



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUNDS

Agenda item: 7	IOPC/OCT15/7/3	
Original: ENGLISH	3 August 2015	
1992 Fund Assembly	92A20	
1992 Fund Executive Committee	92EC65	
Supplementary Fund Assembly	SA11	•

AMENDMENTS TO RULES OF PROCEDURE

Note by the Director

Summary:	This document sets out proposed amendments to the Rules of Procedure for the Supplementary Fund Assembly.
Action to be taken:	<u>Supplementary Fund Assembly</u> <ul style="list-style-type: none">(a) Amend Rule 5 of the Rules of Procedure of the Supplementary Fund Assembly to make the existing wording clearer as set out in section 1 and Annex;(b) Amend Rule 21 of the Rules of Procedure for the Supplementary Fund Assembly to take into account that, at the opening of each regular session of the Assembly, the Director shall chair until the Assembly has elected a Chairman for the session; and(c) Approve the insertion of a new Rule 42<i>bis</i> relating to the inclusion of statements made by delegations in the Record of Decisions of sessions as set out in section 1 and Annex.

1 Introduction

At the April 2015 sessions of the governing bodies, the 1992 Fund Administrative Council decided to make a number of amendments to the Rules of Procedure of the 1992 Fund Assembly. For consistency, the Director now proposes that the same amendments be made to the corresponding Rules of Procedure of the Supplementary Fund Assembly (document [IOPC/APR15/9/1](#), paragraph 6.1).

2 Proposed Amendments

2.1 Invitation by the Director of observers to Assembly sessions

At the April 2015 sessions of the governing bodies, the 1992 Fund Administrative Council decided to amend Rule 5 of the 1992 Fund Assembly Rules of Procedure, relating to the invitation by the Director of observers to Assembly sessions, as the existing wording was unclear ([IOPC/APR15/9/1](#), paragraphs 6.1.2 – 6.1.3). The Director proposes that the same clarification be made to Rule 5 of the Supplementary Fund Assembly's Rules of Procedure, as set out in the Annex.

2.2 Election of Chairmen

2.2.1 At the October 2014 sessions of the governing bodies, the Director introduced the agenda item on the election of Chairmen and referred to Rule 21 of the Rules of Procedure for each of the governing bodies which states:

At the opening of each regular session of the Assembly, the representative of the delegation from which the Chairman of the previous session was elected shall preside until the Assembly has elected a Chairman for the session.

2.2.2 At that session, the Director pointed out that, in practice, this meant that the Chairmen presided over their own elections. At that same session, the Director informed the governing bodies that for the October 2014 sessions and for future sessions, the Director would chair this agenda item for all three governing bodies and that a document proposing an amendment to the Rules of Procedure would be submitted to the governing bodies at their next session. The 1992 Fund Administrative Council amended its Rules of Procedure accordingly at its April 2015 session ([IOPC/APR15/9/1](#), paragraph 6.1.3).

2.2.3 In order to correct this anomaly in the Supplementary Fund Assembly's Rules of Procedure, the Director recommends that the Supplementary Fund Assembly adopt an amendment to Rule 21 to indicate that the Director will chair this agenda item. The proposed revised Rule is set out at the Annex.

2.3 Insertion of new Rule 42bis

2.3.1 The Secretariat prepares the Record of Decisions of the sessions of the governing bodies. General practice is that the Record of Decisions summarises the interventions made by delegations, unless a delegation requests that its statement be included in full. In order to facilitate the production of the draft Record of Decisions in the three working languages of the IOPC Funds, the Chairmen of the governing bodies often remind delegations wishing their statements to be included in this way, to say so at the time of making their statement and to hand any statement to the Secretariat at the time.

2.3.2 At its April 2015 session the 1992 Fund Administrative Council adopted a new rule 42bis reflecting this practice. The Director proposes that the same rule be adopted by the Supplementary Fund Assembly for inclusion in its Rules of Procedure, as set out at the Annex.

3 Action to be taken

The Supplementary Fund Assembly is invited to:

- (a) Amend Rule 5 of the Supplementary Fund Assembly Rules of Procedure relating to the invitation by the Director of observers to Assembly sessions, as set out in section 2.1 and the Annex;
- (b) Amend Rule 21 to take into account that, at the opening of each regular session of the Assembly, the Director shall chair until the Assembly has elected a Chairman for the session as set out in section 2.2 and the Annex; and
- (c) Approve the insertion of a new Rule 42bis relating to the inclusion of statements made by delegations in the Record of Decisions of sessions as set out in section 2.3 and the Annex.

ANNEX

Rules of Procedure for the Assembly of the International Oil Pollution Compensation Supplementary Fund established under the 2003 Supplementary Fund Protocol

Present Text	Proposed Text
Rule 5	
<p>The Director shall invite to be represented by observers at any session of the Assembly:</p> <p>(a) the 1992 Fund;</p> <p>(b) the United Nations;</p> <p>(c) the International Maritime Organization;</p> <p>(d) any other specialized agency of the United Nations whose interests and those of the Supplementary Fund are of common concern;</p> <p>(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.</p>	<p>The Director shall invite <u>the following to be represented as</u> observers at any session of the Assembly:</p> <p>(a) the 1992 Fund;</p> <p>(b) the United Nations;</p> <p>(c) the International Maritime Organization</p> <p>(d) any other specialized agency of the United Nations whose interests and those of the 1992 Fund are of common concern;</p> <p>(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.</p>
Rule 21	
<p>At the opening of each regular session of the Assembly, the representative of the delegation from which the Chairman of the previous session was elected shall preside until the Assembly has elected a Chairman for the session.</p>	<p>At the opening of each regular session of the Assembly, <u>the Director shall chair</u> until the Assembly has elected a Chairman for the session.</p>
Rule 42	
<p>In addition to exercising the powers conferred upon him or her elsewhere by these Rules, the Chairman 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 Chairman 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.</p>	<p>In addition to exercising the powers conferred upon him or her elsewhere by these Rules, the Chairman 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 Chairman 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.</p> <p>Rule 42bis</p> <p>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</p>

	<p>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.</p>
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