



International Oil Pollution
Compensation Funds

Agenda Item 1	IOPC/APR25/1/4	
Date	16 April 2025	
Original	English	
1992 Fund Assembly	92AES29	●
1992 Fund Executive Committee	92EC84	●
Supplementary Fund Assembly	SAES13	●

FORMAT OF MEETINGS

Note by the Secretariat

Summary:

Following a trial period, at its 132nd session held in July 2024, the International Maritime Organization (IMO) Council agreed to permanently establish the utilisation of hybrid capabilities to support in-person meetings and invited the other IMO organs to do the same. In November 2024, at its 133rd session, the IMO Council considered and approved amendments to its Rules of Procedure to facilitate the holding of meetings in hybrid format.

In May and November 2023, the IOPC Funds' governing bodies discussed introducing hybrid meetings for their sessions but decided not to proceed with any decision in that respect before the outcome of the trial period by IMO. It was agreed that the issue would be revisited at that time, taking into account the human and financial resources required to deliver such meetings. The IOPC Funds therefore continued to deliver in-person meetings complemented by a passive streaming service throughout 2024.

In light of the decision by the IMO Council to permanently use hybrid capabilities to host meetings, the IOPC Funds' governing bodies took the opportunity at their November 2024 sessions to reconsider the format of their future sessions. Taking into account a number of key considerations from the Director, the governing bodies instructed him to explore with IMO the practical arrangements for delivering hybrid meetings, including in respect of the registration system, the resources required and the costs to be incurred, and to report his findings to the governing bodies at their April 2025 sessions. The April 2025 meeting is therefore also held in person, complemented by remote-passive participation.

The governing bodies also instructed the Director to review the Rules of Procedure of the governing bodies in respect of meetings and put forward a proposal for any required amendments at the April 2025 meeting, taking into account the discussions and decisions of the IMO Council at its session in November 2024. The governing bodies decided to postpone final consideration of holding future IOPC Funds' meetings in person complemented by remote-active participation (hybrid meetings), until the April 2025 sessions, when they would have all the relevant information available to take an informed decision.

This document presents the results of the Secretariat's research into the practical arrangements for delivering hybrid meetings and sets out the amendments that would be required to the Rules of Procedure of the governing bodies in order to facilitate the delivery of IOPC Funds' meetings in hybrid format.

Action to be taken: 1992 Fund Assembly

- (a) Decide whether to hold future meetings of the 1992 Fund Assembly and 1992 Fund Executive Committee either:
 - (i) in-person but with a passive streaming service, requiring no amendments to the Rules of Procedure; or
 - (ii) in hybrid format; and
- (b) in the event that it is decided to hold future meetings in hybrid format, decide whether to amend the relevant Rules of Procedure of both the 1992 Fund Assembly and the 1992 Fund Executive Committee, as set out in Annexes I and II respectively, to allow delegations to participate remotely in the sessions of the governing bodies.

Supplementary Fund Assembly

- (a) Decide whether to hold future meetings of the Supplementary Fund Assembly either:
 - (i) in-person but with a passive streaming service, requiring no amendments to the Rules of Procedure; or
 - (ii) in hybrid format; and
- (b) in the event that it is decided to hold future meetings in hybrid format, decide whether to amend the relevant Rules of Procedure of the Supplementary Fund Assembly, as set out in Annex III, to allow delegations to participate remotely in the sessions of the Assembly.

1992 Fund Executive Committee

Note the decisions of the 1992 Fund Assembly in respect of the format of meetings and the Rules of Procedure of the Executive Committee.

1 Introduction

- 1.1 A refurbishment of the audio-visual facilities took place at the International Maritime Organization (IMO) in early 2022, which included the installation of a 'hybrid infrastructure' in the Main Hall. From September 2022, IMO meetings were held in a hybrid format for a trial period. At its 132nd session held in July 2024, the IMO Council agreed to permanently establish the utilisation of hybrid capabilities to support in-person meetings and invited the other IMO organs to do the same. In November 2024, at its 133rd session, the IMO Council considered and approved amendments to its Rules of Procedure to facilitate the holding of meetings in hybrid format.
- 1.2 Following a period of holding remote meetings during the COVID-19 pandemic and the refurbishment of the IMO meeting facilities, the IOPC Funds' meetings returned to being held in person in October 2022. In May 2023, the Secretariat introduced an additional passive streaming service to complement the in-person meeting and allow additional members of delegations to follow the meeting remotely. This did not require any amendments to the Rules of Procedure, the service was well received and there was general agreement that it should continue to be provided.

- 1.3 In May and November 2023 the IOPC Funds' governing bodies discussed introducing hybrid meetings for their sessions but decided not to proceed with any decision in that respect before the outcome of the trial period by IMO. It was agreed that the issue would be revisited at that time, taking into account the human and financial resources required to deliver such meetings. The IOPC Funds has therefore continued to deliver in-person meetings complemented by a passive streaming service throughout 2024 and for the April 2025 meeting.
- 1.4 In light of the decision by the IMO Council to permanently use hybrid capabilities to host meetings, the IOPC Funds' governing bodies took the opportunity at their November 2024 sessions to reconsider the format of their future sessions. Taking into account a number of key considerations from the Director, the governing bodies instructed him to explore with IMO the practical arrangements for delivering hybrid meetings, including in respect of the registration system, the resources required and the costs to be incurred, and to report his findings to the governing bodies at their April 2025 sessions.
- 1.5 The governing bodies also instructed the Director to review the Rules of Procedure of the governing bodies in respect of meetings and put forward a proposal for any required amendments at the April 2025 meeting, taking into account the discussions and decisions of the IMO Council at its session in November 2024. The governing bodies decided to postpone final consideration of holding future IOPC Funds' meetings in person complemented by remote-active participation (hybrid meetings), until the April 2025 sessions, when they would have all the relevant information available to take an informed decision.
- 1.6 This document presents the results of the Secretariat's research into the practical arrangements for delivering hybrid meetings and sets out the amendments that would be required to the Rules of Procedure of the governing bodies in order to facilitate the delivery of IOPC Funds' meetings in hybrid format.

2 Results of Secretariat's research into practical arrangements for delivering hybrid meetings

- 2.1 In November 2024, the Secretariat reported on its experience using YouTube to provide a streaming service and also on its use of the IMO hybrid system to deliver a passive-remote service. It was noted that the streaming service had successfully been delivered under both means. However, it was also noted that, since registration for IOPC Funds' meetings is directly through the IOPC Funds' website and not through the IMO online registration system (IMO Docs), some issues were encountered when using the hybrid system with the sending of links, the displaying of names and flags, and the general management of the remote-passive participation for the meeting.
- 2.2 The Secretariat reported that, whilst the hybrid capabilities were only used in a limited passive capacity for the April 2024 meeting, the experience had provided an insight into the issues it would need to address before any move to deliver hybrid meetings could be considered.
- 2.3 Since November 2024, the Secretariat has met with both members of staff of the IMO Conference Division and with the external company (Squared Paper) which provides some of the services relating to the delivery of the hybrid meeting function. Both the IOPC Funds and IMO Secretariats agreed that the registration systems for each organisation must remain separate. Therefore, in order to avoid some of the issues encountered in April 2024, the IOPC Funds have engaged Squared Paper to provide solutions for the sending of links and the displaying of names and flags. This solution is expected to be implemented for the April 2025 meeting and will be in place for any hybrid-passive or active meetings going forward for a one-off payment of £2 500.

- 2.4 IMO Conference Division have confirmed that at present, the IOPC Funds will be required to engage the services of external contractors to assist IMO with the delivery of the hybrid element of the meeting and also to provide one member of staff to work with the IMO's AV Unit staff in the control booth throughout the meeting. This currently amounts to £750 per day for onsite support of the simultaneous interpretation system and £400 per day for a hybrid conference technician.
- 2.5 In terms of the allocation of additional resources within the Secretariat, one staff member is required to be present in the control booth to support the hybrid conference technician at all times. Additionally, during the setting up of the meeting hall, a small team of staff is required to synchronise microphones at desks with the delegations allocated to those positions within the hall.
- 2.6 Taking the above into account, working on the basis of an average seven days of meetings per year, the total known annual cost for delivering hybrid meetings would currently be just over £8 000 plus staff time. However, it should be noted that there may be costs related to the ongoing use of the hybrid facilities at IMO that are currently unconfirmed. The IOPC Funds uses the conference services of IMO as part of a formal service agreement. It is not known whether that agreement will be amended in light of any additional maintenance or other costs that IMO might incur in relation to the delivery of hybrid meetings for the IOPC Funds.

3 Rules of Procedure

3.1 Background

- 3.1.1 At each of the IOPC Funds' remote meetings held during 2020-2022, the governing bodies decided to temporarily suspend or amend a number of Rules of Procedure that presupposed in-person meetings to allow the meetings to take place remotely^{<1>}. These procedures were closely aligned to those implemented by IMO as contained in the Interim guidance to facilitate remote sessions during the COVID-19 pandemic adopted by the IMO Council and Extraordinary Session of All Committees (ALCOM) (IMO documents C/ES.32/D, Annex 3 and ALCOM/ES/5/1, Annex 1).
- 3.1.2 In addition, the Secretariat provided practical information on the conduct of remote meetings and guidance on using the KUDO platform, which was also the platform IMO was using at the time.
- 3.1.3 During the November 2021 meeting of the IOPC Funds governing bodies, the election of the next Director took place in person by roll call, however, delegates were still required to log in via KUDO, and therefore the meeting was still considered a fully remote meeting.
- 3.1.4 In May 2023, the Secretariat presented a document to the governing bodies setting out the Rules of Procedure that would require amendment in the event that they were to decide to hold meetings in a hybrid format in the future.
- 3.1.5 In November 2024, the governing bodies agreed with the Director's proposal that the IOPC Funds would benefit from following the discussions of the IMO Council in respect of the review of its Rules of Procedure. Some delegations encouraged the Secretariat to develop Rules of Procedure that were as closely aligned to those of IMO as possible.
- 3.1.6 One delegation proposed that when reviewing the Rules of Procedure of the governing bodies, every effort should be made to maintain, as far as possible, the same principles as for physical (in person) meetings.

<1> Documents IOPC/NOV20/1/3/1, IOPC/MAR21/1/3, IOPC/JUL21/1/3 and [IOPC/NOV21/1/3](#).

3.1.7 At its November 2024 session the IMO Council decided to amend its Rules of Procedure to facilitate the delivery of hybrid meetings at IMO. A number of important matters were discussed and decided upon. These included decisions regarding voting procedures, credentials and agreement over the interpretation of key phrases in the Rules such as ‘present’ for the purpose of quorum and voting.

3.1.8 The IOPC Funds Secretariat followed the discussions and decisions of the IMO Council, and met with the Director of IMO’s Legal Affairs and External Relations Division to discuss the revised amendments and a number of practical implications of the amended Rules.

3.2 Rules requiring amendments

3.2.1 The Secretariat has identified the following Rules^{<2>} that would require amendment in order to deliver hybrid meetings for sessions of the IOPC Funds’ governing bodies:

- Rule 3 on holding the session, which should refer to the main modality being an in-person meeting held in London with a remote participation option using hybrid meeting capabilities as a supplementary option;
- Rule 22 relating to the requirement for Chairs and Vice-Chairs to be present in person at meetings.
- Rule 33, which should clearly define the phrase ‘Members present’ and the phrase ‘Members present and voting’;
- Rule 37, requiring elections to take place by secret ballot in person
- Rule 38, requiring scrutineers to be present in person to scrutinise any votes cast; and
- Rule 41, which requires consequential amendments relating to quorum.

3.2.2 The proposed amendments to the Rules of Procedure of the 1992 Fund Assembly, 1992 Fund Executive Committee and the Supplementary Fund Assembly are set out in Annexes I, II and III respectively.

3.2.3 In addition to amending the Rules of Procedure, there are a number of amendments to current practices, not explicitly covered in the Rules, that would need to be agreed upon in order to facilitate the delivery of hybrid meetings. In addition to their Rules of Procedure, the various bodies of the IMO adhere to practices set out in a Circular, entitled ‘Organization and Method of Work’. The IOPC Funds’ governing bodies may also wish the Secretariat to publish a similar document setting out the current practices of the governing bodies, and also containing the new practices to be followed in the event that future meetings are delivered in hybrid format.

3.2.4 The practices that would need to be confirmed would be *inter alia*:

- the return of providing a five-day correspondence period after the adoption of the Record of Decisions; and
- the practice that voting by secret ballot would continue to be held in person only with no proxy voting permitted.

<2> The rule numbers provided relate to the Rules of Procedure of the 1992 Fund Assembly and Supplementary Fund Assembly.

4 Director's considerations

- 4.1 The Director recalls that at the November 2024 sessions of the governing bodies, a number of delegations emphasised that the default format of the IOPC Funds meeting should always be in person and that any form of remote participation would only be complementary to the in-person participation. Several delegations also insisted that voting should always be held in person only. Three delegations expressed their preference to continue to hold meetings in person complemented by a passive streaming service.
- 4.2 As set out in sections 2 and 3 above, the Secretariat has now fully explored with IMO the practical arrangements for delivering hybrid meetings, including the possible cost implications. As requested in November 2024, when considering the format of future IOPC Funds' meetings, the Rules of Procedure and general practices that may need to be amended to facilitate hybrid meetings, the Secretariat has carefully noted the decisions and procedures of IMO, but at the same time has taken into account that the IOPC Funds is different to IMO. The organisation tends to hold only two meetings each year and the topics of discussion, membership and the nature of the sessions are quite different from those of IMO. The Executive Committee in particular is required to take decisions and members could potentially be required to vote.
- 4.3 The Director notes that the estimated costs of delivering meetings in hybrid format as set out in paragraph 2.6, and the human resources required are reasonable. He also notes, however, that the IMO Secretariat may in the future decide to review the formal service agreement with the IOPC Funds in light of any additional maintenance or other costs that the IMO might incur in relation to the delivery of hybrid meetings for the IOPC Funds.
- 4.4 When reviewing the Rules of Procedure of the governing bodies and proposing amendments, every effort has been made to maintain, as far as possible, the same principles as for physical (in person) meetings.
- 4.5 The Director remains confident that the organisation could be in a position to use the IMO hybrid meeting infrastructure, whilst continuing to use the IOPC Funds meeting registration system, to deliver the October 2025 sessions of the governing bodies in hybrid format, should they wish to do so.
- 4.6 At their November 2024 sessions, the governing bodies decided to postpone final consideration on holding future IOPC Funds' meetings in person, complemented by remote-active participation (hybrid meetings), until the April 2025 sessions, when it would have all the relevant information available to take an informed decision. The Director would therefore like to invite the governing bodies to review all information provided in this document and provide instructions as they may deem appropriate.
- 4.7 The Director would like to thank both the Conference Division and the Legal Affairs and External Relations Division of the IMO Secretariat for the support and information they have provided in relation to hybrid meetings and the review of the Rules of Procedure.

5 Action to be taken

5.1 1992 Fund Assembly

The 1992 Fund Assembly is invited to:

- (a) Decide whether to hold future meetings of the 1992 Fund Assembly and 1992 Fund Executive Committee either:
 - (i) in-person but with a passive streaming service, requiring no amendments to the Rules of Procedure; or
 - (ii) in hybrid format; and
- (b) in the event that it is decided to hold future meetings in hybrid format, decide whether to amend the relevant Rules of Procedure of both the 1992 Fund Assembly and the 1992 Fund Executive Committee, as set out in Annexes I and II respectively, to allow delegations to participate remotely in the sessions of the governing bodies.

5.2 Supplementary Fund Assembly

The Supplementary Fund Assembly is invited to:

- (a) Decide whether to hold future meetings of the Supplementary Fund Assembly either:
 - (i) in-person but with a passive streaming service, requiring no amendments to the Rules of Procedure; or
 - (ii) in hybrid format; and
- (b) in the event that it is decided to hold future meetings in hybrid format, decide whether to amend the relevant Rules of Procedure of the Supplementary Fund Assembly, as set out in Annex III, to allow delegations to participate remotely in the sessions of the Assembly.

5.3 1992 Fund Executive Committee

The 1992 Fund Executive Committee is invited to note the decisions of the 1992 Fund Assembly in respect of the format of meetings and the Rules of Procedure of the Executive Committee.:

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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^{<1>}

(Proposed deletions are indicated by strikethrough of the text. New text is indicated with underline.)

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" 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 Members 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 proposes that the next session be held elsewhere, an affirmative decision to that effect may be taken by a majority of Members giving their approval in writing (including by telefax or electronic mail) to the Director. Such majority approval should be communicated to Members at least forty-five days before the commencement of that session.

^{<1>} The English version of these Rules of Procedure underwent a review in August 2019. The amendments made were purely for editorial purposes and did not affect the substance of the text.

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 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 inter-governmental 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 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 of the Assembly.

Credentials

Rule 9

Each Member 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 Government and communicated to the Director. Where such authority is a person who is not a Government employee, such authorisation shall be communicated to the Director not later than five working days prior to the opening of the Assembly session.

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 member 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 of the Assembly shall be held in public unless the Assembly decides otherwise. The Assembly may decide that a particular meeting or part of a meeting shall be held in private. If a meeting or part of a meeting 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 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 Members 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 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 Members 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 of each regular session elect a Chair, a first Vice-Chair and a second Vice-Chair from among the representatives of its Members.

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 Government.

Subsidiary 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 functions to another member of the Secretariat.

Rule 26

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 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 Members 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 at 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 Members present and voting.

Rule 33

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

- (a) the phrase "Members present" means Members present at the meeting at the time of the vote. Members are considered present whether they are participating in person or remotely through the hybrid system. Members in the session who are not present at the time the voting takes place shall be considered as not present.
- (b) the phrase "Members present and voting" means Members present at the meeting, participating either in person or remotely through the hybrid system, whether they cast and casting an affirmative or negative vote. Members who abstain from voting or who cast an invalid vote shall be considered as not voting.

Rule 34

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

Rule 35

The vote of each Member 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 Members 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 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 Members 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 Business

Rule 41

A majority of the Members shall constitute a quorum for the meetings of the Assembly. Members 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 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 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 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 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 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 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 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 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 Members 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 before the meeting:

- (a) to suspend a meeting;
- (b) to adjourn a meeting;
- (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 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.

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 Members 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^{<2>}.

Amendments of Rules of Procedure

Rule 55

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

Overriding 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.

* * *

<2> 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).

ANNEX II

**RULES OF PROCEDURE FOR THE EXECUTIVE COMMITTEE OF THE INTERNATIONAL OIL POLLUTION
COMPENSATION FUND ESTABLISHED UNDER THE 1992 FUND CONVENTION^{<1>}**

(Proposed deletions are indicated by strikethrough of the text. New text is indicated with underline.)

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" 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 proposes that the next session be held elsewhere, an affirmative decision to that effect may be taken by a majority of Members giving their approval in writing (including by telefax or electronic mail) to the Director. Such majority approval should be communicated to Members at least forty-five days before the commencement of that session.

Rule 4

The Director shall invite Members 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.

^{<1>} The English version of these Rules of Procedure underwent a review in August 2019. The amendments made were purely for editorial purposes and did not affect the substance of the text.

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 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 of the Executive Committee.

Credentials

Rule 8

Each Member 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 Government and communicated to the Director. Where such authority is a person who is not a Government employee, such authorisation shall be communicated to the Director not later than five working days prior to the opening of the Executive Committee session.

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 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 of the Executive Committee shall be held in public unless the Committee decides otherwise. The Executive Committee may decide that a particular meeting or part of a meeting shall be held in private. If a meeting or part of a meeting 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 Committee, as adopted by the Assembly, as well as items which have been requested by the Assembly or by a Member 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 days before the session. Supporting documents should be distributed as early as possible, taking into account the need for Member States to prepare 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 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 Members 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 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 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 Members 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 at 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 Members present and voting.

Rule 28bis

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

- (a) the phrase "Members present" means Members present at the meeting at the time of the vote. Members are considered present whether they are participating in person or remotely through the hybrid system. Members in the session who are not present at the time the voting takes place shall be considered as not present.
- (b) the phrase "Members present-and voting" means Members present at the meeting, participating either in person or remotely through the hybrid system, whether they cast an affirmative or negative vote. Members who abstain from voting or who cast an invalid vote shall be considered as not voting.

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 may request a roll-call which shall be taken in the alphabetical order of the names of the Members in English, beginning with the Member whose name is drawn by lot by the Chair.

Rule 31

The vote of each Member 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 Members 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 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 Members 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 Business

Rule 37

At least two-thirds of the members of the Executive Committee shall constitute a quorum for its meetings. Members 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 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 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 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 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 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 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 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 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 Members 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 before the meeting:

- (a) to suspend a meeting;
- (b) to adjourn a meeting;
- (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 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 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.

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 Members 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 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^{<1>}

(Proposed deletions are indicated by strikethrough of the text. New text is indicated with underline.)

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" 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 Members 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 proposes that the next session be held elsewhere, an affirmative decision to that effect may be taken by a majority of Members giving their approval in writing (including by telefax or electronic mail) to the Director. Such majority approval should be communicated to Members at least forty-five days before the commencement of that session.

^{<1>} The English version of these Rules of Procedure underwent a review in August 2019. The amendments made were purely for editorial purposes and did not affect the substance of the text.

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 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 specialized agency of the United Nations whose interests and those of the Supplementary Fund are of common concern;
- (e) any other inter-governmental 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 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 of the Assembly.

Credentials

Rule 9

Each Member 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 Government and communicated to the Director. Where such authority is a person who is not a Government employee, such authorisation shall be communicated to the Director not later than five working days prior to the opening of the Assembly session.

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 member 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.

Access to meetings by the public

Rule 12

Sessions of the Assembly shall be held in public unless the Assembly decides otherwise. The Assembly may decide that a particular meeting or part of a meeting shall be held in private. If a meeting or part of a meeting 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 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 Members 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 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 Members 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 of each regular session elect a Chair, a first Vice-Chair and a second Vice-Chair from among the representatives of its Members.

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 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 functions to another member of the Secretariat.

Rule 26

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 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 Members 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 at 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 Members present and voting.

Rule 33

Each Member 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 "Members present" means Members present at the meeting at the time of the vote. Members are considered present whether they are participating in person or remotely through the hybrid system. Members in the session who are not present at the time the voting takes place shall be considered as not present.
- (b) the phrase "Members present and voting" means Members present at the meeting, participating either in person or remotely through the hybrid system, whether they cast and casting an affirmative or negative vote. Members who abstain from voting or who cast an invalid vote shall be considered as not voting.

Rule 34

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

Rule 35

The vote of each Member 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 Members 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 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 Members 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 Business

Rule 41

A majority of the Members shall constitute a quorum for the meetings of the Assembly. Members 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 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 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 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 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 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 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 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 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 Members 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 before the meeting:

- (a) to suspend a meeting;
- (b) to adjourn a meeting;
- (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 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.

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 Members 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 Rules of Procedure

Rule 54

These Rules of Procedure may be amended by a decision of the Assembly taken by a majority of the Members 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.