



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 25 – April 2017; NAMMCO 28 // Council-HoDs meeting – March 2020 (deadline for circulation
of meeting documents); NAMMCO 31 – March 2024 (update to gender-neutral language); NAMMCO 33 –
March 2026 (alignment of language used between all RoPs and update to suit recent practices).*

I Representation

1. Each Party shall appoint a Commissioner as its main representative.

II Decisions

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

III Chair and Vice-Chair

1. The Council shall elect from among its members a Chair and a Vice-Chair, 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 consecutive years in each office. The Chair and Vice-Chair shall not represent the same Party. The chairship and vice-chairship refer to countries, not individuals.
2. The Chair and Vice-Chair shall take office at the conclusion of the annual meeting at which they are elected.
3. The powers and duties of the Chair 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 Parties for final adoption;
 - h. generally, to make such decisions and give such directions to the Secretary General as will ensure, especially in the interval between meetings, that the business of the Commission is carried out efficiently and in accordance with its decisions.
4. Any Party may request that a ruling by the Chair is put to a vote. The Chair's ruling stands unless a majority of the Parties present and voting cast a negative vote.
 5. Whenever the Chair is unable to act, the Vice-Chair shall exercise the powers and duties prescribed for the Chair.
 6. If the office of the Chair is vacated, the Vice-Chair shall become Chair for the balance of the term.
 7. The Chair, or Vice-Chair when acting as Chair, shall not act as head of delegation and another member of their delegation shall exercise this function.

IV Preparation for meetings

1. Each Party shall notify the Secretariat as far as possible in advance of any meeting of the names of its representatives, alternates, experts and advisers who will attend.
2. A provisional agenda for each annual or special meeting of the Council shall be prepared by the Secretariat, in consultation with the Chair, and be dispatched by the Secretariat to all Parties, their representatives, and invited observers, not less than 60 days before the date fixed for the opening of the meeting.
3. Any member of the Council may propose supplementary items by informing the Secretariat thereof no later than 30 days before the meeting.
4. The Secretariat shall prepare the draft agenda for the meeting, including the supplementary items, and transmit it to all Parties, their representatives, and invited observers, no later than 15 days before the meeting along with explanatory memoranda.

5. As a general rule, all meeting documents to be discussed at any meeting of NAMMCO (Council and subsidiary bodies including Working Groups and Expert Groups) shall be made available through the Secretariat at the latest 15 days before the meeting. Information documents shall preferably become available by the end of the first day of the meeting.
6. The Secretariat shall make necessary arrangements for meetings of the Council.
7. No order of business shall be the subject of a decision unless the subject matter has been included in the draft agenda.
8. The Council shall adopt the final agenda of the meeting at the opening session of its meeting.

V Observers

1. 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.
2. Non-Governmental Organisations (NGOs) may apply for observer status at meetings of the Council. The Council will decide on such status in accordance with Article 8 of the Agreement and the following procedures¹:
 - a. Applications for observer status from NGOs 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 their status within that organisation. The decision will be made no later than 30 days prior to the meeting.
 - b. Once an NGO is admitted as observer to the Council, their status shall continue for such time as no objection from any Party is raised on the matter, and the NGO is represented by an official accredited member of that organisation.
 - c. Any 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 authorised to accredit observers.
3. Observers may make statements and submit relevant documents to the meetings at the discretion of the Chair.

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.

4. The Council can decide to establish fees for the attendance of observers at its meetings.
5. 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.

VI Management Committees

1. The Council shall establish appropriate Management Committees (MCs) and co-ordinate their activities.
2. The Council shall establish guidelines and objectives and approve the Rules of Procedure (RoPs) for the work of the Management Committees.

VII Other committees [than MCs] and subsidiary bodies

1. The Council may decide to establish other committees and subsidiary bodies to deal with specific areas of its work.
2. Committees and subsidiary bodies may determine their own RoPs, which shall be approved by the Council.
3. In the absence of specific RoPs approved by the Council for its committees and subsidiary bodies, the rules set out in sections I – IV, X and XI of the RoPs for the Council shall apply, *mutatis mutandis*, as appropriate.

VIII Commission finances

1. 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.
2. The financial affairs of the Commission shall be audited annually by external auditors appointed by the Council.

IX Secretariat

1. The Secretariat shall:
 - a. have full power and authority over the Secretariat, subject to the general supervision of the Council;
 - b. make 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 § V,1 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

1. 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 British English.

XI Reports and Documents

1. For all meetings of the Commission (except the meetings of the Finance and Administration Committee, FAC), the Terms of Reference (ToRs) when relevant, draft agenda, list of participants and meeting documents should be made public and available on the NAMMCO website as soon as they are ready and circulated to the meeting participants.
2. A report of the meeting of the Council shall be distributed as soon as possible to the Contracting Parties by the Secretariat after finalisation in accordance with procedures outlined in § III, 3g 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.
3.
 - a. Reports of meetings of all committees (except the FAC) and subsidiary bodies shall be provided to the Council by the Secretariat 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 shall be considered confidential prior to their release to the Council.
 - b. Subsidiary bodies report their findings in writing to their parent Committee according to their ToRs 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.

XII Amendment of Rules

1. Proposals for amendment of these Rules of Procedure shall reach the Chair of the Council not less than 60 days prior to the Council meeting at which the matter is to be discussed. The Chair 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.