

March 2010

E



**GENERAL FISHERIES COMMISSION
FOR THE MEDITERRANEAN
COMMISSION GÉNÉRALE DES PÊCHES
POUR LA MÉDITERRANÉE**



GENERAL FISHERIES COMMISSION FOR THE MEDITERRANEAN

First Session of the Committee on Administration and Finance (CAF)

Thirty-fourth Session

Athens, Greece, 12-17 April 2010

AMENDED GFCM RULES OF PROCEDURE

1. This document proposes amendments the GFCM Rules of Procedure intended to reflect the terms of reference of the new Committee on Administration and Finance (CAF) established at the 33rd Session (March 2009). The terms of reference of the other subsidiary committees of GFCM (Committee on Aquaculture, Scientific Advisory Committee, Compliance Committee) are also reflected in the Rules of Procedure of the Commission. The proposed amendments are highlighted in this document. The Commission is invited to endorse these amendments.

2. The procedure for the selection an appointment of the GFCM Executive Secretary is also being discussed at the current session of the GFCM. Once agreement is reached on a procedure, it would be incorporated in the Rules of Procedure as an annex thereto.

RULES OF PROCEDURE

RULE I: Definitions

For the purpose of these Rules, the following definitions apply:

Agreement: The Agreement for the establishment of the General Fisheries Commission for the Mediterranean adopted in Rome (Italy) on 24 September 1949, as amended in accordance with Article X thereof, hereinafter referred to as the Agreement.

Commission: The General Fisheries Commission for the Mediterranean.

Chairperson: The Chairperson of the Commission.

Vice-Chairpersons: The Vice-Chairpersons of the Commission.

Delegate: The representative of a Member as specified in Article II, paragraph 1 of the Agreement.

Delegation: The delegate and his alternate, experts and advisers.

Member: Members and Associate Members of the Organization, and non-members of the Organization, or regional economic integration organizations as may be Members of the Commission.

Executive Secretary: The Secretary of the Commission.

Organization: The Food and Agriculture Organization of the United Nations.

Conference: The Conference of the Organization.

Council: The Council of the Organization.

Director-General: The Director-General of the Organization.

Headquarters: The headquarters of the Commission under Article II, paragraph 11 of the Agreement.

Observer Nation: A nation that is not a Member of the Commission or a Member of FAO or Associate Member of the Organization, but which is a Member of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, attending a session of the Commission while not being a Member of the Commission.

International organization participating as observer: An international, intergovernmental or non governmental organization attending a session of the Commission or its Committees or its subsidiary bodies while not being a Member of the Commission.

RULE II: Sessions of the Commission

1. In pursuance of, and in accordance with, Article II, paragraph 10 of the Agreement, the Commission shall, at each regular annual session decide the time and place of the next session in accordance with the requirements of the Commission's programmes and the terms of the invitation of the country in which the session is to be held, as appropriate. Sessions of the Commission may be held in a country which is a Member of the Commission or at its headquarters or at the headquarters of the Organization.
2. The Chairperson may convene an extraordinary session of the Commission at the request or with the approval of a majority of the Members.
3. Invitations to a regular session of the Commission shall be issued by the Executive Secretary on behalf of the Chairperson and sent to Members, observer nations and international organizations participating as observers, not less than sixty days in advance of the date fixed for the opening of the session. Invitations to extraordinary sessions shall be issued not less than forty days in advance of the date fixed for the opening of the session.
4. In order that a proposal to hold a session of the Commission or any of its organs, in a given country, may be considered, such country must have (a) ratified without reservation the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, or (b) given the assurance that all delegates, representatives, experts, observers, or other persons entitled to attend such session in accordance with the terms of the Agreement or these Rules, will enjoy the privileges and immunities necessary for the independent exercise of their function in connection with the session.

RULE III: Registration and Credentials

1. The Executive Secretary shall make arrangements for the registration of delegates and observers, including by establishing a standard format to that effect. The Executive Secretary shall report to the Commission on the registration of delegates and observers, as may be required.
2. At each session, the Secretary shall receive the credentials of delegations, observer nations and international organization participating as observers. Such credentials shall conform to the standard form set by the Secretariat. Upon examination thereof the Secretariat shall report to the Commission for the necessary action.

RULE IV: Agenda

1. The agenda for each regular session shall include the following items:
 - a) election of the Chairperson and of two Vice-Chairpersons as provided under Article II, paragraph 9 of the Agreement, as appropriate;
 - b) adoption of the agenda;
 - c) a report by the Executive Secretary on the financial and administrative affairs of the Commission and a report by the Chairperson or the Executive Secretary on the activities

- of the Commission;
- d) consideration of the proposed budget;
 - e) reports on intersessional activities of the committees and the subsidiary bodies;
 - f) consideration of the time and place of the next session;
 - g) applications for membership in accordance with Article XIII, paragraph 2 of the Agreement, from States which, while not Members of the Organization, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency;
 - h) items referred to the General Fisheries Commission for the Mediterranean by the Conference, the Council or the Director-General of the Organization.
2. The agenda shall also include, upon approval by the Commission:
 - a) items approved at the previous session;
 - b) items proposed by the committees and the subsidiary bodies;
 - c) items proposed by a Member.
 3. The provisional agenda shall be sent by the Executive Secretary to Members, observer nations and international organizations participating as observers not less than thirty days before the opening of the session, together with reports and documents available in connection therewith.
 4. The agenda of an extraordinary session shall consist only of the items relating to the purpose for which the session was called.

RULE V: The Secretariat

1. The Secretariat shall consist of the Executive Secretary and such staff responsible to him as may be appointed in accordance with the Agreement and other relevant rules and procedures as appropriate.
2. The Executive Secretary shall be appointed by the Director General following the approval of the Commission in accordance with the selection procedure agreed upon by the Committee.
3. The Executive Secretary shall be responsible for the implementation of the policies and activities of the Commission and shall report thereon to the Commission
4. The duties of the Executive Secretary shall include:
 - a) receive and transmit the Commission's official communications;
 - b) maintain contacts with appropriate government officials, fishery institutions and international organizations concerned with the development, conservation, rational management and utilization of fisheries, as well as the sustainable development of aquaculture in the Region of the Commission, to facilitate consultation and cooperation on all matters pertaining to the objectives of the Commission,
 - c) maintain an active and effective network of national focal points for routine communication on progress and results of the activities of the Commission;
 - d) prepare and implement work programmes, prepare budgets and ensure timely reporting to

- the Commission;
- e) authorize disbursement of funds in accordance with the Commission's autonomous budget and account for the funds of the Commission's autonomous budget;
 - f) participate in the formulation of proposals regarding the budget and programme of work or other activities of the Commission financed by the regular budget of the Organization;
 - g) stimulate interest among Members of the Commission and potential donors in the activities of the Commission and in possible financing or in implementing cooperative projects and complementary activities;
 - h) promote, facilitate and monitor the development of databases for fisheries assessment and monitoring and technical, biological and socio-economic research to provide a sound basis for fisheries management and aquaculture development;
 - i) coordinate the Members' programmes of research, when required;
 - j) participate, as appropriate, in the oversight of activities of projects carried out under the general framework of the Commission or its subsidiary bodies;
 - k) organize sessions of the Commission and its subsidiary bodies and other related Ad Hoc meetings;
 - l) prepare, or arrange for the preparation, of background documents and papers and a report on the Commission's activities and the programme of work for the submission to the Commission at its regular sessions, and arrange for the subsequent publication of the report and the proceedings of the Commission as well as its subsidiary bodies and related Ad Hoc meetings;
 - m) take such appropriate steps as may be required to ensure coordination between the activities of the Commission and those carried out by the Organization through its Fisheries and Aquaculture Department, with particular reference to all matters having policy, financial or programme implications;
5. Copies of all communications concerning the affairs of the Commission shall be sent to the Executive Secretary for purposes of information and record.

RULE VI: Plenary meetings of the Commission

Plenary meetings of the Commission shall be held in public unless otherwise decided by the Commission. When the Commission decides to hold a private meeting, it shall at the same time determine the scope of such a decision with respect to observers.

RULE VII: Election of Chairperson and Vice-Chairperson

The Commission shall elect, from among delegates or alternates attending the session at which they are elected, the Chairperson and the first and second Vice-Chairpersons of the Commission, who shall assume office immediately following the regular session at which they were elected and who shall be elected for two regular sessions. The Chairperson and the Vice-Chairpersons shall be eligible for re-election for a further two regular sessions.

RULE VIII: Functions of the Chairperson and Vice-Chairpersons in connection with meetings of the Commission

1. The Chairperson shall exercise the functions conferred on him elsewhere in these Rules and, in particular, shall:
 - a) declare the opening and closing of each plenary meeting of the Commission;
 - b) direct the discussions at such meetings and ensure observance of these Rules, accord the right to speak, put questions and announce decisions;
 - c) rule on points of order;
 - d) subject to these Rules, have complete control over the proceedings of the session;
 - e) appoint such committees of the session, as the Commission may direct.
2. In the absence of the Chairperson, or at his request, his functions shall be exercised by the Vice-Chairperson or, in the absence of the latter, by the second Vice-Chairperson.
3. The Chairperson, or the Vice-Chairpersons when acting as Chairpersons, shall not vote and another member of their delegations shall represent their governments.
4. The Executive Secretary shall temporarily exercise the functions of the Chairpersons in the event that the Chairperson and the Vice-Chairpersons should be unable to serve.
5. The Commission may adopt rules, consistent with the present Rules, clarifying the functions of the Chairperson and Vice-Chairpersons, with particular reference to any functions performed during the inter-session period.

RULE IX: Voting arrangements and procedures

1. Except as otherwise provided in paragraph 4 of this Rule, voting in plenary meetings shall be by show of hands, except that a vote by roll call shall be taken if a special majority is required by the Agreement or these Rules, or if a request for a vote by roll call is made by any delegation.
2. A vote by roll call shall be conducted by calling upon delegations in the French alphabetical order.
3. The record of any roll call vote shall show the votes cast by each delegate and any abstention.
4. Voting on matters relating to individuals, except the election of the Bureau of the Commission and its committees, shall be by secret ballot.
5. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to the two candidates obtaining the largest number of votes. If,

on the second ballot, the votes are equally divided, the Chairperson shall decide between the candidates by drawing lots.

6. If the Commission is equally divided when a vote is taken on a question other than an election, a second vote shall be taken at the next meeting of the current session. If the Commission is then equally divided, the proposal shall be regarded as rejected.
7. Voting arrangements and other related matters not specifically provided for by the Agreement, or by these Rules, shall be governed, “mutatis mutandis”, by Rule XII of the General Rules of the Organization.

RULE X: Committees, working groups and other subsidiary bodies

Committee on Aquaculture

1. There shall be established a Committee on Aquaculture (CAQ) which shall monitor trends and promote the sustainable development and responsible management of marine and brackish water aquaculture in the region. The Committee:
 - a) shall provide independent advice on the technical, socio-economic, legal and environmental bases for common standards, norms and guidelines and management measures for consideration by the Commission;
 - b) shall be open to all Members of the Commission. Each Member of the Commission may designate a Member of the Committee, and a member may be accompanied by experts;
 - c) may establish working groups to analyze scientific and technical data and information and to advise the Committee on issues related to sustainable development of aquaculture (such as markets, environmental interactions, health, social, and other relevant issues) and the integration of marine aquaculture into coastal zone management, and ensure their coordination through a Coordinating Meeting of the Working Groups (CMWG);
 - d) the Committee shall in particular:
 - i. assess information provided by Members and relevant aquaculture related stakeholders or programmes on production statistics, market data, culture systems, technologies used, farmed species, and maintain related databases, including relevant socio-economic, environmental, biotic and abiotic indicators;
 - ii. promote the formulation of common standards and guidelines for the Commission, on sustainable development of aquaculture;
 - iii. identify cooperative research and training programmes and coordinate their implementation;
 - iv. carry out other duties, functions or responsibilities related to aquaculture promotion that may be conferred to it by the Commission.

- e) Members have an obligation to provide information on production and other data relevant to the functions of the Committee in such a way as to enable the Committee to fulfil its responsibilities under this paragraph.

Scientific Advisory Committee

- 2. There shall be established a Scientific Advisory Committee which shall provide scientific, social and economic information, data, or advice relating to the work of the Commission.
 - a) The Committee shall be open to all Members of the Commission. Each Member of the Commission may designate a member of the Committee and a member may be accompanied by experts.
 - b) The Committee may establish working groups to analyze data and to advise the Committee of the state of shared and straddling resources.
 - c) The Committee shall provide independent advice on the technical and scientific basis for decisions concerning fisheries conservation and management, including biological, environmental, social and economic aspects and, in particular, it shall:
 - i. assess information provided by Members and relevant fisheries organizations or programmes on catches, fishing effort, fleet capacity, and other data relevant to the conservation and management of fisheries;
 - ii. formulate advice to the Commission on the conservation and management of fisheries;
 - iii. identify cooperative research programmes and coordinate their implementation;
 - iv. undertake such other functions or responsibilities as may be conferred on it by the Commission.
 - d) Members have an obligation to provide information on catches and other data relevant to the functions of the Committee in such a way as to enable the Committee to fulfil its responsibilities under this paragraph.

Compliance Committee

- 3. There shall be established a Compliance Committee that will meet during the annual Commission Session and will be entrusted with the following functions:
 - a) review compliance with conservation and management measures adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness;
 - b) review the implementation of measures on monitoring, control, surveillance, and enforcement adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness;
 - c) define, develop and make recommendations to the Commission concerning the phased development and implementation of the GFCM Control and Inspection scheme;

- d) monitor, review and analyze information pertaining to the activities of Non-Contracting Parties and their vessels which undermine the objectives of the Agreement including, in particular, illegal, unreported and unregulated (IUU) fishing, and recommend actions to be taken by the Commission to discourage such activities;
 - e) perform such other tasks as directed by the Commission.
4. The Committees may establish such working groups to deal with particular subject matters as may be decided, subject to the provisions of Article VII, paragraph 3 of the Agreement.
 5. The Commission may establish such other committees and working groups as it considers desirable, subject to the provisions of Article VII, paragraph 3 of the Agreement.
 6. The Committees and working groups shall be governed, mutatis mutandis, by the Rules of Procedure of the Commission, as well as such other supplementary procedures, consistent with the present Rules, as the Commission established.
 7. The relationship between the Commission and its subsidiary committees and working groups and networks or Coordinators, or national focal points, or other entities as may deal with matters within the purview of the Commission may be clarified, as appropriate, through specific decisions by the Commission or arrangements to be concluded on behalf of the Commission and the relevant interested parties.

Committee on Administration and Finance

The General Fisheries Commission for the Mediterranean (GFCM),

ESTABLISHES, in accordance with Article VII (1) of the Agreement creating the GFCM, a Committee of Administration and Finance (CAF).

The functions of the Committee on Administration and Finance shall be to:

- a) review administrative matters relating to the Executive Secretary and his staff and make appropriate recommendations to the Commission;
- b) review compliance with the rules of procedures and financial rules;
- c) review the implementation of the budget adopted at the previous session of the Commission and analyse and make recommendations on the draft budget to be adopted at the current session of the Commission; and
- d) perform such other administration and financial matters as may be referred to it by the Commission.

The Committee of Administration and Finance shall meet before the annual Commission session.

RULE XI: Budget and finance

1. Any estimates of expenditures to be covered by the general budget of the Organization shall be submitted by the Executive Secretary to the Commission for approval. Once approved, as part of

the general budget of the Organization, without prejudice to the relevant rules of the Organization and the decisions of its Governing Bodies, they will constitute the limits within which funds may be committed for purposes approved by the Conference of FAO.

2. The Commission shall determine the extent to which travelling expenditures incurred by the Chairperson, the Vice-Chairpersons of the Commission and of any subsidiary bodies, in connection with their functions, may be covered by the autonomous budget of the Commission.
3. Subject to Article IX of the Agreement, any budgetary or financial matters relative to the autonomous budget of the Commission shall be dealt with in accordance with the Financial Regulations of the Commission.

RULE XII: Participation by observers

1. Any Member or Associate Member of FAO that is not a Member of the Commission may, upon its request, be invited as an observer at sessions of the Commission, its Committees and its subsidiary bodies.
2. States which, while not Members of the Commission nor Members or Associate Members of FAO, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon request and subject to the concurrence of the Commission through its Chairperson, and to the provisions relating to the granting of observer status to nations adopted by the Conference of FAO, be invited to attend sessions of the Commission, its Committees and its subsidiary bodies as observers.
3. The Commission may invite international organizations to participate as observers, upon request, having special competence in the field of activity of the Commission, including its Committees and its subsidiary bodies, to attend such of its meetings as the Commission may specify.
4. Unless the Commission expressly determines otherwise, observers may attend the plenary meetings of the Commission and participate in the discussions at any committee and subsidiary body sessions which they may be invited to attend upon request. In no case will they be entitled to vote.

RULE XIII: Reports, Recommendations and Resolutions

1. At each session, the Commission shall approve a report embodying its views, recommendations, resolutions and decisions, including, when requested, a statement of minority views. The report shall be made available on the Web site of the Commission.
2. Subject to the provisions of Article V of the GFCM Agreement, the conclusions, resolutions and recommendations of the Commission shall be transmitted to the Director-General at the end of the session. The Executive Secretary shall, on behalf of the Chairperson, circulate them to Members of the Commission, nations and international organizations which were represented at

the session. Similarly, these documents may be made available to other Members and Associate Members of the Organization for their information, as appropriate.

3. Resolutions and recommendations having policy, programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference through the Council of the Organization for action.
4. Subject to the provisions of the preceding paragraph, the Chairperson may request Members of the Commission to supply information on action taken on the basis of the recommendations made by the Commission.
5. The Commission may adopt recommendations for action by Members on any matters pertaining to the functions covered by Article III of the Agreement. Recommendations adopted under Article V of the Agreement shall be governed by the provisions of that Article.
6. The Executive Secretary shall receive on behalf of the Commission the replies of the Members in respect of such recommendations and shall prepare a summary and an analysis of such communications for presentation at the next session.

RULE XIV: Amendments to the Agreement

1. Proposals for the amendment of the Agreement as provided by Article XII of the Agreement may be made by any Member in a communication addressed to the Executive Secretary. The Executive Secretary shall transmit to all Members and to the Director-General a copy of such proposals for amendment immediately upon their receipt.
2. No action on a proposal for the amendment of the Agreement shall be taken by the Commission at any session, unless it has been included in the provisional agenda of the session.

RULE XV: Suspension and amendment of Rules

1. Subject to the provisions of the Agreement, any of the foregoing Rules, other than Rules IV, V, XI, XII, XIV paragraph 2, and XVI, may be suspended on the motion of any delegation by a majority of the votes cast at any plenary meeting of the Commission, provided that announcement is made at a plenary meeting of the Commission and copies of the proposal for suspension have been distributed to the delegations not less than forty-eight hours before the meeting at which action is to be taken.
2. Amendments of, or additions to, these Rules may be adopted on the motion of any delegation by a two-thirds majority of the Members of the Commission, at any plenary meeting of the Commission, provided an announcement is made at a plenary meeting and copies of the proposal for the amendment or addition have been distributed to delegations not less than twenty-four hours before the meeting at which action is to be taken.
3. Any amendments to Rule XVI which may be adopted in accordance with the provisions of paragraph 2 of this Rule shall not become effective until the next session of the Commission.

RULE XVI: Official languages of the Commission

1. The official languages of the Commission shall be such languages of the Organization as the Commission itself may decide. The delegations may use any one of these languages at sessions and for their reports and communications.
2. During the meetings, interpretation in one or more of the official languages will be provided by the Secretariat when requested by one of the delegates present.
3. Publications of reports and communications shall be in the language in which they are submitted and, when required by the Commission, abstracts in translation may be published.

