

January 2005



منظمة الأغذية  
والزراعة  
للأمم المتحدة

联合国  
粮食及  
农业组织

Food  
and  
Agriculture  
Organization  
of  
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United  
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Organisation  
des  
Nations  
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pour  
l'alimentation  
et  
l'agriculture

Organización  
de las  
Naciones  
Unidas  
para la  
Agricultura  
y la  
Alimentación

**E****GENERAL FISHERIES COMMISSION FOR THE MEDITERRANEAN****Twenty-ninth Session****Rome, Italy, 21-25 February 2005****AGREEMENT FOR THE ESTABLISHMENT OF THE GENERAL  
FISHERIES COMMISSION FOR THE MEDITERRANEAN, RULES OF  
PROCEDURES AND FINANCIAL REGULATIONS**

**AGREEMENT FOR THE ESTABLISHMENT OF THE GENERAL FISHERIES  
COMMISSION FOR THE MEDITERRANEAN**

**As amended by the General Fisheries Council for the Mediterranean at its  
First Special Session (May 1963), at its Thirteenth Session (July 1976)  
and at its Twenty-second Session (October 1997) and approved by  
the FAO Conference at its Twelfth Session (December 1963) and  
by the FAO Council at its Seventieth Session (December 1976)  
and at its Hundred and Thirteenth Session (November 1997)**

**ENTERED INTO FORCE ON 29 APRIL 2004  
(only for those countries that have accepted it)**

**PREAMBLE**

The Contracting Parties

Taking account of the relevant provisions of the United Nations Convention on the Law of the Sea which entered into force on 16 November, 1994 (hereafter referred to as the United Nations Convention) and which requires all members of the international community to cooperate in the conservation and management of the living marine resources,

Noting also the objectives and purposes stated in Chapter 17 of Agenda 21 adopted by the United Nations Conference on Environment and Development, 1992 and the Code of Conduct for Responsible Fisheries adopted by the FAO Conference in 1995,

Noting also that other international instruments have been negotiated concerning the conservation and management of certain fish stocks,

Having a mutual interest in the development and proper utilization of the living marine resources in the Mediterranean and the Black Sea and connecting waters (hereafter referred to as the Region) and desiring to further the attainment of their objectives through international cooperation which would be furthered by the establishment of a General Fisheries Commission for the Mediterranean,

Recognizing the importance of fisheries conservation and management in the Region and of promoting cooperation to that effect,

Agree as follows:

## **ARTICLE I**

### **The Commission**

1. The Contracting Parties hereby establish within the framework of the Food and Agriculture Organization of the United Nations (hereinafter referred to as "the Organization") a Commission to be known as the General Fisheries Commission for the Mediterranean (hereinafter referred to as "the Commission"), for the purpose of exercising the functions and discharging the responsibilities set forth in Article III below.

2. The Members of the Commission shall be such Members and Associate Members of the Organization and such non-member States as are members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, that are:

- (i) coastal States or Associate Members situated wholly or partly within the Region;
- (ii) States or Associate Members whose vessels engage in fishing in the Region for stocks covered by this Agreement; or
- (iii) regional economic integration organizations of which any State referred to in subparagraphs (i), or (ii) above is a member and to which that State has transferred competence over matters within the purview of this Agreement;

and which accept this Agreement in accordance with the provisions of Article XIII below, it being understood that these provisions shall not affect the membership status in the Commission of such States that are not members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency as may have become parties to this Agreement prior to 22 May 1963. As regards Associate Members, this Agreement shall, in accordance with the provisions of Article XIV.5 of the Constitution and Rule XXI.3 of the General Rules of the Organization, be submitted by the Organization to the authority having responsibility for the international relations of such Associate Members.

## **ARTICLE II**

### **Organization**

1. Each Member shall be represented at sessions of the Commission by one delegate, who may be accompanied by an alternate and by experts and advisers. Participation in meetings of the Commission by alternates, experts, and advisers shall not entail the right to vote, except in the case of an alternate who is acting in the place of a delegate during his absence.

2. Subject to paragraph 3, each Member shall have one vote. Decisions of the Commission shall be taken by a majority of the votes cast, except as otherwise provided by this Agreement. A majority of the total membership of the Commission shall constitute a quorum.

3. A Regional Economic Integration Organization that is a Member of the Commission shall be entitled to exercise in any meeting of the Commission or of any subsidiary body of the Commission a number of votes equal to the number of its Member States that are entitled to vote in such meeting.

4. A Regional Economic Integration Organization that is a Member of the Commission shall exercise its membership rights on an alternative basis with its member States that are Members of the Commission in the areas of their respective competence. Whenever a Regional Economic Integration Organization that is a Member of the Commission exercises its right to vote, its member States shall not exercise theirs, and conversely.

5. Any Member of the Commission may request a Regional Economic Integration Organization that is a Member of the Commission or its member States that are Members of the Commission to provide information as to which, as between the Member Organization and its member States, has competence in respect of any specific question. The Regional Economic Integration Organization or the member States concerned shall provide this information on such request.

6. Before any meeting of the Commission or a subsidiary body of the Commission, a Regional Economic Integration Organization that is a Member of the Commission, or its member States that are Members of the Commission shall indicate which, as between the Regional Economic Integration Organization and its Member States, has competence in respect to any specific question to be considered in the meeting and which, as between the Regional Economic Integration Organization and its member States, shall exercise the right to vote in respect of each particular agenda item. Nothing in this paragraph shall prevent a Regional Economic Integration Organization that is a Member of the Commission or its member States that are Members of the Commission from making a single declaration for the purposes of this paragraph, which declaration shall remain in force for questions and agenda items to be considered at all subsequent meetings subject to such exceptions or modifications as may be indicated before any individual meeting.

7. In cases where an agenda item covers both matters in respect of which competence has been transferred to the Regional Economic Integration Organization and matters which lie within the competence of its member States, both the Regional Economic Integration Organization and its member States may participate in the discussions. In such cases the meeting, in arriving at its decisions, shall take into account only the intervention of the Member which has the right to vote.

8. For the purpose of determining a quorum of any meeting of the Commission, the delegation of a Regional Economic Integration Organization that is a Member of the

Commission shall be counted to the extent that it is entitled to vote in the meeting in respect of which the quorum is sought.

9. The Commission shall elect a Chairman and two Vice-Chairmen.

10. The Chairman of the Commission shall normally convene a regular session of the Commission every year unless otherwise directed by a majority of the Members. The site and date of all sessions shall be determined by the Commission in consultation with the Director-General of the Organization.

11. The seat of the Commission shall be at the headquarters of the Organization in Rome, or such other location as may be determined by the Commission.

12. The Commission may, by a two-thirds majority of its membership, adopt and amend its own Rules of Procedure provided that such Rules of Procedure or the amendments thereto are not inconsistent with this Agreement or with the Constitution of the Organization.

13. The Commission may, by a two-thirds majority of its membership, adopt and amend its own Financial Regulations, provided that such Regulations shall be consistent with the principles embodied in the Financial Regulations of the Organization. Such Regulations shall be reported to the Finance Committee of the Organization which shall have the power to disallow such Financial Regulations or amendment if it finds that they are inconsistent with the principles embodied in the Financial Regulations of the Organization.

### **ARTICLE III**

#### **Functions**

1. The purpose of the Commission shall be to promote the development, conservation, rational management and best utilization of living marine resources, as well as the sustainable development of aquaculture in the Region, and to these ends it shall have the following functions and responsibilities:

- (a) to keep under review the state of these resources, including their abundance and the level of their exploitation, as well as the state of the fisheries based thereon;
- (b) to formulate and recommend, in accordance with the provisions of Article V, appropriate measures:
  - (i) for the conservation and rational management of living marine resources, including measures:
    - regulating fishing methods and fishing gear,
    - prescribing the minimum size for individuals of specified species,

- establishing open and closed fishing seasons and areas,
  - regulating the amount of total catch and fishing effort and their allocation among Members,
- (ii) for the implementation of these recommendations;
- (c) to keep under review the economic and social aspects of the fishing industry and recommend any measures aimed at its development;
- (d) to encourage, recommend, coordinate and, as appropriate, undertake training and extension activities in all aspects of fisheries;
- (e) to encourage, recommend, coordinate and, as appropriate, undertake research and development activities, including cooperative projects in the areas of fisheries and the protection of living marine resources;
- (f) to assemble, publish or disseminate information regarding exploitable living marine resources and fisheries based on these resources;
- (g) to promote programmes for marine and brackish water aquaculture and coastal fisheries enhancement;
- (h) to carry out such other activities as may be necessary for the Commission to achieve its purpose as defined above.

2. In formulating and recommending measures under paragraph 1(b) above, the Commission shall apply the precautionary approach to conservation and management decisions, and take into account also the best scientific evidence available and the need to promote the development and proper utilization of the marine living resources.

## **ARTICLE IV**

### **Region**

The Commission shall carry out the functions and responsibilities set forth in Article III in the Region as referred to in the Preamble.

## **ARTICLE V**

### **Recommendations on Management Measures**

1. The recommendations referred to in Article III, paragraph 1(b), shall be adopted by a two-thirds majority of Members of the Commission present and voting. The text of such recommendations shall be communicated by the Chairman of the Commission to each Member.
2. Subject to the provisions of this Article, the Members of the Commission undertake to give effect to any recommendations made by the Commission under Article III, paragraph 1(b), from the date determined by the Commission, which shall not be before the period for objection provided for in this Article has elapsed.
3. Any Member of the Commission may within one hundred and twenty days from the date of notification of a recommendation object to it and in that event shall not be under obligation to give effect to that recommendation. In the event of an objection being made within the one hundred and twenty days period any other Member may similarly object at any time within a further period of sixty days. A Member may also at any time withdraw its objection and give effect to a recommendation.
4. If objections to a recommendation are made by more than one-third of the Members of the Commission, the other Members shall be relieved forthwith of any obligation to give effect to that recommendation; nevertheless any or all of them may agree among themselves to give effect to it.
5. The Chairman of the Commission shall notify each Member immediately upon receipt of each objection or withdrawal of objection.

## **ARTICLE VI**

### **Reports**

The Commission shall transmit, after each session, to the Director-General of the Organization, a report embodying its views, recommendations and decisions, and make such other reports to the Director-General of the Organization as may seem to it necessary or desirable. Reports of the committees and working parties of the Commission provided for in Article VII of the Agreement shall be transmitted to the Director-General of the Organization through the Commission.

## **ARTICLE VII**

### **Committees, Working Parties and Specialists**

1. The Commission may establish temporary, special or standing committees to study and report on matters pertaining to the purposes of the Commission and working parties to study and recommend on specific technical problems.
2. The committees and working parties referred to in paragraph 1 above shall be convened by the Chairman of the Commission at such times and places as are determined by the Chairman in consultation with the Director-General of the Organization, as appropriate.
3. The establishment of committees and working parties referred to in paragraph 1 above and the recruitment or appointment of specialists shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Commission. Before taking any decision involving expenditures in connection with the establishment of committees and working parties and the recruitment or appointment of specialists, the Commission shall have before it a report from the Secretary of the Commission on the administrative and financial implications thereof.

## **ARTICLE VIII**

### **Cooperation with International Organizations**

The Commission shall cooperate closely with other international organizations in matters of mutual interest.

## **ARTICLE IX**



## **Finances**

1. Each Member of the Commission undertakes to contribute annually its share of the autonomous budget in accordance with a scale of contributions to be adopted by the Commission.
2. At each regular session, the Commission shall adopt its autonomous budget by consensus of its Members, provided however that if, after every effort has been made, a consensus cannot be reached in the course of that session, the matter will be put to a vote and the budget shall be adopted by a two-thirds majority of its Members.
3.
  - (a) The amount of the contribution of each Member of the Commission shall be determined in accordance with a scheme which the Commission shall adopt and amend by consensus.
  - (b) The scheme adopted or amended by the Commission shall be set out in the Financial Regulations of the Commission.
4. Any non-Member of the Organization that becomes a Member of the Commission shall be required to make such contribution towards the expenses incurred by the Organization with respect to the activities of the Commission as the Commission may determine.
5. Contributions shall be payable in freely convertible currencies unless otherwise determined by the Commission with the concurrence of the Director-General.
6. The Commission may also accept donations and other forms of assistance from organizations, individuals and other sources for purposes connected with the fulfilment of any of its functions.
7. Contributions and donations and other forms of assistance received shall be placed in a Trust Fund administered by the Director-General in conformity with the Financial Regulations of the Organization.
8. A Member of the Commission which is in arrears in the payment of its financial contributions to the Commission shall have no vote in the Commission if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding calendar years. The Commission may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay was due to conditions beyond the control of the Member but in no case shall it extend the right to vote beyond a further two calendar years.

## **ARTICLE X**

## **Expenses**

1. The expenses of delegates and their alternates, experts and advisers occasioned by attendance at sessions of the Commission and the expenses of representatives sent to committees or working parties established in accordance with Article VII of this Agreement shall be determined and paid by the respective Members.
2. The expenses of the Secretariat, including publications and communications and the expenses incurred by the Chairman and Vice-Chairmen of the Commission, when performing duties on behalf of the Commission between Commission sessions, shall be determined and paid from the budget of the Commission.
3. The expenses of research and development projects undertaken by individual Members of the Commission, whether independently or upon recommendation of the Commission, shall be determined and paid by the Members concerned.
4. The expenses incurred in connection with cooperative research or development projects undertaken in accordance with the provisions of Article III, paragraph 1(e), unless otherwise available shall be determined and paid by the Members in the form and proportion to which they shall mutually agree. Contributions for cooperative projects shall be paid into a trust fund to be established by the Organization and shall be administered by the Organization in accordance with the Financial Regulations and Rules of the Organization.
5. The expenses of experts invited to attend meetings of the Commission, committees or working parties in their individual capacity shall be borne by the budget of the Commission.
6. The Commission may accept voluntary contributions generally or in connection with specific projects or activities of the Commission. Such contributions shall be paid into a trust fund to be established by the Organization. The acceptance of such voluntary contributions and the administration of the trust fund shall be in accordance with the Financial Regulations and Rules of the Organization.

## **ARTICLE XI**

### **Administration**

1. The Secretary of the Commission (hereinafter referred to as the "Secretary") shall be appointed by the Director-General with the approval of the Commission, or in the event of appointment between regular sessions of the Commission, with the approval of the Members of the Commission.
2. The Secretary shall be responsible for implementing the policies and activities of the Commission and shall report thereon to the Commission. The Secretary shall also act as Secretary to other subsidiary bodies established by the Commission, as required.
3. The expenses of the Commission shall be paid out of its autonomous budget except those relating to such staff and facilities as can be made available by the Organization. The expenses to be borne by the Organization shall be determined and paid within the limits of the biennial budget prepared by the Director-General and approved by the Conference of the Organization in accordance with the General Rules and the Financial Regulations of the Organization.
4. Expenses incurred by delegates, their alternates, experts and advisers when attending, as government representatives, sessions of the Commission, its sub-commissions and its committees, as well as the expenses incurred by observers at sessions, shall be borne by the respective governments or organizations. The expenses of experts invited by the Commission to attend, in their individual capacity, meetings of the Commission or its sub-commissions or committees shall be borne by the budget of the Commission.

## **ARTICLE XII**

### **Amendments**

1. The General Fisheries Commission for the Mediterranean may amend this Agreement by a two-thirds majority of all the Members of the Commission. Subject to paragraph 2 below, amendments shall come into force as from the date of their adoption by the Commission.
2. Amendments involving new obligations for Members shall come into force after acceptance by two-thirds of the Members of the Commission and with respect to each Member only on acceptance of it by that Member. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of the Organization who shall inform all the Members of the General Fisheries Commission for the Mediterranean, as well as the Secretary-General of the United Nations, of the receipt of acceptance and the entry into force of such amendments. The rights and obligations of any Member of the General Fisheries Commission for the Mediterranean

that has not accepted an amendment involving additional obligations shall continue to be governed by the provisions of this Agreement as they stood prior to the amendment.

3. Amendments to this Agreement shall be reported to the Council of the Organization which shall have the power to disallow any amendment which it finds to be inconsistent with the objectives and purposes of the Organization or the provisions of the Constitution of the Organization. If the Council of the Organization considers it desirable, it may refer the amendment to the Conference of the Organization which shall have the same power.

## **ARTICLE XIII**

### **Acceptance**

1. This Agreement shall be open to acceptance by Members or Associate Members of the Organization.

2. The Commission may, by a two-thirds majority of its membership, admit to membership such other States that are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency as have submitted an application for membership and a declaration made in a formal instrument that they accept this Agreement as in force at the time of admission.

3. Participation in the activities of the Commission by Members of the Commission which are not Members or Associate Members of the Organization shall be contingent upon the assumption of such proportionate share in the expenses of the Secretariat as may be determined in the light of the relevant provisions of the Financial Regulations of the Organization.

4. Acceptance of this Agreement by any Member or Associate Member of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization and shall take effect on receipt of such instrument by the Director-General.

5. Acceptance of this Agreement by non-members of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization. Membership shall become effective on the date on which the Commission approves the application for membership, in conformity with the provisions of paragraph 2 of this Article.

6. The Director-General of the Organization shall inform all Members of the Commission, all Members of the Organization and the Secretary-General of the United Nations of all acceptances that have become effective.

7. Acceptance of this Agreement may be made subject to reservations which shall become effective only upon unanimous approval by the Members of the Commission. Members of the Commission not having replied within three months from the date of the

notification shall be deemed to have accepted the reservation. Failing such approval, the nation or regional economic integration organization making the reservation shall not become a party to this Agreement. The Director-General of the Organization shall notify forthwith all Members of the Commission of any reservations.

8. References in this Agreement to the United Nations Convention on the Law of the Sea, 1982, or to other international agreements, do not prejudice the position of any State with respect to signature, ratification, or accession to the 1982 United Nations Convention or with respect to other agreements.

## **ARTICLE XIV**

### **Entry into force**

This Agreement shall enter into force as from the date of receipt of the fifth instrument of acceptance.

## **ARTICLE XV**

### **Territorial Application**

The Members of the Commission shall, when accepting this Agreement, state explicitly to which territories their participation shall extend. In the absence of such a declaration, participation shall be deemed to apply to all the territories for the international relations of which the Member is responsible. Subject to the provisions of Article XVI below, the scope of the territorial application may be modified by a subsequent declaration.

## **ARTICLE XVI**

### **Withdrawal**

1. Any Member may withdraw from this Agreement at any time after the expiration of two years from the date upon which the Agreement entered into force with respect to that Member, by giving written notice of such withdrawal to the Director-General of the Organization who shall immediately inform all the Members of the Commission and the Members of the Organization of such withdrawal. Notice of withdrawal shall become effective three months from the date of its receipt by the Director-General.

2. A Member of the Commission may give notice of withdrawal with respect to one or more of the territories for the international relations of which it is responsible. When a Member gives notice of its own withdrawal from the Commission it shall state to which territory or territories the withdrawal is to apply. In the absence of such a declaration, the withdrawal shall be deemed to apply to all the territories for the international relations of which the Member of the Commission is responsible, with the exception of Associate Members.

3. Any Member of the Commission that gives notice of withdrawal from the Organization shall be deemed to have simultaneously withdrawn from the Commission, and this withdrawal shall be deemed to apply to all the territories for the international relations of which the Member concerned is responsible, except that such withdrawal shall not be deemed to apply to an Associate Member.

## **ARTICLE XVII**

### **Interpretation and Settlement of Disputes**

Any dispute regarding the interpretation or application of this Agreement, if not settled by the Commission, shall be referred to a committee composed of one member appointed by each of the parties to the dispute, and in addition an independent chairman chosen by the members of the committee. The recommendations of such a committee, while not binding in character, shall become the basis for renewed consideration by the parties concerned of the matter out of which the disagreement arose. If as the result of this procedure the dispute is not settled, it shall be referred to the International Court of Justice in accordance with the Statute of the Court, or, in the case of a Regional Economic Integration Organization that is a Member of the Commission, it shall be submitted to arbitration unless the parties to the dispute agree to another method of settlement.

## **ARTICLE XVIII**

### **Termination**

This Agreement shall be automatically terminated if and when, as the result of withdrawals, the number of Members of the Commission drops below five, unless the remaining Members unanimously decide otherwise.

## **ARTICLE XIX**

### **Certification and Registration**

The text of this Agreement was originally formulated at Rome on the 24th day of September one thousand nine hundred and forty-nine in the French language. Two copies in the English, French and Spanish languages of this Agreement and of any amendments to this Agreement shall be certified by the Chairman of the Commission and by the Director-General of the Organization. One of these copies shall be deposited in the archives of the Organization. The other copy shall be transmitted to the Secretary-General of the United Nations for registration. In addition, the Director-General shall certify copies of this Agreement and transmit one copy to each Member of the Organization and to such non-member nations of the Organization that are or may become parties to this Agreement.

**RULES OF PROCEDURE****RULE I**

For the purpose of these Rules, the following definitions apply:

**Agreement:** The Agreement for the establishment of the General Fisheries Commission for the Mediterranean formulated at Rome (Italy), 24 September 1949 as amended in conformity with Article XII thereof.

**Commission:** The General Fisheries Commission for the Mediterranean.

**Chairman:** The Chairman of the Commission.

**Vice-Chairman:** The Vice-Chairman of the Commission.

**Delegate:** The representative of a Member as specified in Article II, paragraph 1, of the Agreement.

**Delegation:** The delegate and his alternate, experts, and advisers.

**Member:** Members and Associate Members of the Organization, and non-members of the Organization, as may be Members of the Commission.

**Secretary:** The Secretary of the Commission.

**Organization:** The Food and Agriculture Organization of the United Nations.

**Conference:** The Conference of the Organization.

**Observer Nation, Associate Member, or Organization:** A nation that is not a Member of the Commission or of the Organization, or an international organization invited to attend a session of the Commission, or a Member or Associate Member of the Organization attending a session of the Commission while not a Member of the Commission.

**Observer:** The representative of an observer nation or organization.

**RULE II**

## Sessions of the Commission

1. In pursuance of, and in accordance with, Article II, paragraph 10 of the Agreement, the Commission, in consultation with the Director-General, shall at each regular session decide the time and place for the next session in accordance with the requirements of the Commission's programmes and the terms of the invitation of the country in which the session is to be held. The Chairman, accordingly, shall issue the announcement of the session.

2. The Chairman may convene a special session of the Commission at the request or with the approval of the majority of the Members.
3. Invitations to a regular session of the Commission shall be issued by the Secretary on behalf of the Chairman not less than sixty days in advance of the date fixed for the opening of the session. Invitations to special sessions shall be issued not less than forty days in advance of the date fixed for the opening of the session.
4. In order that a proposal to hold a session of the Commission or any of its organs, in a given country, may be considered, such country must have (a) ratified without reservation the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, or (b) given the assurance that all delegates, representatives, experts, observers, or other persons entitled to attend such 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 function in connection with the session.

### **RULE III** Credentials

At each session, the Secretary shall receive the credentials of delegations and observers. Such credentials shall conform to the standard form set by the Secretariat. Upon examination thereof the Secretariat shall report to the Commission for the necessary action.

### **RULE IV** Agenda

1. The agenda of each regular session shall include:
  - a) as appropriate, election of the Chairman and of two Vice-Chairmen as provided under Article II, paragraph 9 of the Agreement;
  - b) adoption of the agenda;
  - c) a report by the Secretary on the financial affairs and activities of the Commission;
  - d) consideration of the proposed budget;
  - e) reports of committees;
  - f) consideration of the time and place of the next session;
  - g) proposals for amendments to the Agreement and the present Rules of Procedure;
  - h) applications for membership, in accordance with Article XIII, paragraph 2 of the Agreement, from States which, while not Members of the Organization, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency;



i) items referred to the General Fisheries Commission for the Mediterranean by the Conference, the Council or the Director-General of the Organization.

2. The agenda shall also include, upon approval by the Commission:

- a) items approved at the previous session;
- b) items proposed by a Member.

3. The provisional agenda shall be sent by the Secretary to members and observer nations and organizations not less than sixty days before the date of the session, together with reports and documents available in connection therewith.

4. The agenda of a special session shall consist only of items relating to the purpose for which the session was called.

#### **RULE V**

##### The Secretariat

1. The Secretariat shall consist of the Secretary and such staff responsible to him as may be determined by the Director-General.

2. The duties of the Secretary shall include the receipt, collation, and circulation of documents, reports, and resolutions of the sessions of the Commission and its committees, the record of their proceedings, the certification of expenditures and financial commitments, and the performance of such other duties as the Commission may direct.

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

#### **RULE VI**

##### Plenary Meetings of the Commission

Plenary meetings of the Commission shall be held in public unless otherwise decided by the Commission. When the Commission decides to hold a private meeting, it shall at the same time determine the scope of such a decision with respect to observers.

#### **RULE VII**

##### Election of Chairman and Vice-Chairmen

1. The Commission shall elect the Chairman and first and second Vice-chairman 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.

2. Nominees must be delegates or alternates present at the regular session at which they are to be elected. They shall be eligible for re-election for a further two regular sessions.

#### **RULE VIII**

##### Functions of the Chairman and Vice-Chairmen

1. The Chairman shall exercise the functions conferred on him elsewhere in these Rules and, in particular, shall:

- a) declare the opening and closing of each plenary meeting of the Commission;
- b) direct the discussions at such meetings and ensure observance of these Rules, accord the right to speak, put questions and announce decisions;
- c) rule on points of order;
- d) subject to these Rules, have complete control over the proceedings of the session;
- e) appoint such committees of the session as the Commission may direct.

2. In the absence of the Chairman, or at his request, his functions shall be exercised by the first Vice-Chairman or, in the absence of the latter, by the second Vice-Chairman.

3. The Chairman or Vice-Chairmen, when acting as Chairman shall not vote and another member of their delegations shall represent their governments.

4. The Secretary shall temporarily exercise the functions of the Chairman in the event the Chairman and Vice-Chairmen are unable to serve.

#### **RULE IX**

##### **Voting Arrangements and Procedures**

1. Except as provided in paragraph 4 of this Rule, voting in plenary meetings shall be oral or by show of hands, except that a vote by roll call shall be taken if a special majority is required by the Agreement or these Rules, or if a request for a vote by roll call is made by any delegation.

2. A vote by roll call shall be conducted by calling upon delegations in the French alphabetical order.

3. The record of any roll call vote shall show the votes cast by each delegate and any abstention.

4. Voting on matters relating to individuals, except the election of officers of the Commission and its committees, shall be by secret ballot.

5. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to the two candidates obtaining the largest number of votes. If, on the second ballot, the votes are equally divided, the Chairman shall decide between the candidates by drawing lots.

6. If the Commission is equally divided when a vote is taken on a question other than election, a second vote shall be taken at the next meeting of the current session. If the Commission is then again equally divided, the proposal shall be regarded as rejected.

7. Voting arrangements and other related matters not specifically provided for by the Agreement, or by these Rules, shall be governed “mutatis mutandis” by the provisions of the General Rules of the Organization.

**RULE X**  
Committees

1. There shall be established a Committee on Aquaculture which shall be open to all members of the Commission and which shall:

- (a) monitor developments and trends of aquaculture practices in the region;
- (b) monitor the interaction between aquaculture development and the environment;
- (c) oversee and guide work of the four networks created as a result of the activities of MEDRAP II and in particular by monitoring the progress, evaluating the proposed programmes of the various networks, and directing the work of the SIPAM network through the FAO Secretariat;
- (d) seek additional support to complement the contribution of the institutions, which support the established networks, namely, CIHEAM, MAP-PAP/RAC and FAO, and to enhance the work of the four networks;
- (e) carry out other duties related to aquaculture promotion and development that may be referred to it by the Commission.

2. (a) There shall be established a Scientific Advisory Committee which shall provide scientific, social and economic information, data, or advice relating to the work of the Commission.

(b) The Committee shall be open to all members of the Commission. Each Member of the Commission may designate a member of the Committee, and a member may be accompanied by experts.

(c) The Committee may establish working groups to analyze data and to advise the Commission on the state of shared and straddling resources.

(d) The Committee shall provide independent advice on the technical and scientific bases for decisions concerning fisheries conservation and management, including biological, social and economic aspects, and in particular, it shall:

(1) assess information provided by members and relevant fisheries organizations or programmes on catches, fishing effort, and other data relevant to the conservation and management of fisheries;

(2) formulate advice to the Commission on the conservation and management of fisheries;

(3) identify cooperative research programmes and coordinate their implementation;

(4) undertake such other functions or responsibilities as may be conferred on it by the Commission.

(e) Members have an obligation to provide information on catches and other data relevant to the functions of the Committee in such a way as to enable the Committee to fulfil its responsibilities under this paragraph.

4. The Commission may establish such other committees and working parties as it considers desirable.

5. The establishment of committees and working parties under this Rule shall be subject to the provisions of Article VII, paragraph 3 of the Agreement.

6. The procedures of such committees and working parties shall be governed "mutatis mutandis" by the Rules of Procedure of the Commission.

#### **RULE XI**

##### **Budget and Finance**

1. Except as otherwise provided in these Rules, the Financial Regulations of the Organization, as amplified by the Administrative Manual and memoranda and the procedures based thereon, shall apply to the Commission.

2. A proposed budget of the Commission for the next succeeding financial period consisting of proposed expenses of the Secretariat, including publications and communications, the proposed travelling expenses of the Chairman and Vice-Chairmen, when engaged in the work of the Commission between its sessions, and the expense, if any, of the committees, shall after approval by the Commission be submitted to the Director-General for consideration in the preparation of the general budget estimates of the Organization.

3. When adopted by the Conference as part of the general budget of the Organization, the budget of the Commission shall constitute the limits within which funds may be committed for purposes approved by the Conference.

4. All cooperative projects shall be submitted to the Council or the Conference of the Organization prior to implementation.

#### **RULE XII**

##### **Participation by Observers**

1. Participation of international organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Organization, as well as by the rules on relations with international organizations adopted by the Conference or Council of the Organization.

2. Members and Associate Members of the Organization that are not members of the Commission may, upon their request, be represented by an observer at sessions of the Commission and its subsidiary bodies.

3. States that are not Members of the Commission, nor Members or Associate Members of the Organization, but are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon request, and

with the approval of the Council of the Organization and of the General Fisheries Commission for the Mediterranean, attend sessions of the Commission and its subsidiary bodies in an observer capacity, in accordance with the Statement of Principles adopted by the Conference relating to the granting of observer status to nations.

4. Unless the Commission expressly determines otherwise, observers may attend the plenary meetings of the Commission and participate in the discussions at any technical committee sessions which they may be invited to attend. In no case will they be entitled to vote.

### **RULE XIII**

#### **Cooperative Projects**

In the furtherance of cooperative projects provided for in Article III, 1e) of the Agreement, and of studies undertaken outside the region referred to in the Preamble of the Agreement, arrangements may be made with governments that are not members of the Commission. All such arrangements shall be made by the Director-General of the Organization.

### **RULE XIV**

#### **Records, Reports and Recommendations**

1. Summary records shall be made of each plenary meeting of the Commission and each committee meeting, and shall be distributed as soon as possible to the participants.

2. A summary shall be prepared of the proceedings of each session of the Commission and shall be published together with such reports of committees, technical papers and other documents as the Commission may consider advisable.

3. At each session the Commission shall approve a report embodying its views, recommendations, resolutions and decisions, including, when requested a statement of minority views.

4. Subject to the provisions of Article V of the Agreement, the conclusions and recommendations of the Commission shall be transmitted to the Director General of the Organization at the close of each session, who shall circulate them to Members of the Commission, nations and international organizations that were represented at the session and make them available to other Members and Associate Members of the Organization for their information.

5. Recommendations having policy, programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference through the Council of the Organization for action.

6. Subject to the provisions of the preceding paragraph, the Chairman may request Members of the Commission to supply the Commission or the Director-General with information on action taken on the basis of recommendations made by the Commission.

### **RULE XV**

### Recommendations to Members

1. The Commission may take recommendations for action by Members on any matter pertaining to the functions described in Article III of the Agreement.
2. The Secretary shall receive on behalf of the Commission the replies of the Members in respect of such recommendations and shall prepare a summary and an analysis of such communications for presentation at the next session.

### **RULE XVI**

#### Amendments to the Agreement

1. Proposals for the amendment of the Agreement as provided by Article XII of the Agreement may be made by any Member in a communication addressed to the Secretary. The Secretary shall transmit to all Members 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 XVII**

#### Suspension and Amendment of Rules

1. Subject to the provisions of the Agreement any of the foregoing Rules, other than Rules IV, V, X, paragraphs 5 and 6, XI, XII, XIV, paragraph 4, and XVI, may be suspended on the motion of any delegation by a majority of the votes cast at any plenary meeting of the Commission, provided that announcement is made at a plenary meeting of the Commission and copies of the proposal for suspension have been distributed to the delegations not less than forty-eight hours before the meeting at which action is to be taken.
2. Amendments of, or addition to, these Rules may be adopted on the motion of any delegation by a two-thirds majority of the Members of the Commission, at any plenary meeting of the Commission, provided an announcement is made at a plenary meeting and copies of the proposal for the amendment or addition have been distributed to delegations not less than twenty-four hours before the meeting at which action is to be taken.
3. Any amendment to Rule XVI 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.

### **RULE XVIII**

#### Official Languages

1. The official languages of the Commission shall be such languages of the Organization as the Commission itself may decide. The delegations may use any one of these languages at sessions and for their reports and communications. A delegation

using a non-official language shall provide for interpretation into one of the official languages.

2. During the meetings, interpretation in one or more of the official languages will be provided by the Secretariat when requested by one of the delegates present.

3. Publications of reports and communications shall be in the language in which they are submitted and, when required by the Commission, abstracts in translation may be published.



## FINANCIAL REGULATIONS

### Regulation I - Applicability

1. These Regulations shall govern the financial administration of the General Fisheries Commission for the Mediterranean, hereinafter referred to as the Commission, in respect of all activities financed by the autonomous budget referred to in Article IX, paragraphs 1 and 2 of the Agreement for the Establishment of the General Fisheries Commission for the Mediterranean, hereinafter referred to as the Agreement.
2. The Financial Regulations and procedures of FAO shall apply to the activities of the Commission for all matters not covered by these Regulations, with particular reference to those provided for and financed by the budget of FAO.

### Regulation II - The financial period

The financial period shall be one calendar year.

### Regulation III - The autonomous budget

1. The estimates for the autonomous budget shall be prepared by the Secretary of the Commission and shall be circulated to the Members of the Commission not less than 60 days before each regular session.
2. The estimates of the autonomous budget shall cover income and expenditures for the financial period to which they relate and shall be presented in United States dollars.
3. The estimates for the autonomous budget shall be presented on a chapter basis, and divided into sub-chapters as appropriate. They shall reflect the programme for the financial period and shall include such other information, annexes or explanatory statements as may be requested by the Commission.
4. The autonomous budget shall comprise:
  - (a) The autonomous budget referred to in paragraph 5 of this Regulation relating to the regular contributions of Members of the Commission payable under Article IX, paragraph 1 of the Agreement and expenditures chargeable to the budget of the Commission under Article XI, paragraphs 3 and 4. The budget may reflect in an appropriate manner expenditures borne by FAO under Article XI, paragraph 3 of the Agreement.
  - (b) The special budgets relating to funds made available during the financial period from donations and other forms of assistance received from organizations, individuals and other sources under Article IX, paragraph 6 of the Agreement.
5. The autonomous budget for the financial period shall consist of provisions for:
  - administrative expenditures, including an amount to cover the Organization's costs, **as established by the Director, Office of the Budget, in accordance with the policy for support cost reimbursement endorsed by the Council of FAO;**

- expenditure for activities of the Commission. Estimates under this chapter may be presented in a single total only, but detailed estimates for each particular activity will be prepared and approved as "supplementary details" of the budget;

- contingencies.

6. The autonomous budget shall be adopted by the Commission with such amendments as the Commission may decide.

7. Special budgets may be adopted by the Commission in exceptional circumstances, as appropriate.

8. The autonomous budget of the Commission shall be submitted to the Finance Committee of the Organization for its information.

#### **Regulation IV - Appropriations**

1. After the autonomous budget has been adopted, the appropriations therein shall constitute the authorization for the Secretary to incur obligations and make payments for the purposes for which the appropriations were adopted and up to the amounts so adopted.

2. In cases of emergency, the Secretary is authorized to accept additional contributions from a Member or Members of the Commission or grants from other sources and incur expenditures against them for emergency actions for which such contributions or grants were specifically provided. Such contributions or grants and expenditures related thereto will be reported in detail to the next session of the Commission.

3. Any unliquidated prior year obligation shall be cancelled or, where an obligation remains a valid charge, transferred against current appropriations.

4. Transfers between chapters may be effected by the Commission on the recommendation of the Secretary.

#### **Regulation V - Provision of funds**

1. The appropriations of the autonomous budget shall be financed by contributions from Members of the Commission determined and payable in accordance with Article IX, paragraphs 1, 3 and 4 of the Agreement. Pending receipt of annual contributions, the Secretary is authorized to finance budgeted expenditures from the uncommitted balance of the autonomous budget.

2. Before the beginning of each calendar year the Secretary shall inform the Members of the Commission of their obligations in respect of annual contributions to the autonomous budget.

3. Contributions shall be due and payable in full within 30 days of the receipt of the communication of the Secretary referred to in Regulation V.2 above, or as of the first

day of the calendar year to which they relate, whichever is later. As of 1 January of the following calendar year, the unpaid balance of such contributions shall be considered to be one year in arrears.

4. The annual contributions to the autonomous budget shall be assessed in United States dollars and shall be calculated in accordance with the scheme annexed to these Regulations and forming an integral part thereof. The contributions shall be paid in United States dollars or Euros, on the basis of the exchange rate prevailing at the time of assessment of the annual contributions, as approved by the Commission. Should a Member pay its contribution in a currency other than the United States dollar or Euro, it will be the responsibility of that Member to ensure the free convertibility of that currency into United States dollars or Euros. The exchange rate applicable to any payment in a currency other than the United States dollars or Euros shall be the market rate of the United States dollar to the currency of payment on the first business day in January of the calendar year in which the contribution is due, or the rate in effect in the day the payment is made, whichever is higher.

5. Any new Member of the Commission shall pay a contribution to the autonomous budget in accordance with the provisions of Article IX, paragraph 3 of the Agreement for the financial period in which the membership becomes effective, such contribution beginning with the quarter in which the membership is acquired.

#### **Regulation VI - Funds**

1. All contributions, donations and other forms of assistance received shall be placed in a Trust Fund administered by the Director-General in conformity with the Financial Regulations of FAO.

2. With respect to the Trust Fund referred to in Regulation VI.1, the Organization shall maintain accounts:

2.1. A general account to which shall be credited receipts of all contributions paid under Article IX, paragraph 1 of the Agreement and from which shall be met all expenditures chargeable against the sums allocated to the autonomous budget.

2.2. Such additional accounts as may be necessary to which shall be credited the additional contributions under Regulations IV.2 and from which shall be met all expenditures related thereto.

#### **Regulation VII - Amendment**

These Regulations may be amended by the Commission, by a two-thirds majority of the Members of the Commission, in accordance with Article II, paragraph 13 of the Agreement.

## SCHEME FOR THE CALCULATION OF CONTRIBUTIONS

The modalities for determining the scale of contribution are calculated in accordance with the following formula.

**Factors for calculation which should be applicable to the GFCM autonomous budget once the amended Agreement entered into force:**

*membership*: a fixed proportion of the budget; equally shared amongst members

*wealth component*: the wealth of the Member; and,

*catch component*: the total capture fishery and (marine) aquaculture production of the Member.

**Weight to be given to each factor (as percentage of total autonomous budget):**

*Membership*: 10 percent

*Wealth component*: 35 percent

*Catch component*: 55 percent

**Measurement of the factors:**

*Membership*: all Members

*Wealth component*: according to per caput GDP (measured in US \$ as published by the World Bank); members falling into four categories: below US\$ 1 000; between US\$ 1 000 and US\$ 9 999; between US\$ 10 000 and US\$ 29 999 and US\$ 30 000 and above. The first category is exempt from the wealth component. The second pays one share; the third pays 10 shares, and the fourth category pays 20 shares. Exceptions are made for countries with a total GDP below US\$ 5 thousand million (1997) to which a GDP category one step below is applied. Some countries are brought down to the first category and, as a result, are exempt from the wealth component (as long as their annual GDP remains below US\$ 5 thousand million).

*Catch component*: The catch/production figures to be used are those published by FAO in STATLANT 37A DATABASE. A three-year average is calculated using the period ending two years prior to that for which the budget will apply. Due to different values of small pelagic and other species, the "GFCM catch" for the purpose of determining the scale of contribution is calculated by applying a factor of 4 to all fish produced by Members in the Mediterranean and in the Black Sea and its adjacent waters, except for small pelagics.