



TECHNICAL AND COMPLIANCE COMMITTEE

THIRD REGULAR SESSION

27 September – 02 October 2007

Pohnpei, Federated States of Micronesia

**DRAFT RULES AND PROCEDURES FOR WCPFC TECHNICAL AND COMPLIANCE
COMMITTEE**

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Paper prepared by Japan

APPLICATION AND INTERPRETATION

Rule 1

~~1. These Rules shall apply to the Scientific Committee and the Technical and Compliance Committee (hereinafter referred to as the “Committee”) and such other subsidiary bodies established by the Commission, or recommended for establishment by the Committee and endorsed by the Commission (hereinafter referred to as “Working Group”).~~

12. These Rules shall also apply to the Technical and Compliance Committee (hereinafter referred to as “the Committee”) to the extent they are not inconsistent with Annex I to the Rules of Procedures of the Commission.

23. Where these Rules are silent on an issue, the Committee and Working Group shall apply the Rules of the Procedure of the Commission to the extent practicable with a view to ensuring its deliberations and proceedings are conducted in a practical and non-bureaucratic manner in order to facilitate the discharge by the Committee or Working Group of its responsibilities under the Convention.

REGULAR SESSIONS

Rule 2

1. Subject to the approval by the Commission, ~~The~~ Committee shall hold one regular annual session unless otherwise decided by the Committee ~~Commission~~. The regular annual session of the Committee shall be held at least two calendar months prior to the regular annual session of the Commission unless otherwise decided ~~by the Commission~~.¹
2. The Committee shall recommend, to the extent practicable, before the conclusion of its regular annual session, the dates, venue and duration of its next regular annual session. Upon approval by the Commission, the Executive Director shall notify Members, each territory referred to in Article 43 of the Convention, Cooperating Non Members (CNMs), and observers of the dates and venue of the next regular annual session of the Committee at least ninety (90) days before the opening of its regular annual session
3. Unless otherwise agreed by the Committee, all meetings of the Committee shall be held at the headquarters of the Commission.

AGENDA FOR REGULAR SESSIONS

Rule 3

1. The Executive Director ~~Convener~~ shall draw up a provisional agenda for the regular annual session of the Committee, in consultation with ~~the Executive Director and~~ the [Chair] of the Commission.
2. The provisional agenda shall be based on the functions of the Committee as described in the Convention, requests from the Commission, and, where applicable, the adopted work programs of the Committee.
3. The Executive Director ~~Convener~~ shall circulate the provisional agenda to all Members, territories referred to in Article 43 of the Convention, CNMs, ~~and observers~~ at least sixty (60) days before the opening of the regular annual session of the Committee. Members, territories referred to in Article 43 of the Convention, and CNMs seconded by a Member may at any time suggest additional agenda items in writing, which shall be made at least thirty ~~fifteen~~ (30~~15~~) days before the opening of the regular session of the Committee. The Executive Director

¹ When scheduling the regular annual sessions of the Committees established by the Commission, and such other subsidiary bodies or Working Groups established by the Commission, due consideration will be made so that these meeting are not held concurrently.

shall circulate such request upon receipt of it. The Committee may agree to make additional changes to the provisional agenda at its regular annual session.

4. Where the Committee is required to meet in a special session decided by the Commission, the Executive Director ~~Convenor~~ shall circulate the provisional agenda at least thirty (30) days before the date at which the meeting is to be held.

[ELECTION OF CONVENOR AND VICE-CONVENOR

Rule 4

1. The Committee shall elect a Convenor and a Vice-Convenor from among its Members or territories referred to in article 43 of the Convention. The Convenor and Vice-Convenor shall assume office at the end of the next regular annual session of the Commission and shall remain in office until their successors are elected and assume office. The Convenor and Vice Convenor shall serve a two-year term and may be reelected for one additional consecutive two-year term.

2. In the absence of the Convenor, the Vice-Convenor shall assume all duties and responsibilities of the Convenor.

3. The Convenor and Vice-Convenor shall be elected by consensus. If the Convenor and, where applicable, the Vice-Convenor cannot be elected by consensus, they shall be elected by a simple majority vote of Members of the Committee present and voting. Voting shall be by secret ballot. Once the Convenor is elected, voting, where applicable, for the Vice-Convenor shall take place immediately using the same procedure. If in the first ballot, no candidate obtains the necessary majority of the votes cast, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, balloting shall be continued until one candidate secures the necessary majority of the votes cast.]

[REPLACEMENT OF THE CONVENOR OR VICE-CONVENOR

Rule 5

1. If the Convenor or Vice-Convenor is unable to carry out his or her functions or ceases to be a representative of a Member or territory referred to in article 43 of the Convention, or if a Member of which the Convenor or the Vice-Convenor, as the case may be, ceases to be a Member of the Commission, he or she shall cease to hold office and a new Convenor or Vice-Convenor shall be elected for the unexpired term. A person so elected may stand for

re-election on expiry of that term and may subsequently serve for a maximum of two consecutive terms in accordance with Rule 4 of these Rules of Procedure.

2. Where necessary, the Executive Director may coordinate nominations and elections for a new Convenor or Vice-Convenor electronically.]

[FUNCTIONS OF THE CONVENOR

Rule 6

The powers and duties of the Convenor or Vice-Convenor, when acting as the Convenor, shall be to:

- a) determine, distribute, and solicit comments on the draft agenda at least sixty (60) days in advance of each meeting;
- b) declare the opening and closing of and preside at meetings;
- c) direct discussions and rule on points of order, subject to the right of any representative to request that any ruling of the Convenor be submitted to the meeting for decision;
- d) strive for consensus, and if efforts to achieve consensus fail, report majority and minority views;
- e) transmit the summary report of each meeting to the Commission, each Member, each territory referred to in article 43 of the Convention, each CNM, and others concerned, as appropriate;
- f) make such decisions and give such directions as will ensure, especially in the interval between meetings, that the business of the Committee, is carried out efficiently and in accordance with its decisions and directives from the Commission; and
- g) make a presentation to the Commission and other subsidiary bodies, as appropriate, on the work and recommendations of the Committee.]

REPRESENTATION

Rule 7

1. Each Member of the Commission and each territory referred to in article 43 of the Convention, shall be entitled to appoint one representative to each session of the ~~Scientific Committee and the Technical and Compliance Committee~~ ~~Scientific Committee~~. Such representative may be

accompanied by other experts and advisers. Such representatives shall have appropriate technical qualifications or relevant experience.

~~2. Each CNM shall be invited to participate in the work of the annual regular sessions of the Scientific Committee and the Technical and Compliance Committee.~~

2. Each Member of the Commission, territory referred to in article 43 of the Convention, CNM, or observer, ~~shall~~ are requested to submit the names of its representatives and other associated members ~~advisers~~ to the Executive Director or the person it designated ~~Convenor of the Committee~~ no later than ~~twenty four (24) hours after~~ two days before the opening of the session in such standard form as the Secretariat may develop.

OBSERVERS

Rule 8

1. States, inter-governmental organizations, and non-governmental organizations who have been admitted as observers to the Commission under Rule 36 of the Rules of Procedure of the Commission may participate as observers in the Committee and Working Group.

2. Observer States and inter-governmental organizations may participate in the deliberations of the Committee and Working Group but shall not be entitled to participate in the taking of decisions. Such observers, upon approval by the [Chair] of the Committee, may submit papers to the meetings of the Committee and Working Group and may make written statements during the sessions of the Committee. Such papers and statements may ~~shall~~ be distributed by the Secretariat to members of the Committee and Working Group. Papers contributed by observer States and inter-governmental organizations may, ~~subject to Rule 9,~~ form part of the official documentation of the meeting of the Committee if the Committee so decides, ~~or as the case may be, Working Group.~~

3. A non-governmental organization may contribute papers and may make written statements within the scope of its activities which are relevant to the work of the Committee, or as the case may be, Working Group subject to the approval of the [Convenor.] Papers contributed by a non-governmental organization may be distributed by the Secretariat to members of the Committee and Working Group. Such papers may, ~~subject to Rule 9,~~ form part of the official documentation of the meeting of the Committee if the Committee so decides ~~or, as the case may be, Working Group~~. ~~If such papers are not considered part of the official documentation of the meeting of the Committee or, as the case may be, Working Group, they shall be recorded as a contribution from the non-governmental organization concerned for that particular meeting of the Committee or Working Group. A non-governmental organization may~~

~~make an oral statement on matters within the scope of its activities upon the invitation of the Convener but shall not be entitled to participate in the taking of decisions.~~

CONDUCT OF MEETINGS

Rule 9

1. The meetings of the Committee and Working Group will be conducted in a way that promotes the effective functioning of the Committee and Working Group, and to ensure that the Committee discharges its responsibilities under the Convention. ~~To this end, the Committee and Working Group will conduct its meetings in a way that promotes the exchange of information.~~

2. The Committee may decide a part of its session or Working Group be closed for the members or certain stakeholders concerned and the proceeding of the session including documents submitted be confidential. The Committee or Working Group so decided should display its reasons.

3. The Committee may where necessary and appropriate develop guidelines for the conduct of its meetings. Such guidelines may include the treatment of information and papers for the meeting, including their confidentiality. ~~relate, among other things, to:-~~

- a. ~~Treatment Numbering of information and working papers submitted for the meeting by the Secretariat, members, territories referred to in Article 43 of the Convention, CNMs, and observer States and inter-governmental organizations;~~
- b. ~~Treatment of documents submitted by non-governmental organizations; and~~
- c. ~~Treatment of information that may be deemed to be confidential, in accordance with the Commission's Information Security Policy.~~

TECHINCAL CONTACT

Rule 10

1. ~~Each Member of the Committee, territory referred to in article 43 of the Convention, and CNM shall notify the Executive Director of the person or persons who shall be the Technical Contact for the Committee or Working Group for the purposes of communications between the Secretariat and the Member, territory referred to in article 43 of the Convention, or CNM.~~

2. ~~Each Technical Contact, who may also be the representative referred to under Rule 7 of these Rules of Procedure shall have primary responsibility for correspondence on technical~~

~~matters, including meeting all requirements for timely submission of complete and accurate data on behalf of the Member, territory referred to in article 43, or CNM in relation to the subsidiary body concerned.~~

~~3.—— Observers shall also notify the Executive Director of the person or persons who shall be the Technical Contact for the Committee or Working Group.~~

~~4. Official WCPFC contacts will be copied on all communications, if requested by the Member, territory referred to in article 43 of the Convention, CNM, or observer.~~

INVITED EXPERTS

Rule 711

1. The Committee and, if the case may be, Working Group, may invite other organizations or individuals with technical expertise ~~experts~~ in matters related to the work of the Committee or Working Group to participate in its meetings. The Executive Director or the person it designated ~~Convener~~, in consultation with the Chair ~~Secretariat~~, shall circulate the names of the organization or individuals to the Committee or Working Group at least [60] days before the meeting. If no objections are received within 45 days prior to the meeting, the Executive Director or the person it designated ~~Convener~~ shall issue invitations to organizations or individuals concerned.

2. Invited experts, when requested, may ~~shall~~ be allowed to participate in the deliberations of the Committee, or if the case may be, Working Group but may not take part in the taking of decisions. Such expert should make clear whether he/she is participating the session with its own personal capacity or representing certain government and/or organization.

3. In the case where the Committee is required to meet in a special session decided by the Commission, the Executive Director or the person it designated ~~Convener~~ shall circulate the names of the organization or individuals to the Committee or Working Group at least [30] days before the meeting. If no objections are received within 20 days prior to the meeting, the Executive Director or the person it designated ~~Convener~~ shall issue invitations to the organizations or individuals concerned.

WORKING GROUPS

Rule 12

1. The Committee may recommend to the Commission the establishment of a Working Group in accordance with Article 11(6) and Article 14(3) of the Convention as it deems necessary for exercise of its functions. Where the Committee recommends the establishment of a Working Group, that Working Group shall report its findings and conclusions to the Committee which made the recommendation for its establishment.
2. The terms of establishment of a Working Group may include its terms of reference and reporting schedule. Where necessary and appropriate, a Working Group may conduct intersessional meetings through electronic communications.
3. A Working Group may be comprised of nominated representatives or persons of their personal capacity of Members and each territory referred to in article 43 of the Convention, where necessary, of CNMs and other observers referred to in Rule 36 of the Rules of Procedure of the Commission, with expertise in matters related to the work of the Working Group, which have been invited to participate in the work of the Working Group concerned in accordance with these Rules of Procedure.
4. Experts invited pursuant to Rule 11 of these Rules of Procedure, may also be invited to participate in the deliberations or work of a Working Group.
5. In order to minimize costs, the Working Group shall, as far as practicable, meet in conjunction with the Committee for which its work is related. If a meeting of a Working Group is held separately from the Committee for which its work is related, the budget of the Commission shall include the costs necessary to support the travel and subsistence for one representative from each developing State Party and, where appropriate, territory and possession, to the meeting in accordance with Regulation 3.5 of the Financial Regulations of the Commission.

~~FACILITATOR OF WORKING GROUPS~~

~~Rule 13~~

- ~~1. Each Working Group shall elect by consensus a Facilitator with appropriate expertise and knowledge from amongst representatives of Members, territories referred to in Article 43 of the Convention, CNMs, or an invited expert pursuant to Rule 11 of these Rules of Procedure.~~
- ~~2. The functions and duties of the Facilitator of a Working Group shall be to:~~
 - ~~a) coordinate work assignments;~~
 - ~~b) coordinate communications;~~

- e) ~~organize meetings, including advanced preparation of agendas;~~
- d) ~~schedule the list of presenters, as appropriate;~~
- e) ~~appoint rapporteurs;~~
- f) ~~ensure that assignments are completed as required;~~
- g) ~~make such decisions and give such directions as will ensure, especially in the interval between meetings, that the business of the Working Group, is carried out efficiently and in accordance with its decisions and directives from the Commission;~~
- h) ~~ensure its findings and conclusions are reported to the Committee which made the recommendation for its establishment; and~~
- i) ~~develop multi-year work plans, as appropriate.~~

3. ~~The Facilitator shall facilitate discussions so to ensure that participants with differing views get an opportunity to be heard. The Facilitator shall use his or her best endeavours to ensure the report of findings and conclusions of the Working Group is agreed by consensus. If every effort to achieve consensus has failed, the report shall indicate the majority views and may include the differing views of the representatives of the Members, territories referred to in Article 43 of the Convention, and CNMs on all or any part of the report.~~

4. ~~The Facilitator shall report to the Commission, or, where appropriate, to the Committee on the status of the work of the Working Group. Upon completion of its work, the Facilitator shall provide a final report to the Commission, or where appropriate, the relevant Committee on the work and findings of the Working Group.~~

5. ~~The Facilitator shall serve for the duration of the work of the Working Group or for up to two years from the date of first election, which ever comes first. The Facilitator shall be eligible for re-election.~~

INFORMAL CONTACT GROUPS AND DRAFTING COMMITTEES

Rule 14

The Committee may establish during its regular session, small informal contact groups, drafting committees, and such other small working groups for the purpose of advancing specific issues during the session of the Committee. Such groups designated during the session of a meeting of the Committee shall not be deemed to be subsidiary bodies of the Commission.

Any outcomes from the discussion of such groups are not regarded as conclusive and need to be referred subsequently to the formal sessions of the Committee for consideration.

REPORTS OF MEETINGS OF THE COMMITTEE

Rule 15

The Committee shall prepare a summary report of its findings, conclusions, advice and recommendations for the record and for distribution to the Commission and others concerned, as appropriate. The Committee shall make every effort to adopt its reports by consensus. If every effort to achieve consensus has failed, the report shall indicate the majority and minority views and may include the differing views of the representatives of the Members, territories referred to in Article 43, ~~and CNMs~~ on all or any part of the report. Specific request by CNMs and/or observers on the report may be considered on case by case basis.