



TWENTY FIFTH MEETING OF THE COUNCIL
5 – 6 April 2017, Nuuk, Greenland

DOCUMENT 14 PROPOSED AMENDMENTS TO THE ROP FOR COUNCIL

Submitted by: FAC

Action requested:

- Review the proposal
- Adopt the present amendments proposed by FAC

Background to the document:

The changes proposed deal with the publication and confidentiality of the documents and reports of subsidiary bodies. The changes have also been reflected in the RoP of the different committees.

Previous to the meeting, the changes were circulated to Parties according to the current RoP of both committees.



RULES OF PROCEDURE FOR THE NAMMCO COUNCIL

*Preliminary adopted NAMMCO 9 – October 1999, finally adopted NAMMCO 10 – September 2000
Amended NAMMCO16 – February/March 2007, NAMMCO 24 February 2016 (NAMMCO/24/15)*

I Representation

1. Each Contracting Party shall appoint a Councillor as its main representative.

II Decisions

2. The Chairman may decide that unanimity is reached if he deems so. If no objection is made, the decision is thereby taken. A Contracting Party may call for a vote. Votes shall then be taken by show of hands or by roll call in the English alphabetical order. When a Contracting Party so requests the vote shall be conducted by secret ballot.
3. Each Contracting Party shall have one vote.
4. Decisions of the Council shall be taken by the unanimous vote of those Contracting Parties present.
5. Between meetings, decisions may be taken by correspondence.

III Chairman and Vice-Chairman

6. The Council shall elect from among its members a Chairman and a Vice-Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election provided that they do not serve for more than four years in succession in each office. The Chairman and Vice Chairman shall not represent the same Contracting Party.
7. The Chairman and Vice-Chairman shall take office at the conclusion of the annual meeting at which they are elected.
8. The powers and duties of the Chairman shall be:
 - a) to declare the opening and closing of each meeting;
 - b) to preside at meetings;
 - c) to call for and announce the decisions and the results of votes;
 - d) to determine a schedule of meetings for annual or special meetings of the Council;

e) to call for extraordinary meetings of the Scientific Committee after consultation with the Council;

f) to arrange for the appointment of the members of subsidiary bodies as required;
g) to approve a draft report of the proceedings of each meeting prior to its transmission to Contracting Parties for final adoption;

h) generally, to make such decisions and give such directions to the General Secretary as will ensure, especially in the interval between meetings, that the business of the Organisation is carried out efficiently and in accordance with its decisions.

9. Any Contracting Party may request that a ruling by the Chairman is put to a vote. The Chairman's ruling stands unless a majority of the Parties present and voting cast a negative vote.

10. Whenever the Chairman is unable to act, the Vice-Chairman shall exercise the powers and duties prescribed for the Chairman.

11. If the office of the Chairman is vacated, the Vice Chairman shall become Chairman for the balance of the term

12. The Chairman, or Vice-Chairman when acting as Chairman, shall not act as head of delegation and another member of his or her delegation shall exercise this function.

IV Preparation for meetings

13. Each Contracting Party shall notify the Secretary as far as possible in advance of any meeting of the names of its representatives, alternates, experts and advisers who will attend.

14. A provisional agenda for each annual or special meeting of the Council shall be prepared by the Secretary, in consultation with Chairman, and be dispatched by the Secretary to all Contracting Parties, their representatives, and invited observers, not less than 60 days before the date fixed for the opening of the meeting.

15. Any member of the Council may propose supplementary items by informing the Secretary thereof no later than 30 days before the meeting.

16. The Secretary shall prepare the draft agenda for the meeting, including the supplementary items, and transmit it to all Contracting Parties, their representatives, and invited observers, no later than 15 days before the meeting along with explanatory memoranda.

17. The Secretary shall make all necessary arrangements for meetings of the Council.

18. No order of business shall be the subject of a decision unless the subject matter has been included in the draft agenda.

19. The Council shall adopt the final agenda of the meeting at the opening session of its meeting.

V **Observers**

20. The Council may, in accordance with Article 8¹ of the Agreement on Cooperation in Research, Conservation and Management of Marine Mammals in the North Atlantic, invite non-contracting governments and inter-governmental and inter-parliamentary organisations, global and regional, to participate as observers to meetings of the Council.

21. Non Governmental Organisations may apply for observer status at the meetings of the Council.

a) Applications for observer status from NGO's shall be sent to the Secretariat no later than 90 days before the next Council meeting. Applicants for observer status shall provide information on the role, functions and operations of their organisation and other information necessary for the Council to assess the application, including the name of the person who will represent the organisation and his/her status within that organisation. The decision will be made no later than 30 days prior to the meeting.

The Council will decide on such status in accordance with Article 8 of the Agreement and the following procedures:

b) Once an NGO is admitted as observer to the Council, their status shall continue for such time as no objection from any Contracting Party is raised on the matter, and the NGO is represented by an official accredited member of that organisation.

c) Any Contracting Party may request information referred to under a) at any time from an observer.

d) The observers are accredited by the NAMMCO Council. Subsidiary bodies are not authorized to accredit observers.

22. Observers may make statements and submit relevant documents to the meetings at the discretion of the Chairman.

23. The Council can decide to establish fees for the attendance of observers at its meetings.

24. Attendance of accredited observers shall only be permitted at meetings of committees and subsidiary bodies of the Council when decided by the committee/subsidiary body and approved by the Council, in accordance with rules set out in the present Section.

¹ Article 8

The Council may agree to admit observers to meetings of the Commission when such admission is consistent with the objective set out in Article 2 of the NAMMCO Agreement.

VI Management Committees

25. The Council shall establish appropriate Management Committees and co-ordinate their activities.

26. The Council shall establish guidelines and objectives and approve the Rules of Procedure for the work of the Management Committees.

VII Other committees [than MCs] and subsidiary bodies

27. The Council may decide to establish other committees and subsidiary bodies to deal with specific areas of its work.

28. Committees and subsidiary bodies may determine their own Rules of Procedure, which shall be approved by the Council.

29. In the absence of specific Rules of Procedure approved by the Council for its committees and subsidiary bodies, the rules set out in sections I – IV, X and XI of the Rules of Procedure for the Council shall apply, *mutatis mutandis*, as appropriate.

VIII Commission finances

30. The Council shall approve audited accounts and endorse the Commission budget for the following year at its annual meeting, and approve a forecast budget for the subsequent year.

31. The financial affairs of the Commission shall be audited annually by external auditors appointed by the Council.

IX Secretariat

32. The Secretary shall:

a) have full power and authority over the Secretariat subject to the general supervision of the Council;

b) make all arrangements necessary for meetings of the Council, Scientific Committee and Management Committees and their respective subsidiary bodies;

c) prepare and transmit provisional and draft agendas in accordance with rules set out in Section IV;

d) receive the credentials of observers according to § 21 and report thereon to the Council as required;

e) perform such other functions as are set out in these Rules and as may otherwise be determined by the Council.

X **Language**

33. English shall be the official and working language of the Council and its committees and subsidiary bodies. Any other language may be used, on condition that those doing so provide interpreters if necessary. All official reports, publications and communications of the Council and its committees and subsidiary bodies shall be in English.

XI **Reports and Documents**

34. ~~For all meetings of the Commission (except the meetings of the Finance and Administration Committee, FAC), the ToRs when relevant, draft agenda, list of participants and meeting documents that will be published in the Annual Report should be made public and available on the NAMMCO website as soon as they are ready and circulated to the meeting participants.~~

Commented [GD1]: I added this, compared to what is in the FAC meeting, so it is clear that FAC is not concerned by this

~~35~~ 34. A report of the meeting of the Council shall be distributed as soon as possible to the Contracting Parties by the Secretary after finalisation in accordance with procedures outlined in § 8 g and within a month after the conclusion of the Council deliberation. Reports of the Council shall clearly reflect all decisions taken by the Council and all discussions of substance on issues dealt with by the Council at its meeting.

365.

a) Reports of meetings of all committees ~~(except FAC)~~ and subsidiary bodies shall be provided to the Council and Contracting Parties by the Secretary immediately after their final adoption by the committee/subsidiary body and within two weeks after the conclusion of their deliberations. The content of the reports ~~of the Scientific Committee~~ shall be considered ~~strictly~~ confidential prior to their release to the Council. ~~Reports of other committees will not be released to the public until they have been dealt with by the Council.~~

Commented [GD2]: Same as above

b) Subsidiary bodies report their findings in writing to the Parent Committee according to their terms of reference and within two weeks after the conclusion of their deliberations. Reports of subsidiary bodies shall be considered confidential until four weeks (excluding July) after being circulated to the Parent Committee and the Council. Thereafter they shall be made public and available on the website. Within a week of the report being circulated to the Parent Committee and the Council, Parties and/or members of the Parent Committee may ask for a review of the report by the Parent Committee. The report shall then remain confidential until it is published together with the report of the parent Committee.

376. The Commission shall publish annually, following the annual meeting of the Council, a report of the Commission's activities. This report shall *inter alia* include reports of the meeting of the Council, Management Committees, Scientific Committee,

and of other committees and subsidiary bodies, as well as National Progress Reports submitted by Contracting Parties.

X Amendment of Rules

387. Proposals for amendment of these Rules of Procedure shall reach the Chairman of the Council not less than 60 days prior to the Council meeting at which the matter is to be discussed. The Chairman of the Council shall transmit these proposals through the Secretariat to the Members of the Council not less than 30 days prior to that meeting.