

## **Rules of procedure of the General Fisheries Commission for the Mediterranean**

### **Rule I – Definitions**

1. 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;

Bureau: The Bureau established in accordance with Article 7 of the Agreement;

Commission: The General Fisheries Commission for the Mediterranean;

Chairperson: The Chairperson of the Commission;

Conference: The Conference of the Organization;

Council: The Council of the Organization;

Delegate: The representative of a Contracting Party 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 Organization;

Executive Secretary: The Executive Secretary of the Commission appointed in accordance with Article 10 of the Agreement;

Headquarters: The headquarters of the Commission under Article 2 of the Agreement;

Observer: any Member Nation of the Organization which is not a Contracting Party and any international governmental organization or non-governmental organization attending sessions of the Commission or its subsidiary bodies in accordance with Article 15 of the Agreement;

Organization: the Food and Agriculture Organization of the United Nations;

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

### **Rule II – Sessions of the Commission and its subsidiary bodies**

1. The Commission shall, at each regular 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 Contracting Party in which the session is to be held, as appropriate, and in consultation with the Director-General.

2. The Chairperson may convene an extraordinary session of the Commission:

(a) upon request of the Commission; or

(b) upon request of the Bureau with the approval of the majority of the Contracting Parties;

(c) upon request of a Contracting Party, with the approval of the majority of the Contracting Parties.

3. Sessions of the Commission may be held at the headquarters of the Commission, of the Organization or at an agreed location in a country which is a Contracting Party.

4. Invitations to a regular session of the Commission shall be issued by the Executive Secretary on behalf of the Chairperson and sent to Contracting Parties, Cooperating-non Contracting Parties and 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. In the invitations, specific reference shall be made to the provisions in paragraph 6, as appropriate.

5. The same provisions in the Agreement and in these Rules governing the sessions of the Commission shall govern, *mutatis mutandis*, the sessions of the established subsidiary bodies.

6. For a session of the Commission or any of its subsidiary bodies to be held in a given country, said country must:

(a) have ratified without reservation the “Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations”, in view of facilitating the issuance of visas to all delegates, representatives, experts, observers or other persons entitled to attend said session, or

(b) have given the assurance that all delegates, representatives, experts, observers, or other persons entitled to attend said 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 functions in connection with the session. In this case an agreement between the Organization and the hosting country shall be entered into.

In both cases the Executive Secretary shall have the mandate to define all logistics and related technical aspects that are instrumental to the organization of the session with the hosting country.

### **Rule III – Registrations and credentials**

1. The Executive Secretary shall make arrangements for the registration of delegates and observers, including by establishing a standard format to that effect. The Executive Secretary shall report to the Commission on the registration of delegates and observers, as may be required.

2. At each session, the Executive Secretary shall receive the credentials of delegations and observers. Such credentials shall conform to the standard form set by the Executive Secretary. Upon examination thereof, the Executive Secretary shall report to the Commission at the beginning of the session.

### **Rule IV – Agenda of the regular session of the Commission**

1. The agenda for each regular session of the Commission shall be drawn up by the Executive Secretary and sent to the Contracting Parties and Cooperating non-Contracting Parties following the approval of the Chairperson. The agenda will also be sent to the observers that attended the previous regular session of the Commission or those that requested to attend the next session, unless the Commission expressly determines otherwise. It shall be sent not less than sixty days before the opening date of the session, together with the reports and documents available in connection therewith.

2. The agenda for each regular session shall include, at a minimum, the following items:

(a) election of the Chairperson and of two Vice-Chairpersons in accordance with Article 7 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;

(f) proposals for the adoption of recommendations pursuant to Article 8(b) of the Agreement;

(g) review 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 the Agreement;
  - (j) amendments proposed to the Agreement, if any, in accordance with Article 22 of the Agreement;
  - (k) any item referred to the Commission by the Conference, the Council or the Director-General;
  - (l) items approved at the previous session;
  - (m) items proposed by any subsidiary body;
  - (n) items proposed by a Contracting Party, as presented to the Secretariat before the agenda is sent out.
3. Should new items be brought to the attention of the Commission, revised versions of the agenda shall be drawn up, as appropriate, by the Executive Secretary after the agenda has been sent out and transmitted to Contracting Parties, Cooperating non-Contracting Parties and observers before the opening date of the session.
4. The agenda of an extraordinary session shall consist only of the items relating to the purpose for which the session was called.

## **Rule V – The Secretariat and the Executive Secretary**

- 1. The Secretariat shall consist of the Executive Secretary and the staff under his/her responsibility as may be appointed in accordance with the Agreement, Article 10 in particular, and other relevant rules and procedures, as appropriate.
- 2. The Executive Secretary shall be appointed by the Director-General following the approval of the Commission in accordance with Article 10 of the Agreement and the procedures set out in Annex 2 of these Rules.
- 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. He/She shall transmit to the Director-General, after each session, a report embodying his/her views, recommendations and decisions, and shall make other reports to the Director-General, including regarding his/her duties as defined in paragraph 4, as may seem necessary or desirable.
- 4. The duties of the Executive Secretary shall include the following:
  - (a) receive and transmit the Commission's official communications;
  - (b) maintain contacts with appropriate government officials, fishery institutions and international organizations concerned with the development, conservation, rational management and utilization of fisheries, as well as the sustainable development of aquaculture in the area of application, to facilitate consultation and cooperation on all matters pertaining to the objectives of the Commission,
  - (c) maintain an active and effective network of national focal points for routine communication on progress and results of the activities of the Commission;
  - (d) prepare and implement work programmes, prepare budgets and ensure timely reporting to the Commission;
  - (e) authorize disbursement of funds in accordance with the Commission's autonomous budget and account for the funds of the Commission's autonomous budget;
  - (f) participate in the formulation of proposals regarding the budget and programme of work or other activities of the Commission financed by the regular budget of the Organization;

- (g) stimulate interest among Contracting Parties, Cooperating non-Contracting Parties, non-Contracting Parties and potential donors in the activities of the Commission and in possible financing or in implementing cooperative projects and complementary activities;
- (h) promote, facilitate and monitor the development of databases for fisheries assessment and monitoring, as well as the development of technical, biological and socio-economic research, in order to provide a sound basis for fisheries management and aquaculture development;
- (i) coordinate the research programmes of Contracting Parties, when required;
- (j) participate, as appropriate, in the oversight of activities of projects carried out under the general framework of the Commission or its subsidiary bodies;
- (k) organize sessions of the Commission and its subsidiary bodies and other related ad hoc meetings;
- (l) prepare, or arrange for the preparation of, background documents and papers and a report on the Commission's activities and the programme of work for the submission to the Commission at its regular sessions, and arrange for the subsequent publication of the report and the proceedings of the Commission as well as its subsidiary bodies and related ad hoc meetings
- (m) take such appropriate steps as may be required to ensure coordination between the activities of the Commission and those carried out by the Organization through its Fisheries and Aquaculture Department, with particular reference to all matters having policy, financial or programme implications;
- (n) perform any other function, as may be required by the Commission.

5. Copies of all communications concerning the affairs of the Commission shall be sent to the Executive Secretary for purposes of information and record.

#### **Rule VI – Participation in the sessions of the Commission**

1. In accordance with Article 15 of the Agreement, sessions of the Commission and its subsidiary bodies shall be open to observers unless otherwise decided by the Commission during the session, upon request of the Chairperson or the Executive Secretary or one or more of the Contracting Parties. When the Commission decides to hold a private meeting, it shall at the same time, as appropriate, determine conditions and procedures for the attendance by observers.

#### **Rule VII – Election of Chairperson and Vice-Chairperson**

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

#### **Rule VIII – Terms of reference of the Bureau**

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) have complete control over the proceedings of the session, subject to these Rules;
  - (e) appoint committees of the session, as the Commission may direct;
  - (f) call for votes and announce the results of votes; and
  - (g) perform any other function that may be decided by the Commission, including those specified in Regulation IV.2 of the Financial Regulations.
2. In the absence of the Chairperson, or at his/her request, his/her functions shall be exercised by the first 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 Contracting Party.
  4. The Executive Secretary shall temporarily exercise the functions of the Chairperson in the event that the Chairperson and the Vice-Chairpersons are unable to serve.
  5. The Commission may adopt rules, consistent with the present Rules, clarifying the functions of the Bureau, with particular reference to any functions performed during the intersession period.
  6. In the intersession period of the Commission, the Bureau, shall exercise its functions in accordance with these Rules.

#### **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, unless a Contracting Party 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 upon the names of the Contracting Parties entitled to vote in the English alphabetical order. The name of the first Contracting Party to be called shall be designated by lot drawn by the Chairperson.
3. The record of any roll call 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 the Bureau of the Commission and its subsidiary bodies.
5. When no nominee for an office obtains a majority of the votes cast on the first ballot, a second ballot shall be taken, which shall be 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 in order to determine the elected candidate.
6. Votes cast shall mean “affirmative” and “negative” votes, and shall not include abstentions or defective ballots.
7. If the Commission is equally divided when a vote is taken on a question other than an election, a second and third vote may be taken at the current session. If the Commission then remains equally divided, the proposal shall not be considered further at the current session.
8. 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 Organization.

## **Rule X – Subsidiary bodies of the Commission**

1. Each subsidiary body established pursuant to Article 9 of the Agreement may establish sub-committees and working groups and shall ensure their coordination.
2. The relationship between the Commission and its subsidiary bodies, which shall have an advisory nature, will be defined on the decision of the Commission within a reference framework, reproduced in Annex 1 of these Rules, and will be revised when appropriate .
3. Any subsidiary body established in accordance with Article 9 of the Agreement shall be convened by the Chairperson of the Commission at such times and places as are determined by the Chairperson in consultation with the Director-General of the Organization, as appropriate.
4. Any subsidiary body established in accordance with Article 9 of the Agreement shall act under the auspices of the Commission and shall be governed, *mutatis mutandis*, by the Rules, as well as by such other supplementary procedures as may be established by the Commission.
5. Each subsidiary body described in Annex 1 shall have a Chairperson and two Vice-Chairpersons who shall be elected from among delegates or alternates of the Contracting Parties in the session of these bodies. Rule VII of the Rules of Procedure shall apply, *mutatis mutandis*, to the election of the Chairperson and Vice-Chairpersons of each subsidiary bodies. They shall assume office subsequent to the endorsement of their appointment by the Commission at the regular session following the session of the subsidiary body at which they were elected.
6. For the functions of the bureau of each subsidiary body, Rule VIII will apply *mutatis mutandis*. In addition, in case of functions to be performed by the bureau of each subsidiary body in support of their functioning, there will be close coordination with and reporting to the Executive Secretary.
7. Each subsidiary body will define its priority actions, advice and work programme that shall be submitted to the Commission for adoption at the regular session.

## **Rule XI – Specific mechanisms for the Black Sea region**

1. In order to ensure the adequate implementation of the specific mechanisms referred to in Article 9.1 of the Agreement, a subregional Working Group for the Black Sea region shall be established. The Working Group shall endeavour to ensure the participation of all Black Sea States in decisions related to fisheries management. In particular, it shall:
  - (a) examine fisheries and aquaculture related issues of relevance for the Black Sea region, including the status and trends of living marine resources, and, on the basis of the guidance provided by the Scientific Advisory Committee on Fisheries and the Advisory Committee on Aquaculture, accordingly formulate advice on these issues.
  - (b) facilitate exchange of scientific data and information between Contracting Parties, Cooperating non-Contracting Parties and relevant non-Contracting Parties and promote cooperation in the fight against illegal, unreported, and unregulated (IUU) fishing in the Black Sea region;
  - (c) undertake any other functions or responsibilities as may be conferred by the Commission.
2. The activities of the Working Group of the Black Sea will be reviewed at the regular session of the Commission.

## **Rule XII – Budget and finance**

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

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

3. Subject to Article 11 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.

### **Rule XIII – Observers**

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

2. International governmental organizations and non-governmental organizations having special competence in the field of activity of the Commission that wish to attend any regular session of the Commission or its subsidiary bodies, as observers, shall give advance notification to the Executive Secretary, at a time as may be specified by the Executive Secretary or the Commission, of their wish to be invited.

3. Unless the Commission expressly determines otherwise, observers may attend the sessions of the Commission and its subsidiary bodies. Observers may be invited to submit memoranda and deliver oral statements but in no case will they be entitled to vote.

4. The Commission may invite consultants or experts, in their individual capacity, to attend the regular sessions or participate in the work of the Commission, and its subsidiary bodies.

### **Rule XIV – Criteria for attaining the status of Cooperating non-Contracting Party**

1. Any such non-Contracting Party that seeks to be accorded the status of a cooperating non-Contracting Party in accordance with Article 18 of the Agreement shall apply to the Executive Secretary no later than ninety days in advance of the regular session of the Commission where the application shall be considered.

2. Non-Contracting Parties requesting the status of a Cooperating non-Contracting Party 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 Area of Application;
- (b) all the data that Contracting Parties have to submit based on recommendations adopted in accordance with Article 8(b) of the Agreement, where applicable; and
- (c) information on any research programmes they may have conducted in the Area of Application and the information and the results of their researches.

3. An applicant for Cooperating non-Contracting Party status shall also confirm its commitment to comply with recommendations adopted in accordance with Article 8(b) of the Agreement and shall inform the Commission of the actions it takes to ensure such compliance.

4. Cooperating non-Contracting Party status shall be annually reviewed and renewed, unless revoked by the Commission due to non-compliance with recommendations adopted in accordance with Article 8(b) of the Agreement. In reviewing the Cooperating non-Contracting Party status, the Commission shall also indicate whether it considers full membership, instead of Cooperating non-Contracting Party status, to be advisable.

## **Rule XV – Reports, recommendations, resolutions and decisions**

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. Recommendations, resolutions and decisions adopted by the Commission having programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference through the Council for action.
3. Subject to the provisions of Article 13 of the Agreement, the recommendations, resolutions and decisions adopted by 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 Contracting Parties, Cooperating non-Contracting Parties, relevant non-Contracting Parties, and observers, including those that were represented at the session, and such others as the Commission may direct from time to time.

## **Rule XVI – Review Panel**

The Commission may, as necessary, convene on an ad hoc basis a Review Panel, set up in accordance with Article 9 of the Agreement, to support the decision-making process. In particular, this panel shall review the advice provided by any subsidiary body and draw its conclusions. The Commission, when deciding to convene the review panel, shall define its composition and methods of work.

## **Rule XVII – Data collection, processing and exchange**

1. To enhance the information base for the conservation and management of living marine resources, as well as non-target and associated or dependent species and the protection of the marine ecosystems in which these resources occur, the Commission shall develop standards, rules and procedures for, *inter alia*:
  - (a) the collection and timely reporting to the Commission of all relevant data by Contracting Parties and relevant non-Contracting Parties;
  - (b) the provision of information on catches and other data relevant to the functions of the Commission in such a way as to enable it to fulfil its responsibilities under this paragraph;
  - (c) the processing of accurate and complete data by the subsidiary bodies of the Commission in order to facilitate effective stock assessment and ensure that the provision of the best scientific advice is enabled;
  - (d) the security of access to and dissemination of data while maintaining confidentiality;
  - (e) the exchange of data concerning vessels engaged in IUU fishing and, as appropriate, concerning the beneficial ownership of such vessels, among Contracting Parties and Cooperating non-Contracting Parties to the Commission, among other regional fisheries management organizations and among other relevant organizations, with a view to consolidating such information; and
  - (f) the regular assessment through the Compliance Committee of the compliance by Contracting Parties with data collection and exchange requirements and the mechanisms for addressing any non-compliance identified in such audits.
2. The Commission shall identify and use, through the Secretariat, suitable data communication protocols, Information Technology standards, tools, licensing schemes and systems that will be employed in support of the abovementioned activities, in line with the need to enhance communication, flexibility, cost-efficiency, visibility and dissemination of its work.

## **Rule XVIII – Procedures for the Committee for the Settlement of Disputes**

1. In accordance with Article 19.2 of the Agreement, a committee shall be established when a Contracting Party notifies, through the Executive Secretary, another Contracting Party of its intention to refer a matter concerning the interpretation or application of the Agreement for the settlement of a dispute. The notification shall be accompanied by a full description of the matter as well as the grounds relied upon.
2. The other Contracting Party shall, within fifteen days, decide whether to accept or disagree to submit the dispute to the committee. In the event that the other Contracting Party accepts, the decision shall be communicated to the Contracting Party that notified its intention and to the Executive Secretary.
3. The Executive Secretary shall inform all Contracting Parties of the establishment of the committee and promptly transmit a copy of the notification with the documents attached to it.
4. Each party to the dispute shall appoint one representative and inform the Executive Secretary of that appointment no later than fifteen days after the communication of the establishment of the committee by the Executive Secretary. The representatives appointed by the parties to the dispute shall be experts with competence in legal, scientific or technical aspects concerning the Agreement, and with relevant qualifications and experience.
5. As soon as the representatives are nominated, the Executive Secretary shall record the constitution of the committee and inform all Contracting Parties accordingly.
6. Any other Contracting Party, 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 fifteen 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.
7. In the event that two or more Contracting Parties jointly make a notification pursuant to paragraph 1 of this Rule or one or more Contracting Parties become parties to the dispute pursuant to paragraph 6 of this Rule, the parties shall each designate one delegate for the official contacts during the work of the committee.
8. The committee may adopt such rules of procedures as it deems necessary for effective and expeditious proceedings, including decisions on dates and venues of hearings and on the methods of work it will follow, and shall inform the Executive Secretary accordingly. Any Contracting Party may, upon notification to the committee, attend any hearings, and make written or oral submissions.
9. Unless the parties to the dispute agree on a later date, the committee shall deliver its findings within ninety days from the date of its constitution. The committee shall seek to resolve the dispute by consensus. If this is not possible, the committee shall agree by a majority vote of its members, none of whom may abstain from voting.
10. The findings of the committee 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 these findings to all Contracting Parties.
11. The costs of the committee shall be borne by the parties to the dispute in equal parts.

## **Rule XIX – Measures to resolve situations of non-compliance**

1. If the Commission determines through the Compliance Committee that a Contracting Party or a Cooperating non-Contracting Party has been in prolonged and unjustified non-compliance with recommendations adopted in accordance with Article 8(b) of the Agreement, to the extent that it undermines their effectiveness, or that a non-Contracting Party has systematically engaged in activities which undermine the effectiveness of such recommendations and adversely affect the

objective of the Agreement, it may take the following measures to resolve the situation of non-compliance:

(a) appropriate corrective measures towards the fulfilment by Contracting Parties or Cooperating non-Contracting Parties of the implementation of recommendations adopted in accordance with Article 8(b) of the Agreement, pursuant to Article 14 of the Agreement, as stated below:

- technical assistance and capacity building programmes to address the main problems of the relevant Contracting Party or Cooperating non-Contracting Party;

- derogations to the implementation of given recommendations, subject to the adoption of a multiannual process that shall identify remedies to non-compliance applying to relevant Contracting Parties and Cooperating non Contracting Parties to ensure its full implementation;

(b) non-discriminatory market-related measures against Cooperating non-Contracting Parties and non-Contracting Parties, consistent with international law, to monitor transhipment, landings and trade with a view of preventing, deterring and eliminating illegal, unreported and unregulated fishing including, where appropriate, catch documentation schemes.

#### **Rule XX – Amendments to the Agreement**

1. Proposals for the amendment of the Agreement pursuant to Article 22 may be made acting on the proposal by the Commission at a regular or extraordinary session or by any Contracting Party in a communication addressed to the Executive Secretary. The Executive Secretary shall transmit to all Contracting Parties 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 XXI – Suspension and amendment of the Rules**

1. Subject to the provisions of the Agreement, any of the foregoing Rules, other than Rules IV, V, XI, XII, XX.2, and XXII, may be suspended on the motion of any delegation by a majority of the votes cast at any regular session of the Commission, provided that an announcement is made at a regular session of the Commission and copies of the proposal for suspension have been distributed to the delegations not less than forty-eight hours before the session 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 Contracting Parties, at sessions of the Commission, provided an announcement is made at that session and copies of the proposal for the amendment or addition have been distributed to delegations not less than twenty-four hours before the session at which action is to be taken.
3. Any amendments to Rule XXII 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.
4. Any new rule adopted by the Organization which may require a timely amendment of these Rules will be brought to the attention of the Commission.

**Rule XXII – Languages of the Commission**

1. The official languages of the Commission shall be Arabic, English, French and Spanish. These languages shall all be used at the regular and extraordinary sessions of the Commission.
2. At the sessions of technical subsidiary bodies of the Commission and for their reports and communications more flexible and cost-effective arrangements could be foreseen in relation to the use of the languages of the Commission.
3. Interpretation in one or more of the official languages during meetings will be ensured by the Secretariat and funded through the autonomous budget or extra-budgetary funds.
4. Reports and communications shall be in the languages agreed by the Commission.

## **Reference framework for the subsidiary bodies**

### **The Scientific Advisory Committee on Fisheries**

1. There shall be established a Scientific Advisory Committee on Fisheries which shall be responsible for providing scientific, social and economic advice relating to the work of the Commission, as well as for supporting the implementation of multiannual management plans, taking into account a subregional approach.
2. The Committee shall:
  - (a) Collect and assess information provided by all parties, relevant organizations, institutions or programmes on catches, fishing effort, fleet capacity and other data relevant to the conservation and management of fisheries;
  - (b) Assess the status and trends of relevant populations of living marine resources, ecosystems and fisheries-related human components, using the appropriate indicators and in relation to agreed biological and/or management reference points;
  - (c) Provide independent advice on a technical and scientific basis to facilitate the adoption of recommendations concerning the sustainable management of fisheries and ecosystems at the regional and subregional levels, including on relevant biological, environmental, social and economic aspects, as well as on issues associated with the ecosystem approach to fisheries, the impact of IUU fishing on populations and ecosystems, and the assessment of biological and ecological implications under different management scenarios;
  - (d) If required, submit advice and reports to the Review Panel established pursuant to the Rules of Procedure of the GFCM;
  - (e) Keep abreast of cooperative scientific and technical research projects and programmes of interest to the Committee;
  - (f) Undertake any other functions or responsibilities as may be conferred on it by the Commission.

### **The Scientific Advisory Committee on Aquaculture**

1. There shall be established Scientific Advisory Committee on Aquaculture which shall be responsible for providing technical advice related to the work of the Commission and to promote the sustainable development and responsible management of marine, brackish and inland aquaculture in the area of application in a way that is consistent with an ecosystem approach to aquaculture and that takes into account the specific regional, subregional and local characteristics.
2. The Committee shall, in particular:
  - (a) monitor sustainable aquaculture development, following its progress and trends including through the identification, use and regular update of environmental, economic and social indicators;
  - (b) collect and assess information and data with regard to production statistics, market data, post harvesting, culture systems, technologies used, farmed species, environmental and aquatic animal health issues, as well as any additional information considered by the Commission to be relevant and useful. Such data and information shall be provided by all parties, relevant aquaculture actors, the aquaculture multi-stakeholder platform and other programmes, and shall be maintained in related databases;
  - (c) provide independent advice on a technical and scientific basis to facilitate the adoption of recommendations pursuant to Article 8(b) of the GFCM Agreement concerning the sustainable development of aquaculture with regard to biological, environmental, social and economic issues;

- (d) submit advice and reports to the Review Panel, established pursuant to the Rules of Procedure of the GFCM, if required;
- (e) identify and promote the development and implementation of cooperative scientific and technical research projects and programmes; and
- (f) carry out any other functions or responsibilities as may be conferred on it by the Commission.

### **The Compliance Committee**

- 1. There shall be established a Compliance Committee which shall, in particular:
- (a) assess, on the basis of all available information, compliance by Contracting Parties, Cooperating non-Contracting Parties and relevant non-Contracting Parties with recommendations adopted by the Commission in accordance with Article 8(b) of the Agreement;
- (b) request clarifications and express concern to Contracting Parties, Cooperating non-Contracting Parties and non-Contracting Parties in cases of non-compliance, *prima facie*, with recommendations adopted by the Commission in accordance with Article 8(b) of the Agreement;
- (c) submit to the attention of the Commission cases in which Contracting Parties or Cooperating non-Contracting Parties are not compliant with recommendations adopted by the Commission in accordance with Article 8(b) of the Agreement, or cases in which activities by non-Contracting Parties undermine the effectiveness of such recommendations and adversely affecting the objective of the Agreement, in order to facilitate their identification as foreseen by the applicable recommendation concerning the identification of non-compliance ;
- (d) provide additional information, as it considers appropriate or as may be requested by the Commission, relating to the implementation and compliance with recommendations adopted by the Commission in accordance with Article 8(b) of the Agreement, as well as with the provisions of the Agreement;
- (e) provide independent advice on an institutional and legal basis and submit reports to the Commission to facilitate the adoption of recommendations in accordance with Article 8(b) of the Agreement, including in connection with aspects related to monitoring, control and surveillance, and technical assistance and capacity building activities to support these aspects;
- (f) undertake other functions or responsibilities as may be conferred on it by the Commission.

### **The Committee on Administration and Finance**

- 1. There shall be established a Committee on Administration and Finance which shall, in particular:
- (a) review administrative matters relating to the Executive Secretary and his/her staff and make appropriate recommendations to the Commission;
- (b) oversee the correct application of the Rules and the Financial Regulations;
- (c) review the implementation of the annual programme of work and the budget of the Commission, as adopted at its previous session;
- (d) analyse and make recommendations to the Commission on the draft programme of work and budget as proposed for adoption at the session of the Commission;
- (e) submit to the Commission proposals concerning the need, as appropriate, for the amendment of the Rules and the Financial Regulations; and
- (f) undertake other functions or responsibilities as may be conferred on it by the Commission.

**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 management 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, spreadsheets 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 the Organization 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 the Organization Staff Regulations and the Organization Staff Rules, is a member of the Organization 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 Organization and GFCM websites and also publicize it elsewhere, as appropriate, in accordance with guidelines as may be agreed upon by the the Commission.

(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) other member(s) at the discretion of the Commission.

(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 Organization 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 Contracting Parties 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 Contracting Party 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 Contracting Parties 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 the regular or extraordinary session of the Commission, as determined by the Commission.

(j) The Chairperson shall preside over the interviews, which shall be conducted at the session by the representatives of the Contracting Parties designated in accordance with Article 6 of the Agreement. Interpretation in the languages of the Organization shall be made available.

(k) The Chairperson, with the approval of the representatives of the Contracting Parties, 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 of 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, 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.

### **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 into 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 the 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 that 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.