



International Oil Pollution
Compensation Funds

Agenda item 1	IOPC/NOV25/1/5	
Date	3 October 2025	
Original	English	
1992 Fund Assembly	92A30	●
1992 Fund Executive Committee	92EC85	●
Supplementary Fund Assembly	SA22	●

AMENDMENTS TO RULES OF PROCEDURE

Note by the Secretariat

Summary:

The individual rules and regulations of the IOPC Funds' Rules of Procedure and Internal and Financial Regulations have been amended by the governing bodies as required over the years. However, they have never been the subject of an overall review which considers, compares and harmonises terminology across all texts.

Following the amendments to the Rules of Procedure to incorporate rules relating to hybrid meetings, the Secretariat recognised that inconsistencies and outdated terminology had become present in many areas and across all versions in English, French and Spanish, and it decided to undertake a full and thorough review of the set of Rules for each governing body. As a result of the review, the Secretariat proposes a number of amendments to the Rules, including those relating to the introduction of gender-neutral language, as set out in Annexes I, II and III.

Action to be taken:

1992 Fund Assembly

- (a) Note the information contained in this document;
- (b) Decide whether to amend the Rules of Procedure of the 1992 Fund Assembly as proposed in Annex I; and
- (c) Decide whether to amend the Rules of Procedure of the 1992 Fund Executive Committee as proposed in Annex II.

1992 Fund Executive Committee

- (a) Note the information contained in this document; and
- (b) Note the decision of the 1992 Fund Assembly in respect of the Rules of Procedure of the 1992 Fund Executive Committee.

Supplementary Fund Assembly

- (a) Note the information contained in this document; and
- (b) Decide whether to amend the Rules of Procedure of the Supplementary Fund Assembly as proposed in Annex III.

1 Introduction

- 1.1 The Rules of Procedure of each governing body may be amended by a decision of the relevant Assembly taken by a majority of the Members present and voting (see Rule 55 of the 1992 Fund Assembly's Rules, Rule 54 of the Supplementary Fund Assembly's Rules and Rule 51 of the 1992 Fund Executive Committee's Rules of Procedure).
- 1.2 Established practice is that any substantive amendments to the text of the rules are presented to the governing bodies in a document in advance of their sessions with any proposed specific amendments highlighted for consideration and approval. In recent years, when amendments have been required to individual rules or regulations for a particular reason, the opportunity has been taken to also review the terminology used within the text under consideration to ensure that the terms remain in common use, taking particular care to introduce gender-neutral language where applicable. However, none of the Rules or Regulations have ever been the subject of an overall review which considers, compares and harmonises terminology across all texts.
- 1.3 As a result of the Rules and Regulations being amended and added to individually over many years, inconsistencies and outdated terminology are present in many places and across all versions in English, French and Spanish. These inconsistencies became more apparent during the recent review of the Rules of Procedure relating to the introduction of hybrid meetings. This has prompted the Secretariat to undertake a full and thorough review of the Rules of Procedure of each governing body. As part of the same wider project, it has also undertaken a review of the Internal and Financial Regulations of both the 1992 Fund and the Supplementary Fund (see document IOPC/NOV25/6/2).
- 1.4 The following considerations were taken into account by the Secretariat during the review:
- Is the terminology consistent with that used in the text of the 1992 Civil Liability and Fund Conventions or Supplementary Fund Protocol?
 - Is the terminology consistent throughout the set of Rules of Procedure?
 - Is the terminology consistent across all three sets of Rules of Procedure and across the Internal and Financial Regulations of the 1992 Fund and Supplementary Fund?
 - Are the terms used outdated or are they still in common use today?
 - Has gender neutral language been used?
 - Are the style, tone and meaning of the terms used consistent across the three official languages?
- 1.5 Taking the above into account the Secretariat has made a number of proposals for amendments to the Rules of Procedure of the 1992 Fund Assembly, the Supplementary Fund Assembly and the 1992 Fund Executive Committee. The goal is to make sure the Rules are clear, consistent and in line with current terminology. When making proposals, the Secretariat has made every effort to ensure the meaning or substance of the text remains unchanged.

2 Gender-neutral language

- 2.1 As encouraged by the governing bodies previously, the Secretariat uses gender-neutral language in all its communications and public materials and has made efforts when the opportunity has arisen to amend any previously adopted text to bring it in line with current terminology, promoting gender-inclusive and non-discriminatory language. For example, the Claims Manual was reviewed in 2013 to ensure that the language used was consistent with other texts produced by the IOPC Funds and that the terms employed remained in common use at that time. This included the introduction of gender-neutral language. Similar amendments were subsequently made to the various publications of sector-specific guidelines for presenting claims.

- 2.2 The amendments to the English text of the Rules of Procedure relating to gender-neutral language are fairly straightforward. For example, the use of 'his' or 'he' have been replaced by repeating the noun, as appropriate, and the surrounding text remains largely unaffected. However, the introduction of gender-neutral language in French and Spanish is more complex and has sometimes required some further rewording and in some places re-ordering of sentences. The French and Spanish Associate Editors have consulted with colleagues in the IMO Secretariat and with the IOPC Funds' team of interpreters to gain insight into their practices with regards to certain frequently used maritime or conference terms and have taken this into account when making their proposals. They have also made every effort to ensure that they have not altered the meaning or substance of the adopted text.

3 Revision/harmonisation of a number of frequently used terms

The below table sets out some examples of terms which have either appeared inconsistently through the Rules of Procedure or which are considered to no longer be in common use and require replacing. It also provides the proposed replacement term. This table will contain different examples in each language version of this document.

Example	Explanation
Consistency/clarity across all sets of Rules of Procedure and across languages	
Rule 11 of the Rules of Procedure of the 1992 Fund Assembly	
Any representative to whose admission a Member State has made objection shall be seated provisionally with the same rights as other representatives until the Credentials Committee has reported and the Assembly has given its decision.	In order to ensure clarity in terms of the type of Members being referred to (e.g. of the 1992 Fund, of one of the governing bodies, of the credentials committee, etc.) and to maintain consistency across languages, Members has been changed to Member States.
Outdated terms	
Rule 3 of the Rules of Procedure of the 1992 Fund Assembly	
...approval in writing (including by telefax or electronic-mail) to the Director...	Telefax is no longer widely in use as a communication method, and the term 'electronic mail' is now more commonly known as 'email'.
Gender neutral language	
Rule 42 of the Rules of Procedure of the 1992 Fund Assembly	
In addition to exercising the powers conferred upon him or her the Chair elsewhere by these Rules, the Chair shall declare the opening and the closing of the session of the Assembly...	Gender-neutral language is used to promote inclusivity and gender equality. In order to simplify the use of gender-neutral language and to ensure consistency across English, French and Spanish, 'him or her' has been replaced by repeating the noun.

Error	
Rule 55 of the Rules of Procedure of the 1992 Fund Assembly	
<i>Amendments of to Rules of Procedure</i>	In the heading of Rule 55, the preposition has been corrected.

4 **Director's considerations**

- 4.1 The Director considers that the Rules and Regulations of the IOPC Funds should be clear, consistent and brought in line with current terminology. He is therefore pleased to present the results of this review to the governing bodies.
- 4.2 Every effort has been made to limit amendments to those that are deemed to be necessary and to avoid any changes that could impact the substantive meaning of the text. However, should any delegation have any concerns regarding any of the proposed amendments, the Director encourages them to please contact the Secretariat via conference@iopcfunds.org in advance of the November 2025 meeting, preferably no later than 22 October 2025. This will allow the Secretariat time to work with the delegation to agree an alternative text prior to the sessions, avoiding any drafting exercise during the meeting as far as possible.

5 **Action to be taken**

5.1 1992 Fund Assembly

The 1992 Fund Assembly is invited to:

- (a) Note the information contained in this document;
- (b) Decide whether to amend the Rules of Procedure of the 1992 Fund Assembly as proposed in Annex I; and
- (c) Decide whether to amend the Rules of Procedure of the 1992 Fund Executive Committee as proposed in Annex II

5.2 1992 Fund Executive Committee

The 1992 Fund Executive Committee is invited to:

- (a) Note the information contained in this document; and
- (b) Note the decision of the 1992 Fund Assembly in respect of the Rules of Procedure of the 1992 Fund Executive Committee.

5.3 Supplementary Fund Assembly

The Supplementary Fund Assembly is invited to

- (c) Note the information contained in this document; and
- (d) Decide whether to amend the Rules of Procedure of the Supplementary Fund Assembly as proposed in Annex III.

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ANNEX I

RULES OF PROCEDURE FOR THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND ESTABLISHED UNDER THE 1992 FUND CONVENTION

(Proposed deletions are indicated by strikethrough of the text. New text is indicated in bold.)

Definitions

Rule 1

For the purpose of these Rules:

- (a) “1992 Fund Convention” means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992;
- (b) “Member **State**” means a State for which the 1992 Fund Convention is in force;
- (c) “1992 Fund” means the International Oil Pollution Compensation Fund established under the 1992 Fund Convention;
- (d) “Supplementary Fund” means the International Oil Pollution Compensation Supplementary Fund established under the Protocol of 2003 to the 1992 Fund Convention.

Sessions

Rule 2

Sessions of the Assembly shall be held in conformity with Article 19 of the 1992 Fund Convention. The Director shall inform Member **States** of the opening date of each regular session at least sixty days in advance and of each extraordinary session at least thirty days in advance.

Rule 3

The Assembly shall hold its sessions in person in London (United Kingdom), supported by hybrid meeting capabilities, unless it decides otherwise on any particular occasion. If, between sessions, the Director, with the Chair’s approval, or any Member **State** proposes that the next session be held elsewhere, an affirmative decision to that effect may be taken by a majority of Member **States** giving their approval in writing (including by ~~telefax or electronic~~ mail) to the Director. Such majority approval should be communicated to Member **States** at least forty-five days before the commencement of that session.

Rule 4

The Director with the approval of the Chair shall invite:

- (a) States which have signed the 1992 Fund Convention or which have deposited the appropriate instrument in respect of that Convention, but for which that Convention is not yet in force;
- (b) States which have notified the 1992 Fund that they are considering accession to the 1992 Fund Convention; and
- (c) States which were Members of the 1971 Fund but are not Members of the 1992 Fund

to send observers to sessions of the Assembly.

Rule 5

The Director shall invite the following **organisations** to be represented as observers at any session of the Assembly:

- (a) the Supplementary Fund;
- (b) the United Nations;
- (c) the International Maritime Organization
- (d) any other specialized agency of the United Nations whose interests and those of the 1992 Fund are of common concern;
- (e) any other intergovernmental organisation and any international non-governmental organisation which the Assembly has decided to admit to its meetings in accordance with Article 18.10 of the 1992 Fund Convention.

Rule 6

Observers may, with the consent of the Assembly, participate without vote in the deliberations of the Assembly in matters of direct concern to them. They shall have access to non-confidential documents and to such other documents as the Director, with the approval of the Chair, may decide.

Rule 7

The Assembly may invite a representative of any other body or any individual to participate without voting in the discussion of any subject in which such a person may have a special interest or expertise.

Delegations

Rule 8

Each Member **State** shall designate a representative, and may also designate alternates and such advisers and experts as may be required.

Upon designation by a representative, the Chair may allow any other member of the representative's delegation to speak on any particular point at ~~any meeting~~ **the session** of the Assembly.

Credentials

Rule 9

Each Member **State** shall transmit to the Director the credentials of its representative, together with the names of any alternates or other members of its delegation not later than five working days prior to the opening of the Assembly session. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place or by an appropriate authority as determined by the ~~G~~government and communicated to the Director. Where the credentials are issued by an appropriate authority as determined by the ~~G~~government, a letter authorising the authority to issue credentials shall be provided to the Director, not later than five working days prior to the opening of the Assembly session. The letter shall be signed by the Head of State, the Head of Government, or by the Minister of Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place.

Rule 10

A Credentials Committee shall be appointed at the beginning of each session of the Assembly. It shall consist of five members who shall be appointed by the Assembly on the proposal of the Chair. The Credentials Committee shall examine the credentials of delegations of Member States and report without delay.

Rule 11

Any representative to whose admission a ~~m~~Member **State** has made objection shall be seated provisionally with the same rights as other representatives until the Credentials Committee has reported and the Assembly has given its decision.

Access to meetings by the public

Rule 12

~~Sessions~~ **Meetings** of the Assembly shall be held in public unless the Assembly decides otherwise. The Assembly may decide that a particular ~~meeting session~~ or part of a ~~meeting session~~ shall be held in private. If a ~~meeting session~~ or part of a ~~meeting session~~ is held in private, any decisions taken shall be reflected in the Record of Decisions. Even if a meeting of the Assembly is held in public, the Assembly may exclude at any time from attendance groups or individuals who interrupt or disturb the meeting or if the Assembly considers there is a risk that they may do so.

Meetings of subsidiary bodies of the Assembly other than the Administrative Council and the Executive Committee shall be held in private unless the Assembly decides otherwise in any particular case.

Agenda

Rule 13

The provisional agenda of each session of the Assembly shall be prepared by the Director and submitted to the Chair for approval prior to issue.

Rule 14

The provisional agenda of each regular session of the Assembly shall include in addition to those items required by the application of Article 18 of the 1992 Fund Convention:

- (a) all items, the inclusion of which has been requested by the Assembly at a previous session;
- (b) all items, the inclusion of which has been requested by a subsidiary body established by the Assembly;
- (c) any item proposed by a Member **State** of the 1992 Fund;
- (d) any item on matters pertaining to the budget, accounts and financial arrangements of the 1992 Fund;
- (e) subject to such preliminary consultations as may be necessary, any item proposed by any of the specialised agencies of the United Nations;
- (f) any items, the inclusion of which has been requested by the Assembly of the Supplementary Fund.

Rule 15

The first item on the provisional agenda for each session shall be the adoption of the agenda.

Rule 16

Any item of the agenda of a session of the Assembly, consideration of which has not been completed at that session, shall be included in the agenda of the next session unless otherwise decided by the Assembly.

Rule 17

The provisional agenda together with supporting documents for each session shall normally be communicated by the Director to the Member **States** at least forty-five days before regular sessions and thirty days before extraordinary sessions.

Rule 18

The Director may, with the approval of the Chair, include any other ~~questions~~ **matters** which may arise between the despatch of the provisional agenda and the opening day of the session, in a supplementary provisional agenda which will be communicated to Member **States** promptly.

Rule 19

The Director shall report to the Assembly on any administrative, financial and legal implications of all substantive agenda items submitted to the Assembly. Unless the Assembly decides otherwise, no such item shall be considered until the Assembly has been in possession of the Director's report for at least forty-eight hours.

Chair and Vice-Chairs

Rule 20

The Assembly shall at the ~~first meeting~~ **opening** of each regular session elect a Chair, a first Vice-Chair and a second Vice-Chair from among the representatives of its Member **States**.

Rule 21

At the opening of each regular session of the Assembly, the Director shall chair until the Assembly has elected a Chair for the session.

Rule 22

The Chair and the Vice-Chairs of the Assembly shall be present, in person, during the sessions of the Assembly, unless exceptional circumstances arise. If the Chair is absent from a session, or any part thereof or, for any reason, is unable to carry out his or her duties, one of the Vice-Chairs shall act as Chair.

Rule 23

A Chair or a Vice-Chair acting as Chair shall not vote but may appoint another member of his or her delegation to act as the representative of his or her ~~G~~government.

Subsidiary ~~B~~bodies

Rule 24

The Assembly may establish, in accordance with Article 18.9 of the 1992 Fund Convention, such temporary or permanent subsidiary bodies as it considers necessary. Such subsidiary bodies shall follow the present Rules of Procedure so far as they are applicable, unless the Assembly decides otherwise.

Secretariat

Rule 25

The Director shall act as Secretary of the Assembly and of its subsidiary bodies and shall be responsible for making the necessary arrangements for their meetings. The Director may delegate ~~his or her~~ the functions **of the Director** to another member of the Secretariat.

Rule 26

The Director or another member of the Secretariat designated by ~~him or her~~ **the Director** for the purpose may make either oral or written statements concerning any ~~question~~ **matter** under consideration.

Rule 27

The Secretariat shall prepare a Record of Decisions of each session of the Assembly.

Rule 28

It shall be the duty of the Secretariat to receive, translate and circulate to Member **States** all reports and other documents of the Assembly and its subsidiary bodies. Non-confidential documents shall also be circulated to observers.

Languages

Rule 29

The official and working languages of the 1992 Fund are English, French and Spanish.

Rule 30

~~Speeches~~ **Interventions** at **sessions of** the Assembly and its subsidiary bodies shall be made in one of the official languages and will be interpreted into the other official languages. Another language may be used if the speaker provides interpretation into one of the official languages.

Rule 31

All reports of the Assembly and its subsidiary bodies and all supporting documents to agenda items of the Assembly and its subsidiary bodies shall be issued in the official languages.

Voting

Rule 32

Subject to Article 33 of the 1992 Fund Convention, decisions of the Assembly and of its subsidiary bodies shall be made, elections shall be determined, and reports, resolutions and recommendations shall be adopted, by a majority of the Member **States** present and voting.

Rule 33

Each Member **State** shall have one vote. For the purposes of these Rules and in accordance with Article 32 of the 1992 Fund Convention:

- (a) the phrase ““Member **States** present”” means Member **States** present at the meeting at the time of the vote;
- (b) the phrase ““Member **States** present and voting”” means Member **States** present and casting an affirmative or negative vote. Member **States** who abstain from voting or who cast an invalid vote shall be considered as not voting;
- (c) for the purpose of Rule 33 (a) and Rule 33 (b), Member **States** are considered present whether they are participating in person or remotely through the hybrid system. Member **States** in the session who are not present at the time the voting takes place shall be considered as not present.

Rule 34

The Assembly shall normally vote by show of hands. However, any Member **State** may request a roll-call which shall be taken in the alphabetical order of the names of the Member **States** in English, beginning with the Member **State** whose name is drawn by lot by the Chair.

Rule 35

The vote of each Member **State** participating in any roll-call shall be inserted in the Record of Decisions of the session.

Rule 36

If a vote is equally divided, a second vote shall be taken at the next meeting. If this vote also is equally divided, the proposal shall be regarded as rejected.

Rule 37

Elections shall be decided by secret ballot, held in person, unless the Assembly decides otherwise.

Rule 38

In a secret ballot two scrutineers shall, on the proposal of the Chair, be appointed by the Assembly from the Member **States** present in person and shall proceed to scrutinize the votes cast. All invalid votes cast shall be reported to the Assembly.

Rule 39

If one person or Member **State** only is to be elected and no candidate obtains a majority in the first ballot, a second ballot shall be taken confined normally to the two candidates obtaining the largest number of votes save where the Assembly decides otherwise. If in the second ballot the votes are equally divided, the election shall be deferred until the next meeting, when, if another tie results, the Chair shall decide between the candidates by drawing lots.

Rule 40

- (a) When two or more places are to be filled by election at one time under the same conditions, those candidates obtaining the majority required under Rule 32 in the first ballot shall be declared elected.
- (b) If the number of candidates obtaining the requisite majority is greater than the number of seats to be filled, those candidates obtaining the greatest number of votes shall be declared elected.
- (c) If the number of candidates obtaining the requisite majority is less than the number of persons or Member **States** to be elected, there shall be an additional ballot or ballots, as necessary, to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot and the number of candidates being not more than twice as many as the places remaining to be filled. Should the same number of votes be obtained, however, by two or more candidates for the last place in this restricted list, they shall all be placed on the list.
- (d) If two or more candidates obtain the same number of votes for the last seat or seats to be filled, there shall be a further ballot among these candidates only. Should the votes again be divided equally, the Chair shall draw by lot the name of the candidate to be eliminated in the subsequent ballot.
- (e) A voting paper containing the names of a greater number of candidates than the number required to be elected shall be considered invalid.

Conduct of ~~B~~business

Rule 41

A majority of the Member **States** shall constitute a quorum for the ~~meetings~~ **sessions** of the Assembly. Member **States** participating either in person or remotely through the hybrid system shall be counted in determining quorum.

Rule 42

In addition to exercising the powers conferred upon ~~him or her~~ **the Chair** elsewhere by these Rules, the Chair shall declare the opening and the closing of the session of the Assembly and, subject to the Assembly's wishes, ~~he or she~~ **the Chair** shall determine the hours of meetings and may adjourn meetings. The Chair shall direct the discussion and ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions resulting from the voting.

Rule 42bis

During the discussions of any matter, a representative of a Member State or observer delegation who would like their entire statement to be inserted in the Record of Decisions of the session should say so at the moment that they make their statement. In such cases, a written copy of the statement should be ~~passed~~ **provided** to a member of the Secretariat immediately after it is made. Otherwise, it will be understood that a summary, drafted by the Secretariat, reflecting the key points and sense of the intervention will be acceptable in the Record of Decisions of the session.

Rule 43

Proposals and amendments shall normally be introduced in writing and ~~handed~~ **submitted** to the Director who shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any ~~meeting~~ **session** of the Assembly unless copies of it have been circulated to delegations not later than the day preceding the meeting. The Chair may, however, permit the discussion and consideration of amendments or of motions ~~as in relation~~ to procedure even though these amendments and motions have not been circulated or have been circulated only the same day.

Rule 44

The Assembly may on the proposal of the Chair limit the time to be allowed to each speaker on any particular subject under discussion.

Rule 45

During the discussions of any matter a representative of a Member **State** may rise to a point of order and the point of order shall be decided immediately by the Chair, in accordance with these Rules of Procedure. A representative of a Member **State** may appeal against the ruling of the Chair. The appeal shall be put to the vote immediately and the Chair's ruling shall stand unless overruled by a majority of the Member **States** present and voting.

A representative rising to a point of order may not speak on the substance of the matter under discussion.

Rule 46

Subject to the provisions of Rule 43 the following motions shall have precedence, in the order indicated below, over all other proposals or motions **put** before the ~~meeting~~ **Assembly**:

- (a) to suspend a ~~meeting~~ **session**;
- (b) to adjourn a ~~meeting~~ **session**;
- (c) to adjourn the debate on the question under discussion; and
- (d) to close the debate on the question under discussion.

Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and in addition to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Rule 47

If two or more proposals relate to the same question, the Assembly, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.

Rule 48

Parts of a proposal or amendment thereto shall be voted on separately if the Chair, with the consent of the proposer, so decides, or if any representative of a Member **State** requests that the proposal or amendment thereto be divided and the proposer raises no objection. If objection is raised, permission to speak on the point shall be given first to the mover of the motion to divide the proposal or amendment, and then to the mover of the original proposal or amendment under discussion, after which the motion to divide the proposal or amendment shall be put immediately to the vote.

Rule 49

Those parts of a proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of the proposal or amendment have been rejected, the proposal or amendment shall be considered to be rejected as a whole.

Rule 50

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 51

If two or more amendments are moved to a proposal, the Assembly shall first vote on the amendment furthest removed therefrom and so on until all amendments have been put to the vote. The Chair shall determine the order of voting on the amendments under this Rule.

Rule 52

A motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion withdrawn may be reintroduced by any Member **State**.

Rule 53

When a proposal has been adopted or rejected, it may not be reconsidered at the same session of the Assembly unless the Assembly, by a majority of the Member **States** present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

Appointment of Director

Rule 54

For the appointment of the Director, the Assembly shall vote by secret ballot in a private ~~meeting~~ **session**^{<1>}.

^{<1>} See 1992 Fund Resolution N°9 on the Appointment of the IOPC Funds' Director – Term of service (as amended by the 1992 Fund Assembly at its 21st session held from 17–20 October 2016).

Amendments ~~of~~ to Rules of Procedure

Rule 55

These Rules of Procedure may be amended by a decision of the Assembly taken by a majority of the Member **States** present and voting.

Overriding ~~A~~authority of the 1992 Fund Convention

Rule 56

In the event of any conflict between any provision of these Rules and any provision of the 1992 Fund Convention, that Convention shall prevail.

* * *

ANNEX II

RULES OF PROCEDURE FOR THE EXECUTIVE COMMITTEE OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND ESTABLISHED UNDER THE 1992 FUND CONVENTION

(Proposed deletions are indicated by strikethrough of the text. New text is indicated in bold.)

Definitions

Rule 1

For the purpose of these Rules:

- (a) ““1992 Fund Convention”” means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992;
- (b) ““Member **State**”” means a State for which the 1992 Fund Convention is in force;
- (c) ““1992 Fund”” means the International Oil Pollution Compensation Fund established under the 1992 Fund Convention;
- (d) ““Supplementary Fund”” means the International Oil Pollution Compensation Supplementary Fund established under the Protocol of 2003 to the 1992 Fund Convention.

Sessions

Rule 2

The Executive Committee shall meet at least once every calendar year at thirty days’ notice upon convocation by the Director, either on his or her own initiative or at the request of its Chair or of at least one-third of its members. It shall meet at such places as may be convenient.

Rule 3

The Executive Committee shall hold its sessions in person in London (United Kingdom), supported by hybrid meeting capabilities, unless it decides otherwise on any particular occasion. If, between sessions, the Director, with the Chair’s approval, or any Member **State** proposes that the next session be held elsewhere, an affirmative decision to that effect may be taken by a majority of Member **States** giving their approval in writing (including by ~~telefax or electronic~~ mail) to the Director. Such majority approval should be communicated to Member **States** at least forty-five days before the commencement of that session.

Rule 4

The Director shall invite Member **States** of the 1992 Fund who are not Executive Committee members to attend meetings of the Executive Committee as observers.

The Director with the approval of the Chair shall normally invite those States and organisations which would be invited to attend sessions of the Assembly. However, the Director shall have the discretion, after consultation with the Chair, not to invite all or any of these States and organisations to be represented at meetings of the Executive Committee which are to be held in private.

Rule 5

Observers may, with the consent of the Executive Committee, participate without vote in the deliberations of the Executive Committee in matters of direct concern to them. They shall have access to non-confidential documents and to such other documents as the Director, with the approval of the Chair, may decide.

Rule 6

The Executive Committee may invite a representative of any other body or any individual to participate without voting in the discussion of any subject in which such a person may have a special interest or expertise.

Delegations

Rule 7

Each Member **State** shall designate a representative, and may also designate alternates and such advisers and experts as may be required.

Upon designation by a representative, the Chair may allow any other member of the representative's delegation to speak on any particular point at ~~any meeting~~ **the session** of the Executive Committee.

Credentials

Rule 8

Each Member **State** shall transmit to the Director the credentials of its representative, together with the names of any alternates or other members of its delegation not later than five working days prior to the opening of the Executive Committee session. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place or by an appropriate authority as determined by the ~~G~~government and communicated to the Director. Where the credentials are issued by an appropriate authority as determined by the ~~G~~government, a letter authorising the authority to issue credentials shall be provided to the Director, not later than five working days prior to the opening of the Executive Committee session. The letter shall be signed by the Head of State, the Head of Government, or by the Minister of Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place.

Rule 9

When the Executive Committee holds sessions in conjunction with sessions of the Assembly, the Credentials Committee established by the Assembly shall examine also the credentials of delegations of States Members of the Executive Committee and report to the Executive Committee without delay. Should a session of the Executive Committee be held not in conjunction with a session of the Assembly, the Executive Committee shall at the beginning of the session appoint a Credentials Committee. It shall consist of three members who shall be appointed by the Executive Committee on the proposal of the Chair. The Credentials Committee shall examine the credentials of delegations of States Members of the Executive Committee and report without delay.

Rule 10

Any representative to whose admission a ~~Member~~ **State** has made objection shall be seated provisionally with the same rights as other representatives until the Credentials Committee has reported and the Executive Committee has given its decision.

Access to meetings by the public

Rule 11

~~Sessions~~ **Meetings** of the Executive Committee shall be held in public unless the Committee decides otherwise. The Executive Committee may decide that a particular ~~meeting session~~ or part of a ~~meeting session~~ shall be held in private. If a ~~meeting session~~ or part of a ~~meeting session~~ is held in private, any decisions taken shall be reflected in the Record of Decisions. Even if a meeting of the Executive Committee is held in public, the Committee may exclude at any time from attendance groups or individuals who interrupt or disturb the meeting or if the Committee considers there is a risk that they may do so.

Agenda

Rule 12

The provisional agenda of each session of the Executive Committee shall be prepared by the Director and submitted to the Chair for approval prior to issue.

Rule 13

The provisional agenda of each regular session of the Executive Committee shall include items required to be dealt with by the application of the mandate of the **Executive** Committee, as adopted by the Assembly, as well as items which have been requested by the Assembly or by a Member **State** of the 1992 Fund.

Rule 14

The first item on the provisional agenda for each session shall be the adoption of the agenda.

Rule 15

Any item of the agenda of a session of the Executive Committee, consideration of which has not been completed at that session, shall be included in the agenda of the next session unless otherwise decided by the Executive Committee.

Rule 16

The provisional agenda for each session shall normally be communicated by the Director to the members of the Executive Committee and to other Member States at least ~~30~~ **thirty** days before the session. Supporting documents should be distributed as early as possible, taking into account the need for Member States to prepare **for** the sessions, the availability of the necessary information and the importance of claims for compensation and other urgent issues to be dealt with promptly.

Rule 17

The Director may, with the approval of the Chair, include any other ~~questions~~ **matters** which may arise between the despatch of the provisional agenda and the opening day of the session, in a supplementary provisional agenda which will be communicated to Member **States** promptly.

Chair and Vice-Chairs

Rule 18

The Executive Committee shall elect a Chair and a Vice-Chair from among the representatives of the Committee members, at each regular session of the 1992 Fund Assembly. The Chair and Vice-Chair shall hold office at all sessions of the Executive Committee from the conclusion of the regular session until the conclusion of the next regular session of the Assembly.

The 1992 Fund Assembly Chair shall invite nominations for the Chair and Vice-Chair positions once the Assembly has elected members of the incoming Executive Committee. Should the Chair and the Vice-Chair of the Executive Committee resign from their positions before the end of their term, at the opening of the Executive Committee session, the Director shall chair until the Executive Committee has elected a Chair and a Vice-Chair for the session. Should the Chair of the Executive Committee resign before the end of the term, at the opening of the Executive Committee session, the Director shall chair until the Executive Committee has elected a new Chair for the session. Should the Vice-Chair resign before the end of the term, the Chair of the Executive Committee shall preside over the election of a new Vice-Chair.

Rule 19

The Chair and the Vice-Chair of the Executive Committee shall be present, in person, during the sessions of the Executive Committee, unless exceptional circumstances arise. If the Chair is absent from a session, or any part thereof or, for any reason, is unable to carry out his or her duties, the Vice-Chair shall act as Chair.

Rule 20

A Chair or a Vice-Chair acting as Chair shall not vote but may appoint another member of his or her delegation to act as the representative of his or her ~~G~~government.

Secretariat

Rule 21

The Director shall act as Secretary of the Executive Committee and shall be responsible for making the necessary arrangements for its meetings. The Director may delegate his or her functions to another member of the Secretariat.

Rule 22

The Director or another member of the Secretariat designated by him or her for the purpose may make either oral or written statements concerning any ~~question~~ **matter** under consideration.

Rule 23

The Secretariat shall prepare a Record of Decisions of each session of the Executive Committee.

Rule 24

It shall be the duty of the Secretariat to receive, translate and circulate to Member **States** all reports and other documents of the Executive Committee. Non-confidential documents shall also be circulated to observers.

Languages

Rule 25

The official and working languages of the 1992 Fund are English, French and Spanish.

Rule 26

~~Speeches~~ **Interventions** at **sessions of** the Executive Committee shall be made in one of the official languages and will be interpreted into the other official languages. Another language may be used if the speaker provides interpretation into one of the official languages.

Rule 27

All reports of the Executive Committee and all supporting documents to agenda items of the Executive Committee shall be issued in the official languages.

Voting

Rule 28

Subject to Article 33 of the 1992 Fund Convention, decisions of the Executive Committee shall be made, elections shall be determined, reports and recommendations shall be adopted, by a majority of the Member **States** present and voting.

Rule 28bis

Each Member **State** shall have one vote. For the purposes of these Rules:

- (a) the phrase “Member **States** present” means Member **States** present at the meeting at the time of the vote;
- (b) the phrase “Member **States** present and voting” means Member **States** present and casting an affirmative or negative vote. Member **States** who abstain from voting or who cast an invalid vote shall be considered as not voting;
- (c) for the purpose of Rule 28bis (a) and Rule 28bis (b), Member **States** are considered present whether they are participating in person or remotely through the hybrid system. Member **States** in the session who are not present at the time the voting takes place shall be considered as not present.

Rule 29

If a Committee member or a public authority of a Committee member has a claim against the 1992 Fund, such a member shall have no voting right when that claim is being considered by the Executive Committee.

Rule 30

The Executive Committee shall normally vote by show of hands. However, any Member **State** may request a roll-call which shall be taken in the alphabetical order of the names of the Member **States** in English, beginning with the Member **State** whose name is drawn by lot by the Chair.

Rule 31

The vote of each Member **State** participating in any roll-call shall be inserted in the Record of Decisions of the session.

Rule 32

If a vote is equally divided, a second vote shall be taken at the next meeting. If this vote also is equally divided, the proposal shall be regarded as rejected.

Rule 33

Elections shall be decided by secret ballot, held in person, unless the Executive Committee decides otherwise.

Rule 34

In a secret ballot two scrutineers shall, on the proposal of the Chair, be appointed by the Executive Committee from the Member **States** present in person and shall proceed to scrutinize the votes cast. All invalid votes cast shall be reported to the Executive Committee.

Rule 35

If one person or Member **State** only is to be elected and no candidate obtains a majority in the first ballot, a second ballot shall be taken confined normally to the two candidates obtaining the largest number of votes save where the Executive Committee decides otherwise. If in the second ballot the votes are equally divided, the election shall be deferred until the next meeting, when, if another tie results, the Chair shall decide between the candidates by drawing lots.

Rule 36

- (a) When two or more places are to be filled by election at one time under the same conditions, those candidates obtaining the majority required under Rule 28 in the first ballot shall be declared elected.
- (b) If the number of candidates obtaining the requisite majority is greater than the number of seats to be filled, those candidates obtaining the greatest number of votes shall be declared elected.
- (c) If the number of candidates obtaining the requisite majority is less than the number of persons or Member **States** to be elected, there shall be an additional ballot or ballots, as necessary, to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot and the number of candidates being not more than twice as many as the places remaining to be filled. Should the same number of votes be obtained, however, by two or more candidates for the last place in this restricted list, they shall all be placed on the list.
- (d) If two or more candidates obtain the same number of votes for the last seat or seats to be filled, there shall be a further ballot among these candidates only. Should the votes again be divided equally, the Chair shall draw by lot the name of the candidate to be eliminated in the subsequent ballot.
- (e) A voting paper containing the names of a greater number of candidates than the number required to be elected shall be considered invalid.

Conduct of ~~B~~business

Rule 37

At least two-thirds of the members of the Executive Committee shall constitute a quorum for its meetings. Member **States** participating either in person or remotely through the hybrid system shall be counted in determining quorum.

Rule 38

In addition to exercising the powers conferred upon ~~him or her~~ **the Chair** elsewhere by these Rules, the Chair shall declare the opening and the closing of the session of the Executive Committee and, subject to the Executive Committee's wishes, ~~he or she~~ **the Chair** shall determine the hours of meetings and may adjourn meetings. The Chair shall direct the discussion and ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions resulting from the voting.

Rule 39

Proposals and amendments shall normally be introduced in writing and ~~handed~~ **submitted** to the Director who shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any ~~meeting~~ **session** of the Executive Committee unless copies of it have been circulated to delegations not later than the day preceding the meeting. The Chair may, however, permit the discussion and consideration of amendments or of motions ~~as in relation~~ **as in relation** to procedure even though these amendments and motions have not been circulated or have been circulated only the same day.

Rule 40

The Executive Committee may on the proposal of the Chair limit the time to be allowed to each speaker on any particular subject under discussion.

Rule 41

During the discussions of any matter, a representative of a Member State or observer delegation who would like their entire statement to be inserted in the Record of Decisions of the session should say so at the moment that they make their statement. In such cases, a written copy of the statement should be ~~passed~~ **provided** to a member of the Secretariat immediately after it is made. Otherwise, it will be understood that a summary, drafted by the Secretariat, reflecting the key points and sense of the intervention will be acceptable in the Record of Decisions of the session.

Rule 42

During the discussions of any matter a representative of a Member **State** may rise to a point of order and the point of order shall be decided immediately by the Chair, in accordance with these Rules of Procedure. A representative of a Member **State** may appeal against the ruling of the Chair. The appeal shall be put to the vote immediately and the Chair's ruling shall stand unless overruled by a majority of the Member **States** present and voting.

A representative rising to a point of order may not speak on the substance of the matter under discussion.

Rule 43

Subject to the provisions of Rule 39 the following motions shall have precedence, in the order indicated below, over all other proposals or motions **put** before the ~~meeting~~ **Executive Committee**:

- (a) to suspend a ~~meeting~~ **session**;
- (b) to adjourn a ~~meeting~~ **session**;
- (c) to adjourn the debate on the question under discussion; and
- (d) to close the debate on the question under discussion.

Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and in addition to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Rule 44

If two or more proposals relate to the same question, the Executive Committee, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.

Rule 45

Parts of a proposal or amendment thereto shall be voted on separately if the Chair, with the consent of the proposer, so decides, or if any representative of a Member **State** requests that the proposal or amendment thereto be divided and the proposer raises no objection. If objection is raised, permission to speak on the point shall be given first to the mover of the motion to divide the proposal or amendment, and then to the mover of the original proposal or amendment under discussion, after which the motion to divide the proposal or amendment shall be put immediately to the vote.

Rule 46

Those parts of a proposal which have been approved shall then be put to the vote as a whole; ~~if~~ if all the operative parts of the proposal or amendment have been rejected, the proposal or amendment shall be considered to be rejected as a whole.

Rule 47

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 48

If two or more amendments are moved to a proposal, the Executive Committee shall first vote on the amendment furthest removed therefrom and so on until all amendments have been put to the vote. The Chair shall determine the order of voting on the amendments under this Rule.

Rule 49

A motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion withdrawn may be reintroduced by any Member **State**.

Rule 50

When a proposal has been adopted or rejected, it may not be reconsidered at the same session of the Executive Committee unless the Executive Committee, by a majority of the Member **States** present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

Amendments ~~of~~ to Rules of Procedure

Rule 51

These Rules of Procedure may be amended by the Assembly.

Overriding Authority of the 1992 Fund Convention

Rule 52

In the event of any conflict between any provision of these Rules and any provision of the 1992 Fund Convention, that Convention shall prevail.

* * *

ANNEX III

RULES OF PROCEDURE FOR THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND ESTABLISHED UNDER THE 2003 SUPPLEMENTARY FUND PROTOCOL

(Proposed deletions are indicated by strikethrough of the text. New text is indicated in bold.)

Definitions

Rule 1

For the purpose of these Rules:

- (a) ““Supplementary Fund Protocol”” means the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992;
- (b) ““Member **State**”” means a State for which the Supplementary Fund Protocol is in force;
- (c) ““Supplementary Fund”” means the International Oil Pollution Compensation Supplementary Fund established under the Protocol of 2003 to the 1992 Fund Convention;
- (d) ““1992 Fund Convention”” means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992;
- (e) ““1992 Fund”” means the International Oil Pollution Compensation Fund established under the 1992 Fund Convention.

Sessions

Rule 2

Sessions of the Assembly shall be held in conformity with Article 16.2 of the Supplementary Fund Protocol and Article 19 of the 1992 Fund Convention. The Director shall inform Member **States** of the opening date of each regular session at least sixty days in advance and of each extraordinary session at least thirty days in advance.

Rule 3

The Assembly shall hold its sessions in person in London (United Kingdom), supported by hybrid meeting capabilities, unless it decides otherwise on any particular occasion. If, between sessions, the Director, with the Chair’s approval, or any Member **State** proposes that the next session be held elsewhere, an affirmative decision to that effect may be taken by a majority of Member **States** giving their approval in writing (including by ~~telefax or electronic~~ mail) to the Director. Such majority approval should be communicated to Member **States** at least forty-five days before the commencement of that session.

Rule 4

The Director with the approval of the Chair shall invite:

- (a) States which have signed the Supplementary Fund Protocol or which have deposited the appropriate instrument in respect of that Protocol, but for which that Protocol is not yet in force;
- (b) Other States which are Members of the 1992 Fund but not of the Supplementary Fund; and
- (c) States which would be invited to send observers to meetings of the Assembly of the 1992 Fund, in accordance with the Rules of Procedure of that Fund

to send observers to sessions of the Assembly.

Rule 5

The Director shall invite the following **organisations** to be represented as observers at any session of the Assembly:

- (a) the 1992 Fund;
- (b) the United Nations;
- (c) the International Maritime Organization;
- (d) any other specialised agency of the United Nations whose interests and those of the Supplementary Fund are of common concern;
- (e) any other intergovernmental organisation and any international non-governmental organisation which the Assembly has decided to admit to its meetings in accordance with Article 16.2 of the Supplementary Fund Protocol and Article 18.10 of the 1992 Fund Convention.

Rule 6

Observers may, with the consent of the Assembly, participate without vote in the deliberations of the Assembly in matters of direct concern to them. They shall have access to non-confidential documents and to such other documents as the Director, with the approval of the Chair, may decide.

Rule 7

The Assembly may invite a representative of any other body or any individual to participate without voting in the discussion of any subject in which such a person may have a special interest or expertise.

Delegations

Rule 8

Each Member **State** shall designate a representative, and may also designate alternates and such advisers and experts as may be required.

Upon designation by a representative, the Chair may allow any other member of the representative's delegation to speak on any particular point at ~~any meeting~~ **the session** of the Assembly.

Credentials

Rule 9

Each Member **State** shall transmit to the Director the credentials of its representative, together with the names of any alternates or other members of its delegation not later than five working days prior to the opening of the Assembly session. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place or by an appropriate authority as determined by the ~~G~~government and communicated to the Director. Where the credentials are issued by an appropriate authority as determined by the ~~G~~government, a letter authorising the authority to issue credentials shall be provided to the Director, not later than five working days prior to the opening of the Assembly session. The letter shall be signed by the Head of State, the Head of Government, or by the Minister of Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place.

Rule 10

When the Assembly holds sessions in conjunction with sessions of the 1992 Fund's governing bodies, the Credentials Committee established by the 1992 Fund shall examine also the credentials of delegations of States Members of the Supplementary Fund and report to the Supplementary Fund Assembly without delay. Should a session of the Supplementary Fund Assembly be held not in conjunction with a session of the 1992 Fund's governing bodies, the Assembly shall at the beginning of the session appoint a Credentials Committee. It shall consist of three members who shall be appointed by the Assembly on the proposal of the Chair. The Credentials Committee shall examine the credentials of delegations of States Members of the Assembly and report without delay.

Rule 11

Any representative to whose admission a ~~an~~ Member **State** has made objection shall be seated provisionally with the same rights as other representatives until the ~~Assembly has given its decision on the report of the Director on credentials~~ **Credentials Committee has reported and the Assembly has given its decision.**

Access to meetings by the public

Rule 12

~~Sessions~~ **Meetings** of the Assembly shall be held in public unless the Assembly decides otherwise. The Assembly may decide that a particular ~~meeting session~~ or part of a ~~meeting session~~ shall be held in private. If a ~~meeting session~~ or part of a ~~meeting session~~ is held in private, any decisions taken shall be reflected in the Record of Decisions. Even if a meeting of the Assembly is held in public, the Assembly may exclude at any time from attendance groups or individuals who interrupt or disturb the meeting or if the Assembly considers there is a risk that they may do so.

Meetings of subsidiary bodies of the Assembly shall be held in private unless the Assembly decides otherwise in any particular case.

Agenda

Rule 13

The provisional agenda of each session of the Assembly shall be prepared by the Director and submitted to the Chair for approval prior to issue.

Rule 14

The provisional agenda of each regular session of the Assembly shall include in addition to those items required by the application of Article 16.2 of the Supplementary Fund Protocol and Article 18 of the 1992 Fund Convention:

- (a) all items, the inclusion of which has been requested by the Assembly at a previous session;
- (b) all items, the inclusion of which has been requested by a subsidiary body established by the Assembly;
- (c) any item proposed by a Member **State** of the Supplementary Fund;
- (d) any item on matters pertaining to the budget, accounts and financial arrangements of the Supplementary Fund;
- (e) subject to such preliminary consultations as may be necessary, any item proposed by any of the specialised agencies of the United Nations;
- (f) any items, the inclusion of which has been requested by the Assembly of the 1992 Fund.

Rule 15

The first item on the provisional agenda for each session shall be the adoption of the agenda.

Rule 16

Any item of the agenda of a session of the Assembly, consideration of which has not been completed at that session, shall be included in the agenda of the next session unless otherwise decided by the Assembly.

Rule 17

The provisional agenda together with supporting documents for each session shall normally be communicated by the Director to the Member **States** at least forty-five days before regular sessions and thirty days before extraordinary sessions.

Rule 18

The Director may, with the approval of the Chair, include any other ~~questions~~ **matters** which may arise between the despatch of the provisional agenda and the opening day of the session, in a supplementary provisional agenda which will be communicated to Member **States** promptly.

Rule 19

The Director shall report to the Assembly on any administrative, financial and legal implications of all substantive agenda items submitted to the Assembly. Unless the Assembly decides otherwise, no such item shall be considered until the Assembly has been in possession of the Director's report for at least forty-eight hours.

Chair and Vice-Chairs

Rule 20

The Assembly shall at the ~~first meeting~~ **opening** of each regular session elect a Chair, a first Vice-Chair and a second Vice-Chair from among the representatives of its Member **States**.

Rule 21

At the opening of each regular session of the Assembly, the Director shall chair until the Assembly has elected a Chair for the session.

Rule 22

The Chair and the Vice-Chairs of the Assembly shall be present, in person, during the sessions of the Assembly, unless exceptional circumstances arise. If the Chair is absent from a session, or any part thereof or, for any reason, is unable to carry out his or her duties, one of the Vice-Chairs shall act as Chair.

Rule 23

A Chair or a Vice-Chair acting as Chair shall not vote but may appoint another member of his or her delegation to act as the representative of his or her ~~G~~government.

Subsidiary Bodies

Rule 24

The Assembly may establish, in accordance with Article 16.2 of the Supplementary Fund Protocol and Article 18.9 of the 1992 Fund Convention, such temporary or permanent subsidiary bodies as it considers necessary. Such subsidiary bodies shall follow the present Rules of Procedure so far as they are applicable, unless the Assembly decides otherwise.

Secretariat

Rule 25

The Director shall act as Secretary of the Assembly and of its subsidiary bodies and shall be responsible for making the necessary arrangements for their meetings. The Director may delegate ~~his or her~~ the functions **of the Director** to another member of the Secretariat.

Rule 26

The Director or another member of the Secretariat designated by ~~him or her~~ **the Director** for the purpose may make either oral or written statements concerning any ~~question~~ **matter** under consideration.

Rule 27

The Secretariat shall prepare a Record of Decisions of each session of the Assembly.

Rule 28

It shall be the duty of the Secretariat to receive, translate and circulate to Member **States** all reports and other documents of the Assembly and its subsidiary bodies. Non-confidential documents shall also be circulated to observers.

Languages

Rule 29

The official and working languages of the Supplementary Fund are English, French and Spanish.

Rule 30

~~Speeches~~ **Interventions** at **sessions of** the Assembly and its subsidiary bodies shall be made in one of the official languages and will be interpreted into the other official languages. Another language may be used if the speaker provides interpretation into one of the official languages.

Rule 31

All reports of the Assembly and its subsidiary bodies and all supporting documents to agenda items of the Assembly and its subsidiary bodies shall be issued in the official languages.

Voting

Rule 32

Subject to Article 16.2 of the Supplementary Fund Protocol and Article 33 of the 1992 Fund Convention, decisions of the Assembly and of its subsidiary bodies shall be made, elections shall be determined, and reports, resolutions and recommendations shall be adopted, by a majority of the Member **States** present and voting.

Rule 33

Each Member **State** shall have one vote. For the purposes of these Rules and in accordance with Article 16.2 of the Supplementary Fund Protocol and Article 32 of the 1992 Fund Convention:

- (a) the phrase “Member **States** present” means Member **States** present at the meeting at the time of the vote;
- (b) the phrase “Member **States** present and voting” means Member **States** present and casting an affirmative or negative vote. Member **States** who abstain from voting or who cast an invalid vote shall be considered as not voting;
- (c) for the purpose of Rule 33 (a) and Rule 33 (b), Member **States** are considered present whether they are participating in person or remotely through the hybrid system. Member **States** in the session who are not present at the time the voting takes place shall be considered as not present.

Rule 34

The Assembly shall normally vote by show of hands. However, any Member **State** may request a roll-call which shall be taken in the alphabetical order of the names of the Member **States** in English, beginning with the Member **State** whose name is drawn by lot by the Chair.

Rule 35

The vote of each Member **State** participating in any roll-call shall be inserted in the Record of Decisions of the session.

Rule 36

If a vote is equally divided, a second vote shall be taken at the next meeting. If this vote also is equally divided, the proposal shall be regarded as rejected.

Rule 37

Elections shall be decided by secret ballot, held in person, unless the Assembly decides otherwise.

Rule 38

In a secret ballot two scrutineers shall, on the proposal of the Chair, be appointed by the Assembly from the Member **States** present in person and shall proceed to scrutinize the votes cast. All invalid votes cast shall be reported to the Assembly.

Rule 39

If one person or Member **State** only is to be elected and no candidate obtains a majority in the first ballot, a second ballot shall be taken confined normally to the two candidates obtaining the largest number of votes save where the Assembly decides otherwise. If in the second ballot the votes are equally divided, the election shall be deferred until the next meeting, when, if another tie results, the Chair shall decide between the candidates by drawing lots.

Rule 40

- (a) When two or more places are to be filled by election at one time under the same conditions, those candidates obtaining the majority required under Rule 32 in the first ballot shall be declared elected.
- (b) If the number of candidates obtaining the requisite majority is greater than the number of seats to be filled, those candidates obtaining the greatest number of votes shall be declared elected.
- (c) If the number of candidates obtaining the requisite majority is less than the number of persons or Member **States** to be elected, there shall be an additional ballot or ballots, as necessary, to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot and the number of candidates being not more than twice as many as the places remaining to be filled. Should the same number of votes be obtained, however, by two or more candidates for the last place in this restricted list, they shall all be placed on the list.
- (d) If two or more candidates obtain the same number of votes for the last seat or seats to be filled, there shall be a further ballot among these candidates only. Should the votes again be divided equally, the Chair shall draw by lot the name of the candidate to be eliminated in the subsequent ballot.
- (e) A voting paper containing the names of a greater number of candidates than the number required to be elected shall be considered invalid.

Conduct of ~~B~~business

Rule 41

A majority of the Member **States** shall constitute a quorum for the ~~meetings~~ **sessions** of the Assembly. Member **States** participating either in person or remotely through the hybrid system shall be counted in determining quorum.

Rule 42

In addition to exercising the powers conferred upon ~~him or her~~ **the Chair** elsewhere by these Rules, the Chair shall declare the opening and the closing of the session of the Assembly and, subject to the Assembly's wishes, ~~he or she~~ **the Chair** shall determine the hours of meetings and may adjourn meetings. The Chair shall direct the discussion and ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions resulting from the voting.

Rule 42bis

During the discussions of any matter, a representative of a Member State or observer delegation who would like their entire statement to be inserted in the Record of Decisions of the session should say so at the moment that they make their statement. In such cases, a written copy of the statement should be ~~passed~~ **provided** to a member of the Secretariat immediately after it is made. Otherwise, it will be understood that a summary, drafted by the Secretariat, reflecting the key points and sense of the intervention will be acceptable in the Record of Decisions of the session.

Rule 43

Proposals and amendments shall normally be introduced in writing and ~~handed~~ **submitted** to the Director who shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any ~~meeting~~ **session** of the Assembly unless copies of it have been circulated to delegations not later than the day preceding the meeting. The Chair may, however, permit the discussion and consideration of amendments or of motions **as in relation** to procedure even though these amendments and motions have not been circulated or have been circulated only the same day.

Rule 44

The Assembly may on the proposal of the Chair limit the time to be allowed to each speaker on any particular subject under discussion.

Rule 45

During the discussions of any matter a representative of a Member **State** may rise to a point of order and the point of order shall be decided immediately by the Chair, in accordance with these Rules of Procedure. A representative of a Member **State** may appeal against the ruling of the Chair. The appeal shall be put to the vote immediately and the Chair's ruling shall stand unless overruled by a majority of the Member **States** present and voting.

A representative rising to a point of order may not speak on the substance of the matter under discussion.

Rule 46

Subject to the provisions of Rule 43 the following motions shall have precedence, in the order indicated below, over all other proposals or motions **put** before the ~~meeting~~ **Assembly**:

- (a) to suspend a ~~meeting~~ **session**;
- (b) to adjourn a ~~meeting~~ **session**;
- (c) to adjourn the debate on the question under discussion; and
- (d) to close the debate on the question under discussion.

Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and in addition to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Rule 47

If two or more proposals relate to the same question, the Assembly, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.

Rule 48

Parts of a proposal or amendment thereto shall be voted on separately if the Chair, with the consent of the proposer, so decides, or if any representative of a Member **State** requests that the proposal or amendment thereto be divided and the proposer raises no objection. If objection is raised, permission to speak on the point shall be given first to the mover of the motion to divide the proposal or amendment, and then to the mover of the original proposal or amendment under discussion, after which the motion to divide the proposal or amendment shall be put immediately to the vote.

Rule 49

Those parts of a proposal which have been approved shall then be put to the vote as a whole; ~~if~~ if all the operative parts of the proposal or amendment have been rejected, the proposal or amendment shall be considered to be rejected as a whole.

Rule 50

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 51

If two or more amendments are moved to a proposal, the Assembly shall first vote on the amendment furthest removed therefrom and so on until all amendments have been put to the vote. The Chair shall determine the order of voting on the amendments under this Rule.

Rule 52

A motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion withdrawn may be reintroduced by any Member **State**.

Rule 53

When a proposal has been adopted or rejected, it may not be reconsidered at the same session of the Assembly unless the Assembly, by a majority of the Member **States** present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

Amendments ~~of~~ to Rules of Procedure

Rule 54

These Rules of Procedure may be amended by a decision of the Assembly taken by a majority of the Member **States** present and voting.

Overriding Authority of the Supplementary Fund Protocol

Rule 55

In the event of any conflict between any provision of these Rules and any provision of the Supplementary Fund Protocol, that Protocol shall prevail.
