

Rules of Procedure for the Commission

SCOPE OF APPLICATION

Rule 1

In accordance with Article 9 paragraph 6 of the Convention all subsidiary bodies shall operate *mutatis mutandis* under the Rules of Procedure of the Commission, except where specific provisions are laid down in these Rules of Procedure for these subsidiary bodies. For the purpose of each subsidiary body, in the following rules, the word Commission shall be understood as referring to the concerned Committee, and the word decision as referring to advice or recommendation.

REPRESENTATION AND OFFICIAL CONTACTS

Rule 2

- 2.1 Each Member of the Commission, each territory referred to in Article 40 of the Convention and observers referred to in Rule 9 shall notify the Executive Secretary as far as possible in advance of any meeting of the names of its delegates.
- 2.2 Each Member of the Commission and each territory referred to in Article 40 of the Convention shall, as soon as possible after the adoption of these rules, notify the Executive Secretary of one or more Official Contacts who shall, for the purposes of official communications between the Commission and the Member, including all notifications and communications made pursuant to these rules, be the official points of contact.

MEETINGS

Rule 3

- 3.1 In application of Article 7 paragraph 3 of the Convention, the Chairperson shall convene the annual meeting of the Commission at least 90 days before the meeting.

The Executive Secretary shall make all necessary arrangements for the meeting and shall issue invitations at least 90 days before the meeting.

- 3.2 In addition to the annual meeting, the Commission may hold special meetings in accordance with Article 7 paragraphs 3 and 4 of the Convention at the request of any Member of the Commission.

The request shall be sent to the Executive Secretary who shall immediately forward the request to the other Members of the Commission and ask them whether they concur with it. If within 30 days of the date of the communication by the Executive Secretary a majority of the Members of the Commission concur with the request, the Chairperson shall determine the date and venue of the special meeting.

The Executive Secretary shall make all necessary arrangements for the meeting and shall issue invitations at least 30 days before the meeting.

- 3.3 In accordance with paragraph 10, points (d) to (h) of Annex II to the Convention, the Chairperson shall convene extraordinary meetings of the Commission.

The Executive Secretary shall make all necessary arrangements for those meetings and shall issue invitations at least 30 days before the meeting.

ORDER OF BUSINESS

Rule 4

- 4.1 A provisional agenda for each annual or special meeting of the Commission, or any of its subsidiary bodies, shall be prepared by the Executive Secretary in consultation with the Chairperson. It shall be transmitted by the Executive Secretary with the invitation sent in accordance with Rule 3 to all official contacts referred to in Rule 2.2 and to observers referred to in Rule 9.
- 4.2 Any Member of the Commission, the Chairperson, or the Executive Secretary may, at least 30 days before the date fixed for the opening of the meeting request the inclusion of supplementary items in the agenda. A request for a supplementary item on the provisional agenda shall be accompanied by a memorandum on the proposed supplementary item. Such items shall be communicated to all official contacts referred to in Rule 2.2 and to observers referred to in Rule 9 at least 20 days before the opening of the meeting.
- 4.3 At the beginning of the meeting the Commission shall adopt its agenda on the basis of the provisional agenda and any supplementary list. When adopting the agenda any Member or the Executive Secretary may, in urgent circumstances, request placement of additional items of an urgent character on it. Decisions on such items shall be taken in accordance with Rule 7.3.

- 4.4 The Chairperson or Vice-Chairperson of the subsidiary bodies of the Commission may attend all meetings of the Commission.

CHAIRPERSON AND VICE-CHAIRPERSON

Rule 5

- 5.1 In accordance with Article 7 paragraph 2 of the Convention, the Commission shall elect a Chairperson and a Vice-Chairperson from among the Contracting Parties for a term of two years. Each shall be eligible for re-election but shall not serve for more than four years in succession in the same capacity. The Chairperson and Vice-Chairperson shall be representatives of different Contracting Parties.

The Chairperson and Vice-Chairperson shall take office at the conclusion of the annual meeting at which they are elected, with the exception of the first meeting where they will take office from the moment of their election which shall take place at the opening of this meeting.

- 5.2 The powers and duties of the Chairperson shall be:
- a) to declare the opening and closing of each meeting;
 - b) to preside at meetings;
 - c) to rule on points of order, subject to the right of any representative to request that any ruling of the Chairperson shall be submitted to the Commission for decision by vote;
 - d) to call for and announce the results of votes;
 - e) to determine after consultation with the Executive Secretary, the draft provisional agenda and the provisional agenda for each annual and special meeting;
 - f) to sign a report of the proceedings of each meeting of the Commission, for transmission to Members, their representatives and others concerned; and
 - g) generally, to make such decisions and give such directions to the Executive Secretary as will ensure, especially in the interval between meetings, that the business of the SPRFMO is carried out efficiently and in accordance with its decisions.
- 5.3 Whenever the Chairperson is unable to act, the Vice-Chairperson shall exercise the powers and duties prescribed for the Chairperson.

- 5.4 If the office of the Chairperson is vacated, the Vice-Chairperson shall become Chairperson for the balance of the term.
- 5.5 A person representing a Contracting Party as its representative who is elected as Chairperson shall cease to act as delegate upon assuming office. The Contracting Party concerned shall appoint another person to replace the one who was hitherto its representative. The same applies where the Vice-Chairperson is acting as Chairperson.

SECRETARIAT

Rule 6

- 6.1 In accordance with article 14 paragraph 2 of the Convention, the Executive Secretary shall be appointed for a term of four years.
- 6.2 The Executive Secretary shall:
- a) have full power and authority over the Secretariat subject to the general supervision of the Commission;
 - b) address communications to the Depositary, pursuant to the provisions of Article 35 of the Convention;
 - c) receive the credentials of the representatives and of observers at meetings and report thereon to the Commission as required; and
 - d) perform such other functions as may be assigned to him or her by the Commission, its Chairperson, or the Chairperson of any committee.
- 6.3 The Executive Secretary shall assist the Commission and its subsidiary bodies in fulfilling their respective tasks. When performing these tasks, the Executive Secretary shall in particular signal any specific concerns on issues falling under the competence of the Commission or of the subsidiary bodies as appropriate.

VOTING

Rule 7

- 7.1 Each Member shall be entitled to one vote.

- 7.2 Votes shall be taken by show of hands, unless a Member requests that the vote be taken by a roll call in the English alphabetical order of the names of the Members or secret ballot and that this request is seconded by at least one other Member.
- 7.3 In case of the need for adoption of an emergency measure between meetings, a vote may be taken by electronic means.
- 7.4 When a vote is taken by e-mail or other electronic means, the Executive Secretary shall address the request for the vote from each Member to its designated official addresses as outlined in Rule 2.2.
- 7.5 The result of a vote taken by electronic means shall be ascertained by the Executive Secretary at the end of a period of at least 30 days after the date of the initial request for the vote and such period shall be made clear in the text of that request.
- 7.6 a) If no reply from a Member, in the case of a vote taken by electronic means, reaches the Secretariat within the period established under paragraph 5 of this Rule, that Member would be recorded as having abstained.
- b) Members shall promptly acknowledge receipt of any request for vote by e-mail or other electronic means. If no acknowledgement is received from any particular Member within one week of the date of transmittal the Executive Secretary will retransmit the request, and will use all additional necessary means available to ensure that the request has been received.
- 7.7 In accordance with Article 10 paragraph 3 of the Convention, the Scientific Committee shall make all efforts to adopt its advice and recommendations to the Commission by consensus. If all efforts to reach agreement by consensus have been exhausted, advice or recommendations shall be adopted by a three quarters majority of the members. In such case, the different views of the members shall be set out in its report to the Commission.

FINANCIAL RESPONSIBILITIES

Rule 8

The Commission shall incur expenditure only in accordance with a budget adopted under Article 15 of the Convention.

OBSERVERS

Rule 9

- 9.1 In accordance with Article 18 paragraph 4 of the Convention, the following may participate as observers in the Commission and its subsidiary bodies:
- a) States, the regional economic integration organisation, other entities referred to in Article 1 paragraph 2 (b) of the Convention and the fishing entity that participated in the International Consultations on the Establishment of the South Pacific Regional Fisheries Management Organisation, until they become Contracting Parties or Members of the Commission;
 - b) Any other State or any other entity referred to in Article 1 paragraph 2 (b) of the Convention that has jurisdiction over waters adjacent to the Convention Area;
 - c) Other States with an interest in the work of the Commission, invited by the Commission, that are not Members to the Commission;
 - d) The FAO, other specialised agencies of the United Nations, other regional fisheries management organisations and other relevant intergovernmental organisations, invited by the Commission;
 - e) Non-governmental organisations, including environmental organisations and fishing industry organisations with an interest in the work of the Commission, invited by the Commission pursuant to paragraph 2 of this Rule.
- 9.2 A non-governmental organisation wishing to participate as an observer shall notify the Executive Secretary at least 50 days in advance of the meeting. The Executive Secretary shall promptly notify the members of the Commission of the request. Any such non-governmental organisation shall be invited to participate as an observer unless a simple majority of the Members of the Commission objects to the request in writing at least 20 days before the opening of the meeting. Observer status shall remain in effect for future meetings unless the Commission decides otherwise.
- 9.3 Observers may participate in the deliberations of the Commission and its subsidiary bodies but shall not be entitled to participate in the taking of decisions, recommendations or advices.
- 9.4 Observers may submit documents to the Secretariat for distribution to the Members of the Commission or its subsidiary bodies as information documents and shall be given timely access to all documents subject to any rules relating to

the confidentiality of certain data and other commercially sensitive information that the Commission may decide.

LANGUAGE

Rule 10

English shall be the official and working language of the Commission and its subsidiary bodies but, if desired, any other language may be used, on condition that persons doing so will provide interpreters. All official publications and communications of the Commission shall be in English.

RECORDS AND REPORTS

Rule 11

- 11.1 Summary records of each plenary and other sessions shall be drafted and distributed as soon as possible to the participants by the Executive Secretary.
- 11.2 Summary minutes of the proceedings of the meetings of all subsidiary bodies shall be furnished to the Commission by the Executive Secretary.
- 11.3 Summary records, reports, resolutions, proposals and other formal decisions adopted shall be transmitted as soon as possible after each meeting to the Members, their representatives, and observers, by the Executive Secretary.
- 11.4 The Commission shall publish annually, following its annual meeting, a report in accordance with Article 29 of the Convention.

AMENDMENTS

Rule 12

The Commission may amend these Rules of Procedure in accordance with Article 16 of the Convention.

**RULES OF PROCEDURE ON THE NATURE AND EXTENT OF
PARTICIPATION OF TERRITORIES**

Rule 13

1. In accordance with Article 40 of the Convention, a Contracting Party having responsibility for the international affairs of a territory in the region may file a declaration with the Depositary authorising the participation of the territory in the work of the Commission and its subsidiary bodies.
2. In view of this participation, they shall be invited to the meetings in accordance with Rule 3 and shall receive the relevant information in accordance with Rule 4.