

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

(as adopted by the Administrative Council at its 13th session, acting on behalf of the Assembly at its 19th extraordinary session, held from 20–23 April 2015)^{<1>}

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 London (United Kingdom) 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 the opening day of the Assembly. 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 in advance of the opening day of the Assembly.

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

If the Chair is absent from a meeting, 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;
- (b) the phrase "Members present and voting" means Members present 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 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 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.

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.

^{<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).

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.