



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



Thirty-seventh Session of the Commission

Split, Croatia, 13-17 May 2013

Draft amended GFCM Agreement and associated rules

BACKGROUND

1. At the thirty-sixth session of the Commission (14-19 May 2012, Marrakech, Morocco) a set of recommendations on future actions concerning the activities of the Task Force on the modernization of the GFCM legal and institutional framework was adopted. In light of the work carried out by the Task Force during the 2011–2012 intersession, the Commission expressed the view that all major aspects for the amendment of the GFCM Agreement and its associated rules had been already identified and that there was significant room to improve the GFCM legal and institutional framework on that very basis. It was hence decided that, whilst the GFCM should remain an Article XIV body of FAO, a draft amended GFCM Agreement and associated rules had to be prepared during the 2012-2013 intersession in close collaboration with GFCM Members and the FAO Legal Office. It was also decided that this draft had to be circulated two months ahead of an Extraordinary Session to be tentatively convened in 2013, subject to the availability of funds.

2. Consistent with the transparent and participatory approach of the Task Force, during the intersession the GFCM Secretariat oversaw the preparatory work relating to the amendment process, constantly liaising with the FAO Legal Office. In the early months of the year the draft amended GFCM Agreement and associated rules were ready and were circulated to GFCM Members in order to collect their comments. However, because it was not possible to convene an Extraordinary Session due to the unavailability of funds, the GFCM Secretariat has made sure to circulate the draft amended GFCM Agreement and associated rules two months ahead of the thirty-seventh session of the Commission. The draft was duly translated into French and Arabic. A comparative table with the current text of the GFCM Agreement and its associated rules and the draft GFCM Agreement and its associated rules, as well as some explanatory comments, has been also prepared and translated into French and Arabic. The table is available in a separate document.

3. The text of the draft GFCM Agreement and its associated rules is reproduced below.

DRAFT AMENDMENTS

Agreement for the Establishment of the General Fisheries Commission for the Mediterranean and the Black Sea and Connecting Waters (GFCM)

Preamble

The Members,

Determined to ensure the long-term conservation and sustainable use of fishery resources in the Mediterranean Sea, the Black Sea and connecting waters,

Recalling relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982,

Further recalling the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995, the Agreement to promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993, as well as other relevant international instruments concerning the conservation and management of fishery resources,

Taking into account the Code of Conduct for Responsible Fisheries adopted by the Conference of the Food and Agriculture Organization of United Nations, hereafter "FAO", at its twenty eighth session on 31 October 1995 and related instruments adopted by the FAO,

Recognizing the economic and social benefits deriving from sustainable use of fishery resources of the Mediterranean and Black Sea and connecting waters;

Further recognizing that under international law States are required to cooperate in the conservation and management of fishery resources,

Affirming that aquaculture plays a vital role in the promotion and better use of fishery resources, including food security,

Conscious of the need to avoid adverse impacts on the marine environment, preserve biodiversity, maintain the integrity of marine ecosystems and minimize the risk of long-term or irreversible effects of use and farming of fishery resources,

Mindful that effective conservation and management measures must be based on the best scientific information available and on the application of the precautionary approach and an ecosystem approach to fisheries management,

Determined to cooperate effectively to prevent, deter and eliminate illegal, unreported and unregulated fishing,

Recognizing the special requirements of developing States to allow them to participate effectively in the conservation, management and farming of the fishery resources,

Convinced that the long-term conservation and sustainable use and farming of fishery resources in the Mediterranean Sea and in the Black Sea and connecting waters, and the protection of the marine ecosystems in which those resources occur are best achieved through international cooperation within the General Fisheries Commission for the Mediterranean, the Black Sea and Connecting Waters established under Article XIV of the Constitution of the Food and Agriculture Organization of the United Nations,

Have agreed as follows:

Article 1
Use of terms

For the purposes of this Agreement

- (a) “1982 Convention” means the United Nations Convention on the Law of the Sea of 10 December 1982;
- (b) “1995 Agreement” means the Agreement for the Implementation of the Provisions of the United Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995;
- (c) “Agreement Area” is the area of application described in Article 3;
- (d) “aquaculture” means the farming of fishery resources;
- (e) “Commission” refers to the General Fisheries Commission of the Mediterranean, the Black Sea and the Connecting Waters established pursuant to Article 6;
- (f) “conservation and management measures” means measures to conserve and manage one or more species of fishery resources and includes measures for their implementation and compliance;
- (g) “fishery resources” means all species of living marine resources, whether processed or not;
- (h) “fishing” means searching for, attracting, locating, catching, taking or harvesting of fishery resources or any activity which can reasonably be expected to result in attracting, locating, catching, taking or harvesting of fishery resources;
- (i) “fishing activities” means fishing and aquaculture;
- (j) “fishing related activities” means any operation in support of, or in preparation for fishing activities, including landing, packaging, processing, transshipping or transporting of fish, as well as provisioning of personnel, fuel, gear and other supplies;

- (k) “illegal, unreported and unregulated fishing” refers to the activities set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;
- (l) “Member” means any State and regional economic integration organization comprising the Commission pursuant to Article 4;
- (m) “regional economic integration organization” means a regional economic integration organization to which its member States have transferred competence over matters covered by this Agreement, including the authority to make binding decisions on its member States in respect of those matters; and
- (n) “vessel” means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for fishing or fishing related activities.

Article 2
Objective

The objective of this Agreement is to ensure the long-term conservation and sustainable use of fishery resources and the sustainable development of aquaculture and, in doing so, to safeguard the marine ecosystems in which these resources occur and development takes place.

Article 3
Area of application

1 The geographical area of application, hereafter the “Agreement Area”, comprises all marine waters of the Mediterranean Sea, the Black Sea and connecting waters as bounded to the west by a line running from a point on the coast of Morocco at 5°36’ west longitude to the coast of Spain (isthmus of Punta Marroqui).

2 Nothing in this Agreement shall constitute recognition of claims or positions of any Member concerning legal status and extent of waters and zones by any such Member.

Article 4
Membership

The Commission shall be composed of such members and associate members of the FAO and such non-members of the FAO as are members of the United Nations, any of its specialized agencies or the International Atomic Energy Agency, which has consented to be bound by this Agreement, and for which the Agreement is in force that are;

- (a) coastal States situated wholly or partly within the Agreement Area;
- (b) States whose vessels are engaged in fishing or fishing related activities in the Agreement Area; or
- (c) regional economic integration organizations of which any State referred to in paragraphs (a) or (b) is a member State.

Article 5
General principles

In giving effect to the objective of this Agreement, the Members shall:

- (a) promote the long-term sustainability and optimum utilization of fishery resources;
- (b) adopt conservation and management measures based on the best scientific advice available, taking into account relevant environmental, economic and social factors;
- (c) apply the precautionary approach in accordance with Article 6 of the 1995 Agreement;
- (d) take due account of the impact of fishing activities on other species and marine ecosystems and in doing so, adopt measures to minimize harmful impacts;
- (e) take due account of the need to preserve marine biological diversity;
- (f) prevent or eliminate overfishing and excess fishing capacity, and ensure that levels of fishing effort do not exceed those commensurate with sustainable use of fishery resources;
- (g) ensure that complete and accurate data concerning fishing activities are collected and shared among them in a timely manner;
- (h) take due account of the need to minimize pollution and waste originating from fishing activities as well as minimize discards, catch by lost or abandoned gear, catch of species not subject to a directed fishery and impacts on associated or dependent species;
- (i) consider aquaculture, including culture-based fisheries; as a means to promote diversification of income and diet and in so doing ensure that fishery resources are used responsibly, genetic diversity is conserved and adverse impacts on the environment and local communities are minimized;
- (j) foster, as appropriate, a subregional approach to conservation and management of fishery resources; and
- (k) make best efforts to effectively implement all decisions of the Commission, including imposing penalties for violations that are of appropriate severity to secure compliance, discourage further violations and deprive offenders of the benefits accruing from their illegal activities.

Article 6
The Commission

1 There is hereby established within the framework of FAO a Commission to be known as the General Fisheries Commission for the Mediterranean and the Black Sea and Connecting Waters, hereafter “the Commission”, for the purpose of exercising the functions and discharging the responsibilities set out in this Agreement

2 Each Member shall be a Member of the Commission, and each Member shall have one vote.

3 Each Member shall designate one representative to the Commission who at sessions of the Commission may be accompanied by an alternate representative and advisers. Participation in meetings by alternates shall not entail the right to vote, except in the case of an alternate who is acting in the place of a delegate during his or her absence.

4 The Commission shall elect a Chairperson and two Vice-Chairpersons from among the Members, each of whom shall serve for a term of (xx) years and shall be eligible for re-election but shall not serve for more than (xx) years in succession in the same capacity. The Chairperson and the Vice-Chairpersons shall be representatives of different Members.

5 Meetings of the Commission shall be convened once a year unless the Commission decides otherwise, at a time and location to be decided by the Commission in consultation with the Members and the FAO. The Commission shall hold such other meeting as may be necessary to carry out its functions under this Agreement.

6 The principle of cost-effectiveness shall apply to the frequency, duration and scheduling of sessions and other meetings and activities held under the auspices of the Commission.

7 The Headquarters of the Commission shall be in Rome, Italy.

Article 7 *Functions of the Commission*

The Commission shall, in accordance with its objective, exercise the following functions:

- (a) regularly review the state of fishery resources;
- (b) adopt conservation and management measures for fishery resources, including:
 - (i) where necessary, for species belonging to the same ecosystem as, or associated with or dependent upon, fishery resources;
 - (ii) to minimize impacts for fishing activities on living marine resources and their ecosystems; and
 - (iii) where appropriate, on a subregional basis.
- (c) establish, in collaboration with other relevant international organizations, marine protected areas;
- (d) determine, when appropriate, total allowable catch, or total allowable level of effort, and where necessary, the nature and extent of participation in fishing activities;
- (e) adopt measures for the collection, submission, verification, storing and dissemination of data and information;

- (f) promote the development and use of electronic means to facilitate communication and exchange of data and information among Members;
- (g) establish such mechanisms as may be required for the purpose of reviewing the recommendations of any subsidiary body or working group and, as appropriate, transmitting them directly to the Commission for decision;
- (h) adopt measures and take actions to prevent, deter and eliminate illegal, unreported and unregulated fishing;
- (i) regularly review the implementation of decisions into national legislation;
- (j) elaborate multiannual management plans for the conservation and management of fishery resources, including at the sub-regional level;
- (k) establish appropriate cooperative mechanisms for effective monitoring, control, surveillance, compliance and enforcement, including sanctions such as non-discriminatory market-related measures;
- (l) promote and coordinate, and as appropriate, undertake scientific research and development activities;
- (m) promote programmes concerning aquaculture and coastal fisheries development and enhancement;
- (n) facilitate trade by promoting the implementation of internationally accepted sanitary and phytosanitary standards;
- (o) regularly review the socio-economic aspects of the fishing industry, including obtaining and evaluating economic and other data and information relevant to the work of the Commission;
- (p) promote, coordinate and, as appropriate, strengthen the development of institutional capacity and human resources, particularly through education, training and extension activities in areas of competence of the Commission;
- (q) enhance communication and consultation with civil society concerned with aquaculture, fishing and fishing related activities;
- (r) adopt its Rules of Procedure and Financial Regulations and such other internal administrative regulations as may be necessary to carry out its functions;
- (s) approve the budget and programme of work of the Commission; and
- (t) exercise any other function as may be necessary for achieving the objective of this Agreement.

Article 8
Subsidiary bodies of the Commission

1 There are hereby established as permanent subsidiary bodies of the Commission a Scientific Advisory Committee, an Advisory Committee on Aquaculture, a Compliance Committee and a Committee on Administration and Finance to provide advice and recommendations to the Commission on matters within their respective areas of competence and carry out such other activities as requested from time to time by the Commission.

2 The Commission may establish such other subsidiary bodies as may be necessary to meet the objective of this Agreement. The Commission shall provide specific mandates to any such subsidiary body, which shall include terms of reference, methods of work and reporting requirements.

3 The establishment of such additional subsidiary bodies shall be subject to the availability of necessary funds. Before taking any decision involving expenditure in connection with the establishment of such subsidiary bodies, the Commission shall have before it a report from the Executive Secretary on administrative and financial implications.

4 All subsidiary bodies may establish working groups.

5 Each Member shall be entitled to appoint one representative to any subsidiary body who at sessions may be accompanied by alternates, experts and advisers.

6 Members shall provide information relevant to the functions of each subsidiary body in such a way as to enable them to fulfil their responsibilities.

7 Any subsidiary body shall operate under the Rules of Procedure of the Commission unless otherwise decided by the Commission.

Article 9
The Scientific Advisory Committee

The Scientific Advisory Committee shall provide advice on the technical and scientific basis for the conservation and management of fishery resources, including biological, environmental, social and economic aspects, and, shall in particular:

- (a) assess information provided by Members and relevant organizations, institutions or programmes on catches, fishing effort, fleet capacity and other relevant data;
- (b) assess status and trends of the relevant populations of fishery resources;
- (c) identify and reinforce cooperative research programmes and coordinate their implementation;
- (d) transmit advice and reports to the Commission regarding conservation and management measures and research;
- (e) transmit recommendations to the Commission including as appropriate through a review panel that may be established pursuant to Article 7, paragraph (g); and

- (f) undertake such other functions or responsibilities as may be conferred on it by the Commission.

Article 10

The Advisory Committee on Aquaculture

1 The Advisory Committee on Aquaculture shall monitor trends and promote the sustainable development and responsible management of marine and brackish water aquaculture.

2 The Advisory Committee on Aquaculture shall provide advice on technical, socio-economic, legal and environmental bases for common standards, norms and guidelines management measures, and the development and promotion of sustainable aquaculture and, shall, in particular:

- (a) assess information provided by Members and relevant aquaculture 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;
- (b) strengthen capacity building at regional and subregional level;
- (c) identify cooperative research and training programmes and coordinate their implementation;
- (d) establish partnerships and other cooperative mechanisms with relevant organizations and institutions to foster their involvement in its work;
- (e) provide advice to the Commission; and
- (f) undertake other functions or responsibilities as may be conferred on it by the Commission.

Article 11

The Compliance Committee

The Compliance Committee shall:

- (a) review compliance with conservation and management measures adopted by the Commission, including those related to monitoring, control, surveillance and enforcement, and make such advice and recommendations to the Commission as may be necessary to ensure their effectiveness;
- (b) provide such other information, technical advice and recommendations as it considers appropriate or as may be requested by the Commission relating to the implementation and compliance with provisions of this Agreement and the conservation and management measures adopted by the Commission;
- (c) review the implementation of any cooperative measures for monitoring, control and surveillance and enforcement adopted by the Commission and provide advice and recommendations to the Commission in this regard;

- (d) monitor, review and analyze information pertaining to fishing activities of non-Members and their vessels that are presumed to undermine the objectives of this Agreement, and recommend actions to be taken by the Commission to combat such activities; and
- (e) undertake other functions or responsibilities as may be conferred on it by the Commission.

Article 12
The Committee on Administration and Finance

The Committee on Administration and Finance shall:

- (a) review administrative matters relating to the Secretariat and make appropriate recommendations to the Commission;
- (b) review compliance with the Rules of Procedure and the Financial Regulations and make recommendations to the Commission, including as appropriate for amendment of these Rules and Regulations;
- (c) review the implementation of the previous programme of work and budget, and analyze and make recommendations to the Commission on the draft programme of work and budget; and
- (d) undertake other functions or responsibilities as may be conferred on it by the Commission.

Article 13
Subregional working groups

1 There are hereby established sub-regional working groups for the Western, Central, Adriatic and Ionian, Eastern and Black Sea subregions for the purposes of performing functions to meet the objective and principles of this Agreement and supporting as appropriate the functions of the Commission, taking into account the special requirements of each subregion.

2 The subregional working groups shall cooperate closely with, in particular, the Scientific Advisory Committee and the Advisory Committee on Aquaculture in performing their functions.

3 The areas of application, functions and responsibilities of each subregional working group shall be set out in the Rules of Procedure of the Commission.

Article 14
The Bureau

1 The Bureau shall be composed of the Chairperson and the two Vice-Chairpersons referred to in Article 6, paragraph 4.

2 The Bureau shall:

- a) review and consider a strategy and work plan with the assistance of the Secretariat for consideration by the Commission, and monitor its implementation;

- b) ensure that policies and decisions of the Commission are operationalized;
- c) coordinate and monitor the work of the committees and the subregional working groups established under Article 8, paragraph 1 and Article 13, paragraph 1 respectively; and
- d) undertake other functions or responsibilities as may be conferred on it by the Commission.

Article 15
Secretariat

1 The Secretariat shall consist of the Executive Secretary, and such staff as may be appointed by him or her and under his or her supervision unless otherwise provided in the Rules of Procedure.

2 The Executive Secretary shall be appointed by the Director-General of the FAO following the approval of the Commission in accordance with the selection procedure agreed upon by the Commission. The Executive Secretary and the staff of the Commission shall be appointed under the same terms and conditions as staff members of the FAO.

3 In the exercise of his or her functions, the Executive Secretary shall have direct relations with all Members and with the FAO Secretariat.

4 The Executive Secretary shall:

- (a) be responsible for the implementation of the policies and activities of the Commission;
- (b) maintain contacts with relevant governments, international organizations and institutions;
- (c) be responsible for the receipt, collection, circulation, drafting and presentation of documents for the Commission sessions and subsidiary bodies;
- (d) stimulate interests among Members and potential donors in Commission activities and in possible financing or implementing cooperative programmes, projects and complementary activities;
- (e) transmit reports of the Commission and its subsidiary bodies to the Director-General of the FAO;
- (f) provide services to the Commission and its subsidiary bodies to facilitate the execution of their functions; and
- (g) undertake other functions or responsibilities as may be conferred on him or her by the Commission.

Article 16
Financial arrangements

1 The Commission may adopt and amend, as required, the Financial Regulations of the Commission by a two-thirds majority of its Members, which shall be consistent with the principles embodied in the Financial Regulations of FAO. The Financial Regulations and amendments thereto shall be reported to the Finance Committee of FAO which shall have the power to disallow them if it finds that they are inconsistent with the principles embodied in the Financial Regulations of FAO.

2 At each regular session, the Commission shall adopt its autonomous budget by consensus of its Members, provided however that if, after every effort has been made, a consensus cannot be reached in the course of that session, the matter will be put to a vote and the budget shall be adopted by a two-thirds majority of its Members.

3 Each Member shall undertake to contribute annually its share of the autonomous budget in accordance with a scale of contributions determined in accordance with a scheme which the Commission shall adopt or amend by consensus. The scheme shall be set out in the Financial Regulations.

4 Any non-member of the FAO that becomes a Member shall be required to make such contribution towards the expenses incurred by the FAO with respect to the activities of the Commission as the Commission may determine.

5 Contributions shall be payable in freely convertible currencies unless otherwise determined by the Commission with the concurrence of the Director-General of the FAO.

6 The Commission may also accept donations and other forms of assistance from organizations, individuals and other sources for purposes connected with the fulfillment of any of its functions.

7 Contributions and donations and other forms of assistance received shall be placed in a trust fund administered by the Director-General of the FAO in conformity with the Financial Regulations of the FAO.

8 A Member which is in arrears in the payment of its financial contributions to the Commission shall have no vote in the Commission if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding calendar years. The Commission may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay was due to conditions beyond the control of the Member but in no case shall it extend the right to vote beyond a further two calendar years.

Article 17
Expenses

1 The expenses of delegates and their alternates, experts and advisers occasioned by attendance at sessions of the Commission and the expenses of representatives sent to committees or working groups shall be determined and paid by the respective Members.

2 The expenses of the Secretariat, including publications and communications and the expenses incurred by the Chairperson and Vice-Chairpersons of the Commission, when performing duties on behalf of the Commission between sessions of the Commission, shall be determined and paid from the budget of the Commission.

3 The expenses of research and development projects undertaken by individual Members, whether independently or upon recommendation of the Commission, shall be determined and paid by the Members concerned.

4 The expenses incurred in connection with cooperative research or development projects undertaken in accordance with Article 7, paragraph (k), unless otherwise available shall be determined and paid by the Members in the form and proportion to which they shall mutually agree. Contributions for cooperative projects shall be paid into a trust fund to be established by the FAO and shall be administered by the FAO in accordance with the Financial Regulations and Rules of the FAO.

5 The expenses of experts invited to attend meetings of the Commission, committees or working groups in their individual capacity shall be borne by the budget of the Commission.

6 The Commission may accept voluntary contributions generally or in connection with specific projects or activities of the Commission. Such contributions shall be paid into a trust fund to be established by the FAO. The acceptance of such voluntary contributions and the administration of the trust fund shall be in accordance with the Financial Regulations and Rules of the FAO.

7 The expenses of the Commission shall be paid out of its autonomous budget except those relating to such staff and facilities as can be made available by the FAO. The expenses to be borne by the FAO shall be determined and paid within the limits of the biennial budget prepared by the Director-General and approved by the Conference of the FAO in accordance with the Financial Regulations and Rules of the FAO.

8 Expenses incurred by delegates, their alternates, experts and advisers when attending, as government representatives, sessions of the Commission, its subsidiary bodies, as well as the expenses incurred by observers at sessions, shall be borne by the respective governments or organizations. The expenses of experts invited by the Commission to attend, in their individual capacity, meetings of the Commission or its subsidiary bodies and working groups shall be borne by the budget of the Commission.

Article 18 *Decision making*

1 As a general rule, decisions by the Commission shall be taken by consensus. For the purposes of the Article, “consensus” means the absence of any formal objection made at the time the decision was taken.

2 If the Chairperson considers that all efforts to take decisions by consensus have been exhausted, the Commission shall take decisions by a simple majority of its Member present and voting, with the exception of binding decisions provided in paragraphs 3 to 8, or unless otherwise provided in this Agreement.

3 The Commission may take decisions that are binding on Members relating to conservation and management measures, which shall be taken by two-thirds majority of the votes of all Members 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 Members. Each Member shall have one vote.

4 Decisions by the Commission shall become binding on Members in the following manner:

- (a) the Executive Secretary shall without delay notify the Members of decisions taken by the Commission; and
- (b) subject to paragraph 3, the decision shall become binding upon all Members (xx) days from the date specified in the notification.

5 A Member may present to the Executive Secretary an objection to a decision within (xx) days from the date specified under sub-paragraph 4(b). In that event the decision shall not become binding on that Member.

6 A Member which objects shall at the same time provide a written explanation of reasons for objecting, and where appropriate, its proposals for alternative measures which the Member is going to implement. The explanation shall specify *inter alia* whether the basis for the objection is that the Member considers that the measure is inconsistent with this Agreement, the Member cannot practicably comply with the measure, the measure unjustifiably discriminates in form or in fact against the Member or other special circumstances apply.

7 In the event that objections to a decision are made by more than one-third of the Members, the other Members shall not be bound by the decision, but shall not preclude any or all of them from giving effect thereto.

8 A Member may withdraw an objection at any time and the decision shall then become binding in accordance with sub-paragraph 4(b).

9 The Executive Secretary shall promptly notify all Members of:

- (a) the receipt and withdrawal of any objection; and
- (b) the reasoning for the objection and alternative measures pursuant to paragraph 6.

10 Any Member that is bound by a decision in accordance with this Article has a duty to implement such decision in its national laws and procedures upon the entry into force of such decision.

11 In exceptional circumstances as determined by the Executive Secretary in consultation with the Chairperson, when urgent matters require Members to take decisions between sessions of the Commission, any rapid means of communication may be used for decision-making with respect to procedural and administrative matters of the Commission, including any of its subsidiary bodies or working parties, other than matters relating to the interpretation of and the adoption of amendments to the Statute of the Commission or its Rules.

Article 19
Obligations of Members

1 Members shall provide such information to the Commission and its subsidiary bodies in such a way as to enable the Commission to meet the objective of this Agreement and to enable its subsidiary bodies to fulfil their responsibilities.

2 Each Member shall:

- (a) implement this Agreement and conservation and management measures adopted by the Commission, and take all necessary measures to ensure their effectiveness;
- (b) cooperate in furthering the objective of this Agreement;
- (c) take all necessary measures to support efforts to prevent, deter and eliminate illegal, unreported and unregulated fishing within the Agreement Area; and
- (d) collect, verify and report scientific, technical and statistical data and information required pursuant to this Agreement in conformity with standards, rules and procedures established by the Commission.

3 Each Member shall report annually to the Commission indicating how it has implemented the decisions by the Commission, including providing such relevant legislative and administrative documents as may be required by the Commission.

4 Each Member shall, to the greatest extent possible, take measures and cooperate to ensure compliance with decisions by the Commission by its nationals and vessels owned, operated or controlled by its nationals.

Article 20
Duties of the flag State

1 Each Member shall take all necessary measures to ensure that vessels entitled to fly its flag:

- (a) comply with the provisions of this Agreement and conservation and management measures adopted by the Commission; and
- (b) do not conduct unauthorized fishing or fishing related activities within waters under national jurisdiction of any Member.

2 Each Member shall:

- (a) authorize the use of vessels entitled to fly its flag only where it is able to exercise effectively its responsibilities in respect of the vessels under this Agreement and in accordance with international law;
- (b) maintain a register of vessels entitled to fly its flag and authorized for fishing or fishing related activities, ensure that such information as may be specified by the Commission is entered into that register, and exchange the information in accordance with such procedures as may be specified by the Commission;

- (c) in accordance with procedures adopted by the Commission, investigate immediately and report fully on actions taken in response to any alleged violation by vessels entitled to fly its flag of provisions of this Agreement or any conservation and management measures adopted by the Commission; and
- (d) ensure that penalties applicable for such violations are of an appropriate severity to secure compliance, discourage further violations and deprive offenders of the benefits accruing from their illegal activities.

Article 21
Duties of the port State

Each Member shall take all measures and actions, to the extent possible, necessary to implement port State measures in accordance with international instruments and decisions by the Commission.

Article 22
Monitoring, compliance and enforcement

The Commission shall establish appropriate cooperative mechanisms for effective monitoring, control and surveillance of fishing activities and to ensure compliance with this Agreement and the adopted conservation and management measures including, *inter alia*:

- (a) a record of vessels authorised to fish in the Agreement Area;
- (b) requirements for the reporting of vessel movements and activities by a satellite vessel monitoring system or other means that shall be designed to ensure the integrity and security of near real time transmissions, and such other systems as may be agreed by the Commission from time to time;
- (c) inspection programmes both at sea and in port, including joint or reciprocal boarding and inspection schemes;
- (d) reporting obligations on violations detected, progress and outcomes of investigations, and enforcement actions taken;
- (e) lists of vessels having engaged in illegal, unreported and unregulated fishing, including actions to be taken against vessels on such lists;
- (f) a process, including through the Compliance Committee, to examine cases of non-compliance with any recommendation adopted by the Commission and, as appropriate, determine sanctions;
- (g) sanctions consistent with international law to be applied by the Commission in cases of non-compliance with recommendations of the Commission as determined pursuant to paragraph (f) of this Article, including non-discriminatory market-related measures; and
- (h) guidelines for penalties and/or sanctions to be applied by the Commission and/or its Members.

Article 23
Observers

1 Any member or associate member of FAO that is not a Member may, upon its request, be invited as an observer at sessions of the Commission, and its subsidiary bodies. It may submit memoranda and participate without vote in discussions.

2 States which, while not Members 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 and its subsidiary bodies as observers.

3 The Commission may invite intergovernmental or, on request, non-governmental organizations to participate as observers having special competence in the field of activity of the Commission, including 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 sessions of the Commission and participate in the discussions at any subsidiary body sessions which they may be invited to attend upon request. They may submit memoranda but in no case will they be entitled to vote.

Article 24
Cooperation with other organizations and institutions

1 The Commission shall cooperate with other international organizations and institutions in matters of mutual interest.

2 The Commission shall take into account measures adopted by other regional fisheries management organizations or relevant intergovernmental organizations that have competence in relation to the Agreement Area.

3 The Commission shall seek to make suitable arrangements for consultation, cooperation and collaboration with other relevant organizations and institutions.

Article 25
Recognition of the special requirements of developing State Members

1 The Commission shall give full recognition to the special requirements of developing States Members to this Agreement in relation to conservation and management of fishery resources and to the development of fishing activities.

2 In giving effect to the duty to cooperate in the establishment of conservation and management measures and the development of aquaculture, the Commission shall take into account the special requirements of developing State Members, in particular:

- (a) the vulnerability of such developing States which are dependent on the exploitation of fishery resources, including for meeting the nutritional requirements of their populations or part thereof;
- (b) the need to avoid adverse impacts on, and ensure access to fisheries by subsistence, and artisanal fishers small-scale and fish workers; and
- (c) the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto such developing States.

3 The Members shall cooperate either directly or through the Commission for the purposes set out in this Article, which may include provision of financial assistance, assistance to human resource development, technical assistance, transfer of technology, including joint venture arrangements, and advisory and consultative services. Such assistance shall, *inter alia*, be directed towards:

- (a) improved conservation and management of fishery resources through collection, submission, verification, storing and dissemination of data;
- (c) stock assessment and scientific research;
- (d) development of fishing activities; and
- (c) monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level and access to technology and equipment.

Article 26 **Non-members**

1 Members shall exchange information with respect to vessels engaged in fishing or fishing related activities in the Agreement Area that are flying the flags of non-members to this Agreement.

2 Members shall, individually or collectively, take measures consistent with this Agreement and international law to deter the activities of such vessels which undermine the effectiveness of applicable conservation and management measures, and shall report to the Commission any action taken in response to fishing or fishing related activities in the Agreement Area by non-members.

3 Members shall, individually or collectively, draw the attention of any non-member to this Agreement to any activity which in the opinion of the Member or Members negatively affects the implementation of the objective of this Agreement.

4 Members shall, individually or collectively, request non-members to this Agreement whose vessels are engaged in fishing or fishing related activities in the Agreement Area to become parties to this Agreement or to cooperate fully in the implementation of conservation and management measures adopted by the Commission. Such cooperating non-members may enjoy benefits from participation in fishing or fishing related activities commensurate with their commitments to comply with conservation and management measures established under

this Agreement. Rules concerning the cooperating status of non-members shall be set out in the Rules of Procedure.

Article 27
Dispute settlement

1 Members shall cooperate in order to prevent disputes.

2 If any dispute arises between two or more Members concerning the interpretation of this Agreement, those Members shall consult among themselves with a view to resolving the dispute, or to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice. Where a dispute is of technical nature, any party to the dispute may refer the dispute to an ad hoc expert panel established in accordance with the Rules of Procedure adopted by the Commission.

3 Where a dispute is not resolved through the means set out in paragraph 2, such dispute shall, at the request of any party to the dispute, be referred to procedures for settlement of disputes provided in Part XV of the 1982 Convention or in Part VII of the 1995 Agreement.

4 Paragraph 3 shall not affect the status of any Member in relation to the 1982 Convention or the 1995 Agreement.

Article 28
Relation to other international instruments

1 Nothing in this Agreement shall prejudice the rights, jurisdiction and duties of Members under the 1982 Convention or the 1995 Agreement.

2 This Agreement shall not alter the rights and obligations of Members that arise from other international instruments compatible with this Agreement and which do not affect the enjoyment by other Members of their rights or performance of their obligations under this Agreement.

Article 29
Official languages of the Commission

1 The official languages of the Commission shall be such official languages of the FAO 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 Commission sessions, interpretation in one or more of the official languages of the Commission shall be provided by the Secretariat when a request has been made by a Member in accordance with the Rules of Procedure.

3 English and French shall be the working languages, as appropriate, for technical meetings.

4 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.

Article 30
Amendments

1 The Commission may amend this Agreement by a two-thirds majority of all the Members. Subject to paragraph 2 below, amendments shall come into force as from the date of their adoption by the Commission.

2 Amendments involving new obligations for Members shall come into force after acceptance by two-thirds of the Members and with respect to each Member only on acceptance of it by that Member. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of the FAO who shall inform all the Members, as well as the Secretary-General of the United Nations, of the receipt of acceptance and the entry into force of such amendments. The rights and obligations of any Member that has not accepted an amendment involving additional obligations shall continue to be governed by the provisions of this Agreement as they stood prior to the amendment.

3 Amendments to this Agreement shall be reported to the Council of the FAO which shall have the power to disallow any amendment which it finds to be inconsistent with the objectives and purposes of the FAO or the provisions of the Constitution of the FAO. If the Council of the FAO considers it desirable, it may refer the amendment to the Conference of the FAO which shall have the same power.

Article 31
Acceptance

1 This Agreement shall be open to acceptance by members or associate members of the FAO.

2 The Commission may, by a two-thirds majority of its membership, admit to membership such other States that are members of the United Nations, any of its specialized agencies or the International Atomic Energy Agency as have submitted an application for membership and a declaration made in a formal instrument that they accept this Agreement as in force at the time of admission.

3 Participation in the activities of the Commission by Members which are not members or associate members of the FAO shall be contingent upon the assumption of such proportionate share in the expenses of the Secretariat as may be determined in the light of the relevant provisions of the Financial Regulations and Rules of the FAO.

4 Acceptance of this Agreement by any member or associate member of the FAO shall be effected by the deposit of an instrument of acceptance with the Director-General of the FAO and shall take effect on receipt of such instrument by the Director-General.

5 Acceptance of this Agreement by non-members of the FAO shall be effected by the deposit of an instrument of acceptance with the Director-General of the FAO membership shall become effective on the date on which the Commission approves the application for membership, in conformity with the provisions of paragraph 2 of this Article.

6 The Director-General of the FAO shall inform all Members of the Commission, all members of the FAO and the Secretary-General of the United Nations of all acceptances that have become effective.

7 Acceptance of this Agreement may be made subject to reservations which shall become effective only upon unanimous approval by the Members. Members not having replied within three months from the date of the notification shall be deemed to have accepted the reservation. Failing such approval, the nation or regional economic integration organization making the reservation shall not become a party to this Agreement. The Director-General of the FAO shall notify forthwith all Members of any reservations.

Article 32
Entry into force

This Agreement shall enter into force as from the date of receipt of the fifth instrument of acceptance.

Article 33
Territorial application

The Members shall, when accepting this Agreement, state explicitly to which territories their participation shall extend. In the absence of such a declaration, participation shall be deemed to apply to all the territories for the international relations of which the Member is responsible. Subject to the provisions of Article 34 below, the scope of the territorial application may be modified by a subsequent declaration.

Article 34
Withdrawal

1 Any Member may withdraw from this Agreement at any time after the expiration of two years from the date upon which the Agreement entered into force with respect to that Member, by giving written notice of such withdrawal to the Director-General of the FAO who shall immediately inform all the Members and the members of the FAO of such withdrawal. Notice of withdrawal shall become effective three months from the date of its receipt by the Director-General of the FAO.

2 A Member may give notice of withdrawal with respect to one or more of the territories for the international relations of which it is responsible. When a Member gives notice of its own withdrawal from the Commission it shall state to which territory or territories the withdrawal is to apply. In the absence of such a declaration, the withdrawal shall be deemed to apply to all the territories for the international relations of which the Member is responsible, with the exception of associate members.

3 Any Member that gives notice of withdrawal from the FAO shall be deemed to have simultaneously withdrawn from the Commission, and this withdrawal shall be deemed to apply to all the territories for the international relations of which the Member concerned is responsible, except that such withdrawal shall not be deemed to apply to an associate member.

Article 35
Termination

This Agreement shall be automatically terminated if and when, as the result of withdrawals, the number of Members drops below five, unless the remaining Members unanimously decide otherwise.

Article 36
Certification and registration

The text of this Agreement was originally formulated at Rome on the 24th day of September one thousand nine hundred and forty-nine in the French language and **was amended on...** Two copies in the English, French and Spanish languages of this Agreement and of any amendments to this Agreement shall be certified by the Chairperson of the Commission and by the Director-General of the FAO. One of these copies shall be deposited in the archives of the FAO. The other copy shall be transmitted to the Secretary-General of the United Nations for registration. In addition, the Director-General shall certify copies of this Agreement and transmit one copy to each member of the FAO and to such non-member nations of the FAO that are or may become parties to this Agreement.

Rules of Procedure of the General Fisheries Commission for the Mediterranean and the Black Sea and Connecting Waters (GFCM)

RULE I: Definitions

For the purpose of these Rules, the terms shall have the same meaning as those used in the Agreement, and in addition 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 its provisions;

Bureau: The Bureau established in accordance with Article 14 of the Agreement;

Chairperson: The Chairperson of the Commission;

Delegate: The representative of a Member as specified in Article 6 of the Agreement;

Delegation: The delegate and his/her alternate, experts and advisers;

Director-General: The Director-General of the FAO;

Executive Secretary: The Executive Secretary of the Commission appointed in accordance with Article 15(2) of the Agreement;

Headquarters: The headquarters of the Commission designated under Article 6(7) of the Agreement;

Observer Associate Member: A member or associate member of FAO which is not a member of the Commission attending sessions of the Commission or its subsidiary bodies or other body in accordance with Article 23(1) of the Agreement;

Observer Nation: A nation that is not a Member attending a session of the Commission or its subsidiary bodies or other body in accordance with Article 23(2) of the Agreement;

Observer intergovernmental organization: An intergovernmental organization attending a session of the Commission, or its subsidiary bodies or other bodies as observer in accordance with Article 23(3) of the Agreement;

Observer non-governmental organization: A non-governmental organization attending a session of the Commission or its subsidiary bodies or other body in accordance with Article 23(3) of the Agreement;

Observer non-member States of FAO: Non-member States of FAO which are not members of the Commission, but which is a member of the United Nations, any of its specialized agencies or the International Atomic Energy Agency, attending sessions of the Commission or its subsidiary bodies or other body in accordance with Article 23(2) of the Agreement; and

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

RULE II: Sessions of the Commission

1. The Commission shall, at each regular annual session, decide the time and place of the next session in accordance with Article 6(5) of the Agreement, 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.
2. The Chairperson may convene an extraordinary session of the Commission at:
 - (a) the direction of the Commission;
 - (b) the request or with the approval of a simple majority of the Members;
 - (c) the direction of the Bureau with the approval of a simple majority of the Members;
3. The Bureau, in consultation with the Director-General, shall decide the time and place of an extraordinary session called in accordance with paragraph 2.
4. Sessions of the Commission may be held at its headquarters, at the headquarters of the FAO or at an agreed location in a Member.
5. Invitations to a regular session of the Commission shall be issued by the Executive Secretary on behalf of the Chairperson 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.
6. When determining the site of any meeting to be convened by the Commission, the Executive Secretary should be satisfied that the host government is willing to grant to all delegates, representatives, experts, observers and members of the Secretariat of the Commission and the Secretariat of the FAO attending such a meeting, or other persons entitled to attend such session in accordance with the terms of the Agreement or these Rules, and relevant requirements of the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, immunities that are necessary for the independent exercise of their functions in connection with the meeting.

RULE III: Registration and Credentials

At each session the Executive Secretary shall make arrangements for the registration of delegates and observers, and shall receive the credentials of delegations. Such credentials shall conform to the standard form set by the Executive Secretary. Upon examination thereof, the Executive Secretary shall report to the Commission for the necessary action.

RULE IV: Agenda

1. A provisional agenda for each regular session of the Commission shall be drawn up by the Executive Secretary and sent to the Members following the approval of the Chairperson. The provisional agenda will also be sent to the observer Nations and observer Associate Members which attended the previous regular session of the Commission or have requested to attend the next session. It shall be sent not less than sixty days before the date of the session, together with the reports and documents available in connection with the session.

2. For observer non-member States of FAO, observer intergovernmental organizations or observer non-governmental organizations, such information shall be sent if a decision to invite them to attend the session of the Commission has been taken. Invitations shall also be sent to intergovernmental organizations or institutions having concluded an agreement with the Commission, pursuant to Rule XIV, formally providing for the participation of these organizations and institutions in Commission sessions.

3. The Executive Secretary shall send a provisional agenda with comments, including any proposal by Members, not less than thirty days before the session, together with relevant available reports and documents.

4. 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 6(4) 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 and recommendations of the subsidiary bodies and working groups;
- (f) proposals for the adoption of conservation and management measures pursuant to Article 7(b) of the Agreement;
- (g) consideration of the proposed programme of work for the Commission;
- (h) consideration of the time and place of the next session;
- (i) applications for membership in accordance with Article 31(2) of the Agreement;
- (j) items referred to the Commission by the Conference, the Council or the Director-General.

5. The provisional agenda may also include:

- (a) items approved at the previous session;
- (b) items proposed by the committees and any other subsidiary body;
- (c) items proposed by a Member.

6. 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 Executive Secretary shall be appointed by the Director General following the approval of the Commission in accordance with Article 15(2) of the Agreement and the procedures set out in Appendix 1 of these Rules of Procedure.

2. 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: Meetings of the Commission

1. In accordance with Article 23(4) of the Agreement, meetings of the Commission shall be open to observers unless otherwise decided by the Commission. When the Commission decides to hold a private meeting, it shall at the same time determine attendance by observers.
2. The meetings of the Committees, working groups and other bodies of the Commission shall be open to observers unless otherwise decided by the Commission or the body concerned.

RULE VII: Election of Chairperson and Vice-Chairperson

The Chairperson and Vice-Chairpersons elected in accordance with Article 6(4) of the Agreement shall be elected from among delegates or alternates attending the session at which they are elected. They shall assume office immediately following the regular session at which they were elected.

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 or her elsewhere in these Rules and, in particular, shall:
 - (a) declare the opening and closing of each session of the Commission;
 - (b) direct the discussions at such sessions 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;
 - (f) call for votes and announce the results of votes;
 - (g) sign on behalf of the Commission a report of the proceedings of each session of the Commission for transmission to the Director-General and the Members; and
 - (h) perform any other function that may be decided by the Commission.
2. In the absence of the Chairperson, or at his/her request, his/her 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 delegation shall represent the relevant Member.
4. The Chairperson or a Vice-Chairperson acting as Chairperson has a right to vote if he/she is acting only as a representative of his/her Member.
5. In the interval between sessions of the Commission, the Chairperson shall exercise his/her functions in accordance with these Rules of Procedure.
6. The Executive Secretary shall temporarily exercise the functions of the Chairperson in the event that the Chairperson and the Vice-Chairpersons should be unable to serve.

7. 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 intersessional 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 where a Member requests that the vote be taken by roll call or secret ballot, and such request is seconded.

2. A vote by roll call shall be conducted by calling the names of the Members entitled to vote in the English alphabetical order. The name of the first Member to be called shall be designated by lot drawn by the Chairperson

3. The record of any roll call vote or postal vote shall show the votes cast by each delegate and any abstention.

4. Unless the Commission decides otherwise, voting shall be by secret ballot on matters relating to individuals, including the election of officers of the Commission and its committees and, if applicable, the name of the Executive Secretary to be forwarded to the Director-General for appointment.

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, as many ballots as necessary shall be held to determine the elected candidate.

6. Votes cast mean votes “in favour” and “against”.

7. If the Commission is equally divided when a vote is taken on a question other than an election or the recommendation regarding the name of the Executive Secretary to be forwarded to the Director-General for appointment, a second and third vote may be taken at the current session. If the Commission remains equally divided, the proposal shall not be considered further at the current session.

8. In exceptional circumstances as determined by the Executive Secretary in consultation with the Chairperson, when urgent matters require Members to take decisions intersessionally, any rapid means of communication may be used for decision-making with respect to procedural and administrative matters of the Commission, including any of its subsidiary bodies or working groups, other than matters relating to the interpretation of and the adoption of amendments to the Statute of the Commission, its Rules of Procedure or Financial Regulations.

9. Voting arrangements and other related matters not specifically provided for by the Agreement, or by these Rules, shall be governed *mutatis mutandis* by the General Rules of the FAO.

RULE X: Subsidiary bodies, working groups, subregional working groups and other bodies

1. Each subsidiary body established pursuant to Article 8(1) or Article 8(2) of the Agreement may establish working groups and other bodies and shall ensure their coordination, as appropriate, through a coordinating meeting, subject to the provisions of Article 8(3) of the Agreement.
2. Unless otherwise provided, the subsidiary bodies, working groups, subregional working groups and other bodies shall be governed, *mutatis mutandis*, by the Rules of Procedure of the Commission, as well as such other supplementary procedures, consistent with these Rules, as the Commission may establish.
3. The relationship between the Commission and its subsidiary bodies, working groups, subregional working groups, 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.
4. The meetings of each subsidiary body shall take place at such time as may be agreed by the Commission, subject to Article 8(3) of the Agreement.

RULE XI: Subregional Working Groups

1. The Subregional Working Groups established in accordance with Article 13 of the Agreement shall have the following areas of application:
 - (a) Western subregion;
 - (b) Central subregion;
 - (c) Adriatic subregion;
 - (d) Eastern subregion;
 - (e) Black Sea subregion;

[Please see explanatory notes for options to define the areas of application of the subregions and provide technical guidance as kindly requested in the comments.]

2. The Subregional Working Groups established in accordance with Article 13 of the Agreement shall cooperate to implement the objective, general principles, functions and responsibilities of the Commission in their respective areas of application. To this end, each Subregional Working Group shall:

[Technical advice requested.]

3. A coordinator shall be appointed for each Subregional Working Group who shall be responsible for:
 - (a) coordinating and overseeing all of its operations and activities;
 - (b) liaising with other Subregional Working Groups and the Commission;
 - (c) as appropriate, serving on any mechanism established in accordance with Article 7, paragraph (f) of the Agreement; and
 - (d) performing such other duties as may be agreed by the Commission.

4. The coordinator appointed in accordance with paragraph 3 of this Rule shall be remunerated but shall not serve as a FAO staff member.

RULE XII: Budget and finance

1. Any estimates of expenditures to be covered by the general budget of the FAO shall be submitted by the Executive Secretary to the Commission for approval. Once approved, as part of the general budget of the FAO, without prejudice to the relevant rules of the FAO and the decisions of its Governing Bodies, they will constitute the limits within which funds may be committed for purposes approved by the Conference.

2. The Commission shall determine the extent to which travelling expenditures incurred by the Chairperson, the Vice-Chairpersons and of any subsidiary bodies, in connection with their functions, may be covered by the autonomous budget of the Commission.

3. Subject to Article 16 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 XIII: Participation by observers

1. The Director-General or a representative designated by him/her, shall have the right to participate without vote in all sessions of the Commission and any of the subsidiary bodies of the Commission.

2. Non-governmental organizations having special competence in the field of activity of the Commission that wish to attend any session of the Commission or such of its meetings as the Commission may specify shall notify the Executive Secretary in advance, at such time as may be specified by the Executive Secretary or the Commission, of its wish to be invited.

3. The list of non-governmental organizations wishing to be invited shall be submitted to the Members. Any Member may object in writing to the issuance of an invitation within 15 days of receiving notification, and shall include reasons for its objection. Where an objection has been notified, the matter will be subject to decision by the Commission out of session by written procedure.

4. The Commission, on proposal of the Executive Secretary, may decide to request a contribution towards the additional administrative costs arising from the attendance of observers at its sessions, subject to reciprocity in the case of intergovernmental organizations.

5. Unless the Commission determines otherwise, observers may attend the sessions of the Commission. Observer Nations may submit memoranda and participate without vote in the discussions. Observer non-member States of FAO as well as observer intergovernmental organizations or observer non-governmental organizations may be invited by the Commission to submit memoranda and deliver oral statements.

6. The Commission may invite consultants or experts, in their individual capacity, to attend the sessions meetings or participate in the work of the Commission as well as the subsidiary and other bodies and meetings of the Commission.

7. Agreements entered into under Rule XIV may provide that the relevant organization or institution may be represented as an observer in the sessions of the Commission. Observers from these organizations or institutions will be authorized to submit memoranda and, as appropriate, to participate in the discussions of the Commission and the subsidiary bodies of the Commission, without voting right.

RULE XIV: Criteria for attaining the status of cooperating non-member

1 Each year, the Executive Secretary shall contact all non-members of the Commission which are coastal States within the Agreement Area, and urge them to become a Member or to attain the status of a cooperating non-member.

2 Any such non-member that seeks to be accorded the status of a cooperating non-member shall apply to the Executive Secretary no later than ninety (90) days in advance of an annual session of the Commission, to be considered at that session.

3 Non-members requesting the status of a cooperating non-member shall provide the following information in order to have this status considered by the Commission:

- (a) where available, data on its historical fishing activities in the Agreement Area;
- (b) all the data that Members have to submit based on measures adopted by the Commission; and
- (c) information on any research programmes it may have conducted in the Agreement Area and the information and the results of this research.

4 An applicant for cooperating non-member status shall also confirm its commitment to respect the Commission's conservation and management measures and inform the Commission of the actions it takes to ensure compliance with those measures.

5 Cooperating non-member status shall be annually reviewed and renewed unless revoked by the Commission due to non-compliance with the conservation and management measures of the Commission.

RULE XV: Cooperation with other intergovernmental organizations and institutions

To further the objective of Article 24(1) of the Agreement, the Commission may enter into agreements, arrangements or understandings with other intergovernmental organizations and institutions which might contribute to the work and further the objectives of the Commission.

RULE XVI: Reports

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 website of the Commission.

2. Subject to the provisions of Article 18 of the Agreement, the decisions, 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, observer nations and observer intergovernmental and observer non-governmental organizations which were represented at the session, and such others as the Commission may

direct from time to time. Similarly, these documents may be made available to other members and associate members of the FAO for their information, as appropriate.

3. Decisions having policy, programme or financial implications for the FAO shall be brought by the Director-General to the attention of the Conference through the Council for action.

4. Subject to the provisions of the preceding paragraph, the Chairperson may request Members to supply information on action taken on the basis of the decisions and recommendations made by the Commission.

5. The Executive Secretary shall receive on behalf of the Commission the information requested pursuant to paragraph 4 and shall prepare a summary and an analysis of such information for presentation at the next session.

RULE XVII: Recommendation Review Panel

1. A Recommendation Review Panel is hereby established pursuant to Article 7, paragraph (f) of the Agreement.

2. The Recommendation Review Panel shall consist of the following persons:

- (a) the Chairperson of the Scientific Advisory Committee;
- (b) the Chairperson of the Advisory Committee on Aquaculture;
- (c) the Chairperson of the Compliance Committee;
- (d) the Coordinator of each Subregional Working Group;
- (e) five Members of the Commission, comprising one Member from each Subregional Working Group; and
- (f) three independent experts in fisheries management .

3. The Members of the Commission referred to in paragraph 2(e) shall:

- (a) be elected by the Commission;
- (b) serve for (two) years;
- (c) be eligible for re-election; and
- (c) not serve for more than (two) years in the same capacity.

4. The independent experts in fisheries management referred to in paragraph 2(f) shall be appointed by the Secretary with the approval of the other members of the Recommendation Review Panel.

5. A Chairperson and two Vice-Chairpersons of the Recommendation Review Panel shall be elected by the Commission from among the Members, and shall each serve for a term of (xx) years and shall be eligible for re-election but shall not serve for more than (xx) years in succession in the same capacity.

6. Each subsidiary body or working group that develops Recommendations that may be considered by the Commission for adoption pursuant to Article 7(b) of the Agreement shall transmit each such recommendation to the Recommendation Review Panel review at least (ninety) days prior to the Session at which they are to be considered.

7. The Recommendation Review Panel shall review each recommendation at least (sixty) days prior to the session at which it is to be considered, and shall transmit each recommendation, together with any conclusions and recommendations it may make, to the Commission for its consideration.

8. The Recommendation Review Panel shall take its decisions by consensus wherever possible, but otherwise may take decisions by simple majority vote.

9. The Recommendation Review Panel may conduct its business using electronic or other means of rapid or real-time communication to the extent necessary.

RULE XVIII: Procedures for the *ad hoc* Expert Panel for the Settlement of Disputes

1. These procedures shall apply to an ad hoc Expert Panel for the Settlement of Disputes that has been established pursuant to Article 27(2) of the Agreement.

2. A Member shall notify another Member of its intention to submit a dispute it has with that Member to an ad hoc expert panel, hereafter “the Panel”, and the notification shall be accompanied by a full description of the subject matter as well as grounds relied upon. It shall send a copy to the Executive Secretary.

3. The other Member shall within 15 days decide on whether to accept or disagree to submit the dispute to the Panel. In the event that the other Member accepts, the decision shall be communicated to the Member that notified its intention and to the Executive Secretary.

4. The Executive Secretary shall promptly transmit a copy of the notification with the documents attached to it to all Members.

5. Unless the parties to the dispute agree otherwise, the following shall apply:

(a) the Panel shall consist of three members;

(b) each party to the dispute shall appoint one panelist and inform the Executive Secretary of that appointment at the latest 15 days after the communication of the acceptance of the establishment of the Panel by the other party;

(c) the parties to the dispute shall appoint the third panelist by mutual agreement, and inform the Executive Secretary of the appointment at the latest 15 days after the appointment of the two other panelists. If they are unable to agree on the appointment of the third panelist, they may agree at the latest at the end of this 15 days period that the appointment shall be made by the Chairperson of the Commission or any other person. Where there is no agreement, the appointment shall be made by the President of the International Tribunal for the Law of the Sea;

(d) the third panelist shall not be a national of any Member involved in the dispute or of the same nationality as either of the other panelists;

(e) the panelists may be selected from a list of experts that may be established and maintained by the Executive Secretary on the basis of nominations made by the Members, who may nominate up to three experts each with competence in legal, scientific or technical aspects concerning the Agreement, and who shall provide information on relevant qualifications and experience; and

(f) the third panelist shall chair the Panel.

6. As soon as the panelists are nominated, the Executive Secretary shall record the constitution of the Panel and inform all Members accordingly.
7. Any other Member, having the same interests as one of the parties to the dispute, may become a party to the dispute by a notification to the parties involved and to the Executive Secretary within 15 days after receiving the notification pursuant to paragraph 3 of this Rule, and provided that the other parties already involved and having the same interests agree.
8. In the event that two or more Members jointly make a notification pursuant to paragraph 1 of this Rule or one or more Members become parties to the dispute pursuant to paragraph 6 of this Rule, the parties shall designate one of them for the official contacts during the work of the Panel.
9. The Panel may adopt such rules of procedures as it considers necessary for effective and expeditious proceedings.
10. The Panel shall inform the Executive Secretary of the dates and venue(s) of hearings, who shall inform all Members accordingly.
11. Any Member may, upon notification to the Panel, attend any hearings, and make written or oral submissions.
12. The Panel may seek information or technical advice from any source it considers appropriate.
13. The Panel shall seek to agree on its recommendation to resolve the dispute by consensus. If this is not possible, the Panel shall agree by a majority vote of its members, none of whom may abstain from voting.
14. Unless the parties to the dispute agree on a later date, the panel shall deliver its recommendations within ninety days from the date of its constitution.
15. The recommendations shall be confined to the subject matter of the dispute and set out the reasons on which they are based. The Executive Secretary shall promptly communicate them to all Members.
16. Costs of the Panel shall be borne by the first two parties to the dispute in equal parts.

RULE XIX: Amendments to the Agreement

1. Proposals for the amendment of the Agreement pursuant to Article 30 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 XX: Relationship between these Rules of Procedure and the General Rules, policies or procedures of the FAO

1. Where there is any change to the General Rules, procedures or policies of the FAO that affect these Rules of Procedure, including by adoption of a new Rule or amendment of an existing Rule, the adoption and implementation of such change by the Commission or any of its parts shall be subject to endorsement by the Commission by simple majority vote.
2. Notwithstanding the provisions of paragraph 1 of this Rule, the Executive Secretary may implement such changes by the FAO on a provisional basis, with the concurrence of the Bureau, until the next Session of the Commission at which such change may be considered.
3. For purposes of interpretation, where any ambiguity exists between these Rules of Procedure and the General Rules, policies or procedures of the FAO, these Rules of Procedure shall prevail.

RULE XXI: Suspension and amendment of Rules

1. Subject to the provisions of the Agreement, any of the foregoing Rules, other than Rules IV, V, XII, XIV, XVI paragraph 2, and XXI, 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, 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 XVIII 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 XXII: Official languages of the Commission

Where a Member requests interpretation for a session in accordance with Article 29 (2) of the Agreement:

- (a) the Member shall confirm its intention to attend the session; and
- (b) such request shall be made in writing to the Executive Secretary no less than (eight) months before the relevant session.

APPENDIX 1

Requirements for the selection, appointment and term of office of the Executive Secretary**PART I - QUALIFICATIONS AND BENEFITS**

1. The following qualifications shall be required for the post of Executive Secretary, unless otherwise decided by the Commission:

(a) The candidate should hold a university degree, preferably at post-graduate level, in fisheries biology, fisheries science, fisheries economics, administration, law or related fields. He/she should have at least ten years of experience in fisheries management and policy formulation, and preferably in bilateral and international relations, including knowledge of regional fisheries organizations. He/she should have proven ability to exercise a high degree of professional initiative. The incumbent should be able to prepare budgets and documents and organize international meetings. He/she should have working knowledge (level C) of two of the following official languages of the Commission: Arabic, English, French or Spanish. Knowledge, even limited, of one of the other cited languages will be considered an additional asset.

(b) Other essential qualifications include competence in the selection of staff; demonstrated ability to conduct professional oversight in appropriate fields, and familiarity with word processing, spread sheets and database management systems.

(c) Desirable requirements include a high degree of adaptability and the ability to cooperate effectively with people of different nationalities, cultures, social origins and educational levels.

(d) The age of the candidates should allow him/her to perform a full term of five years prior to attaining the age set by FAO for required retirement.

(e). The post of Executive Secretary will be graded at the D-1 level based on the United Nations salary scale for professional and higher categories. He/she is appointed under the terms of FAO Staff Regulations and FAO Staff Rules, is a member of FAO staff and as such entitled to benefits including a variable element for post adjustment, pension contributions and health insurance.

PART II – PROCEDURE FOR THE SELECTION OF THE EXECUTIVE SECRETARY

2. The procedure, for the selection of the Executive Secretary, shall be as follows:

(a) The Commission shall agree to a text for the vacancy announcement, including the required qualifications and the job description for the post of Executive Secretary.

(b) The Director-General shall post the vacancy announcement on the FAO and GFCM Websites and is publicized elsewhere, as appropriate, in accordance with such guidelines as the Commission may agree.

(c) The closing date for applications shall be six weeks from the date of announcement of the vacancy notice.

(d) A Selection Committee shall be established to review the applications and rank candidates. It shall comprise:

- (i) the Chairperson and two Vice-Chairpersons of the Commission;
- (ii) the Chairperson of the Committee on Administration and Finance;
- (iii) the Chairperson of the Compliance Committee;
- (iv) two representatives of the Director-General;
- (v) one representative from EU Member States; and
- (vi) one representative from non EU Member States; and
- (vii) such other member(s) as the Commission may decide.

(e) The Selection Committee shall meet within four weeks of the date of closure of the receipt of applications, and shall, with the assistance of the FAO Secretariat identify a maximum of 20 candidates that meet or exceed the required qualifications for the post.

(f) The Executive Secretary shall communicate to the Members a list of all applicants and shall identify those which have been selected as candidates in accordance with these procedures.

(g) Within four weeks of receipt of the communication from the Executive Secretary under paragraph (f), each Member shall rank five candidates by order of preference, taking into account the required qualifications set out in Part I of this Appendix, on a scale of one (lowest) to five (highest), and shall notify the Secretariat of such designation.

(h) The Selection Committee shall compile the rankings and notify the Members the names and relevant information on the five candidates that scored the highest number of points.

(i) The Chairperson shall invite the five candidates designated pursuant to paragraph (h) to be interviewed at such regular or extraordinary session of the Commission that the Commission has determined.

(j) The Chairperson shall preside over the interviews, which shall be conducted at the session by the Member's representatives designated in accordance with Article 6(3) of the Agreement. Interpretation in the languages of the FAO shall be made available.

(k) . The Chairperson, with the approval of the Member's representatives, shall prepare five questions to be used as a basis for the interview.

(l) The interview of each candidate shall have a maximum duration of 50 minutes.

3. The voting for the Executive Secretary shall take place at the same session at which the interviews were conducted, and shall proceed as follows:

(a) Balloting shall take place as follows until one candidate attains the required majority of more than half the votes cast:

- (i) A first ballot shall be held for all five candidates. The two candidates receiving the least votes shall be eliminated from the selection process.

(ii) A second ballot shall be held for the remaining three candidates. The candidate receiving the least votes shall be eliminated.

(iii) A third ballot shall be held between the remaining two candidates. The candidate receiving the most votes shall be selected.

(b). If, during the course of a ballot, two candidates receive the same number of votes, a separate round of voting shall be held to eliminate one candidate.

(c) In accordance with Rule IX.8 of these Rules of Procedure, matters not specifically provided for in this procedure are governed, *mutatis mutandis*, by the provisions of Article XII of the General Rules of the FAO.

PART III – APPOINTMENT

4. The Chairperson shall transmit the name of the candidate selected by the Commission in accordance with the above procedures to the Director-General for appointment.

PART IV – TERM OF OFFICE

5. Entry on duty by the appointee should, to the extent possible, be achieved as soon as possible after his/her selection and in any case within a maximum period of four months.

6. The Executive Secretary shall be appointed for a period of five years and may be reselected for a further consecutive term of five years. At the third regular session following regular session of the Commission during which the Executive Secretary was selected, or at the fourth regular session following the selection of the Executive Secretary, in the case in which selection took place at an extraordinary session of the Commission, selection of the next Executive Secretary should be placed on the Commission's agenda. The Commission shall decide the necessary arrangements for the next selection of Executive Secretary, in accordance with the procedure in place.

Financial Regulations of the General Fisheries Commission for the Mediterranean and the Black Sea and Connecting Waters (GFCM)

Regulation I - Applicability

1. These Regulations shall govern the financial administration of the General Fisheries Commission for the Mediterranean and Black Sea, hereafter “the Commission”, in respect of all activities financed by the autonomous budget referred to in Article 16, paragraphs 1 and 2 of the Agreement for the Establishment of the General Fisheries Commission for the Mediterranean and the Black Sea and Connecting Waters, as amended, hereafter “the Agreement”.
2. The Financial Regulations and procedures of FAO shall apply to the activities of the Commission for all matters not covered by these Regulations, with particular reference to those provided for and financed by the budget of FAO.

Regulation II - The financial period

The financial period shall be one calendar year.

Regulation III - The autonomous budget

1. The estimates for the autonomous budget shall be prepared by the Executive Secretary of the Commission and shall be circulated to the Members not less than 60 days before each regular session.
2. The estimates of the autonomous budget shall cover income and expenditures for the financial period to which they relate and shall be presented in United States dollars.
3. The estimates for the autonomous budget shall be presented on a chapter basis, and divided into sub-chapters as appropriate. They shall reflect the programme of work for the financial period and shall include such other information, annexes or explanatory statements as may be requested by the Commission.
4. The autonomous budget shall comprise:
 - (a) the autonomous budget referred to in paragraph 5 of this Regulation relating to the regular contributions of Members payable under Article 16, paragraphs 1, 3 and 4 of the Agreement and expenditures chargeable to the budget of the Commission under Article 17, paragraphs 7 and 8. The budget may reflect in an appropriate manner expenditures borne by FAO under Article 17, paragraph 7 of the Agreement; and
 - (b) the special budgets relating to funds made available during the financial period from donations and other forms of assistance received from organizations, individuals and other sources under Article 16, paragraphs 5 and 6 of the Agreement and from financial penalties which may be agreed pursuant to Article 22(h) of the Agreement.
5. The autonomous budget for the financial period shall consist of provisions for:

(a) administrative expenditures, including an amount to cover the FAO's costs equal to 4.5% of the autonomous budget of the Commission;

(b) expenditure for activities of the Commission. Estimates under this chapter may be presented in a single total only, but detailed estimates for each particular activity will be prepared and approved as "supplementary details" of the budget; and

(c) contingencies.

6. The autonomous budget shall be adopted by the Commission with such amendments as the Commission may decide.

7. Special budgets may be adopted by the Commission in exceptional circumstances, as appropriate.

8. No obligations shall be incurred or relevant payments made by the Commission where such obligations have been decided by FAO after the budget has been drawn up.

9. The autonomous budget of the Commission shall be submitted to the Finance Committee of the FAO for its information.

10. At the end of every year, the Executive Secretary shall provide a balance sheet to the Commission, in which the income and expenditures for the ensuing financial year are justified.

Regulation IV - Appropriations

1. After the autonomous budget has been adopted, the appropriations therein shall constitute the authorization for the Executive Secretary to incur obligations and make payments for the purposes for which the appropriations were adopted and up to the amounts so adopted.

2. In cases of emergency, as determined by the Bureau, the Executive Secretary is authorized to accept additional contributions from a Member or Members or grants from other sources and incur expenditures against them for emergency actions for which such contributions or grants were specifically provided. Such contributions or grants and expenditures related thereto will be reported in detail to the next session of the Commission.

3. Any unliquidated prior year obligation shall be cancelled or, where an obligation remains a valid charge, transferred against current appropriations.

4. Transfers between chapters may be effected by the Commission on the recommendation of the Executive Secretary.

Regulation V - Provision of funds

1. The appropriations of the autonomous budget shall be financed by contributions from Members determined and payable in accordance with Article 16, paragraphs 1, 3 and 4 of the Agreement and the scheme annexed to and forming an integral part of these Regulations. Pending receipt of annual contributions, the Executive Secretary is authorized to finance budgeted expenditures from the uncommitted balance of the autonomous budget.

2. Before the beginning of each calendar year the Executive Secretary shall inform the Members of their obligations in respect of annual contributions to the autonomous budget.
3. Contributions shall be due and payable in full within 30 days of the receipt of the communication of the Executive Secretary referred to in Regulation V.2 above, or as of the first day of the calendar year to which they relate, whichever is later. As of 1 January of the following calendar year, the unpaid balance of such contributions shall be considered to be one year in arrears.
5. The annual contributions to the autonomous budget shall be assessed in United States dollars and shall be calculated in accordance with the scheme annexed to these Regulations. The contributions shall be paid in United States dollars or Euros, on the basis of the exchange rate prevailing at the time of assessment of the annual contributions, as approved by the Commission. Should a Member pay its contribution in a currency other than the United States dollar or Euro, it will be the responsibility of that Member to ensure the free convertibility of that currency into United States dollars or Euros. The exchange rate applicable to any payment in a currency other than the United States dollars or Euros shall be the market rate of the United States dollar to the currency of payment on the first business day in January of the calendar year in which the contribution is due, or the rate in effect in the day the payment is made, whichever is higher.
6. Any new Member shall pay a contribution to the autonomous budget in accordance with the provisions of Article 16 paragraphs 1 and 3 of the Agreement for the financial period in which the membership becomes effective, such contribution beginning with the quarter in which the membership is acquired.

Regulation VI - Funds

1. All contributions, donations and other forms of assistance received shall be placed in a Trust Fund administered by the Director-General of the FAO in conformity with the Financial Regulations of the FAO.
2. With respect to the Trust Fund referred to in Regulation VI.1, the FAO shall maintain the following accounts:
 - (a) a general account to which shall be credited receipts of all contributions paid under Article 16, paragraph 1 of the Agreement and from which shall be met all expenditures chargeable against the sums allocated to the autonomous budget; and
 - (b) such additional accounts as may be necessary to which shall be credited the additional contributions under paragraph 2 of this Regulation and from which all relevant expenditures shall be met.

Regulation VII - Amendment

These Regulations may be amended by the Commission in accordance with Article 16, paragraph 1 of the Agreement.

Regulation VIII - Relationship between these Rules of Procedure and the General Rules, policies or procedures of the FAO

1. Notwithstanding Regulation VII, where there is any change to the Financial Regulations, procedures or policies of the FAO that affect these Regulations, including by adoption of a new Rule or amendment of an existing Rule, the adoption and implementation of such change by the Commission or any of its parts shall be subject to endorsement by the Commission by simple majority vote.
2. Notwithstanding the provisions of paragraph 1, the Executive Secretary may implement such changes by the FAO on a provisional basis, with the concurrence of the Bureau, until the next session of the Commission at which such change may be considered.
3. For purposes of interpretation, where any ambiguity exists between these Financial Regulations and the Financial Regulations of the FAO, these Rules of Procedure shall prevail.

APPENDIX 1

Scheme for the calculation of contributions

The modalities for determining the scale of contribution are calculated in accordance with the following formula.

Factors for calculation which should be applicable to the GFCM autonomous budget once the amended Agreement entered into force:

Membership: a fixed proportion of the budget; equally shared amongst members;

Wealth component: the wealth of the Member; and

Catch component: the total capture fishery and (marine) aquaculture production of the Member.

Weight to be given to each factor (as percentage of total autonomous budget):

Membership: 10 percent

Wealth component: 35 percent

Catch component: 55 percent

Measurement of the factors:

Membership: all Members

Wealth component: according to per caput GDP (measured in US \$ as published by the World Bank); members falling into four categories: below US\$ 1 000; between US\$ 1 000 and US\$ 9 999; between US\$ 10 000 and US\$ 29 999 and US\$ 30 000 and above. The first category is exempt from the wealth component. The second pays one share; the third pays 10 shares, and the fourth category pays 20 shares. Exceptions are made for countries with a total GDP below US\$ 5 thousand million (1997) to which a GDP category one step below is applied. Some countries are brought down to the first category and, as a result, are exempt from the wealth component (as long as their annual GDP remains below US\$ 5 thousand million).

Catch component: The catch/production figures to be used are those published by FAO in STATLANT 37A DATABASE. A three-year average is calculated using the period ending two years prior to that for which the budget will apply. Due to different values of small pelagic and other species, the "GFCM catch" for the purpose of determining the scale of contribution is calculated by applying a factor of 4 to all fish produced by Members in the Mediterranean and in the Black Sea and its adjacent waters, except for small pelagics.