

**RULES OF PROCEDURE FOR THE EXECUTIVE COMMITTEE OF THE INTERNATIONAL OIL POLLUTION
COMPENSATION FUND ESTABLISHED UNDER THE 1992 FUND CONVENTION**

(as amended by the 1992 Fund Administrative Council at its 23rd session, acting on behalf of the 1992 Fund Assembly
at its 27th extraordinary session, held from 23 – 25 May 2023)^{<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

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 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.

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

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, 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 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 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 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.

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.