



International Oil Pollution
Compensation Funds

Agenda Item 1	IOPC/NOV21/1/3	
Date	8 September 2021	
Original	English	
1992 Fund Assembly	92A26	●
1992 Fund Executive Committee	92EC77	●
Supplementary Fund Assembly	SA18	●

TEMPORARY SUSPENSION OF RULES OF PROCEDURE IN CONNECTION WITH REMOTE SESSIONS

FACILITATING REMOTE SESSIONS

Note by the Secretariat

Summary:

The November 2021 sessions of the governing bodies will be convened remotely due to the ongoing COVID-19 pandemic. Certain Rules of Procedure that presuppose in-person meetings would need to be suspended to allow for the November 2021 sessions to take place remotely.

Section 2 of this document sets out the rules of procedure proposed for temporary suspension or amendment. The proposals in this document are the same as those approved by the governing bodies at their previous remote sessions, since the circumstances for the conduct of remote sessions remains unchanged.

The governing bodies will be invited to consider the temporary suspension or amendment of the following Rules of Procedure when the sessions open on Monday, 1 November 2021.

- Rule 3 on the location of the meeting (paragraph 2.2);
- Rule 9/8^{<1>} on the timing of the submission of credentials (paragraph 2.3);
- Rule 27/23^{<2>} on the adoption of the Record of Decisions (paragraph 2.4).
- Rule 32/28^{<3>} on voting (paragraph 2.5); and
- Rule 33^{<4>} on the definition of 'Members present' and 'Members present and voting' (paragraph 2.6).

<1> The equivalent rules are provided in Rule 9 of the Rules of Procedure of the Supplementary Fund Assembly and Rule 8 of the Rules of Procedure of the 1992 Fund Executive Committee.

<2> The equivalent rules are provided in Rule 27 of the Rules of Procedure of the Supplementary Fund Assembly and Rule 23 of the Rules of Procedure of the 1992 Fund Executive Committee.

<3> The equivalent rules are provided in Rule 32 of the Rules of Procedure of the Supplementary Fund Assembly and Rule 28 of the Rules of Procedure of the 1992 Fund Executive Committee.

<4> The equivalent rule is provided in Rule 33 of the Rules of Procedure of the Supplementary Fund Assembly and there is no equivalent rule in the Rules of Procedure of the 1992 Fund Executive Committee.

Action to be taken: 1992 Fund Assembly and Supplementary Fund Assembly

Note that at the opening of the sessions, the governing bodies will have to decide whether to temporarily suspend or amend the Rules of Procedure in respect of their November 2021 sessions as set out in section 2.

1992 Fund Executive Committee

Information to be noted.

1 Introduction

- 1.1 The November 2021 sessions of the governing bodies will be convened remotely due to the ongoing COVID-19 pandemic, therefore, certain Rules of Procedure that presuppose in-person meetings would need to be suspended to allow for the remote sessions to take place. Section 2 of this document sets out the rules of procedure proposed for temporary suspension or amendment.
- 1.2 The proposals in this document are the same as those approved by the governing bodies at their previous remote meetings held in December 2020, March 2021 and July 2021 (documents IOPC/NOV20/11/2, IOPC/MAR21/9/2 and IOPC/JUL21/9/2). Furthermore, these proposals are closely aligned to those implemented by the International Maritime Organization (IMO) as contained in MSC-LEG-MEPC-TCC-FAL.1/Circ.1 on Interim guidance to facilitate remote sessions during the COVID-19 pandemic (IMO Guidance Circular) adopted by the IMO Council and Extraordinary Session of All Committees (ALCOM) (C/ES.32/D, annex 3 and ALCOM/ES/5/1, Annex 1).
- 1.3 The full sets of the Rules of Procedure for each of the governing bodies can be found via the About Us section of the IOPC Funds website: iopcfunds.org/about-us/structure/rules-and-regulations.
- 1.4 Any decision taken in respect of the Rules of Procedure at these sessions is not intended to set a precedent for the methods of work of the IOPC Funds, but to facilitate remote sessions in these exceptional circumstances under the prevailing COVID-19 pandemic. The rules proposed for suspension, part suspension, or amendment are only in the interest of facilitating remote sessions in respect of the 26th session of the 1992 Fund Assembly, the 77th session of the 1992 Fund Executive Committee, and the 18th session of the Supplementary Fund Assembly.
- 1.5 The governing bodies will be invited to make decisions in respect of the Rules of Procedure as described in this document when the sessions open on Monday, 1 November 2021. A list of the decisions required is set out in section 2.

2 Temporary suspension or amendment to Rules of Procedure to facilitate remote sessions

- 2.1 A summary of the decisions that the governing bodies will be invited to make at the opening of the sessions with regard to the following Rules of Procedure is listed below.

2.2 Rule 3 on the location of the meeting

Decide whether to suspend Rule 3 of the Rules of Procedure in relation to the location of the meeting to allow for remote sessions to be held.

2.3 Rule 9/8^{<1>} on the timing of the submission of credentials

Note that, while Rule 9/8 provides that delegations can register and submit credentials up to the opening day of the sessions (if required), for practical reasons regarding the administration of remote sessions, delegations are requested to submit credentials via the online registration system or by email as early as possible and preferably no later than Friday, 15 October 2021.

2.4 Rule 27/23^{<2>} on the adoption of the Record of Decisions

Note that in line with Rule 27/23, the Secretariat will prepare a draft Record of Decisions, and in accordance with established practice, the draft Record of Decisions will be presented for adoption by the governing bodies on the last day of the virtual meeting. Decide whether sessions should remain open for an additional five working day period for delegations to comment on the draft Record of the Decisions by correspondence.

2.5 Rule 32/28^{<3>} on voting

Noting that the established practice of the governing bodies for taking decisions on election of the Chairs, reports, resolutions and recommendations are adopted by consensus among the Members present at a meeting, the governing bodies are invited to consider whether to continue to adopt decisions by consensus during the remote sessions and that in the event that the need for a vote should arise, an alternative voting procedure would need to be adopted.

2.6 Rule 33(a)^{<4>} on the definition of 'Members present'

Taking into account that Rules 32/28^{<3>}, 34/30^{<5>} and 43/39^{<6>} imply that Members are physically present at a meeting, decide whether, for the purposes of the November 2021 meeting, 'present' as defined in Rule 33(a) shall be interpreted as being registered for the sessions using the online registration system and listed as a participant in the remote sessions using the virtual meeting platform.

2.7 Rule 33(b)^{<4>} on the definition of 'Members present and voting'

Taking into account that Rule 33(b) defines 'Members present and voting' as Members voting by casting an affirmative or negative vote, consider whether to continue to follow the established practice of taking decisions by consensus wherever possible and note that in the

^{<5>} The equivalent rules are provided in Rule 34 of the Rules of Procedure of the Supplementary Fund Assembly and Rule 30 of the Rules of Procedure of the 1992 Fund Executive Committee.

^{<6>} The equivalent rules are provided in Rule 43 of the Rules of Procedure of the Supplementary Fund Assembly and Rule 39 of the Rules of Procedure of the 1992 Fund Executive Committee.

event that the need for a vote should arise, an alternative voting procedure would need to be adopted.

3 Director's considerations

- 3.1 The Director notes that all proposals contained in this document are the same as those approved by the governing bodies at their previous remote meetings, which ran very smoothly. Furthermore, every effort has been made for remote sessions to retain established practices of in-person meetings to the extent that is reasonably possible, in order to safeguard full and equal participation of all Member States and the legitimacy of the decisions taken.
- 3.2 The Director also notes that the election of the Director will take place during the November 2021 meeting of the governing bodies. Due to the ongoing uncertainty as to whether an in-person meeting can be convened, the governing bodies decided at their July 2021 meeting that, in the event that the November 2021 meeting is held partly or fully remotely, the ballot procedure for the election of the Director should take place in person, by appointment (IOPC/JUL21/9/2, paragraph 7.1.20).
- 3.3 The Director further notes that the ballot procedures for the election of the Director are set out in document IOPC/NOV21/7/2/1, and no further Rules of Procedure require suspension or amendment, other than those set out in this document.
- 3.4 The Director's priority is to ensure that a successful meeting takes place in accordance with the Conventions and that the governing bodies are able to take the decisions required to ensure that the organisations can continue to function properly.

4 Action to be taken

4.1 1992 Fund Assembly and the Supplementary Fund Assembly

The 1992 Fund Assembly and the Supplementary Fund Assembly are invited to note that at the opening of the sessions, the governing bodies will have to decide whether to temporarily suspend or amend the Rules of Procedure in respect of their November 2021 meeting as set out in section 2.

4.2 1992 Fund Executive Committee

The 1992 Fund Executive Committee is invited to note the decisions made by the 1992 Fund Assembly.
