



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.02.1997
COM(97) 67 final

97/0059 (AVC)

Proposal for a

COUNCIL DECISION

on the accession of the European Community to the General Fisheries Council for the
Mediterranean

(presented by the Commission)

EXPLANATORY MEMORANDUM

Community accession to the General Fisheries Council for the Mediterranean (GFCM) is possible by virtue of Article XIV of the FAO Constitution whereby the Community may become a member of all the agreements and conventions of that organization based on the said provision.

It is very much in the Community's interest to become a member of the GFCM, whose area of competence covers the management and conservation of fish stocks, in particular in connection with establishing a fisheries regime in the Mediterranean. The role the Community can play within the GFCM has been stressed by all concerned, i.e. all the Mediterranean coastal States, including those which are Community Member States, the FAO and the GFCM.

Membership of the GFCM forms part of the overall cooperation policy which the Community is developing in the Mediterranean. Fisheries is one of the main aspects of that policy, and the Commission has undertaken several measures in this area, including organizing two diplomatic conferences on fisheries management in the Mediterranean, held in Crete in December 1994 and in Venice in November 1996, at which the participants stressed the need to reinforce the role of the GFCM as a management body and stated their conviction that the participation of the Community as a member could make a decisive contribution towards achieving that objective.

The Commission presented a recommendation to the Council on 23 February 1993 for a decision seeking authorization to negotiate Community accession to the GFCM¹ and calling for the withdrawal of the four Member States concerned (Greece, Spain, France and Italy). This recommendation was amended in 1996² in the light of developments regarding accession to the GFCM. Given the specific field of activities of the GFCM, the Commission was not opposed to the Member States concerned remaining members of the GFCM alongside the Community, provided that the latter's competence was respected. This is a special situation which does not give grounds for reviewing the status of the Community within other international organizations in which it has exclusive powers regarding fisheries, nor does it constitute a precedent for possible accession to other similar organizations.

The texts of the Agreement and Rules of Procedure of the GFCM must be adapted to permit the formal accession of the Community. The adoption of the amendments will be proposed at the next ordinary session of the GFCM, scheduled to be held in Morocco in October 1997, enabling the Commission to become a member at that session.

When it accedes to the GFCM, the Community will deposit the single declaration on the exercise of competences and voting rights given in the Appendix, which will remain in force for all subsequent meetings unless specified otherwise. The declaration takes account of the specific nature of the matters dealt with by the GFCM and does not

¹ SEC (93) 258 final, 23.2. 1993.

² SEC (95) 1960 final, 10.1.1996.

prejudice any future declarations made within the framework of other international organizations.

In the light of the foregoing, the Commission proposes that the Council decide that the European Community is to accede to the General Fisheries Council for the Mediterranean. The Commission requests that the Council adopt the joint declaration given in the Appendix and attach it to the minutes of the meeting.

**Proposal for a
Council Decision of**
**on the accession of the European Community to the General Fisheries Council for the
Mediterranean**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof in conjunction with the first sentence of paragraph 2 and the second subparagraph of paragraph 3 of Article 228 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the assent of the European Parliament²,

Whereas the Community is a signatory to the United Nations Convention on the Law of the Sea, which obliges all members of the international community to cooperate in the conservation and management of the biological resources of the sea;

Whereas, as regards sea fisheries, the Community is responsible for adopting measures for the conservation and management of fishery resources and in that connection for entering into commitments with third countries or international organizations;

Whereas the management and conservation of the living resources of the Mediterranean Sea requires international regulation;

Whereas, to that end, an international agreement on the management and conservation of living marine resources in the Mediterranean Sea and establishing a General Fisheries Council for the Mediterranean (GFCM) was concluded in Rome on 24 September 1949;

Whereas, to contribute to the conservation of living marine resources in the area covered by the Agreement of the General Fisheries Council for the Mediterranean in which Community fishermen operate, the Community should accede to the General Fisheries Council for the Mediterranean;

Whereas the Community became a member of the United Nations Food and Agriculture Organization (FAO) on 26 November 1991;

Whereas the accession of the Community to the GFCM is possible under Article I(2) of the Agreement of the GFCM, read in conjunction with Article XIV of the revised FAO Constitution;

¹ OJ No

² OJ No

Whereas the Agreement and Rules of Procedure of the GFCM have been adapted to permit the accession of the Community,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The Community shall accede to the General Fisheries Council for the Mediterranean by means of the declaration of acceptance of the Agreement and the Rules of Procedure of the organization, in accordance with the instrument contained in Annex I.

The Community shall also deposit a single declaration on the exercise of competences and voting rights agreed between the Council and the Commission.

2. The texts of the Agreement and the Rules of Procedure of the General Fisheries Council for the Mediterranean are contained in Annex II.

Done at Brussels,

For the Council
The President

APPENDIX

(not for publication)

Joint declaration by the Council and the Commission

1. The Council and the Commission declare that the maintenance of Member States within the GFCM shall not impede the exercise of Community competences. The special case of the GFCM shall not constitute a precedent for the accession of the Community to other fisheries organizations and does not justify reviewing the situation with regard to organizations in which the Community alone participates.
2. The single declaration on the exercise of competences and voting rights given below shall apply for all meetings of the General Fisheries Council for the Mediterranean except where the Community gives special prior notice to the GFCM Secretariat. The arrangement reached between the Council and the Commission regarding the preparation of meetings of the FAO shall apply *mutatis mutandis* to the preparation of sessions of the GFCM.

This single declaration on the exercise of competences and voting rights can not modify the external competences of the EC based on the Treaty. It takes account of the specific nature of the matters dealt with by the GFCM and does not prejudice any future declarations made within the framework of other international organizations.

Accession of the European Community to the General Fisheries Council for the Mediterranean (GFCM)

Single statement on the exercise of competence and voting rights according to article II.6 of the GFCM Agreement

This statement specifies the competence of the European Community and of its Member States in matters covered by the Agreement of the GFCM.

1. European Community's exclusive competence.

For agenda items dealing with conservation and management of living marine resources, the European Community has exclusive competence and voting rights.

2. Member States' competence.

For agenda items dealing with organisational matters (legal, budgetary and procedural issues), the Member States of the European Community have competence and voting rights.

3. Shared competence.

- a) For agenda items dealing with statistics and aquaculture, the competence is shared between the European Community and its Member States. The European Community has voting rights.
- b) For agenda items dealing with research and development aid, the competence is shared between the European Community and its Member States. Member States have voting rights.
- c) For agenda items dealing with consideration of reports and cooperation with other organizations, the competence is shared between the European Community and its Member States. The European Community has voting rights subject to the distribution of competence above.

This statement on the exercise of competence and voting rights applies to all GFCM meetings unless a specific statement is made by the European Community in respect of any meeting or agenda item.

Should the scope of the competence shared between the European Community and its Member States change, this statement will be completed or modified.

ANNEX I

Instrument of accession to the General Fisheries Council for the Mediterranean

Sir,

I have the honour to inform you that the European Community has decided to accede to the General Fisheries Council for the Mediterranean. I therefore ask that you accept this instrument by which the Community accepts the Agreement and Rules of Procedure of the General Fisheries Council for the Mediterranean, in accordance with Articles I and XI thereof, and the single declaration of competences and voting rights, in accordance with the second sentence of Article II(6) of the Agreement.

The European Community formally and without reservation accepts the obligations arising from its membership of the General Fisheries Council for the Mediterranean, as set out in the Agreement and Rules of Procedure, and formally undertakes to fulfil the obligations upon it at the time of its accession.

I have the honour to be, Sir, yours faithfully,

President of the Council of the European Union

Mr Diouf
Director-General
United Nations Food and Agriculture Organization
Via delle Terme di Caracalla
00100 Roma
Italy

ANNEX II

AGREEMENT AND RULES OF PROCEDURE OF THE GENERAL FISHERIES COUNCIL FOR THE MEDITERRANEAN

as amended by the General Fisheries Council for the Mediterranean on 22 May 1963 by its First Special Session, Rome, and on 1 July 1976 by its Thirteen Session, Rome

(This text includes the amendments to the agreement and to the rules of procedure of the General Fisheries Council for the Mediterranean proposed by FAO in order to allow the accession of the European Community; these amendments will be adopted at the next session of the General Fisheries Council for the Mediterranean to be held in October 1997)

AGREEMENT

Preamble

The Contracting Parties having a mutual interest in the development and proper utilization of the living marine resources of the Mediterranean and the Black Sea and connecting waters, and desiring to further the attainment of their objectives through international cooperation which would be furthered by the establishment of a General Fisheries Council for the Mediterranean, agree as follows:

ARTICLE I

The Council

1. The Contracting Parties hereby establish within the framework of the Food and Agriculture Organization of the United Nations (hereinafter referred to as "the Organization") a Council to be known as the General Fisheries Council for the Mediterranean (hereinafter referred to as "the Council"), for the purpose of exercising the functions and discharging the responsibilities set forth in Article III below.
2. The Members of the Council shall be such Members and Associate Members of the Organization and such non-member States as are members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, which accept this Agreement in accordance with the provisions of Article XI below, it being understood that these provisions shall not affect the membership status in the Council of such States that are not Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency as may have become parties to this Agreement prior to 22 May 1963. As regards Associate Members, this Agreement shall, in accordance with the provisions of Article XIV-5 of the Constitution and Rule XXI-3 of the General Rules of the Organization, be submitted by the Organization to the authority having responsibility for the international

relations of such Associate Members.

ARTICLE II

Organization

1. Each member shall be represented at sessions of the Council by one delegate, who may be accompanied by an alternate and by experts and advisers. Participation in meetings of the Council by alternates, experts, and advisers shall not entail the right to vote, except in the case of an alternate who is acting in the place of a delegate during his absence.
2. Subject to paragraph 3, each Member shall have one vote. Decisions of the Council shall be taken by a majority of the votes cast, except as otherwise provided by this Agreement. A majority of the total membership of the Council shall constitute a quorum.
3. A Regional Economic Integration Organization that is a Member of the Council shall have in any meeting of the Council or of any subsidiary body of the Council a number of votes equal to the number of its Member States that are entitled to vote in such meeting.
4. A Regional Economic Integration Organization that is Member of the Council shall exercise its membership rights on an alternative basis with its Member States that are Members of the Council in the areas of their respective competence. Whenever a Regional Economic Integration Organization that is a Member of the Commission exercises its right to vote, its Member States shall not exercise theirs, and conversely.
5. Any Member of the Council may request a Regional Economic Integration Organization that is a Member of the Council or its Member States that are members of the Council to provide information as to which, as between the Member Organization and its Members States, has competence in respect of any specific question. The Regional Economic Integration Organization or the Member States concerned shall provide this information on such request.
6. Before any meeting of the Council or a subsidiary body of the Council a Regional Economic Integration Organization that is a Member of the Council or its Member States that are Members of the Council shall indicate which, as between the Regional Economic Integration Organization and its Member States, has competence in respect to any specific question to be considered in the meeting and which, as between the Regional Economic Integration Organization and its Member States, shall exercise the right to vote in respect of each particular agenda item. Nothing in this paragraph shall prevent a Regional Economic Integration Organization that is a Member of the Council or its Member States that are Members of the Council from making a single declaration for the purposes of this paragraph, which declaration shall remain in force for questions and agenda items to be considered at all subsequent meetings subject to such exceptions or modifications as may be indicated before any individual meeting.

7. In cases where an agenda item covers both matters in respect of which competence has been transferred to the Regional Economic Integration Organization and matters which lie within the competence of its Member States, both the Regional Economic Integration Organization and its Member States may participate in the discussions. In such cases the meeting, in arriving at its decisions, shall take into account only the intervention of the party which has the right to vote.
8. For the purpose of determining a quorum of any meeting of the Council, the delegation of a Regional Economic Integration Organization that is a Member of the Council shall be counted to the extent that it is entitled to vote in the meeting.
9. The Council shall elect a Chairman and two Vice-Chairmen.
10. The Chairman of the Council shall normally convene a regular session of the Council at least once every two years unless otherwise directed by a majority of the Members. The site and date of all sessions shall be determined by the Council in consultation with the Director-General of the Organization.
11. The seat of the Council shall be at the headquarters of the Organization in Rome.
12. The Organization shall provide the Secretariat for the Council and the Director-General shall appoint its Secretary, who shall be administratively responsible to him.
13. The Council may, by a two-thirds majority of its membership, adopt and amend its own Rules of Procedure which shall be consistent with the General Rules of the Organization. The Rules of the Council and any amendments thereto shall come into force as from the date of approval by the Director-General of the Organization.

ARTICLE III

Functions

The purpose of the Council shall be to promote the development, conservation, rational management and best utilization of living marine resources, and to these ends it shall have the following functions and responsibilities:

- a) to keep under review the state of these resources, including their abundance and the level of their exploitation, as well as the state of the fisheries based thereon;
- b) to formulate and recommend, in accordance with the provisions of Article V, appropriate measures:
 - (i) for the conservation and rational management of living marine resources, including measures:
regulating fishing methods and fishing gear,

prescribing the minimum size for individual of specified species,
establishing open and closed fishing seasons and areas,
regulating the amount of total catch and fishing effort and their allocation
among Members,

- (ii) for the implementation of these recommendations;
- c) to keep under review the economic and social aspects of the fishing industry and recommend any measures aimed at its development;
- d) to encourage, recommend, coordinate and, as appropriate, undertake training and extension activities in all aspects of fisheries;
- e) to encourage, recommend, coordinate and, as appropriate, undertake research and development activities, including cooperative projects in the areas of fisheries and the protection of living marine resources;
- f) to assemble, publish or disseminate information regarding exploitable living marine resources and fisheries based on these resources;
- g) to carry out such other activities as may be necessary for the Council to achieve its purpose as defined above.

ARTICLE IV

Region

The Council shall carry out the functions and responsibilities set forth in Article III in the region as referred to in the Preamble.

ARTICLE V

Recommendations on Management Measures

1. The recommendations referred to in Article III, paragraph b), shall be adopted by a two-thirds majority of Members of the Council present and voting. The text of such recommendations shall be communicated by the Chairman of the Council to each Member.
2. Subject to the provisions of this Article, the Members of the Council undertake to give effect to any recommendations made by the Council under Article III, paragraph b), from the date determined by the Council which shall not be before the period for objection provided for in this Article has elapsed.
3. Any Member of the Council may within one hundred and twenty days from the date

of notification of a recommendation object to it and in that event shall not be under obligation to give effect to that recommendation. In the event of an objection being made within the one hundred and twenty days period any other Member may similarly object at any time within a further period of sixty days. A Member may also at any time withdraw its objection and give effect to a recommendation.

4. If objections to a recommendation are made by more than one third of the Members of the Council the other Members shall be relieved forthwith of any obligation to give effect to that recommendation; nevertheless any or all of them may agree among themselves to give effect to it.

5. The Chairman of the Council shall notify each Member immediately upon receipt of each objection or withdrawal of objection.

ARTICLE VI

Reports

The Council shall transmit, after each session, a report embodying its views, recommendations and decisions, and make such other reports to the Director-General of the Organization as may seem to it necessary or desirable. Reports of the committees and working parties of the Council provided for in Article VII of the Agreement shall be transmitted to the Director-General of the Organization through the Council .

ARTICLE VII

Committees, Working Parties and Specialists

1. The Council may establish temporary, special or standing committees to study and report on matters pertaining to the purposes of the Council and working parties to study and recommend on specific technical problems.

2. The committees and working parties referred to in paragraph 1 above shall be convened by the Chairman of the Council at such times and places as are determined by the Chairman in consultation with the Director-General of the Organization.

3. The Council may suggest to the Organization the recruitment or appointment of specialists at the expense of the Organization, for the consideration of specific questions or problems.

4. The establishment of committees and working parties referred to in paragraph 1 above and the recruitment or appointment of specialists referred to in paragraph 3 above, shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Organization; the determination of such availability shall be made by the Director-General of the Organization. Before taking any decision involving expenditures in connection with the establishment of committees and working parties and the recruitment or

appointment of specialists, the Council shall have before it a report from the Director-General of the Organization on the administrative and financial implications thereof.

ARTICLE VIII

Cooperation with International Organizations

The Council shall cooperate closely with other international organizations in matters of mutual interest.

ARTICLE IX

Expenses

1. The expenses of delegates and their alternates, experts and advisers occasioned by attendance at sessions of the Council and the expenses of representatives sent to committees or working parties established in accordance with Article VII of this Agreement shall be determined and paid by each Member.
2. The expenses of the Secretariat, including publications and communications and the expenses incurred by the Chairman and Vice-Chairmen of the Council, when performing duties on behalf of the Council between Council sessions, shall be determined and paid by the Organization within the limits of the relevant appropriations provided for in the budget of the Organization.
3. The expenses of research and development projects undertaken by individual Members of the Council, whether independently or upon recommendation of the Council, shall be determined and paid by the Members concerned.
4. The expenses incurred in connection with cooperative research or development projects undertaken in accordance with the provisions of Article III, paragraph e) unless otherwise available shall be determined and paid by the Members in the form and proportion to which they shall mutually agree. Cooperative projects shall be submitted to the Council of the Organization prior to implementation. Contributions for cooperative projects shall be paid into a trust fund to be established by the Organization and shall be administered by the Organization in accordance with the Financial Regulations and Rules of the Organization.
5. The expenses of experts invited, with the concurrence of the Director-General, to attend meetings of the Council, committees or working parties in their individual capacity shall be borne by the budget of the Organization.

ARTICLE X

Amendments

The General Fisheries Council for the Mediterranean may amend this Agreement by a two-thirds majority of all the Members of this Council, any amendment becoming effective only after concurrence of the Council of the Organization unless the latter considers it desirable to refer the amendment to the Conference of the Organization for approval. An amendment shall become effective as from the date of the decision of the Council or Conference of the Organization, as appropriate. However, any amendment involving new obligations for Members shall come into force with respect to each Member only on acceptance of it by that Member. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of the Organization who shall inform all the Members of the General Fisheries Council for the Mediterranean, as well as the Secretary-General of the United Nations, of the receipt of acceptances and the entry into force of such amendments. The rights and obligations of any Member of the General Fisheries Council for the Mediterranean that has not accepted an amendment involving additional obligations shall continue to be governed by the provisions of this Agreement as they stood prior to the amendment.

ARTICLE XI

Acceptance

1. This Agreement shall be open to acceptance by Members or Associate Members of the Organization.
2. The Council may, by a two-thirds majority of its membership, admit to membership such other States that are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency as have submitted an application for membership and a declaration made in a formal instrument that they accept this Agreement as in force at the time of admission.
3. Participation in the activities of the Council by Members of the Council which are not Members or Associate Members of the Organization shall be contingent upon the assumption of such proportionate share in the expenses of the Secretariat as may be determined in the light of the relevant provisions of the Financial Regulations of the Organization.
4. Acceptance of this Agreement by any Member or Associate Member of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization and shall take effect on receipt of such instrument by the Director-General.
5. Acceptance of this Agreement by non-member nations of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization. Membership shall become effective on the date on which the Council approves the application for membership, in conformity with the provisions of paragraph 2 of this

Article.

6. The Director-General of the Organization shall inform all Members of the Council, all Member Nations of the Organization and the Secretary-General of the United Nations of all acceptances that have become effective.

7. Acceptance of this Agreement may be made subject to reservations which shall become effective only upon unanimous approval by the Members of the Council. The Director-General of the Organization shall notify forthwith all Members of the Council of any reservations. Members of the Council not having replied within three months from the date of the notification shall be deemed to have accepted the reservation. Failing such approval, the nation making the reservation shall not become a party to this Agreement.

ARTICLE XII

Entry into force

This Agreement shall enter into force as from the date of receipt of the fifth instrument of acceptance.

ARTICLE XIII

Territorial Application

The Member of the Council shall, when accepting this Agreement, state explicitly to which territories their participation shall extend. In the absence of such a declaration, participation shall be deemed to apply to all the territories for the international relations of which the Member is responsible. Subject to the provisions of Article XIV below, the scope of the territorial application may be modified by a subsequent declaration.

ARTICLE XIV

Withdrawal

1. Any Member may withdraw from this Agreement at any time after the expiration of two years from the date upon which the Agreement entered into force with respect to that Member, by giving written notice of such withdrawal to the Director-General of the Organization who shall immediately inform all the Members of the Council and the Member Nations of the Organization of such withdrawal. Notice of withdrawal shall become effective three months from the date of its receipt by the Director-General.

2. A Member of the Council may give notice of withdrawal with respect to one or more of the territories for the international relations of which it is responsible. When a Member gives notice of its own withdrawal from the Council it shall state to which territory or territories the withdrawal is to apply. In the absence of such a declaration, the withdrawal

shall be deemed to apply to all the territories for the international relations of which the Member of the Council Commission is responsible, with the exception of Associate Members.

3. Any Member of the Council that gives notice of withdrawal from the Organization shall be deemed to have simultaneously withdrawn from the Council, and this withdrawal shall be deemed to apply to all the territories for the international relations of which the Member concerned is responsible, except that such withdrawal shall not be deemed to apply to an Associate Member.

ARTICLE XV

Interpretation and Settlement of Disputes

Any dispute regarding the interpretation or application of this Agreement, if not settled by the Council, shall be referred to a committee composed of one member appointed by each of the parties to the dispute, and in addition an independent chairman chosen by the members of the committee. The recommendations of such a committee, while not binding in character, shall become the basis for renewed consideration by the parties concerned of the matter out of which the disagreement arose. If as the result of this procedure the dispute is not settled, it shall be referred to the International Court of Justice in accordance with the Statute of the Court, or in the case of a Regional Economic Integration organization that is Member of the Council, to arbitration, unless the parties to the dispute agree to another method of settlement.

ARTICLE XVI

Termination

This Agreement shall be automatically terminated if and when, as the result of withdrawals, the number of Members of the Council drops below five, unless the remaining Members unanimously decide otherwise.

ARTICLE XVII

Certification and Registration

The text of this Agreement was originally formulated at Rome on the 24th day of September one thousand nine hundred and forty-nine in the French language. Two copies in the English, French and Spanish languages of this Agreement as amended on the 22nd day of May one thousand nine hundred and sixty-three by the First Special Session and on the 1st day of July one thousand nine hundred and seventy-six by the Thirteenth Session of the General Fisheries Council for the Mediterranean, shall after approval by the Council or Conference of the Organization, as appropriate, be certified by the Chairman of the Conference or Council of the Organization and by the Director-General of the Organization.

One of these copies shall be deposited in the archives of the Organization. The other copy shall be transmitted to the Secretary-General of the United Nations for registration. In addition, the Director-General shall certify copies of this Agreement and transmit one copy to each Member Nation of the Organization and to such non-member nations of the Organization that are or may become parties to this Agreement.

RULES OF PROCEDURE

RULE I

For the purpose of these Rules, the following definitions apply:

Agreement:	The Agreement for the establishment of the General Fisheries Council for the Mediterranean formulated at Rome (Italy), 24 September 1949 as amended in conformity with Article X thereof.
Council :	The General Fisheries Council for the Mediterranean.
Chairman:	The Chairman of the Council.
Vice-Chairman:	The Vice-Chairman of the Council.
Delegate:	The representative of a Member as specified in Article II, paragraph 1, of the Agreement.
Delegation:	The delegate and his alternate, experts, and advisers.
Member:	Members and Associate Members of the Organization, and non-member nations of the Organization, as may be Members of the Council .
Secretary:	The Secretary of the Council .
Organization:	The Food and Agriculture Organization of the United Nations.
Conference:	The Conference of the Organization.
Director General:	The Director General of the Organization.
Observer Nation, Associate Member or Organization:	A nation that is not a Member of the Council or of the

Organization, or an international organization invited to attend a session of the Council, or a Member Nation or Associate Member of the Organization attending a session of the Council while not a Member of the Council.

Observer: The representative of an observer nation or organization.

RULE II

Sessions of the Council

1. In pursuance of, and in accordance with, Article II, paragraph 4 of the Agreement, the Council, in consultation with the Director-General, shall at each regular session consider whether a session should be held within two years and shall decide the time and place for the next session in accordance with the requirements of the Council's programmes and the terms of the invitation of the country in which the session is to be held. The Chairman, accordingly, shall issue the announcement of the session, provided that, if the Council at a regular session is unable to fix a time and place for the next session, it shall, in consultation with the Director-General, take a decision as to the calendar year in which the next session is to be held, and the Chairman, in consultation with the Director-General, is then authorized to fix the time and place of the session provided that the approval of a majority of the Members of the Council has been secured.
2. The Chairman may convene a special session of the Council at the request or with the approval of the majority of the Members. The Executive Committee, in consultation with the Director-General, shall decide the time and place of such a session.
3. Invitations to a regular session of the Council shall be issued by the Secretary on behalf of the Chairman not less than sixty days in advance of the date fixed for the opening of the session. Invitations to special sessions shall be issued not less than forty days in advance of the date fixed for the opening of the session.
4. In order that a proposal to hold a session of the Council or any of its organs, in a given country, may be considered, such country must have (a) ratified without reservation the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, or (b) given the assurance that all delegates, representatives, experts, observers, or other persons entitled to attend such session in accordance with the terms of the Agreement or these Rules, will enjoy the privileges and immunities necessary for the independent exercise of their function in connection with the session.

RULE III

Credentials

At each session the Secretary shall receive the credentials of delegations and observers. Such credentials shall conform to the standard form set by the Secretariat. Upon examination thereof the Secretariat shall report to the Council for the necessary action.

RULE IV

Agenda

1. The agenda of each regular session shall include:
 - a) election of the Chairman and of two Vice-Chairmen as provided under Article II, paragraph 3 of the Agreement;
 - b) adoption of the agenda;
 - c) a report by the Executive Committee on its activities, including a report of the work performed on behalf of the Council by the Secretariat;
 - d) a report by the Secretary on the financial affairs of the Council ;
 - e) consideration of the proposed budget;
 - f) reports of committees;
 - g) consideration of the time and place of the next session;
 - h) proposals for amendments to the Agreement and the present Rules of Procedure;
 - i) applications for membership, in accordance with Article XI, paragraph 2 of the Agreement, from States which, while not Members of the Organization, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency;
 - j) items referred to the General Fisheries Council for the Mediterranean by the Conference, the Council or the Director-General of the Organization.
2. The agenda shall also include, upon approval by the Council :
 - a) items approved at the previous session;

- b) items proposed by the Executive Committee;
- c) items proposed by a Member.

3. The provisional agenda shall be sent by the Secretary to Members and observer nations and organizations not less than sixty days before the date of the session, together with reports and documents available in connection therewith.

4. The agenda of a special session shall consist only of items relating to the purpose for which the session was called.

RULE V

The Secretariat

1. The Secretariat shall consist of the Secretary and such staff responsible to him as may be determined by the Director-General.
2. The duties of the Secretary shall include the receipt, collation, and circulation of documents, reports, and resolutions of the sessions of the Council and its committees, the record of their proceedings, the certification of expenditures and financial commitments, and the performance of such other duties as the Council or Executive Committee may direct.
3. Copies of all communications concerning the affairs of the Council shall be sent to the Secretary for purposes of information and record.

RULE VI

Plenary Meetings of the Council

Plenary meetings of the Council shall be held in public unless otherwise decided by the Council. When the Council decides to hold a private meeting, it shall at the same time determine the scope of such a decision with respect to observers.

RULE VII

Election of Chairman and Vice-Chairmen

1. The Council shall, during each regular session, elect the Chairman and a first and second Vice-chairman of the Council, who shall assume office immediately following the regular session at which they were elected.

2. Nominees must be delegates or alternates. They shall be eligible for re-election.

RULE VIII

Functions of the Chairman and Vice-Chairmen

1. The Chairman shall exercise the functions conferred on him elsewhere in these Rules and, in particular, shall:
 - a) declare the opening and closing of each plenary meeting of the Council;
 - b) direct the discussions at such meetings and ensure observance of these Rules, accord the right to speak, put questions and announce decisions;
 - c) rule on points of order;
 - d) subject to these Rules, have complete control over the proceedings of the session;
 - e) appoint such committees of the session as the Council may direct.
2. In the absence of the Chairman, or at his request, his functions shall be exercised by the first Vice-Chairman or, in the absence of the latter, by the second Vice-Chairman.
3. The Chairman or Vice-Chairmen, when acting as Chairman shall not vote and another member of their delegations shall represent their governments.
4. The Secretary shall temporarily exercise the functions of the Chairman in the event that the Chairman and Vice-Chairmen are unable to serve.

RULE IX

Voting Arrangements and Procedures

1. Except as provided in paragraph 4 of this Rule, voting in plenary meetings shall be oral or by show of hands, except that a vote by roll call shall be taken if a special majority is required by the Agreement or these Rules, or if a request for a vote by roll call is made by any delegation.
2. A vote by roll call shall be conducted by calling upon delegations in the French alphabetical order.
3. The record of any roll call vote shall show the votes cast by each delegate and any abstention.

4. Voting on matters relating to individuals, except the election of officers of the Council and its committees, shall be by secret ballot.

5. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to the two candidates obtaining the largest number of votes. If, on the second ballot, the votes are equally divided, the Chairman shall decide between the candidates by drawing lots.

6. If the Council is equally divided when a vote is taken on a question other than election a second vote shall be taken at the next meeting of the current session. If the Council is then again equally divided, the proposal shall be regarded as rejected.

7. Voting arrangements and other related matters not specifically provided for by the Agreement, or by these Rules, shall be governed "mutatis mutandis" by the provisions of the General Rules of the Organization.

RULE X

Committees

1. The Executive Committee shall consist of the Chairman and the two Vice-Chairmen. The Chairman of the Council shall be the Chairman of the Executive Committee; the Secretary of the Council shall be the Secretary of the Executive committee. The Executive committee shall:

- a) meet at least once between regular sessions;
- b) conduct the current business of the Council between sessions;
- c) formulate resolutions to be submitted to the Council in connection with items referred to in Rule IV, paragraph 2 b);
- d) prepare estimates of expenses for the next financial period for presentation to the Council for submission to the Organization, in the light of the provisions of Article IX, paragraph 2 of the Agreement;
- e) coordinate the work of the committees and working parties;
- f) function as an editorial and publication committee.

2. The Council may establish such other committees and working parties as it considers desirable.

3. The establishment of committees and working parties referred to in paragraphs 1 and 2 above shall be subject to the provisions of Article VII, paragraph 4 of the Agreement.

4. The procedures of such committees and working parties shall be governed "mutatis mutandis" by the Rules of Procedure of the Council .

RULE XI

Budget and finance

1. Except as otherwise provided in these Rules, the Financial Regulations of the organization, as amplified by the Administrative Manual and memoranda and the procedures based thereon, shall apply to the Council.
2. A proposed budget of the Council for the next succeeding financial period consisting of proposed expenses of the secretariat, including publications and communications, the proposed travelling expenses of the Chairman and Vice-Chairmen, when engaged in the work of the Council between its sessions, and the expenses, if any, of the committees, shall after approval by the Council be submitted to the Director-General for consideration in the preparation of the general budget estimates of the Organization.
3. When adopted by the Conference as part of the general budget of the Organization, the budget of the Council shall constitute the limits within which funds may be committed for purposes approved by the Conference.
4. All cooperative projects shall be submitted to the Council or the Conference of the Organization prior to implementation.

RULE XII

Participation by Observers

1. Participation of international organizations in the work of the Council and the relations between the Council and such organizations shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization, as well as by the rules on relations with international organizations adopted by the Conference or Council of the Organization. All such relations shall be dealt with by the Director-General of the Organization.
2. Members and Associate Members of the Organization that are not Members of the Council may, upon their request, be represented by an observer at sessions of the Council and its subsidiary bodies.
3. States that are not Members of the Council, nor Members or Associate Members of the Organization, but are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon request, and with the approval of the Council of the Organization and of the General Fisheries Council for the Mediterranean,

attend sessions of the latter Council and its subsidiary bodies in an observer capacity, in accordance with the Statement of Principles adopted by the Conference relating to the granting of observer status to nations.

4. Unless the Council expressly determines otherwise, observers may attend the plenary meetings of the Council and participate in the discussions at any technical committee sessions which they may be invited to attend. In no case will they be entitled to vote.

RULE XIII

Cooperative Projects

In the furtherance of cooperative projects provided for in Article III e) of the Agreement, and of studies undertaken outside the region referred to in the Preamble of the Agreement, arrangements may be made with governments that are not members of the Council. All such arrangements shall be made by the Director-General of the Organization.

RULE XIV

Records, Reports and Recommendations

1. Summary records shall be made of each plenary meeting of the Council and each committee meeting, and shall be distributed as soon as possible to the participants.

2. A summary shall be prepared of the proceedings of each session of the Council and shall be published together with such reports of committees, technical papers, and other documents as the Executive Committee may consider advisable.

3. At each session the Council shall approve a report embodying its views, recommendations, resolutions and decisions, including, when requested, a statement of minority views.

4. Subject to the provisions of Article V of the Agreement, the conclusions and recommendations of the Council shall be transmitted to the Director-General of the Organization at the close of each session, who shall circulate them to Members of the Council, nations and international organizations that were represented at the session and make them available to other Member Nations and Associate Members of the Organization for their information.

5. Recommendations having policy, programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference through the Council of the Organization for action.

6. Subject to the provisions of the preceding paragraph, the Chairman may request Members of the Council to supply the Council or the Director-General with information on action taken on the basis of recommendations made by the Council.

RULE XV

Recommendations to Members

1. The Council may take recommendations for action by Members on any matter pertaining to the functions described in Article III of the Agreement.

2. The Secretary shall receive on behalf of the Council the replies of the Members in respect of such recommendations and shall prepare a summary and an analysis of such communications for presentation at the next session.

RULE XVI

Amendments to the Agreement

1. Proposals for the amendment of the Agreement as provided by Article X of the Agreement may be made by any Member in a communication addressed to the Secretary. The Secretary shall transmit to all Members and to the Director-General a copy of such proposals for amendment immediately upon their receipt.

2. No action on a proposal for the amendment of the Agreement shall be taken by the Council at any session unless it has been included in the provisional agenda of the session.

RULE XVII

Suspension and Amendment of Rules

1. Subject to the provisions of the Agreement any of the foregoing Rules, other than Rules IV, V, X, paragraphs 3 and 4, XI, XII, XIV, paragraph 4, and XVI, may be suspended on the motion of any delegation by a majority of the votes cast at any plenary meeting of the Council, provided that announcement is made at a plenary meeting of the Council and copies of the proposal for suspension have been distributed to the delegations not less than forty-eight hours before the meeting at which action is to be taken.

2. Amendments of, or addition to, these Rules may be adopted on the motion of any delegation by a two-thirds majority of the Members of the Council, at any plenary meeting of the Council, provided an announcement is made at a plenary meeting and copies of the proposal for the amendment or addition have been distributed to delegations not less than twenty-four hours before the meeting at which action is to be taken.

3. The Executive Committee may propose amendments and additions to these Rules and such proposals may be considered at the next session of the Council.

4. Any amendment to Rule XVI which may be adopted in accordance with the provisions of paragraph 2 of this Rule, shall not become effective until the next session of the Council.

RULE XVIII

Official Languages

1. The official languages of the Council shall be such languages of the Organization as the Council itself may decide. The delegations may use any one of these languages at sessions and for their reports and communications. A delegation using a non-official language shall provide for interpretation into one of the official languages.

2. During the meetings, interpretation in one or more of the official languages will be provided by the Secretariat when requested by one of the delegates present.

3. Publications of reports and communications shall be in the language in which they are submitted and, when required by the Council or the Executive Committee, abstracts in translation may be published.

ISSN 0254-1475

COM(97) 67 final

DOCUMENTS

EN

03 11

Catalogue number : CB-CO-97-059-EN-C

ISBN 92-78-16148-9

Office for Official Publications of the European Communities

L-2985 Luxembourg