

UPDATE TO ICCAT BASIC TEXTS

The last version of the ICCT Basic Texts, which consolidate the Convention, Rules of Procedure and Financial Regulations, was published in 2007. Since that time, several updates have been adopted by the Commission. In 2009, a change to the Calculation Scheme in Regulation 4 of the Financial Regulations was adopted. As the original figures were shown in square brackets indicating that these were subject to change, it was not considered necessary at that time to republish the Basic Texts. Amendments to the Rules of Procedure were adopted in 2011 and 2012, but these coincided with the initiation of the Convention amendment process, and it was considered more practical to await the outcome of this process before publishing a revised version of the Basic Texts. Notwithstanding, not having all adopted changes incorporated into the text can lead to confusion, as shown through the intersessional vote on the Mediterranean Swordfish allocation key this year. For this reason, the Secretariat will publish a new version of the Basic Texts as early as possible following the 2017 Commission meeting. The changes to be incorporated are shown in **Appendix 1**.

Appendix 1

CHANGES TO BE INCORPORATED INTO THE ICCAT BASIC TEXTS

RULES OF PROCEDURE

Rule 9 - Voting

1. Each member shall be entitled to one vote.
2. Decisions of the Commission shall be taken by a majority of the members of the Commission, except as are provided for in Article VIII, paragraph 1(b)(i) of the Convention.
3. Two-thirds of the members of the Commission shall constitute a quorum for voting.
4. The Chairman or a Vice-Chairman acting as Chairman shall not vote, but may appoint another Delegate, expert or adviser from his delegation to vote in his place.
5. Votes shall be taken by show of hands, roll call or secret ballot.
6. 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 Chairman.
7. Any matter shall be decided by secret ballot if the Commission so determines.
8. In cases of special necessity, where a decision cannot be deferred until the next meeting of the Commission, a matter may be decided during the period between meetings of the Commission by intersessional vote, either electronically via the Internet (e.g. e-mail, secure web site) or other means of written communication.
9. The Chairman, on his or her initiative or at the request of a member of the Commission that has made a proposal, may move adoption without delay of such proposal by intersessional vote. In doing so, the Chairman, in consultation with the Chair of the relevant Panel or other subsidiary body, as appropriate, first shall determine the necessity of considering the proposal intersessionally and shall identify the appropriate majority required for decision-making, pursuant to paragraph 2 above.

10. Where the Chairman determines that it is not necessary to consider a motion proposed by a member intersessionally, or that a two-third majority of members of the Commission is necessary for approval of the subject proposal pursuant to paragraph 2 above, the Chairman shall promptly inform that member of such determination and the reasons therefore, at which time the proposer may request an intersessional vote on the Chairman's determination, to be subject to the majority decision rule contained in paragraph 2.
11. Where an intersessional vote is initiated under paragraph 9 or 10, the Executive Secretary shall promptly transmit via the official correspondents provided for in Rule 1, paragraph 4:
 - a) the proposal, including any explanatory note,
 - b) both rulings made by the Chairman under paragraph 9, or
 - c) a request for an intersessional vote made under paragraph 10.
12. Members shall promptly acknowledge receipt of the proposal or request transmitted under paragraph 11. If no acknowledgment is received within 10 days of the date of transmittal, the Executive Secretary shall retransmit the proposal or request and shall use all additional means available to ensure that the transmittal has been received. Confirmation by the Executive Secretary that the transmittal has been received shall be deemed conclusive regarding the inclusion of the member in the quorum for the purpose of the relevant intersessional vote.
13. Within 10 days of the initial transmittal of a proposal pursuant to paragraph 11 (a), in accordance with Rule 7(d), any member may request an intersessional vote on the chairman's determination of the necessity of considering the proposal intersessionally made under paragraph 9, to be subject to the majority decision rule contained in paragraph 2. If no such request is received, the Executive Secretary shall inform all members and indicate the number of days remaining to respond to the proposal.
14. Members shall respond within 40 days of the date of the initial transmittal of a proposal or request, indicating whether they cast an affirmative vote, cast a negative vote, abstain from voting, or require additional time to consider the matter. If no request for an extension of time has been received within 30 days of the initial transmittal of a proposal or request, the Executive Secretary shall inform all members of the approaching expiration of the 40 day period, indicate which responses have yet to be received and remind the members of the need to respond.
15. If a member of the Commission requests additional time for consideration, a further 30 days shall be allowed from the expiration of the initial 40 day period. In exceptional circumstances, if a quorum has not been established by the expiration of the initial or extended voting period, the Chairman may, in consultation with the Executive Secretary, extend the voting period up to an additional 30 days. No additional extensions of time beyond one 30 day extension initiated by a member and one 30 day extension initiated by the Chairman shall be permitted. In the event of such an extension, the Executive Secretary shall indicate which responses have yet to be received and inform all members of the final date by which responses must be received.
16. If no reply from a member is received within 40 days of transmittal, or by the extended deadline specified by the Executive Secretary in the event of a 30 day extension to consider the proposal, that member shall be recorded as having abstained and shall be considered part of the quorum for voting purposes, as long as the Secretariat has confirmed receipt of the transmittal by that member pursuant to paragraph 12.
17. The result of a decision taken by intersessional vote shall be ascertained by the Executive Secretary at the end of the voting period and promptly notified to all members. If any explanations of votes are received, these shall also be transmitted to all members.
18. Proposals adopted intersessionally shall become effective for all Contracting Parties pursuant to Article VIII, paragraph 2, of the Convention. However, where the issues under consideration are particularly urgent or time-sensitive, the proposal may specify that Contracting Parties should provisionally implement the results of the proposal as soon as possible and to the fullest extent possible consistent with their domestic law and regulatory procedures.

19. Proposals transmitted by the Executive Secretary for an intersessional vote shall not be subject to amendment during the voting period.
20. A proposal that has been rejected by intersessional vote for any reason shall not be reconsidered by way of an intersessional vote until after the following meeting of the Commission, but may be reconsidered at that meeting.
21. The voting rights of any member of the Commission may be suspended by the Commission if the arrears of contributions of that member equal or exceed the amount due for the two preceding years.

Rule 13 - Committees

1. There shall be a Standing Committee on Finance and Administration on which each member country of the Commission may be represented. The Committee shall advise the Commission on matters relating to the Executive Secretary and his staff, on the budget of the Commission, on the time and place of meetings of the Commission, on publications of the Commission and on such other matters as may be referred to it by the Commission. The Committee shall choose its own Chairman.
2. There shall be a Standing Committee on Research and Statistics on which each member country of the Commission may be represented. The Committee shall develop and recommend to the Commission such policies and procedures in the collection, compilation, analysis and dissemination of fishery statistics as may be necessary to ensure that the Commission has available at all times complete, current and equivalent statistics on fishery activities in the Convention area. The Committee shall keep under continuous review the research programmes in progress in the Convention area, and shall develop and recommend to the Commission from time to time such changes in existing programmes, or such new programmes as may be deemed desirable. The Committee shall also advise the Commission on such other scientific matters as may be referred to it. The Committee shall choose its own Chairman.
3. There shall be a Conservation and Management Measures Compliance Committee on which every member country of the Commission may be represented. The Committee shall be broadly responsible for reviewing all aspects of compliance with ICCAT conservation and management measures, and shall develop and recommend to the Commission such measures as may be necessary to ensure the implementation of and compliance with ICCAT conservation and management measures. The Committee shall choose its own Chair.
4. There shall be a Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures on which every member country of the Commission may be represented. The Permanent Working Group shall review the effectiveness and practical aspects of ICCAT's conservation and management measures as well as relevant statistical information regarding species under the purview of ICCAT, and shall develop and recommend to the Commission such technical measures as may be necessary to ensure the effective implementation of ICCAT's conservation and management measures. The Permanent Working Group shall choose its own Chair.
5. The Commission may establish such other Committees as it considers necessary.
6. The Rules of Procedure applicable to the conduct of the business of the Commission shall apply *mutatis mutandis*, except as regards officers, to these Committees, but they may be supplemented by additional rules of procedure or by-laws for the conduct of their meetings and for exercise of their functions and duties.

FINANCIAL REGULATIONS

Regulation 4 - Provision of funds

1. The appropriations for a financial period shall be financed by annual contributions made by members of the Commission pursuant to Article X-2 of the Convention and in accordance with the following Basic Principles of the New Calculation Scheme**:
 - (a) Each Contracting Party shall contribute annually to the Budget of the Commission an amount equivalent to US\$ 1,000 for the Commission membership and an amount equivalent to US\$ 1,000 for each panel membership, as provided for in the Convention (Article X, paragraph 2).
 - (b) Contributions for Commission expenses in excess of the amount made under item one shall be determined by a formula which considers both the economic capabilities of the member countries and their tuna harvest and canning production. This formula includes the following criteria:
 - (i) Member countries are classified into four groups: Group A: members defined as developed market economies by the appropriate United Nations economic organizations. Group B: members not included in group A whose GNP per capita exceeds [US\$ 4,000] (adjusted to 1991 dollar values) and whose combined round weight of catch and net weight of canned products of Atlantic tuna and tuna-like fishes exceeds [5,000 t]. Group C: whose GNP per capita exceeds [US\$ 4,000] or whose combined round weight of catch and net weight of canned products of Atlantic tuna and tuna-like fishes exceeds [5,000 t]. Group D: members not included in groups A, B and C.
 - (ii) The total Commission Budget shall be assigned to each of the four groups according to the formula given below. Within each group, the contribution for each Contracting Party shall be calculated by the method defined in Article X, paragraph 2, of the Convention (Each Contracting Party shall contribute annually to the budget of the Commission an amount equal to: (a) US\$ 1,000 (one thousand United States dollars) for Commission membership. (b) US\$ 1,000 (one thousand United States dollars) for each Panel membership. (c) If the proposed budget for joint expenses for any biennium should exceed the whole amount of contributions to be made by the Contracting Parties under (a) and (b) of this paragraph, one-third of the amount of such excess shall be contributed by the Contracting Parties in proportion to their contributions made under (a) and (b) of this paragraph. For the remaining two-thirds the Commission shall determine on the basis of the latest available information: (i) the total of the round weight of catch of Atlantic tuna and tuna-like fishes and the net weight of canned products of such fishes for each Contracting Party; (ii) the total of (i) for all Contracting Parties. Each Contracting Party shall contribute its share of the remaining two-thirds in the same ratio that its total in (i) bears to the total in (ii). That part of the budget referred to in this sub-paragraph shall be set by agreement of all the Contracting Parties present and voting.).

Group D: The percentage of the total budget assigned to this group shall be [0.25] percent per member in the Group.
Group C: The percentage of the total budget assigned to this group shall be [1.0] percent per member in the Group.
Group B: The percentage of the total budget assigned to this group shall be [3.0] percent per member in the Group.
Group A: The percentage of the total budget remaining after the assignment to groups B, C and D.

Note: The U.S. dollar amounts and t amounts in [] are variables, which may be modified, by Commission decision.

** As modified by the Madrid Protocol, which entered into force on March 10, 2005.

2. As soon as the Commission has approved the budget for a financial period, the Executive Secretary shall send a copy thereof to all members of the Commission, notifying them of their yearly assessments during the financial period and requesting them to deposit the corresponding amount.
3. Contributions to the budget shall be payable in such currencies as the Commission may decide.
4. New members of the Commission whose membership becomes effective during the first six months of any year shall be liable to pay the full amount of the annual contribution they would have been required to pay if they had been members of the Commission when assessments were made under Article X-2 of the Convention.
5. New members of the Commission whose membership becomes effective during the last six months of any year shall be liable to pay half the amount of the annual contribution referred to in paragraph 4 above.
6. The appropriations for a financial period may also be financed by voluntary contributions from members of the Commission or from other sources, any other income accruing to the Commission.