairman of the Finance and Administration Committee. Such expenses may not be in excess of 10% of the annual budget for the current financial year.

#### ***Chapter 4 - Contributions***

12. Each Contracting Party shall contribute to the budget in accordance with Article 17(4) of the Convention.
13. On approval of the budget for a financial year, the Secretary shall send a copy thereof to all Contracting Parties notifying them of their contributions and requesting them to pay their contributions no later than 1 May of the financial year for which they are payable.
14.
  - (a) Contributions shall be made payable to the Commission and shall be proportional to the numbers of complete months remaining in the year from the date of entry into force for that Contracting Party.
  - (b) Where contributions are received from new Contracting Parties after the commencement of the financial year and such funds have not been taken into account in formulating the budget, appropriate adjustment shall be made to the level of the assessed contributions of existing Contracting Parties and such adjustments seconded as advances made by those Contracting Parties paid in pounds sterling. A formal receipt of payment will be issued by the Secretary.
15. Article 17(8) of the Convention applies for any Contracting Party that fails to pay its contribution for two consecutive years.
16. The contributions of a Contracting Party for which this Convention has entered into force during the course of a financial year shall for that year be a part of the annual contribution.
17. Contracting Parties which denounce the Convention under the terms of Article 21 shall pay a full contribution for each year up to and including the financial year in which the denunciation takes effect.

#### ***Chapter 5 - Accounts***

18. The accounts of the Commission shall be audited annually by qualified auditors appointed by the Commission.
19. An income and expenditure account and balance sheet for the year before the previous financial year and statement of payments and receipts for the previous financial year shall be presented to the Commission at the Annual Meeting of the Finance and

Administration Committee. A copy of the final accounts shall be sent to all Contracting Parties after they have been audited.

20. The auditors shall certify that the accounts present a true and fair view of the financial position of the Commission at the end of the financial period and of the transactions and the source and application of funds during the period, and comply with rules and regulations of the Commission.

### ***Chapter 6 - Treatment of Funds***

21. To facilitate the management of the Commission's finances an Income and Expenditure Account and a General Fund shall be established. The annual contribution paid by the Contracting Parties and any other miscellaneous income shall be credited to the Income and Expenditure Account, which shall be used to finance the general expenditure of the Commission. All expenditure shall be charged to this account. The General Fund shall represent that part of the Commission's liquid assets which are held as a contingency reserve at a minimum level to be determined by the Commission on the advice of the Finance and Administration Committee.

22. The Secretary is authorised to transfer from the General Fund to the Income and Expenditure Account:-

- (a) Such sums as may be necessary to finance approved budgetary expenditure pending receipt of contributions. Sums so advanced shall be reimbursed to the General Fund as soon as receipts from contributions are available for that purpose;
- (b) such sums as the Finance and Administration Committee may have authorised the Secretary to withdraw;
- (c) such sums relating to unforeseen and extraordinary expenses as may arise and which have been authorised under Rule 11 of these Rules. Sums so advanced shall be reimbursed to the General Fund as soon as possible.

Where necessary the Secretary shall make provision in the budget estimates for reimbursing the General Fund in respect of such transfers.

### ***Chapter 7 - General***

23. In case of doubt as to the interpretation and application of any of the Rules for the Finance and Administration Committee, the President shall give a ruling.

24. The Rules for the Finance and Administration Committee may be amended in accordance with rule 33 of the Rules of Procedure, except that those rules which are also provisions of the Convention (which are asterisked for ease of reference) may only be amended under the provisions set out at Article 19 of the Convention.

***Chapter 8 - Administrative Matters***

25. The Finance and Administration Committee shall consider such administrative matters as are referred to it by the Commission.