

TABLE OF EXISTING AND PROPOSED RULES OF PROCEDURE AND EXPLANATORY NOTES

There would likely be no new financial obligations for Members in implementing these Rules of Procedure. The only area where there may be new financial implications relates to the functions that may be decided for subregional working groups under draft Rule XI. The functions are yet to be determined, and would likely only involve costs for Members' attendance at meetings. However, Members are already obligated to attend meetings under subsidiary bodies of the Commission, and in that sense it would not entail any new financial obligations.

Paragraph numbers cited in the Comments correspond to the numbers of the draft Rules of Procedure unless otherwise stated, and references to the Agreement in the draft Rules of Procedure relate to the draft Agreement.

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
Definitions	<p>Rule I</p> <p>For the purpose of these Rules, the following definitions apply:</p> <p>Agreement: The Agreement for the establishment of the General Fisheries Commission for the Mediterranean adopted in Rome (Italy) on 24 September 1949, as amended in accordance with Article X thereof, hereinafter referred to as the Agreement.</p> <p>Commission: The General Fisheries Commission for the Mediterranean.</p> <p>Chairperson: The Chairperson of the Commission. Vice-Chairpersons: The Vice-Chairpersons of the Commission.</p> <p>Delegate: The representative of a Member as specified in Article II, paragraph 1 of the Agreement.</p> <p>Delegation: The delegate and his alternate, experts and advisers.</p> <p>Member: Members and Associate Members of the Organization, and non-members of the</p>	<p>Rule I</p> <p>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:</p> <p>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;</p> <p>Bureau: The Bureau established in accordance with Article 14 of the Agreement;</p> <p>Chairperson: The Chairperson of the Commission;</p> <p>Delegate: The representative of a Member as specified in Article 6 of the Agreement;</p> <p>Delegation: The delegate and his/her alternate, experts and advisers;</p> <p>Director-General: The Director-General of the FAO;</p> <p>Executive Secretary: The Executive Secretary of the Commission appointed in accordance with Article</p>	<p>Some definitions have been added or modified, in line with the FAO Basic Texts and practice in other FAO RFMOs including the Rules of Procedure adopted by IOTC.</p> <p>New terms defined are: Bureau, Chairperson, Director-General, Observer Associate Member, Observer intergovernmental organization, Observer non-governmental organization, Observer non-member States of FAO.</p> <p>Other definitions that do not appear have already been defined in the draft Agreement.</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>Organization, or regional economic integration organizations as may be Members of the Commission.</p> <p>Executive Secretary: The Secretary of the Commission.</p> <p>Organization: The Food and Agriculture Organization of the United Nations.</p> <p>Conference: The Conference of the Organization. Council: The Council of the Organization.</p> <p>Director-General: The Director-General of the Organization.</p> <p>Headquarters: The headquarters of the Commission under Article II, paragraph 11 of the Agreement.</p> <p>Observer Nation: A nation that is not a Member of the Commission or a Member of FAO or Associate Member of the Organization, but which is a Member of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, attending a session of the Commission while not being a Member of the Commission.</p> <p>International organization participating as observer: An international, intergovernmental or non governmental organization attending a session of the Commission or its Committees or its subsidiary bodies while not being a Member of the Commission.</p>	<p>15(2) of the Agreement;</p> <p>Headquarters: The headquarters of the Commission designated under Article 6(7) of the Agreement;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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</p>	

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
		Vice-Chairpersons: The Vice-Chairpersons of the Commission.	
Sessions of the Commission	<p>Rule II</p> <p>In pursuance of, and in accordance with, Article II, paragraph 10 of the Agreement, the Commission shall, at each regular annual session decide the time and place of the next session in accordance with the requirements of the Commission's programmes and the terms of the invitation of the country in which the session is to be held, as appropriate. Sessions of the Commission may be held in a country which is a Member of the Commission or at its headquarters or at the headquarters of the Organization.</p> <p>2. The Chairperson may convene an extraordinary session of the Commission at the request or with the approval of a majority of the Members.</p> <p>3. Invitations to a regular session of the Commission shall be issued by the Executive Secretary on behalf of the Chairperson and sent to Members, observer nations and international organizations participating as observers, not less than sixty days in advance of the date fixed for the opening of the session. Invitations to extraordinary sessions shall be issued not less than forty days in advance of the date fixed for the opening of the session.</p> <p>4. In order that a proposal to hold a session of the Commission or any of its organs, in a given country, may be considered, such country must have (a) ratified without reservation the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations,</p>	<p>Rule II</p> <p>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.</p> <p>2. The Chairperson may convene an extraordinary session of the Commission at:</p> <ul style="list-style-type: none"> (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; <p>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.</p> <p>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.</p> <p>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</p>	<p>Para 2. This borrows from the language of IOTC Rules of Procedure.</p> <p>Para 3. This should be checked for consistency with Article 6.5 of the Agreement. The power to call extraordinary meetings.</p> <p>Para 5. This is simplified to incorporate language from the IOTC Rules of Procedure (II.3), and give greater flexibility to the process. It previously implied that observers needed to receive an invitation, but this conflicts with the process where they may request to attend under existing Rule XII, and the broadened proposed provision on observers in Rule XIII.</p> <p>Para 6. This has been amended to incorporate Rule XXXVIII.4 of the General Rules of the FAO. In this Rule it is the Director-General who exercises such a function, but Rule XXXVIII.5 allows him to delegate authority. Such a determination by the Executive Secretary will be more practical and save time, and may be</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>or (b) given the assurance that all delegates, representatives, experts, observers, or other persons entitled to attend such session in accordance with the terms of the Agreement or these Rules, will enjoy the privileges and immunities necessary for the independent exercise of their function in connection with the session.</p>	<p>date fixed for the opening of the session.</p> <p>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.</p>	<p>based on liaison with Protocol Affairs.</p>
Registration and Credentials	<p>Rule III</p> <p>1. The Executive Secretary shall make arrangements for the registration of delegates and observers, including by establishing a standard format to that effect. The Executive Secretary shall report to the Commission on the registration of delegates and observers, as may be required.</p> <p>2. At each session, the Secretary shall receive the credentials of delegations, observer nations and international organization participating as observers. Such credentials shall conform to the standard form set by the Secretariat. Upon examination thereof the Secretariat shall report to the Commission for the necessary action</p>	<p>Rule III</p> <p>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 confirm to the standard form set by the Executive Secretary. Upon examination thereof, the Executive Secretary shall report to the Commission for the necessary action.</p>	<p>The FAO Basic Texts in Rule XLIII refer to the credentials of delegates, not delegations. They provide that “The credentials of delegates, alternates, associates and advisers, and of the representatives of the participating international organizations shall, insofar as possible, be deposited with the Director-General not less than 15 days before the date fixed for the opening of each session of the Conference.”</p> <p>The credentials of observers</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
			<p>are not required in the FAO Basic Texts, nor in IOTC Rules of Procedure, so they have been deleted. According to Rule XVII.1 of the General Rules, “participating international organizations” do not have a vote, so may be considered observers notwithstanding Rule XLIII.</p> <p>IOTC Rule III refers only to the credentials of “delegations”, so this may also be considered notwithstanding the language is not used in the FAO Basic Texts.</p> <p>The Rules of IOTC and GFCM do not provide any requirement for deposit of the credentials in advance. This could be reviewed and included if Members think appropriate.</p>
Agenda	<p>Rule IV</p> <p>The agenda for each regular session shall include the following items: (a) election of the Chairperson and of two Vice-Chairpersons as provided under Article II, paragraph 9 of the Agreement, as appropriate; (b) adoption of the agenda; (c) a report by the Executive Secretary on the financial and administrative affairs of the Commission and a report by the Chairperson or the Executive Secretary on the activities of the Commission;</p>	<p>Rule IV</p> <p>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.</p>	<p>Para 4. Language from the IOTC Rule IV has been integrated.</p> <p>Para 5. Both APFIC and IOTC have similar language. Approval by the Commission would not be needed for a provisional agenda.</p>

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

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
		<p>the Agreement;</p> <p>(g) consideration of the proposed programme of work for the Commission;</p> <p>(h) consideration of the time and place of the next session;</p> <p>(i) applications for membership in accordance with Article 31(2) of the Agreement;</p> <p>(j) items referred to the Commission by the Conference, the Council or the Director-General.</p> <p>5. The provisional agenda may also include:</p> <p>(a) items approved at the previous session;</p> <p>(b) items proposed by the committees and any other subsidiary body;</p> <p>(c) items proposed by a Member.</p> <p>6. The agenda of an extraordinary session shall consist only of the items relating to the purpose for which the session was called.</p>	
The Secretariat	<p>Rule V</p> <p>1. The Secretariat shall consist of the Executive Secretary and such staff responsible to him as may be appointed in accordance with the Agreement and other relevant rules and procedures as appropriate.</p> <p>2. The Executive Secretary shall be appointed by the Director General following the approval of the Commission in accordance with the selection procedure agreed upon by the Committee.</p> <p>3. The Executive Secretary shall be responsible for the implementation of the policies and activities of the Commission and shall report thereon to the Commission</p>	<p>Rule V</p> <p>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.</p> <p>2. Copies of all communications concerning the affairs of the Commission shall be sent to the Executive Secretary for purposes of information and record.</p>	<p>Para 1. This paragraph tracks language from IOTC Rule V.</p> <p>Para 2. The following terms in the existing Rules have been cleaned up in the proposed text:</p> <ul style="list-style-type: none"> • Reference to selection procedure agreed upon “by the Committee” is unclear; “Committee” is not defined in the Rules of Procedure. • This paragraph duplicates existing paragraph 4, which refers to “the procedure for

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>4. The procedure for the selection and appointment of the GFCM Executive Secretary is provided in Annex 1</p> <p>5. The duties of the Executive Secretary shall include:</p> <p>(a) receive and transmit the Commission’s official communications;</p> <p>(b) maintain contacts with appropriate government officials, fishery institutions and international organizations concerned with the development, conservation, rational management and utilization of fisheries, as well as the sustainable development of aquaculture in the Region of the Commission, to facilitate consultation and cooperation on all matters pertaining to the objectives of the Commission,</p> <p>(c) maintain an active and effective network of national focal points for routine communication on progress and results of the activities of the Commission;</p> <p>(d) prepare and implement work programmes, prepare budgets and ensure timely reporting to the Commission;</p> <p>(e) authorize disbursement of funds in accordance with the Commission’s autonomous budget and account for the funds of the Commission’s autonomous budget;</p> <p>(f) participate in the formulation of proposals regarding the budget and programme of work or other activities of the Commission financed by the regular budget of the Organization;</p> <p>(g) stimulate interest among Members of the Commission and potential donors in the activities of the Commission and in possible financing or in implementing</p>		<p>the selection and appointment of the GFCM Executive Secretary is provided in Annex 1”. In fact, there is an “Appendix 1” attached to the Rules, but not an “Annex 1”.</p> <p>Para 3. The duties of the Executive Secretary have been transferred to the Agreement, with some suggested changes:</p> <ul style="list-style-type: none"> • Article 15, paragraph 3 requires the Executive Secretary to have direct relations with Members and the FAO Secretariat (also an IOTC requirement, Rule V.3). • the Commission is given the authority to assign “other” duties to the Executive Secretary.

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>cooperative projects and complementary activities;</p> <p>(h) promote, facilitate and monitor the development of databases for fisheries assessment and monitoring and technical, biological and socio-economic research to provide a sound basis for fisheries management and aquaculture development;</p> <p>(i) coordinate the Members' programmes of research, when required;</p> <p>(j) participate, as appropriate, in the oversight of activities of projects carried out under the general framework of the Commission or its subsidiary bodies;</p> <p>(k) organize sessions of the Commission and its subsidiary bodies and other related ad hoc meetings;</p> <p>(l) prepare, or arrange for the preparation, of background documents and papers and a report on the Commission's activities and the programme of work for the submission to the Commission at its regular sessions, and arrange for the subsequent publication of the report and the proceedings of the Commission as well as its subsidiary bodies and related ad hoc meetings;</p> <p>(m) take such appropriate steps as may be required to ensure coordination between the activities of the Commission and those carried out by the Organization through its Fisheries and Aquaculture Department, with particular reference to all matters having policy, financial or programme implications;</p> <p>6. Copies of all communications concerning the affairs of the Commission shall be sent to the Executive Secretary for purposes of information and record.</p>		

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
Plenary meetings of the Commission	<p>RULE VI</p> <p>Plenary meetings of the Commission shall be held in public unless otherwise decided by the Commission. When the Commission decides to hold a private meeting, it shall at the same time determine the scope of such a decision with respect to observers.</p>	<p>RULE VI: Meetings of the Commission</p> <p>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.</p> <p>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.</p>	<p>Para 1. Reference should be made to a meeting “open to observers” rather than “held in public”. The latter would indicate that any member of the public could attend. It is consistent with FAO usage, including IOTC Rule XIII.</p> <p>Para 2. It is GFCM practice to cooperate with observers at these levels.</p>
Election of Chairperson and Vice-Chairperson	<p>RULE VII</p> <p>The Commission shall elect, from among delegates or alternates attending the session at which they are elected, the Chairperson and the first and second Vice-Chairpersons of the Commission, who shall assume office immediately following the regular session at which they were elected and who shall be elected for two regular sessions. The Chairperson and the Vice-Chairpersons shall be eligible for reelection for a further two regular sessions.</p>	<p>RULE VII</p> <p>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.</p>	<p>2. Adjustment made to align with Agreement and clarify meaning, in line with IOTC, FAO Rules and practice.</p>
Functions of the Chairperson and Vice-Chairpersons in connection with meetings of the Commission	<p>RULE VIII</p> <p>1. The Chairperson shall exercise the functions conferred on him elsewhere in these Rules and, in particular, shall:</p> <p>(a) declare the opening and closing of each plenary meeting of the Commission;</p> <p>(b) direct the discussions at such meetings and ensure observance of these Rules, accord the right to speak, put questions and announce decisions;</p> <p>(c) rule on points of order;</p> <p>(d) subject to these Rules, have complete control over</p>	<p>RULE VIII</p> <p>1. The Chairperson shall exercise the functions conferred on him or her elsewhere in these Rules and, in particular, shall:</p> <p>(a) declare the opening and closing of each session of the Commission;</p> <p>(b) direct the discussions at such sessions and ensure observance of these Rules, accord the right to speak, put questions and announce decisions;</p> <p>(c) rule on points of order;</p> <p>(d) subject to these Rules, have complete control</p>	<p>1. Corrected inconsistent use of “plenary meeting”, “meeting” and “session”.</p> <p>Otherwise, the Rules were elaborated consistent with general practice and Rule IX of the FAO Basic Texts.</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>the proceedings of the session; (e) appoint such committees of the session, as the Commission may direct.</p> <p>2. In the absence of the Chairperson, or at his request, his functions shall be exercised by the Vice-Chairperson or, in the absence of the latter, by the second Vice-Chairperson.</p> <p>3. The Chairperson, or the Vice-Chairpersons when acting as Chairpersons, shall not vote and another member of their delegations shall represent their governments.</p> <p>4. The Executive Secretary shall temporarily exercise the functions of the Chairpersons in the event that the Chairperson and the Vice-Chairpersons should be unable to serve.</p> <p>5. The Commission may adopt rules, consistent with the present Rules, clarifying the functions of the Chairperson and Vice-Chairpersons, with particular reference to any functions performed during the inter-session period.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>5. In the interval between sessions of the Commission, the Chairperson shall exercise his/her functions in accordance with these Rules of Procedure.</p> <p>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.</p> <p>7. The Commission may adopt rules, consistent with the present Rules, clarifying the functions of the</p>	

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
		Chairperson and Vice-Chairpersons, with particular reference to any functions performed during the intersessional period.	
Voting arrangements and procedures	<p>RULE IX</p> <p>1. Except as otherwise provided in paragraph 4 of this Rule, voting in plenary meetings shall be by show of hands, except that a vote by roll call shall be taken if a special majority is required by the Agreement or these Rules, or if a request for a vote by roll call is made by any delegation.</p> <p>2. A vote by roll call shall be conducted by calling upon delegations in the French alphabetical order.</p> <p>3. The record of any roll call vote shall show the votes cast by each delegate and any abstention.</p> <p>4. Voting on matters relating to individuals, except the election of the Bureau of the Commission and its committees, shall be by secret ballot.</p> <p>5. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to the two candidates obtaining the largest number of votes. If, on the second ballot, the votes are equally divided, the Chairperson shall decide between the candidates by drawing lots.</p> <p>6. If the Commission is equally divided when a vote is taken on a question other than an election, a second vote shall be taken at the next meeting of the current session. If the Commission is then equally divided, the proposal shall be regarded as rejected.</p>	<p>RULE IX</p> <p>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.</p> <p>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</p> <p>3. The record of any roll call vote or postal vote shall show the votes cast by each delegate and any abstention.</p> <p>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.</p> <p>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.</p>	<p>Reference to requirements for a special majority is deleted, as there is no provision for this elsewhere in the Rules or the Agreement or the FAO Basic Texts.</p> <p>The possibility of a secret ballot has been introduced, consistent with the General Rules of FAO.</p> <p>The new language used in this Rule is consistent with IOTC Rule IX, which is generally more precise and flexible.</p> <p>Paragraph 2 on roll call voting is amended, consistent with Rule XII of the General Rules of FAO.</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>7. Voting arrangements and other related matters not specifically provided for by the Agreement, or by these Rules, shall be governed, “mutatis mutandis”, by Rule XII of the General Rules of the Organization.</p>	<p>6. Votes cast mean votes “in favour” and “against”.</p> <p>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.</p> <p>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.</p> <p>9. Voting arrangements and other related matters not specifically provided for by the Agreement, or by these Rules, shall be governed <i>mutatis mutandis</i> by the General Rules of the FAO.</p>	
Committees, working groups and other subsidiary bodies	<p>RULE X</p> <p>Committee on Aquaculture</p> <p>There shall be established a Committee on Aquaculture (CAQ) which shall monitor trends and</p>	<p>RULE X: Subsidiary bodies, working groups, subregional working groups and other bodies</p> <p>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</p>	<p>The content of existing Rule X establishing the subsidiary bodies, etc., has been transferred to Articles 8-12 of the Agreement, and this Rule now contains procedural</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>promote the sustainable development and responsible management of marine and brackish water aquaculture in the region. The Committee:</p> <p>(a) shall provide independent advice on the technical, socio-economic, legal and environmental bases for common standards, norms and guidelines and management measures for consideration by the Commission;</p> <p>(b) shall be open to all Members of the Commission. Each Member of the Commission may designate a Member of the Committee, and a member may be accompanied by experts;</p> <p>(c) may establish working groups to analyse scientific and technical data and information and to advise the Committee on issues related to sustainable development of aquaculture (such as markets, environmental interactions, health, social, and other relevant issues) and the integration of marine aquaculture into coastal zone management, and ensure their coordination through a Coordinating Meeting of the Working Groups (CMWG);</p> <p>(d) the Committee shall in particular:</p> <p>i. assess information provided by Members and relevant aquaculture related stakeholders or programmes on production statistics, market data, culture systems, technologies used, farmed species, and maintain related databases, including relevant socio-economic, environmental, biotic and abiotic indicators;</p> <p>ii. promote the formulation of common standards and guidelines for the Commission, on sustainable development of aquaculture;</p> <p>iii. identify cooperative research and training programmes and coordinate their implementation;</p> <p>iv. carry out other duties, functions or</p>	<p>shall ensure their coordination, as appropriate, through a coordinating meeting, subject to the provisions of Article 8(3) of the Agreement.</p> <p>2. Unless otherwise provided, the subsidiary bodies, working groups, subregional working groups and other bodies shall be governed, <i>mutatis mutandis</i>, by the Rules of Procedure of the Commission, as well as such other supplementary procedures, consistent with these Rules, as the Commission may establish.</p> <p>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.</p> <p>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.</p>	<p>provisions only.</p>

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

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>(iv.) undertake such other functions or responsibilities as may be conferred on it by the Commission.</p> <p>(d) Members have an obligation to provide information on catches and other data relevant to the functions of the Committee in such a way as to enable the Committee to fulfil its responsibilities under this paragraph.</p> <p>Compliance Committee</p> <p>3. There shall be established a Compliance Committee that will meet during the annual Commission Session and will be entrusted with the following functions:</p> <p>(a) review compliance with conservation and management measures adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness;</p> <p>(b) review the implementation of measures on monitoring, control, surveillance, and enforcement adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness;</p> <p>(c) define, develop and make recommendations to the Commission concerning the phased development and implementation of the GFCM Control and Inspection scheme;</p> <p>(d) monitor, review and analyze information pertaining to the activities of Non-Contracting Parties and their vessels which undermine the objectives of the Agreement including, in particular, illegal, unreported and unregulated (IUU) fishing, and recommend actions to be taken by the Commission to discourage such activities;</p>		

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>(e) perform such other tasks as directed by the Commission.</p> <p>4. The Committees may establish such working groups to deal with particular subject matters as may be decided, subject to the provisions of Article VII, paragraph 3 of the Agreement.</p> <p>5. The Commission may establish such other committees and working groups as it considers desirable, subject to the provisions of Article VII, paragraph 3 of the Agreement.</p> <p>6. The Committees and working groups shall be governed, mutatis mutandis, by the Rules of Procedure of the Commission, as well as such other supplementary procedures, consistent with the present Rules, as the Commission established.</p> <p>7. The relationship between the Commission and its subsidiary committees and working groups and networks or Coordinators, or national focal points, or other entities as may deal with matters within the purview of the Commission may be clarified, as appropriate, through specific decisions by the Commission or arrangements to be concluded on behalf of the Commission and the relevant interested parties.</p> <p>Committee on Administration and Finance</p> <p>The General Fisheries Commission for the Mediterranean (GFCM),</p> <p>ESTABLISHES, in accordance with Article VII (1) of the Agreement creating the GFCM, a Committee of Administration and Finance (CAF).</p>		

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>The functions of the Committee on Administration and Finance shall be to:</p> <p>(a) review administrative matters relating to the Executive Secretary and his staff and make appropriate recommendations to the Commission;</p> <p>(b) review compliance with the rules of procedures and financial rules;</p> <p>(c) review the implementation of the budget adopted at the previous session of the Commission and analyse and make recommendations on the draft budget to be adopted at the current session of the Commission; and</p> <p>(d) perform such other administration and financial matters as may be referred to it by the Commission.</p> <p>The Committee of Administration and Finance shall meet before the annual Commission session.</p>		
Subregional Working Groups		<p>RULE XI</p> <p>1. The Subregional Working Groups established in accordance with Article 13 of the Agreement shall have the following areas of application:</p> <p>(a) Western subregion;</p> <p>(b) Central subregion;</p> <p>(c) Adriatic subregion;</p> <p>(d) Eastern subregion;</p> <p>(e) Black Sea subregion:</p> <p>[Please see explanatory notes for options to define the areas of application of the subregions and provide technical guidance]</p> <p>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</p>	<p>This is a new Rule. It relates to the establishment of Subregional Working Groups as provided in Article 13 of the Agreement, for the following sub-regions: Western, Central, Adriatic, Eastern, Black Sea.</p> <p>It addresses their area of application, functions and the appointment of a coordinator.</p> <p>If Members agree to establish such Working Groups, further technical consideration will need to be given to defining their areas of application, which may be defined in terms of any, or any combination of</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
		<p>Commission in their respective areas of application. To this end, each Subregional Working Group shall:</p> <p>[Please see explanatory notes for technical advice requested in relation to the functions of the Subregional Working Groups.]</p> <p>3. A coordinator shall be appointed for each Subregional Working Group who shall be responsible for:</p> <p>(a) coordinating and overseeing all of its operations and activities;</p> <p>(b) liaising with other Subregional Working Groups and the Commission;</p> <p>(c) as appropriate, serving on any mechanism established in accordance with Article 7, paragraph (f) of the Agreement; and</p> <p>(d) performing such other duties as may be agreed by the Commission.</p> <p>4. The coordinator appointed in accordance with paragraph 3 of this Rule shall be remunerated but shall not serve as a FAO staff member.</p>	<p>the following:</p> <ul style="list-style-type: none"> • the geographical location of the Members in the proposed sub-region; • the participation by Members in existing FAO subregional projects; • the fishing activities of Members in the proposed sub-region; • the existing Geographical Sub-Areas (GSAs); and • definition of the areas through agreement on boundaries. <p>Some options appear below.</p> <p>1. Definition by Members of existing FAO subregional projects and adjacent areas of high seas. For example, the Western sub-region would consist of Algeria, France, Italy, Libya, Malta, Morocco, Spain and Tunisia and adjacent areas of high seas. However, there would need to be agreement on whether, and if so how, to define the adjacent areas of high seas.</p> <p>2. Definition by reference to GFCM GSAs. This</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
			<p>would use GFCM GSAs as a basis for delineating the area for the sub-regional groups. However, additional criteria would be needed, such as: (i) the proximity of the Member to the GSA; (ii) fishing by nationals of a Member in the area; (iii) the possibility of amending the boundaries of the GSA for scientific reasons.</p> <p>3. Definition by agreement on delineation by latitude and longitude. The South Pacific Regional Fisheries Management Organization (SPRFMO), which applies only to high seas fishing, establishes Eastern and Western Sub-regional Management Committees. The SPRFMO area of application is delineated by reference to latitudinal and longitudinal lines, and its sub-regional Committees are similarly divided by a longitudinal line. This may be difficult to apply in the GFCM Area for reasons including: (i) the GFCM area of application is described by reference to areas of water; (ii) the GFCM area includes areas under national jurisdiction; and (iii) countries in the sub-regional already have a history of working</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
			<p>together on the regional projects.</p> <p>Rule XI.2 relating to the functions of the Subregional Working Groups requires further technical input. It is understood that a functional approach is favoured, along the lines of the sub-regional approach in the SPRFMO Convention. However, there are many differences between the Commissions and technical advice is sought as to those aspects that would work for GFCM Members.</p>
Budget and finance	<p>RULE XI</p> <p>1. Any estimates of expenditures to be covered by the general budget of the Organization shall be submitted by the Executive Secretary to the Commission for approval. Once approved, as part of the general budget of the Organization, without prejudice to the relevant rules of the Organization and the decisions of its Governing Bodies, they will constitute the limits within which funds may be committed for purposes approved by the Conference of FAO.</p> <p>2. The Commission shall determine the extent to which travelling expenditures incurred by the Chairperson, the Vice-Chairpersons of the Commission and of any subsidiary bodies, in connection with their functions, may be covered by the autonomous budget of the Commission.</p>	<p>RULE XII</p> <p>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.</p> <p>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.</p>	This was not amended.

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	3. Subject to Article IX of the Agreement, any budgetary or financial matters relative to the autonomous budget of the Commission shall be dealt with in accordance with the Financial Regulations of the Commission.	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.	
Participation by observers	<p>RULE XII</p> <p>1. Any Member or Associate Member of FAO that is not a Member of the Commission may, upon its request, be invited as an observer at sessions of the Commission, its Committees and its subsidiary bodies.</p> <p>2. States which, while not Members of the Commission nor Members or Associate Members of FAO, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon request and subject to the concurrence of the Commission through its Chairperson, and to the provisions relating to the granting of observer status to nations adopted by the Conference of FAO, be invited to attend sessions of the Commission, its Committees and its subsidiary bodies as observers.</p> <p>3. The Commission may invite international organizations to participate as observers, upon request, having special competence in the field of activity of the Commission, including its Committees and its subsidiary bodies, to attend such of its meetings as the Commission may specify.</p> <p>4. Unless the Commission expressly determines otherwise, observers may attend the plenary meetings of the Commission and participate in the discussions at any committee and subsidiary</p>	<p>RULE XIII</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>The existing text of this Rule has been moved to Article 23 of the Agreement, consistent with the practice of IOTC and other organizations, for purposes of transparency. The original language referred to the Commission, Committees and subsidiary bodies; in GFCM the Committees are the subsidiary bodies so deletion is suggested.</p> <p>New procedures for participation by observers have been introduced, consistent with the FAO Basic Texts and IOTC practice.</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	body sessions which they may be invited to attend upon request. In no case will they be entitled to vote.	<p>intergovernmental organizations.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
Criteria for attaining the status of cooperating non-member		<p>RULE XIV</p> <p>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.</p> <p>2 Any such non-member that seeks to be</p>	This is a new provision, and sets out <i>inter alia</i> a process and requirements for application of cooperating non-member status.

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
		<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>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.</p> <p>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.</p>	
Cooperation with other intergovernmental		<p>RULE XV</p> <p>To further the objective of Article 24(1) of the Agreement, the Commission may enter into</p>	<p>This is a new Rule and supports the objective for GFCM to enter into MOUs with other organizations that appears in</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
organiza- tions and institutions		agreements, arrangements or understandings with other intergovernmental organizations and institutions which might contribute to the work and further the objectives of the Commission.	Article 23(1) of the Agreement.
Reports, Recommend ations and Resolutions	<p>RULE XIII</p> <p>1. At each session, the Commission shall approve a report embodying its views, recommendations, resolutions and decisions, including, when requested, a statement of minority views. The report shall be made available on the Web site of the Commission.</p> <p>2. Subject to the provisions of Article V of the GFCM Agreement, the conclusions, resolutions and recommendations of the Commission shall be transmitted to the Director-General at the end of the session. The Executive Secretary shall, on behalf of the Chairperson, circulate them to Members of the Commission, nations and international organizations which were represented at the session. Similarly, these documents may be made available to other Members and Associate Members of the Organization for their information, as appropriate.</p> <p>3. Resolutions and recommendations having policy, programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference through the Council of the Organization for action.</p> <p>4. Subject to the provisions of the preceding paragraph, the Chairperson may request Members of the Commission to supply information on action taken on the basis of the recommendations made by the Commission.</p>	<p>RULE XVI: Reports</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>Circulation of the conclusions, etc of the Commission are now required to be transmitted to observers represented at the Session as well as Members to promote transparency and mindful that many of the observers have concluded MoUs with GFCM.</p> <p>The reference to the Commission's authority to adopt recommendations was deleted because it is addressed in the proposed amendments to the Agreement.</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>5. The Commission may adopt recommendations for action by Members on any matters pertaining to the functions covered by Article III of the Agreement. Recommendations adopted under Article V of the Agreement shall be governed by the provisions of that Article.</p> <p>6. The Executive Secretary shall receive on behalf of the Commission the replies of the Members in respect of such recommendations and shall prepare a summary and an analysis of such communications for presentation at the next session.</p>	<p>Commission.</p> <p>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.</p>	
Recommendation Review Panel		<p>RULE XVII</p> <p>1. A Recommendation Review Panel is hereby established pursuant to Article 7, paragraph (f) of the Agreement.</p> <p>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 .</p> <p>3. The Members of the Commission referred to in paragraph 2(e) shall: (a) be elected by the Commission;</p>	<p>This is a new Rule, which establishes a Recommendation Review Panel pursuant to Article 7, paragraph (f) of the Agreement, and provides for its membership and functions. The objective is for recommendations for decisions on conservation and management measures to be taken by the Commission pursuant to Article 7(b) of the Agreement to be transmitted by subsidiary bodies, etc. to the Panel for review and recommendation to the Commission.</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
		<p>(b) serve for (two) years; (c) be eligible for re-election; and (c) not serve for more than (two) years in the same capacity.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>8. The Recommendation Review Panel shall take its decisions by consensus wherever possible, but otherwise may take decisions by simple majority vote.</p>	

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
		<p>9. The Recommendation Review Panel may conduct its business using electronic or other means of rapid or real-time communication to the extent necessary.</p>	
<p>Procedures for the <i>ad hoc</i> Expert Panel for the Settlement of Disputes</p>		<p>RULE XVIII</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>4. The Executive Secretary shall promptly transmit a copy of the notification with the documents attached to it to all Members.</p> <p>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</p>	<p>This is a new Rule. The procedures for the establishment and procedures of the <i>ad hoc</i> Expert Panel for the Settlement of Disputes, established under Article 27(2) of the Agreement, are set out. They reflect best practices in other organizations.</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
		<p>communication of the acceptance of the establishment of the Panel by the other party;</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(f) the third panelist shall chair the Panel.</p> <p>6. As soon as the panelists are nominated, the Executive Secretary shall record the constitution of the Panel and inform all Members accordingly.</p> <p>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</p>	

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
		<p>other parties already involved and having the same interests agree.</p> <p>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.</p> <p>9. The Panel may adopt such rules of procedures as it considers necessary for effective and expeditious proceedings.</p> <p>10. The Panel shall inform the Executive Secretary of the dates and venue(s) of hearings, who shall inform all Members accordingly.</p> <p>11. Any Member may, upon notification to the Panel, attend any hearings, and make written or oral submissions.</p> <p>12. The Panel may seek information or technical advice from any source it considers appropriate.</p> <p>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.</p> <p>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.</p> <p>15. The recommendations shall be confined to the</p>	

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
		<p>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.</p> <p>16. Costs of the Panel shall be borne by the first two parties to the dispute in equal parts.</p>	
Amend-ments to the Agreement	<p>RULE XIV</p> <p>1. Proposals for the amendment of the Agreement as provided by Article XII of the Agreement may be made by any Member in a communication addressed to the Executive Secretary. The Executive Secretary shall transmit to all Members and to the Director-General a copy of such proposals for amendment immediately upon their receipt.</p> <p>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.</p>	<p>RULE XIX</p> <p>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.</p> <p>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.</p>	This Rule is unchanged.
Relation-ship between these Rules of Procedure and the General Rules, policies or procedures of the FAO		<p>RULE XX</p> <p>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.</p> <p>2. Notwithstanding the provisions of paragraph 1 of this Rule, the Executive Secretary may implement such changes by the FAO on a provisional basis,</p>	This is a new Rule. It requires the Commission to endorse any new or amended Rule of the FAO for purposes of implementation and provides that the GFCM Rules of Procedure will prevail where there is any ambiguity in interpretation with the General Rules of the FAO.

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
		<p>with the concurrence of the Bureau, until the next Session of the Commission at which such change may be considered.</p> <p>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.</p>	
Suspension and amendment of Rules	<p>RULE XV</p> <p>1. Subject to the provisions of the Agreement, any of the foregoing Rules, other than Rules IV, V, XI, XII, XIV paragraph 2, and XVI, may be suspended on the motion of any delegation by a majority of the votes cast at any plenary meeting of the Commission, provided that announcement is made at a plenary meeting of the Commission and copies of the proposal for suspension have been distributed to the delegations not less than forty-eight hours before the meeting at which action is to be taken.</p> <p>2. Amendments of, or additions to, these Rules may be adopted on the motion of any delegation by a two-thirds majority of the Members of the Commission, at any plenary meeting of the Commission, provided an announcement is made at a plenary meeting and copies of the proposal for the amendment or addition have been distributed to delegations not less than twenty-four hours before the meeting at which action is to be taken.</p> <p>3. Any amendments to Rule XVI which may be adopted in accordance with the provisions of paragraph 2 of this Rule shall not become effective until the next session of the Commission.</p>	<p>RULE XXI</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>This Rule has remained the same as existing Rule XV, with references to relevant Rules amended as appropriate.</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
Official languages of the Commission	<p>RULE XVI</p> <p>1. The official languages of the Commission shall be such languages of the Organization as the Commission itself may decide. The delegations may use any one of these languages at sessions and for their reports and communications.</p> <p>2. During the meetings, interpretation in one or more of the official languages will be provided by the Secretariat when requested by one of the delegates present.</p> <p>3. Publications of reports and communications shall be in the language in which they are submitted and, when required by the Commission, abstracts in translation may be published.</p>	<p>Rule XXII</p> <p>Where a Member requests interpretation for a session in accordance with Article 29(2) of the Agreement:</p> <p>(a) the Member shall confirm its intention to attend the session; and</p> <p>(b) such request shall be made in writing to the Executive Secretary no less than (eight) months before the relevant session.</p>	<p>The provisions on official languages in existing Rule XVI have been moved to the Agreement (Article 29), and the process for requesting interpretation has been added that addresses the need for substantial lead time to arrange for interpretation, equipment and logistical arrangements in accordance with FAO Rules.</p>
Appendix 1: PROCEDURE FOR THE SELECTION AND APPOINTMENT OF THE EXECUTIVE SECRETARY	<p>1. The procedure, including the different stages in the selection and appointment of the Secretary and the corresponding elements relating to the vacancy announcement, be as follows:</p> <p>Vacancy announcement</p> <p>The Members agree to a text for the vacancy announcement, including the required qualifications and the job description for the post of Executive Secretary (see below). The Director-General of FAO sees that the vacancy announcement is duly posted on the FAO and GFCM Websites and is publicized elsewhere, as appropriate, in accordance with the additional guidelines of the Commission.</p> <p>Closing date for applications</p>	<p>Appendix 1: REQUIREMENTS FOR THE SELECTION, APPOINTMENT AND TERM OF OFFICE OF THE EXECUTIVE SECRETARY</p> <p>PART I - QUALIFICATIONS AND BENEFITS</p> <p>1. The following qualifications shall be required for the post of Executive Secretary, unless otherwise decided by the Commission:</p> <p>(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</p>	<p>This has been transformed into proper legal language from the memorandum-style provisions in existing Appendix 1, keeping the same requirements.</p> <p>The existing Agreement and Rules of Procedure refer variously to “Secretary” and “Executive Secretary”. References are aligned to “Executive Secretary”.</p>

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>Applications are accepted by FAO (Fisheries and Aquaculture Department) during a period of six weeks from the date of announcement of the vacancy notice.</p> <p>Screening of applications</p> <p>The applications received are examined by a Selection Committee comprising:</p> <ul style="list-style-type: none"> - the Chair and two Vice-chairs of the GFCM; - the Chair of the GFCM Committee on Administration and Finance; - the Chair of the GFCM Compliance Committee; - two representatives of the Director-General of FAO; - a representative from EU Member States; - a representative from non EU Member States <p>2. The Selection Committee meets at FAO Headquarters within four weeks of closure of the vacancy announcement. With the assistance of the FAO Secretariat, the Committee is charged with eliminating those candidates that do not explicitly meet the required qualifications for the vacancy and with identifying a maximum of 20 eligible candidates.</p> <p>3. The list of eligible candidates is communicated to the Members of the GFCM for evaluation and ranking. For information, the Members also receive a list of the other applicants.</p> <p>Ranking of candidates</p> <p>4. Five candidates are ranked by order of preference by the Members, on a point score of five to one, applying the criteria set out in the section of this document headed "Required qualifications" (the best candidate receiving 5 points).</p>	<p>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.</p> <p>(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, spreadsheets and database management systems.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>5. The Members then send the Selection Committee their list of preferences within four weeks of receipt of the applications. The Selection Committee calculates these preferences and sends the Members a short list of the 5 candidates scoring the most points.</p> <p>Short list and interview process</p> <p>6. The five candidates with the most points are invited by the GFCM Chair to the following session of the Commission for interview by the Heads of Delegation of Commission Members. These interviews are presided by the GFCM Chair and covered by simultaneous interpretation in the languages of the Organization.</p> <p>Interview process</p> <p>7. The Chair, in agreement with the Heads of Delegation, draws up a list of 5 questions to be asked to the 5 candidates during their separate interviews, each lasting a maximum of 50 minutes.</p> <p>Voting</p> <p>8. After the interviews, ballots are held as follows until one candidate attains the required majority:</p> <p>(a) A first ballot for all five candidates. The two candidates receiving the least votes are eliminated from the selection process.</p> <p>(b) A second ballot for the remaining three candidates. The candidate receiving the least votes is eliminated.</p> <p>(c) A third ballot between the remaining two candidates. The candidate receiving the most votes is selected.</p>	<p>PART II – PROCEDURE FOR THE SELECTION OF THE EXECUTIVE SECRETARY</p> <p>2. The procedure, for the selection of the Executive Secretary, shall be as follows:</p> <p>(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.</p> <p>(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.</p> <p>(c) The closing date for applications shall be six weeks from the date of announcement of the vacancy notice.</p> <p>(d) A Selection Committee shall be established to review the applications and rank candidates. It shall comprise:</p> <p>(i) the Chairperson and two Vice-Chairpersons of the Commission;</p> <p>(ii) the Chairperson of the Committee on Administration and Finance;</p> <p>(iii) the Chairperson of the Compliance Committee;</p> <p>(iv) two representatives of the Director-General;</p> <p>(v) one representative from EU Member States; and</p> <p>(vi) one representative from non EU Member States; and</p> <p>(vii) such other member(s) as the Commission may decide.</p>	

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>9. If, during the course of a ballot, two candidates receive the same number of votes, a separate round of voting is held to eliminate one of those candidates.</p> <p>10. Notwithstanding the above paragraphs, if one of the candidates obtains the required majority, he is selected without the need for further ballots. The required majority is more than half of the votes cast.</p> <p>11. In accordance with Rule IX.7 of the GFCM 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 Organization.</p> <p>Appointment of the new Secretary</p> <p>12. The name of the candidate selected by the Commission in accordance with the above procedure is proposed by the GFCM Chair to the FAO Director-General so that he can appoint the new Secretary.</p> <p>QUALIFICATIONS REQUIRED FOR THE POST</p> <p>13. The following qualifications, which duly reflect the conditions applicable under the United Nations Common System, are proposed for review by the Commission:</p> <p>(a) The incumbent should hold a university degree, preferably at post-graduate level, in fisheries biology, fisheries science, fisheries economics, administration, law or related fields. He should have at least ten years of experience in fisheries management and policy formulation, and preferably in bilateral and</p>	<p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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</p>	

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p>international relations, including knowledge of regional fisheries organizations such as the GFCM and ICCAT. He should have proven ability to exercise a high degree of professional initiative. The incumbent should be able to prepare budgets and documents and in the organization of international meetings. He should have working knowledge (level C) of two of the following official languages of the Commission: Arabic, English, French or Spanish.</p> <p>Knowledge, even limited, of one of the other cited languages will be considered an additional asset.</p> <p>(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, spreadsheets and database management systems.</p> <p>(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.</p> <p>(d) Candidates should have the age that allows to perform a full term mandates of five years.</p> <p>14. The post of Secretary is at D-1 grade based on the United Nations salary scale for high-ranking administrators and professionals. The Secretary is also entitled to a variable element for post-adjustment, pension contributions, health insurance, etc. He is a member of FAO staff and is appointed under the terms of FAO Staff Regulations and Rules.</p>	<p>made available.</p> <p>(k) . The Chairperson, with the approval of the Member’s representatives, shall prepare five questions to be used as a basis for the interview.</p> <p>(l) The interview of each candidate shall have a maximum duration of 50 minutes.</p> <p>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:</p> <p>(a) Balloting shall take place as follows until one candidate attains the required majority of more than half the votes cast:</p> <p>(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.</p> <p>(ii) A second ballot shall be held for the remaining three candidates. The candidate receiving the least votes shall be eliminated.</p> <p>(iii) A third ballot shall be held between the remaining two candidates. The candidate receiving the most votes shall be selected.</p> <p>(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.</p> <p>(c) In accordance with Rule IX.8 of these Rules of Procedure, matters not specifically provided for in this procedure are governed, <i>mutatis mutandis</i>, by the provisions of Article XII of the General Rules of the FAO.</p>	

	EXISTING RULES OF PROCEDURE	DRAFT RULES OF PROCEDURE	COMMENTS
	<p data-bbox="371 256 568 280">ENTRY ON DUTY</p> <p data-bbox="371 320 987 536">15. In view of the time needed to complete the administrative formalities, both within FAO and, as appropriate, within the incumbent's administration at the time of appointment, it is suggested that entry on duty be envisaged as early as possible after selection by the Commission, and in any case within a maximum period of four months.</p> <p data-bbox="371 571 981 691">16. The interviews and voting for selection of the Secretary will take place at a regular or extraordinary Session of the GFCM to be convened at a date to be determined by the Commission.</p> <p data-bbox="371 726 949 750">TERM OF OFFICE OF THE EXECUTIVE SECRETARY</p> <p data-bbox="371 790 972 1227">17. The incumbent shall be appointed for a period of five years. An incumbent selected for a period of five years may be reselected for a further 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 GFCM agenda. The Commission decides the necessary arrangements for the next selection of Executive Secretary, in accordance with the procedure in place.</p>	<p data-bbox="1151 288 1464 312">PART III – APPOINTMENT</p> <p data-bbox="1010 352 1576 472">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.</p> <p data-bbox="1144 507 1476 531">PART IV – TERM OF OFFICE</p> <p data-bbox="1010 571 1554 691">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.</p> <p data-bbox="1010 726 1603 1163">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.</p>	