

**RULES OF PROCEDURE
FOR
MEETINGS OF THE PARTIES**

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Rule 1 - Definitions

For the purposes of these Rules of Procedure:

“Agreement” means the Agreement on Port State Measures to Prevent Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

“FAO” means the Food and Agriculture Organization of the United Nations;

“General Rules of the Organization” means General Rules of the FAO;

“Principles and Procedures” means the Principles and Procedures that govern the Conventions and Agreements concluded under Article XIV and Article XV of the FAO Constitution, and Commissions and Committees established under Article VI of the FAO Constitution¹;

“Officers” means the Chairperson, First Vice-Chairperson and Vice-Chairpersons;

“Parties” means the Parties to the Agreement;

“Regular meeting” means a meeting of the Parties convened in accordance with Rule 5.1;

“Representatives” means the delegates, alternates, and other individuals designated by the Party to represent that Party during a meeting of the Parties;

“Special meeting” means a meeting of the Parties convened in accordance with Rule 5.2.

Rule 2 - Application

2.1 These Rules of Procedure shall apply to all meetings of the Parties to the Agreement.

2.2 Unless the Parties decide otherwise, these Rules of Procedure shall also apply, *mutatis mutandis*, to working groups established under the Agreement and by the Parties, and to work between meetings.

Rule 3 – Chairperson and Vice-Chairpersons

3.1 The Parties shall elect from among the representatives, a Chairperson, a First Vice-Chairperson, and up to five Vice-Chairpersons. In electing the officers, the Parties shall give due consideration to equitable geographical distribution and the desirability of ensuring rotation of these positions among geographic regions. The First Vice-Chairperson shall be from a FAO region other than the region of the Chairperson.

3.2 The Parties may also elect from among the representatives a rapporteur.

3.3 An officer presiding over a meeting shall not at the same time exercise the rights of a representative.

¹ FAO. 2017. Basic Texts of the Food and Agriculture Organization of the United Nations. Volume II, Parts I, K and M.

3.4 The terms of office of the Chairperson, First Vice-Chairperson and the Vice-Chairpersons shall commence with immediate effect at the end of the meeting at which they are elected. The Chairperson, First Vice-Chairperson and Vice-Chairpersons shall remain in office until a new Chairperson, First Vice-Chairperson and Vice-Chairpersons are elected at the end of each regular meeting.

3.5 The Chairperson, First Vice-Chairperson and Vice-Chairpersons shall serve as the officers of the regular meeting and any special meeting held during their terms of office and provide guidance to the Secretariat with regard to the preparations for, and conduct of meetings of the Parties.

3.6 The Chairperson shall preside at all meetings of the Parties and exercise such other functions as may be required to facilitate the work of the meeting of the Parties.

3.7 If the Chairperson is temporarily absent from a meeting or any part thereof or temporarily unable to fulfil his or her functions, the First Vice-Chairperson or, in his or her absence, one of the Vice-Chairpersons, shall act as Chairperson. The First Vice-Chairperson or any Vice-Chairperson acting as Chairperson shall have the same powers and functions as the Chairperson.

3.8 In the period between meetings of the Parties, if the Chairperson, First Vice-Chairperson or one of the Vice-Chairpersons is unable to temporarily carry out any of his or her functions, the Party of the said person may designate an alternate.

3.9 If the Chairperson, First Vice-Chairperson or any of the Vice-Chairpersons resigns from his or her position or is permanently unable to exercise his or her functions, the Party of such person shall designate another representative to replace the said person during the remainder of the term.

Rule 4 - Secretariat

The FAO Secretariat shall discharge the responsibilities of the Secretariat, including performing such functions described under the Agreement or these rules and supporting the work of the officers and the rapporteur. If a rapporteur is not elected pursuant to Rule 3.2, the Secretariat shall discharge this role.

Rule 5 - Meetings

5.1 The Parties shall hold regular meetings once every two years. In addition to the meeting of the Parties to review and assess the effectiveness of the Agreement in achieving its objective, convened in accordance with Article 24.2 of the Agreement, the Parties shall determine the frequency of additional reviews and assessments, which shall take place at the regular meetings.

5.2 Special meetings of the Parties shall be held at such other times as may be deemed necessary by the Parties, or at the written request of any Party, provided that within 30 days after the communication of the request by the Secretariat to the Parties, a majority of the Parties confirm in writing their support for such request to the Secretariat. A special meeting convened at the request of a Party shall be held within six months of the request having received the support of a majority of the Parties.

5.3 Meetings of the Parties shall be convened by the Chairperson in consultation with the officers, the Director-General of the FAO and the Secretariat.

5.4 Notice of the date and place of each meeting of the Parties shall be communicated to all Parties and observers at least ten (10) weeks before the opening of any meeting.

5.5 Each Party and observer shall submit the credentials of its representatives and the names of members of its delegation to the Secretariat before the opening of each meeting of the Parties.

5.6 The Secretariat may invite experts to meetings of the Parties in consultation with the officers.

Rule 6 - Agenda and documents

6.1 The Secretariat shall prepare the provisional agenda in consultation with the officers.

6.2 A draft provisional agenda of a meeting shall be circulated by the Secretariat to the Parties for a two (2) week comment period at least fourteen (14) weeks before the opening of the meeting. The provisional agenda shall be circulated to the Parties and observers at least ten (10) weeks before the opening of the meeting. Written submissions relating to items on the agenda introduced by any Party shall be put forward to the Secretariat at least eight (8) weeks before the opening of the meeting.

6.3 Documents, including an annotated provisional agenda, for any meeting of the Parties, shall be made available by the Secretariat to the Parties and observers invited to attend the meeting no later than four (4) weeks prior to the opening of the meeting.

6.4 Documents to be provided by the Secretariat for meetings of the Parties shall comprise the working documents of meetings.

6.5 Formal proposals relating to items on the agenda and amendments thereto introduced during any meeting of the Parties shall be made in writing and handed to the Chairperson, who shall arrange for them to be circulated to the representatives at the meeting.

Rule 7 - Decision-making

7.1 The quorum for making a decision is the majority of all the Parties.

7.2 The Parties shall make every effort to take decisions by consensus. Where the Chairperson determines that all efforts to reach consensus have been exhausted, the decision shall be taken by a simple majority of the votes cast, except as otherwise provided in the Agreement or these rules.

7.3 Unless otherwise provided in the Agreement or these rules, the Parties may decide to take decisions by consensus via electronic or other written correspondence during the period between meetings. Any proposed decision shall be circulated by the Secretariat to the Parties. If during a period of 90 days after such circulation, any Party objects or requests to defer consideration of the decision to the next meeting of the Parties, the decision shall be so deferred. If no such objection or request to defer is received during the 90 day period, the decision shall be considered adopted by consensus.

7.4 Voting arrangements and other related matters not specifically provided for in the Agreement or these rules shall be governed *mutatis mutandis* by the relevant provisions of the General Rules of the Organization, taking into account the Principles and Procedures.

Rule 8 - Observers

8.1 The following shall be eligible to participate as observers in meetings of the Parties:

- (a) Signatories and all other non-party Members and Associate Members of FAO, and members of the United Nations, its specialized agencies, or the International Atomic Energy Agency;

- (b) Intergovernmental organizations;
- (c) Eligible observers to the most recent session of FAO's Committee on Fisheries and the most recent meeting of the Parties; and
- (d) International non-governmental organizations that have indicated to the Secretariat an interest in the Agreement.

8.2 Unless decided otherwise by the Parties, the Secretariat shall, at least ten (10) weeks before any meeting of the Parties, notify all observers as referred to in 8.1 so that they may indicate their intention to be represented as observers to the meeting.

8.3 Observers participate in the meeting without the right to participate in decision-making.

8.4 Before the opening of a meeting of the Parties, the Secretariat shall circulate a list of observers who have indicated their intention to be represented at the meeting.

Rule 9 - Records and reports

9.1 At each meeting, the Parties shall approve a report recording their decisions, views and recommendations. The Parties may decide to maintain such other records, for their own use, as appropriate.

9.2 Unless the Parties decide otherwise, the report of the meetings of the Parties shall be in the six languages of the United Nations.

9.3 The Secretariat shall circulate the approved report of the meetings of the Parties to all Parties and observers that were represented at the meeting and the Director-General of FAO, within sixty (60) days of closure of that meeting. At the same time, the Secretariat shall make the report publically available.

Rule 10 - Working groups

10.1 In addition to the Ad Hoc Working Group established pursuant to Article 21 (6) of the Agreement, the Parties may establish such working groups as they deem necessary for the accomplishment of their functions.

10.2 The establishment and functioning of all working groups shall be subject to the availability of the necessary funds. Where the related expenses are to be borne by the FAO, the determination of availability of finances to cover such expenses shall be made by the Director-General of the FAO.

10.3 Before taking any decision involving expenditure in connection with the establishment of working groups where related expenses may be borne by the FAO, the Parties shall have before them a report from the Secretariat or the Director-General of the FAO, as appropriate, on the administrative and financial implications thereof.

10.4 The membership, terms of reference and working arrangements of the working groups shall be determined by the Parties.

Rule 11 - Expenses

11.1 The expenses of the representatives of the Parties, the officers and observers for their participation in meetings of the Parties or working groups shall be borne by their respective governments or organizations.

11.2 Provision shall be made to support the participation of developing States Parties in the meetings of the Parties or working groups or participation as officers in accordance with Article 21 of the Agreement.

11.3 Where the Parties have decided to accept an offer of a Party to host a meeting, the hosting Party is responsible for securing the necessary funding for expenses related to the meeting.

11.4 Any financial operations of the meetings of the Parties and the working groups shall be governed by the appropriate provisions of the financial rules. In the absence of financial rules agreed by the Parties, the financial rules of the FAO shall apply.

11.5 Recommendations and decisions of the Parties having policy, programme or financial implications for the FAO shall be brought by the Secretariat, through the Director-General of the FAO, to the attention of the Conference or Council of the FAO for appropriate action.

Rule 12- Languages

12.1 Unless the Parties decide otherwise, the language of the meetings of the Parties shall be the six languages of the United Nations.

12.2 Any representative using a language other than one of the languages referred to in Rule 12.1 shall bear all costs for interpretation in such language.

Rule 13 - Amendment of the Rules

The Parties may adopt amendments to these Rules. If consensus cannot be achieved, the decision shall be taken by a two-thirds majority of the votes cast, provided that such majority is more than half of all the Parties. Consideration of proposals of amendments to these Rules shall be subject to Rule 6 and documents on the proposals shall be circulated in accordance with Rule 6 prior to their consideration by the Parties.

Rule 14 – Agreement prevails

In the event of any conflict between any provision of these Rules and any provision of the Agreement, the Agreement shall prevail.

Rule 15 - Effective date

These Rules and any amendments thereto shall become effective upon their approval by the Parties unless the Parties decide otherwise.