

**NORTH PACIFIC FISHERIES COMMISSION
RULES OF PROCEDURE**

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RULE 1: REPRESENTATION AND OFFICIAL CONTACTS

- 1.1 Each member of the Commission shall be represented on the Commission by one Representative, who may be accompanied to Commission meetings by up to three alternative representatives, who shall be authorized to act for the Representative in the Representative's absence, and such other experts and advisors as may be necessary. Each member of the Commission shall notify the Executive Secretary of the names of its designated Representative and Alternate Representatives and, thereafter, any changes to the names of such representatives as soon as possible.
- 1.2 Each member of the Commission shall, through its designated Representative and as soon as possible after the adoption of these rules, notify the Executive Secretary of at least two Official Contacts who shall be the points of contact for the purposes of official communications between the Commission and the member, including all notifications, invitations, and communications made pursuant to these rules.
- 1.3 For each meeting of the Commission, each member of the Commission shall notify the Executive Secretary, in such standard form of designation as the Executive Secretary shall establish, of the names of its Representative, alternate representatives, experts, and advisers attending the meeting, at least one week in advance of the meeting. Following the initial notification, any changes to the list of each member's delegation shall be provided to the Executive Secretary no later than the beginning of the meeting.

RULE 2: DECISION MAKING

- 2.1 Decisions of the Commission shall be taken in accordance with Article 8 of the Convention.
- 2.2 The quorum shall not include the members currently subject to the provisions of Article 12 subparagraph 5 of the Convention.
- 2.3 Votes shall be taken by show of hands, roll call or, in accordance with Rule 2.5, a confidential vote.
- 2.4 A vote by roll call shall be taken upon request of a member of the Commission. Voting by roll call shall be conducted by calling in English alphabetical order the names of all members of the Commission entitled to vote. The name of the first member to be called shall be designated by lot drawn by the Chairperson. Each member shall reply "yes", "no" or "abstain".
- 2.5 If the election of the Chairperson or the vice-Chairperson is not decided by consensus, the decision shall be taken by confidential vote unless otherwise decided by the Commission. A decision to conduct a confidential vote for any other matter shall be made in accordance with Article 8 of the Convention.

- 2.6 The appointment of the Executive Secretary shall be approved by consensus of the Contracting Parties in accordance with Article 5.9 of the Convention.

Intersessional Decisions

- 2.7 When necessary, to the extent permitted by the Convention a matter may be decided during the period between meetings electronically (e.g. email, secure website) or by other means of communication. Normally, such means of taking decisions shall be applied to matters of procedure. However, in exceptional circumstances, where an urgent decision is necessary, such means of taking a decision may be applied to matters of substance.
- 2.8 When it is necessary to decide any matter during the period between meetings, the Chairperson, on his or her initiative, or at the request of a member that has made a proposal, may move adoption without delay of such proposal by intersessional decision. The Chairperson, in consultation with the vice-Chairperson, shall decide on the necessity of considering the proposal intersessionally as soon as possible.
- 2.9 In any case in which the Chairperson determines that it is not necessary to consider a proposal by a member intersessionally, the Chairperson shall promptly so inform that member of such determination and the reasons therefore. Within seven (7) days of the date of such notification, the affected member may request an intersessional decision on the Chairperson's determination, to be subject to the majority decision rule for questions of procedure set forth in the Article 8, paragraph 2(a), of the Convention.
- 2.10 In cases in which the Chairperson has concurred on the necessity of considering a proposal moved by a member intersessionally, the Chairperson shall determine whether the proposal requires consensus for adoption as per the Convention or whether it may be adopted by vote and, in case of the latter, whether the proposal raises a matter of procedure or a matter of substance. The Executive Secretary shall promptly transmit to members:
- (a) the proposal, including any explanatory note;
 - (b) the determination made by the Chairperson under this paragraph, and;
 - (c) a request for an intersessional decision.

The Executive Secretary shall request that responses be returned within thirty (30) calendar days.

- 2.11 Members shall promptly acknowledge receipt of any request for an intersessional decision. If no acknowledgment is received within seven (7) calendar days of the date of transmittal, the Executive Secretary shall retransmit the request and shall use all additional means available to ensure that the request has been received. For the purpose of establishing a quorum in conformity with Article 8, paragraph 4, of the Convention, confirmation by the Executive Secretary that the transmittal has been received shall be deemed conclusive regarding the participation of the member in the decision-making process.
- 2.12 Members shall respond within thirty (30) calendar days of the date of original transmittal of a proposal if they do not support adoption of the proposal (in the case of a decision to be made by consensus), or (in the case of a proposal to be decided by voting) indicating whether they cast an affirmative vote, cast a negative vote, or abstain from voting. If a member of the Commission requests additional time for consideration, a further fifteen (15) days shall be allowed from the expiration of the initial thirty (30) day period. No additional extensions of time beyond one

fifteen (15) day extension shall be permitted. In the event of such an extension, the Executive Secretary shall inform all members of the final date by which responses must be received. If no reply from a member is received within thirty (30) calendar days of original transmittal, or by the extended deadline, that member shall be recorded as having no objection (in the case of a decision to be made by consensus) or abstained (in the case of a proposal to be decided by voting).

- 2.13 The result of a decision taken intersessionally shall be ascertained by the Executive Secretary by the end of the decision period and promptly announced to all members. If any explanations of views are received, these shall also be transmitted to all members. Subject to Article 9, paragraph 1(b), of the Convention, if the proposal is adopted, it shall become effective ninety (90) calendar days after the date of transmittal specified in the Chairperson's notification of the adoption of the decision by the Commission, unless otherwise specified in the decision.
- 2.14 Objection procedures in Article 9 of the Convention shall apply to intersessional decisions.
- 2.15 No proposal transmitted by the Executive Secretary for an intersessional decision shall be subject to amendment during the decision period. Members shall strive to achieve consensus on all proposals submitted for intersessional decisions through timely communication between proponents and any opponents during the 45-day decision period.
- 2.16 A proposal that has been rejected by intersessional decision shall not be reconsidered until the following meeting of the Commission.
- 2.17 Unless otherwise decided by consensus of the Commission, matters to be decided intersessionally under this rule shall not include those in Article 7, paragraph 1 (f), except for the transfer of the allocation of fishing opportunities among members; Article 7 paragraph 1(g); or Article 12, paragraphs 2 and 3.

RULE 3: BINDING DECISIONS

- 3.1 Without prejudice to the provisions of the Convention, decisions of the Commission subject to Article 9 of the Convention shall be those pertaining to:
 - (a) conservation and management of the fisheries resources;
 - (b) protection of the marine ecosystems in which the fisheries resources occur;
 - (c) data collection, compilation and exchange required to achieve the objective of the Convention;
 - (d) monitoring, control, surveillance;
 - (e) compliance and enforcement; and
 - (f) experimental, scientific and exploratory fishing activities.
- 3.2 This rule is without prejudice to the competence of the Commission to adopt non-binding decisions on the above-mentioned matters.

RULE 4: OFFICERS

- 4.1 The Chairperson and the vice-Chairperson of the Commission shall be elected in accordance with Article 5, paragraph 5, of the Convention.

- 4.2 The Chairperson and vice-Chairperson shall take office at the conclusion of the regular meeting at which they are elected, except that the initial Chairperson and vice-Chairperson shall take office upon their elections and serve through the conclusion of the respective next biennial meetings.
- 4.3 The powers and duties of the Chairperson shall be to:
- (a) declare the opening and closing of each meeting;
 - (b) preside at meetings;
 - (c) direct discussions in meetings and ensure observance of these rules;
 - (d) accord the right to speak and limit the time allowed to speakers;
 - (e) rule on points of order, subject to the right of any Representative to request that any ruling of the Chairperson be submitted to the meeting for decision;
 - (f) if appropriate, call for and announce the results of votes;
 - (g) determine, after consultation with the Executive Secretary, the draft provisional agenda and the provisional agenda for each meeting;
 - (h) sign a report of the proceedings of each meeting for transmission to the members of the Commission and others concerned, as appropriate;
 - (i) generally, make such decisions and give such directions to the Executive Secretary as will ensure, especially in the interval between meetings, that the business of the Commission is carried out efficiently and in accordance with its decisions;
 - (j) act in representation of the Commission in accordance with the tasks that the Commission may assign; and
 - (k) perform any other function assigned to him or her by the Commission or the Convention.
- 4.4 Whenever the Chairperson is unable to act, the vice-Chairperson shall exercise the powers and duties prescribed for the Chairperson.
- 4.5 If the office of the Chairperson is vacated, the vice-Chairperson shall become Chairperson for the balance of the vacated term or until the Commission elects a new Chairperson. If neither the Chairperson nor the vice-Chairperson is able to carry out their functions during any meeting, the member hosting the meeting shall provide a Chairperson and the member that hosted the previous meeting a vice-Chairperson for the duration of the meeting, subject to Article 5 paragraph 5 of the Convention.
- 4.6 If neither the Chairperson nor the vice-Chairperson is able to carry out their respective functions during a period between meetings, the member hosting the next meeting shall provide an interim Chairperson and the member hosting the previous meeting an interim vice-Chairperson, subject to Article 5, paragraph 5 of the Convention. Unless the Commission decides otherwise, the Commission shall elect a new Chairperson and vice-Chairperson as the first order of business at the next meeting.
- 4.7 Notwithstanding rules 4.5 and 4.6 above, in exceptional circumstances where the designated member is not able to provide an interim Chairperson or vice-Chairperson, the member that hosted the previous meeting shall provide a Chairperson and the member that hosted the meeting previous to that shall provide a vice-Chairperson, subject to Article 5 paragraph 5 of the Convention.

- 4.8 A Chairperson, or vice-Chairperson when acting as Chairperson, shall not act as a delegate (i.e., Representative, alternate representative, expert or advisor) of a Contracting Party.
- 4.9 If the Chairperson or vice-Chairperson ceases to be a Representative of a Contracting Party, or if a Contracting Party of which he or she is a Representative, ceases to be a member of the Commission, he or she shall cease to hold office and a new Chairperson or vice-Chairperson shall be determined in accordance with Rules 4.5 and 4.6.

RULE 5: AGENDAS AND MEETING CONDUCT

5.1 Agendas

5.1.1 The Executive Secretary shall prepare, under the guidance of the Chairperson, a draft provisional agenda for each meeting and dispatch the agenda to all members of the Commission and observers referred to in Rule 9.1 not less than ninety (90) calendar days before the date fixed for the opening of the meeting. At the same time, the Executive Secretary shall post the date and place of the meeting on the Commission's website. The Provisional Agenda shall also be posted on the website as soon as it is available.

5.1.2 If members of the Commission propose to change the draft provisional agenda, they shall inform the Executive Secretary to that effect not less than seventy-five (75) calendar days before the date fixed for the opening of the meeting. The Executive Secretary, under the guidance of the Chairperson, shall revise the draft provisional agenda, taking into account any suggestions or comments received from members following distribution of the draft provisional agenda, and distribute a revised agenda to all members of the Commission and observers referred to in Rule 9.1 not less than sixty (60) calendar days before the date fixed for the opening of the meeting. The Executive Secretary may modify the deadlines set forth above if so requested by any member of the Commission or by the Chairperson.

5.1.3 The agenda shall be adopted at the beginning of the meeting.

5.2 Open and closed meetings

5.2.1 The meetings of the Commission shall be open to all registered delegates and observers unless the Commission decides that exceptional circumstances require that meetings be held in closed session.

5.2.2 All decisions of the Commission, or conclusions or recommendations of any subsidiary body, decided in a closed session shall be announced at the next open session and prior to adjournment of the meeting of the Commission or subsidiary body at which the closed session was held.

5.3 Interventions

No participant may address the Commission without having previously obtained the permission of the Chairperson. The Chairperson shall give priority to members of the Commission and shall call upon speakers in the order in which they signify their desire to speak, except that the Chairperson of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that body or when the Chairperson believes that change of the order

will better facilitate the discussion. The Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

5.4 Statements by the Executive Secretary and Secretariat Staff

The Executive Secretary, or a member of the Secretariat designated by him or her as his or her representative, may, at any time with the permission of the Chairperson, make either oral or written statements to the Commission. The Executive Secretary or his or her designee shall respond to any question under his or her competence addressed to the Secretariat by members of the Commission.

5.5 Points of order

During the discussion of any matter, a member of the Commission may rise to a point of order, and the point of order shall be immediately decided by the Chairperson in accordance with these rules of procedure and the Convention as well as decisions made by the Commission. A member of the Commission may appeal against the ruling of the Chairperson. In such a case, the appeal shall be immediately put to the vote, and the Chairperson's ruling shall stand unless overruled by a majority of the members of the Commission present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

5.6 Procedural motions

Any motion calling for a decision on the competence of the Commission to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

5.7 Documents to be considered at meetings

5.7.1 All the documents to be prepared by the Secretariat shall be in principle distributed among the members and observers referred to in Rule 9.1 at least two weeks prior to the meeting.

5.7.2 Proposals and other relevant documents to be considered at a meeting shall be electronically submitted in writing to the Executive Secretary in English at least thirty (30) calendar days before the opening of the meeting. Any proposal submitted after the deadline shall not be considered unless otherwise decided by the Commission. The Executive Secretary shall immediately circulate electronic copies of all proposals to the members and observers referred to in Rule 9.1.

5.7.3 When a document or proposal requires the input of subsidiary bodies, and the meeting of such subsidiary body concluded within forty-five (45) calendar days of the opening of a regular Commission meeting, the Executive Secretary may modify the deadline, but in any case such a document or proposal shall be submitted at least fourteen (14) calendar days before the opening of the meeting. In exceptional circumstances, which may include submission of proposals based on discussions in subsidiary bodies held just prior to the Commission meeting, the Commission may modify or waive these deadlines as necessary to facilitate its work.

5.7.4 Proposals shall be in accordance with the format to be decided by the Commission.

5.8 Special meetings

The Commission may hold special meetings in accordance with this rule, provided funds are available to convene such meeting. Any member of the Commission may submit a request to the Executive Secretary to convene a special meeting of the Commission, including in that request the specific reasons for such a session. The Executive Secretary shall immediately inform the other members of the Commission of the request and inquire whether they concur with it. If within thirty (30) calendar days of the date of communication by the Executive Secretary a majority of the members of the Commission concur with the request, a special meeting of the Commission shall be convened by the Chairperson between thirty (30) calendar days and ninety (90) calendar days after the receipt of such concurrence, at such time and place as the Chairperson determines in consultation with the members of the Commission. The Executive Secretary shall notify the members of the Commission, and observers referred to in Rule 9.1, of the date, place, and provisional agenda for a special meeting as early as possible but at least twenty-five (25) calendar days in advance of the special session. The provisional agenda for a special meeting shall focus primarily on those items proposed for consideration in the request for holding the session.

RULE 6: EXECUTIVE SECRETARY

- 6.1 The Commission shall appoint the Executive Secretary to serve the Commission and its subsidiary bodies, according to such procedures and on such terms and conditions to be decided by the Commission. His or her term of office shall be for four years and he/she may be eligible for re-appointment, but shall not serve for more than eight (8) years unless otherwise decided by the Commission. (Covered by Rule 2.6)
- 6.2 The Commission shall designate staff positions to be filled through appointments made by the Executive Secretary. The Commission shall fix the terms and conditions of employment for members of the Secretariat.
- 6.3 The Executive Secretary shall carry out the functions and duties specified in the Convention, the Rules of Procedure, Financial Regulations, Staff Regulations, and other duties as assigned by the Commission.
- 6.4 Specific functions and duties of the Executive Secretary shall include the following:
 - (a) provide administrative services to the Commission and its subsidiary bodies;
 - (b) prepare and transmit the draft provisional agenda and provisional agenda in accordance with Rules 5.1.1 and 5.1.2, respectively;
 - (c) receive the lists of authorized delegates and observers at meetings and report thereon to the Commission or subsidiary bodies, as required;
 - (d) be responsible to the Commission for the general operations of the Secretariat;
 - (e) direct and supervise Secretariat staff;
 - (f) make all necessary arrangements for meetings of the Commission and its subsidiary bodies;
 - (g) be responsible for all monies received by the Commission and for receiving and disbursing the same in compliance with the Financial Regulations and decisions of the Commission;
 - (h) perform all duties set forth in the Financial Regulations relating to the budget;
 - (i) keep the records of Commission meetings;
 - (j) maintain official files of the Commission and records of actions taken;

- (k) assist the Commission in making suitable arrangements and agreements as needed for consultation, cooperation, and collaboration with other organizations or arrangements as per Article 21 of the Convention;
- (l) delegate to Secretariat staff such of his/her powers as he/she may consider necessary for the effective implementation of his/her responsibilities;
- (m) maintain a list of the official contacts of each member;
- (n) prepare, in consultation with the members of the Commission, an annual report on the Commission's activities; and
- (o) such other functions as the Commission may decide.

RULE 7: LANGUAGE

English shall be the working language of the Commission and its subsidiary bodies, although, if desired, any other language may be used on condition that persons doing so will provide interpreters. All official publications and communications of the Commission shall be in English.

RULE 8: RECORDS AND REPORTS

- 8.1 At the end of each meeting, the Commission shall confirm in writing decisions of the Commission and commitments by members.
- 8.2 The Executive Secretary shall prepare a draft meeting report and circulate it to the members of the Commission within fifteen (15) days of the end of the meeting. The members of the Commission shall inform the Executive Secretary within fifteen (15) days of the date of transmittal specified in the Executive Secretary's communication of any changes they wish to have made. The Executive Secretary shall circulate the finalized report within forty-five (45) days of the end of the meeting.
- 8.3 The report shall contain, *inter alia*:
 - (a) a summary record of discussions specifying decisions of the Commission including the adoption of any conservation and management measures (statements by individual members of the Commission shall be included only at the request of that member);
 - (b) final Agenda;
 - (c) a complete list of documents, including background papers, information papers, proposals by delegations and other documents considered by the meeting and available on the Commission's website;
 - (d) participants list;
 - (e) proposals and commitments by members, if any;
 - (f) reports of subsidiary bodies, as available; and
 - (g) other relevant information and documents as determined by the Executive Secretary or requested by any member.

Reports shall not include any information that is subject to such confidentiality rules as the Commission may adopt.

- 8.4 The summary of the decisions of the Commission and the full report of the meeting shall be posted on the Commission's website as soon as possible after being finalized. The reports of

the subsidiary bodies shall be posted on the Commission's website as soon as possible after their adoption by the Commission.

- 8.5 Any member that does not submit the annual report required in Article 16, paragraph 3 of the Convention shall not participate in the relevant fisheries until that data and information have been provided. The deadline for submitting such reports, in a format agreed by the Commission, shall be [the end of February] of the subsequent year and shall be subject to change, taking into account the content and format of the report. The Executive Secretary will notify all members of the Commission of the status of annual reporting no later than [March 14] of the subsequent year.
- 8.6 Upon receipt of any delinquent reports described in Rule 8.5 submitted after the deadline specified above, the Executive Secretary shall notify all members of such receipt and note the relevant member's right to resume participation in any involved fishery.

RULE 9: OBSERVERS

- 9.1 The following may participate as observers in the meetings of the Commission and its subsidiary bodies:
- (a) States and the fishing entity that participated in the Multilateral Meetings on the Management of High Seas Fisheries in the North Pacific Ocean, until their respective ratification, acceptance, approval, accession or expression of firm commitment becomes effective in accordance with Article 25 or the Annex of the Convention;
 - (b) any other State that has jurisdiction over waters adjacent to the Convention Area;
 - (c) other States with an interest in the work of the Commission that are not members of the Commission, and invited by the Commission;
 - (d) the FAO, other specialized agencies of the United Nations, other regional fisheries management organizations or arrangements;
 - (e) other intergovernmental organizations, independent experts and other advisors concerned with matters relevant to the implementation of the Convention and invited by Commission;
 - (f) non-governmental organizations, including environmental organizations and fishing industry organizations, with an interest in the work of the Commission, accredited by the Commission pursuant to Rule 9.3.
- 9.2 A non-governmental organization wishing to participate as an observer shall submit a request to the Executive Secretary at least sixty (60) calendar days in advance of the meeting, together with office locations of the organization, a description of its mission, how its mission and activities are related to the work of the Commission.
- 9.3 The Executive Secretary shall promptly notify the members of the Commission of the request. Any such non-governmental organization that has submitted the required information shall be accredited to participate as an observer unless a simple majority of the members of the Commission objects to the request by notifying the Executive Secretary in writing at least thirty (30) calendar days before the opening of the meeting. Any objecting member shall specify the reason for its objection. Observer status shall remain valid for future meetings until the Commission decides otherwise.

- 9.4 The Executive Secretary may limit the number of participants from each NGO accredited to participate as an observer, taking into account the total number of NGOs wishing to participate and the capacity of the meeting room. The Commission may require NGOs to pay reasonable fees to cover costs attributable to their attendance.
- 9.5 If a meeting of the Commission is held with less than ninety (90) days' notice, the Executive Secretary shall have greater flexibility concerning the time frames established in this Rule.
- 9.6 Any observer admitted to a meeting of the Commission may:
- (a) attend meetings of the Commission and its subsidiary bodies, subject to Rule 5.2, but not vote;
 - (b) make oral statements during the meetings and seek clarification on matters under discussion upon the invitation of the Chairperson after all interventions by members of the Commission;
 - (c) have timely access to documents subject to the terms of the confidentiality rules that the Commission may decide;
 - (d) distribute documents, publications, videos and CDs as information at the meeting, with the approval of the Chairperson. Certain documents may only be considered as Commission documents if so decided by the Commission; and
 - (e) engage in other activities, as appropriate and as approved by the Chairperson.
- 9.7 Any observer admitted to a meeting of the Commission may not:
- (a) use film, video, and audio recording devices, etc. to record meeting proceedings;
 - (b) issue press releases or other information to the media during the meeting in question on agenda items under discussion;
 - (c) disclose any information that they have acquired at meetings before the adjournment of the meeting; or
 - (d) disclose any information subject to confidentiality rules adopted by the Commission.
- 9.8 All observers admitted to a meeting of the Commission shall comply with all rules and procedures applicable to other participants in the meeting. Any observer that does not comply with these requirements shall be excluded from further participation in meetings, unless the Commission decides otherwise.

RULE 10: COOPERATING NON-CONTRACTING PARTIES

- 10.1 To give effect to Article 20 of the NPFC Convention, the following apply to Cooperating non-Contracting Parties (CNCPs) who have expressed an interest in becoming involved with the NPFC.
- 10.2 Each year, the Executive Secretary shall contact all non-Contracting Parties whose vessels fish in the Convention Area and, if possible, non-Contracting Parties known to have an interest in fishing in the Convention Area, to request them to become a Contracting Party to the Convention or to attain the status of Cooperating non-Contracting Party (CNCP).
- 10.3 A non-Contracting Party of the Commission, with an interest in the fishery, or whose vessels fish or intend to fish in the Convention Area, may request the Commission for the status of Cooperating non-Contracting Party (CNCP). Any such request and supporting information shall be in English and shall be received by the Executive Secretary at least 60 days in advance

of the annual meeting of the Technical and Compliance Committee meeting at which the request will be considered. The Executive Secretary shall notify all members of the Commission of any such request and circulate the full application to all members.

- 10.4 A non-Contracting Party seeking the status of CNCP shall include with its request:
- (a) its reason for seeking CNCP status,
 - (b) a commitment to cooperate fully in the implementation of conservation and management measures adopted by the Commission and to ensure that fishing vessels flying its flag and fishing in the Convention Area and, to the greatest extent possible, its nationals, comply with the provisions of the Convention and conservation and management measures adopted by the Commission;
 - (c) an explicit commitment to accept high seas boarding and inspections in accordance with the Commission's procedures on high seas boarding and inspection;
 - (d) full data on its historical fisheries in the Convention Area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas;
 - (e) any further relevant information as determined by the Commission.
- 10.5 A non-Contracting Party seeking the status of CNCP is encouraged to make a contribution commensurate with what it would be assessed should it become a Contracting Party, pursuant to the scheme of contributions established by the Commission in accordance with Article 12(3) of the Convention, or an amount as determined by the Commission.
- 10.6 The Technical and Compliance Committee (TCC) shall assess applications for CNCP status and provide recommendations and technical advice to the Commission, which shall consider, *inter alia*:
- (a) whether the CNCP application includes all information required under paragraph 10.4;
 - (b) in the case of renewal, the record of compliance of the applicant with the provisions of the Convention and the conservation and management measures adopted by the Commission, and where appropriate, the fisheries laws and regulations of Members of the Commission;
 - (c) its record of responding to any IUU activities by vessels flying its flag that have been brought to its attention, in accordance with Article 17 of the NPFC Convention;
 - (d) as appropriate, the record of compliance of the applicant with conservation and management measures of other Regional Fisheries Management Organizations (RFMOs); and
 - (e) in the case of applications for renewal of CNCP status, whether the applicant is meeting all paragraph 10.14 requirements for CNCP.
- 10.7 The Executive Secretary shall forward a copy of the relevant TCC recommendations and advice to the non-Contracting Party applicant as soon as practicable, including all relevant CMMs to facilitate their compliance.
- 10.8 The non-Contracting Party applicant shall have the opportunity to consider the recommendations and advice of the TCC, and to submit additional information if necessary in advance of the Commission's decision on its application.
- 10.9 The Commission shall, in determining whether a non-Contracting Party is accorded CNCP status, have regard to the criteria outlined in paragraph 10.6.
- 10.10 The Commission shall also consider information available from other RFMOs relating to non-Contracting Parties seeking CNCP status, as well as data submitted by such non-Contracting

Parties to the Commission. Caution shall be used so as not to introduce into the Convention Area excess fishing capacity from other regions or IUU fishing activities in granting CNCP status to such non-Contracting Parties.

10.11 The Commission shall accord CNCP status on a bi-annual basis. It may renew the CNCP status subject to a review of the CNCP's compliance with the Convention's objectives and requirements.

10.12 CNCPs seeking to renew their status as a CNCP shall comply with other requirements the Commission may prescribe to ensure compliance with conservation and management measures adopted by the Commission.

10.13 CNCPs are entitled to participate at meetings of the Commission and its subsidiary bodies as Observers.

10.14 CNCPs shall:

- (a) comply with all conservation and management measures adopted by the Commission;
- (b) provide all data that members of the Commission are required to submit, in a timely manner, in accordance with the format and standards adopted by the Commission;
- (c) inform the Commission annually of the measures it takes to ensure compliance by its vessels with the Commission's conservation and management measures;
- (d) respond in a timely manner to alleged violations of conservation and management measures adopted by the Commission and any IUU activities of vessels flying its flag, as requested by a member of the Commission or determined by the appropriate subsidiary bodies of the Commission and communicate to the member making the request and to the Commission, the actions it has taken against the vessels in accordance with the provisions of Article 17 of the Convention;
- (e) accept boarding and inspections in accordance with Commission high seas boarding and inspection procedures.

10.15 Without prejudice to the sovereign rights of coastal States for the purpose of exploring and exploiting, conserving and managing the fish stocks within areas under national jurisdiction, and following the granting of CNCP status, the Commission shall, where necessary, determine how the participatory rights of CNCPs will be limited by the conservation and management measures adopted by the Commission. In giving effect to this paragraph, the Commission shall take into account *inter alia*:

- (a) the status of the fish stocks under the management mandate of the Commission and the existing level of fishing effort in the fishery;
- (b) the respective interests, fishing patterns and fishing practices of new and existing members or participants;
- (c) the respective contributions of new and existing members or participants to conservation and management of the stocks, to the collection and provision of accurate data and to the conduct of scientific research on the stocks;

10.16 The limits determined for CNCPs under paragraph 10.15 may be reviewed by the Commission from time to time in accordance with this measure and other conservation and management measures adopted by the Commission.

- 10.17 The Commission shall monitor the activities of nationals and fishing vessels of CNCPs, including their record of compliance with the provisions of the Convention and conservation and management measures adopted by the Commission.
- 10.18 CNCPs that fail to comply with any of the conservation and management measures adopted by the Commission shall be deemed to have undermined the effectiveness of the conservation and management measures adopted by the Commission. The Commission shall take appropriate action, which may include revocation of CNCP status and/or sanctions and penalties against such CNCPs, in accordance with the Convention and adopted conservation and management measures.
- 10.19 The members of the Commission shall, individually or jointly, request non-Contracting Parties to this Convention whose vessels fish in the Convention Area to cooperate fully in the implementation of the conservation and management measures adopted by the Commission and urge them to apply for the status of a Contracting Party or Cooperating non-Contracting Party.

RULE 11: MEDIA ACCESS

- 11.1 The Commission wishes to provide clear guidelines for media access and participation to the annual Commission and Subsidiary meetings while extending access and transparency as far as possible for accredited media to record highlights of the meeting and report on such to the general public.

SCOPE:

- 11.2 This policy shall apply equally to accredited media for the annual Commission and subsidiary meetings.

Note: Government media who are part of delegations are expected to be under the rules of the head of delegation and expected to conduct themselves in a similar manner as noted below.

DETAILED ACCESS RULES:

- 11.3 The guidelines for media participation have been structured to cover two different media scenarios.
- (a) Mainstream media that are interested in covering the event as a current news item for local or international interest; and
 - (b) media participation for a documentary, story or some other requirement whereby they wish to access the meeting during the sessions.

General Conditions applicable to all media participation

- 11.4 Approval of all media access or participation will rest with the Chair of the meeting in consultation with the Executive Secretary, and where appropriate, the Commission Members.
- 11.5 All requests for media participation to NPFC meetings or for interviews with the NPFC or Secretariat shall be directed to the Executive Secretary of the NPFC Secretariat and include media accreditation documents (press card and letter of authorization from the media company) and purpose of the participation.

- 11.6 Subject to the approval of the Executive Secretary accredited and approved media will be provided media identification that shall be worn at all times while on the meeting facilities, inside and outside the meeting room.
- 11.7 Interviews of members of the Commission, cooperating non-Contracting Members or other participants at the meeting shall not interrupt proceedings, consequently if during the meeting shall they shall be either:
- (a) after sessions or during breaks; or
 - (b) outside the conference meeting facilities.
- 11.8 Members are reminded of the rules of confidentiality with respect to the release of details of the meeting prior to the end of the Commission meeting.
- 11.9 The Commission Chair, and Executive Secretary shall be the only spokespersons for the NPFC and the Secretariat. No other Secretariat Staff shall be permitted to participate in any media events or interviews unless authorized by the Executive Secretary.

A) Guidelines for general mainstream media access for news recording or interviews:

- 11.10 Subject to the approval of the Executive Secretary, all approved media are permitted inside the meeting room for the **opening session** subject to the following rules:
- (a) media must wear their Secretariat-issued media identification card at all times;
 - (b) any disruptive behavior during the opening session shall result in the ES requesting the company to immediately leave the meeting venue and the withdrawal of credentials;
 - (c) cameras may only be used on the periphery of the meeting and cannot be disruptive to the opening ceremonies;
 - (d) interviewing of delegates in the meeting room is not permitted;
 - (e) timely departure from the meeting room after the opening session.
- 11.11 Media participation during the **closing ceremonies**, if any, is subject to the approval of the Chair, and will be conducted in accordance with the above rules.
- 11.12 The Chair may decide to conduct a press conference after the meeting which would be open to all media in attendance.

B) Guidelines for media submitting special requests to film documentaries or special interest programs:

- 11.13 Requests for media participation for access for the filming of special interest programs or documentaries during the meeting proceedings shall be provided to the Executive Secretary of the NPFC Secretariat at least 60 calendar days in advance of the meeting to permit circulation and feedback from the NPFC Members. This is consistent with access requests for NGO observers under the Rules of Procedure Rule 9.
- 11.14 The request for such access shall include media credentials, official Press card and letter of authorization from the media company with the intent of the access or description of the project. The Executive Secretary shall circulate the request to the NPFC Members. The

Chair or Executive Secretary shall notify the media entity at least ten days prior to the commencement of the meeting of the decision.

11.15 Approved media participation and access for these special cases shall be subject to the following conditions to prevent any disruption to the meeting:

- (a) the approval provides clearance as agreed by all Members and is considered as **‘one time’¹ access for that visit;**
- (b) media must wear their Secretariat issued media identification card at all times while on the meeting premises inside and outside the meeting rooms;
- (c) any disruptive behavior during meeting discussions or external to the meeting shall result in the Executive Secretary requesting the company to immediately leave the meeting venue and the withdrawal of credentials.
- (d) the use of cameras is permitted inside the conference room for the official opening and only at set times during the meeting as discussed and agreed by the Chair in advance of the meeting. This agreement can be withdrawn anytime during the meeting when a Member conveys its objection to the Chair;
- (e) camera close up shots are not permitted during meeting discussions;
- (f) interviewing delegates during the formal Commission discussions or in the meeting room is not permitted;
- (g) the use of any disruptive personal communications devices by media during discussions by the Commission is not allowed; and
- (h) if the Executive Secretary requests media to leave the meeting room this is to be done immediately.

RULE 12: SUBSIDIARY BODIES

12.1 These rules of procedure apply, *mutatis mutandis*, to the proceedings of subsidiary bodies established pursuant to Article 6, paragraph 1, of the Convention.

12.2 Subject to the provisions of the Convention, each subsidiary body of the Commission may formulate such additional rules as may be necessary for the efficient conduct of its functions and shall submit any such rules to the Commission for approval.

RULE 13: AMENDMENTS

These rules of procedure may be amended by a decision of the Commission, taken by consensus.

¹ “One time” means the clearance given is only effective for that particular meeting. Should there be another meeting for the same agenda item, the same should also be cleared and agreed by all Members prior to the meeting.

