





## **BACKGROUND**

Article 28 of the revised Barcelona Convention provides that “the meetings of the Contracting Parties shall, on the basis of periodical reports referred to in Article 26 of the Barcelona Convention and any other report submitted by the Contracting Parties, assess the compliance with the Convention and the Protocols as well as the measures and recommendations. The Contracting Parties shall recommend, when appropriate, the necessary steps to bring about full compliance with the Convention and the Protocols and promote the implementation of the decisions and recommendations”.

In its decision IG17/2, the Meeting of the Contracting Parties adopted “Procedures and mechanisms on compliance under the Barcelona Convention and its Protocols” (hereinafter referred to as compliance procedures and mechanisms) and elected the Compliance Committee (hereinafter referred to as “the Committee”). It also requested that the Committee should develop its rules of procedure and submit them for adoption by the 16<sup>th</sup> Meeting of the Contracting Parties in 2009.

Accordingly, the first meeting of the Committee will take place at the seat of the Coordinating Unit, in Athens, Greece from 3 to 4 July 2008. To facilitate the discussion, the Secretariat prepared this document that includes one section and an annex, which contains draft rules of procedure for the Compliance committee. The main section outlines the general approach that the Committee may consider to take in developing its rules of procedure.

## **GENERAL APPROACH**

The purpose of Rules of procedure for the Committee is to provide a set of rules governing the proceedings of meetings of the Committee. Generally speaking, these rules would cover issues such as places and dates of meetings, agenda, officers, conduct of business, voting, working languages and other procedural matters. In developing the rules of procedure for the Committee, the following considerations may be taken into account in order to accommodate the specific nature and functions of the Committee:

- a) It is important to keep in mind that the Committee is made of 7 members only who act in their individual capacities. The Committee carries out functions such as identifying causes of individual cases of non-compliance, providing advice and assistance to the concerned Party, and taking measures or make recommendations to the meetings of the Contracting parties. Any rules of procedures for the Committee should facilitate the smooth operation of its meetings, ensure transparent, efficient decision-making process and conduct of its business;
- b) Since some of the rules of procedure for meetings and conferences of the Contracting Parties to the Barcelona Convention and its related Protocols may well apply to the meetings of the Committee, it may not be necessary to repeat them in the rules of procedure for the Committee;
- c) It should be noted that the Procedures and mechanisms on compliance under the Barcelona Convention and its Protocols contain some rules regarding the proceedings of the meetings of the Committee. As such, the rules of procedure for the Committee would further complement, and in some cases, elaborate the provisions laid out in the compliance procedures and mechanisms.



**ANNEX****DRAFT****RULES OF PROCEDURE FOR COMPLIANCE COMMITTEE UNDER THE BARCELONA CONVENTION AND ITS RELATED PROTOCOLS****PURPOSES****RULE 1**

These rules of procedure shall apply to any meeting of the Compliance Committee under the Barcelona Convention and its Protocols, hereinafter called "the Committee", as defined in the "Procedures and mechanisms on compliance under the Barcelona Convention and its Protocols", herein after called "compliance procedures and mechanisms", contained in the annex to decision IG 17/2. They shall be read together with and in furtherance of these procedures and mechanisms on compliance.

**RULE 2**

The rules of procedure for meetings and conferences of the Contracting Parties to the Barcelona Convention and its related protocols, shall apply *mutatis mutandis* to any meeting of the Committee as otherwise provided in the rules set out herein and in decision IG 17/2, and provided that rules 18 to 19 on representation and credentials of the rules of procedure for Meetings and Conferences of the Contracting Parties shall not apply.

**DEFINITIONS****RULE 3**

For the purposes of these rules:

1. "*Convention and Protocols*" means the Barcelona Convention adopted in 1976 and amended in 1995 and its related Protocols: Emergency Protocol, Barcelona, 1976; Prevention and Emergency Protocol Malta, 2002; Dumping Protocol, Barcelona, 1976; Amendments to the Dumping Protocol, Barcelona, 1995; LBS Protocol, Athens, 1980; amendments to the LBS Protocol, Syracuse, 1996; SPA Protocol, Genoa, 1982; SPA and Biodiversity Protocol, Barcelona; Offshore Protocol, Madrid, 1994; Hazardous Waste Protocol, Izmir, 1996; ICZM Protocol Madrid, 2008;
2. "*Compliance procedures and mechanisms*" means the procedures and mechanisms on compliance under the Barcelona Convention and its Protocols adopted by the 15th meeting of the Contracting and set out in the Annex to Decision IG 17/2;
3. "*Contracting Parties*" means Contracting Parties to the Convention and its related Protocols, including the amended versions, if any for which the Convention and the respective Protocols as well as their respective amendments are in force;
4. "*Party concerned*" means a Party in respect of which a question of compliance is raised as set out in section V of the Compliance Procedures and Mechanisms;

5. "Committee" means the Compliance Committee established by section II, paragraph 2 of Compliance procedures and mechanisms as well as by decision IG 17/2 of the 15<sup>th</sup> Meeting of the Contracting Parties;
6. "Member" means a member of the Committee elected under section II, paragraph 3 of the compliance procedures and mechanisms;
7. "Alternate member" means an alternate member elected under section II, paragraph 3 of the compliance procedures and mechanisms;
8. "Chairperson" means the chairperson of the Committee elected in accordance with rule 6 of the present rules of procedure;
9. "Secretariat" means the Coordinating Unit referred to in Paragraph 38 of the compliance procedures and mechanisms;
10. "Coordinating Unit" means the unit within UNEP designated by the executive director of UNEP as responsible for the administration of the Mediterranean Action Plan.

#### **DATES AND NOTICE OF MEETINGS**

##### **RULE 4**

At each meeting, the Committee shall decide on the dates and duration of its next meeting.

##### **RULE 5**

- 1) The Secretariat shall notify all members of the Committee of the dates and venue of a meeting at least six weeks [two months] before the meeting is due to commence.
- 2) Notice of meetings shall be sent to the members and alternate members, any representative, as the case may be, with a copy to the MAP focal points of all Contracting Parties, at least four weeks before the opening of the meeting.

##### **Notes**

*Rule 5 provides the timeframe within which the Secretariat is required to notify the members of the Committee of the dates and venue for the meeting. The proposed timetable is six weeks in order to allow the Secretariat more time to receive submissions or information, as the case may be. An alternative proposal is a two-month timeframe.*

*It is also proposed in line with paragraph 13 of section V of the compliance procedures and mechanisms for the Secretariat to inform all Contracting parties through their MAP focal points that represent the official communication channel of the Contracting Parties with the Secretariat.*

## OFFICERS

### **RULE 6**

The Committee shall elect a Chairperson and two Vice-chairpersons for a term of two years. No officers shall serve for more than two consecutive terms.

#### **Note**

*In order to ensure equitable geographical representation and rotation as provided in the Compliance procedures and mechanisms, it is suggested that the term of office of the Committee officers shall not two years.*

### **RULE 7**

1. In addition to exercising the powers conferred upon him or her elsewhere in these rules, the chairperson shall:

- a. Declare the opening and closure of the meeting;
- b. Preside over the meeting;
- c. Ensure the observance of these rules;
- d. Accord the right to speak;
- e. Put questions to the vote and announce decisions;
- f. Rule on any points of order;
- g. Subject to these rules, have complete control over the proceedings and maintain order.

2. The Chairperson shall also propose:

- a. The closure of the list of speakers;
- b. A limitation on the time to be allowed to speakers and on the number of times they may speak on an issue;
- c. The adjournment or closure of debate on an issue;
- d. The suspension or adjournment of the meeting.

## AGENDA

### **RULE 8**

1. In agreement with the chairperson, the Secretariat shall draft the provisional agenda for each meeting of the Committee. The agenda of the Committee shall include items arising from its functions as specified in section IV of the Compliance procedures and mechanisms and other matters related thereto.

2. The meeting, when adopting its agenda, may decide to add urgent and important items and to delete, defer or amend items.

## **RULE 9**

### Option 1

[The provisional agenda and the annotated agenda for each meeting as well as the draft report on the previous meeting as well as other working and supporting documents shall be circulated to members and alternate members at least four weeks before the opening of the meeting.]

### Option 2

[The provisional agenda, together with supporting documents shall be distributed by the Secretariat to all members of the Committee at least four weeks before the opening of the meeting.]

#### **Notes**

*Rule 8 defines the scope of the agenda for each meeting of the Committee, which is proposed to include items arising from the functions of the Committee and other related matters so as to enable the Committee to fully perform its functions.*

*With respect to the content of Rule 9, two alternative texts are being proposed.*

*In terms of procedures for arranging and circulating the agenda, Rule 8 and Rules 10 to 17 of the Rules of procedure for meetings and conferences of the contracting parties, will apply mutatis mutandis to the meetings of the Committee with the exception of the timeframe. It is proposed to allow four weeks to give the Secretariat more time to receive information or submissions, as the case may be.*

## **MEMBERS**

### **RULE 10**

1) The term of office of a member shall commence at the end of an ordinary meeting of the Contracting parties immediately following his or her election and runs until the end of the Contracting Parties meeting, two or four years thereafter, as applicable.

2) If a member of the Committee resigns or is otherwise unable to complete his or her term of office or to perform his or her functions, the Party who nominated that member shall nominate a replacement to serve for the remainder of that member's mandate, subject to endorsement of the Bureau of the Contracting Parties.

#### **Note**

*When a member of the Committee is unable to complete the term, it is proposed that the Party who nominated that member propose a replacement to serve for the remainder of that member's mandate. Since in normal circumstances the process for making nominations is carried out through consultations with the respective groups, political advice over the nomination for replacement may be necessary to ensure accountability of the process. As the Bureau of the Contracting Parties has the function to provide guidance during the inter-sessional period, it is suggested that the nomination for replacement be subject to endorsement by the Bureau of the Contracting Parties.*



**RULE 11**

1. Subject to these rules, alternate members are entitled to participate in the proceedings of the Committee without the right to vote. An alternate member may cast a vote only if serving as the member.
2. During the absence of a member from all or part of a meeting his or her alternate shall serve as the member.
3. When a member resigns or is otherwise unable to complete the assigned term or the functions of a member, his or her alternate shall serve as a member ad interim.
4. When a member or alternate member resigns or is otherwise unable to complete the assigned term or the functions of a member or alternate member, the Committee shall request the Secretariat to start the procedures of replacement in order to ensure in accordance with paragraph 2 of Rules 10 above, the election a new member or alternate member for the remainder of the term.

**RULE 12**

Each member and alternate member shall serve in his or her individual capacity and, with respect to any matter that is under consideration by the Committee, act in an independent, impartial and objective manner in the interest of the Barcelona Convention and its related protocols for the protection of the Mediterranean sea and its coastal area.

**RULE 13**

1. Each member of the Committee shall, with respect to any matter that is under consideration by the Committee, avoid direct or indirect conflicts of interest. Any matter that may constitute a conflict of interest shall be disclosed as soon as possible to the Secretariat, which shall forthwith notify the members of the Committee. The concerned member shall not participate in the elaboration and adoption of findings, measures and recommendations of the Committee in relation to such matter.

[2. Each member and alternate member shall take and agree to respect a written oath of office before assuming his or her position. The oath of service shall read as follows:

"I solemnly declare that I will perform my duties and exercise my authority as member/alternate member of the Compliance Committee established by the decision (IG 17/2) of the 15<sup>th</sup> Meeting of the Contracting Parties honourably, faithfully, impartially and conscientiously and acting objectively in the interest of the Barcelona Convention and its Protocols for the protection of the Mediterranean sea and its coastal area.

"I further solemnly declare that, subject to my responsibilities within the Compliance Committee, I shall not disclose, even after the termination of my functions, any confidential information coming to my knowledge by reason of my duties in the Compliance Committee.

"I shall disclose immediately to the Secretariat any interest in any matter under discussion before the Compliance Committee which may constitute a conflict of interest or which might be incompatible with the requirements of independence and impartiality expected of a member or alternate member of the Compliance Committee

- and I shall refrain from participating in the work of the Compliance Committee in relation to such matter."
3. [If the committee considers that a material violation of the requirements of independence and impartiality expected of a member or alternate member of the Committee has occurred, it may decide to recommend, through the Secretariat to the Bureau of the meeting of the Contracting Parties to revoke, the membership of any member or alternate member concerned, after having provided a reasonable opportunity for the member or alternate member to be heard.]
  4. All decisions of the Committee taken under this rule shall be noted in the annual report of the Committee to the Meeting of the Parties.]

**Notes**

*Paragraph 11 of Compliance Procedures and Mechanisms provide for "Members of the Committee and their alternates shall serve in their individual capacities and shall act objectively in the interests of the Barcelona Convention and its Protocols for the protection of the Mediterranean Sea and its coastal area".*

*Rules 12 and 13 address the issue of conflict of interest. As a general principle, members of the Committee should avoid conflict of interest. Procedurally, the proposed rules place the burden of disclosure of the information that may constitute a conflict of interest on the individual members who should inform other members of the situation through the Secretariat.*

*However an optional provision is being proposed under paragraph 3, which sets up a procedure to address any issue related to conflict of interest when the Committee is informed through different sources, that a material violation of the requirement of independence and impartiality from its members or alternates has occurred.*

*Being a citizen of the Contracting Parties whose compliance was to be discussed would not in itself be considered as a conflict of interest.*

**DISTRIBUTION AND CONSIDERATION OF INFORMATION**

**RULE 14**

1. The information received in accordance with paragraphs 18-19 of section V on 'Procedure' shall be distributed by the Secretariat to the members and alternate members of the Committee.
2. A submission received in accordance with paragraph 18 (a) of section V of the compliance procedures and mechanisms shall be transmitted by the Secretariat to the members of the Committee and their alternates as soon as possible but no later than thirty days of receipt of the submission.
3. A submission received in accordance with paragraph 18(b) of the compliance procedures and mechanisms and any referrals by the Secretariat as provided for in paragraph 23 of the compliance procedures and mechanisms shall be transmitted by the Secretariat to the members of the compliance committee and their alternates as soon as possible but not later than 30 days after the 6-month timeframes provided in the above mentioned paragraphs have expired.
4. Any information to be considered by the Committee shall, as soon as possible but not later than two weeks be made available to the Party concerned.

**Notes**

*Rule 14 is intended to deal with the information received in accordance with paragraph 18 of section V of the Compliance procedures and mechanisms, which read:*

*The Committee shall consider submissions by:*

*a) a Party in respect of its own actual or potential situation of non-compliance, despite its best endeavors;*

*b) a Party in respect of another Party's situation of non-compliance, after it has undertaken consultations through the Secretariat with the Party concerned and the matter has not been resolved within three months at the latest, or a longer period as the circumstances of a particular case may require, but not later than six months.*

*c) If the Secretariat becomes aware from the periodic reports referred to in Article 26 of the Convention and any other reports submitted by the Parties that a Party is facing difficulties in complying with its obligations under the Convention and its Protocols, the Secretariat shall notify the Party concerned and discuss with it ways of overcoming the difficulties. If the difficulties cannot be overcome within a maximum period of three months, the Party concerned shall make a submission on the matter to the Compliance Committee in accordance with paragraph 18 (a). In the absence of such a submission within six months of the date of the above mentioned notification, the Secretariat shall refer the matter to the Committee.'*

*As a matter of principle, the information received under these paragraphs should be distributed by the Secretariat to the members of the Committee as soon as possible. The information that will be considered by the Committee should be distributed to the Party concerned as soon as possible so that it would be able to prepare and respond accordingly.*

**PUBLICATION OF DOCUMENTS AND INFORMATION****RULE 15**

The provisional agenda, reports of meetings, official documents and, subject to rule 13 above and paragraph 30 of section V of the compliance procedures and mechanisms, any other information documents shall be made available to the public.

**Note**

*This rule deals with the question as to which information would be available to the public e.g. by posting on the website of the Secretariat. To ensure transparency of the process and contribute to public participation, it is suggested that official documents such as agenda and reports of the Committee as well as other information papers that have been considered by the Committee and are non-confidential be accessible by the public.*

**PARTICIPATION IN PROCEEDINGS OF THE COMMITTEE****RULE 16**

A Party, in respect of which a submission is made or which makes a submission as referred to in paragraph 18 of section V of the compliance procedures and mechanisms, shall be invited to participate in the deliberation of the Committee. The Party concerned shall be given an opportunity to comment in writing on any findings, measures and recommendation of the Committee. Any such comments shall be forwarded with the report of the Committee to the Meeting of the Contracting Parties.

**Notes**

*Rule 16 is devised to complement paragraph 18, 27 and 29 of section V of the Compliance procedures and mechanisms, which read:*

*“The Party concerned shall be entitled to participate in the discussions of the Committee and present its observations. The Committee may, if it considers it necessary in a particular case of non-compliance, ask the Party concerned to participate in the preparation of its findings, measures and recommendations.”*

*The Committee shall, through the Secretariat, notify the Party concerned of its draft findings, measures and recommendations in writing within two weeks from the date of their completion. The Party concerned may comment in writing on the draft findings, measures and recommendations of the Committee within a period of time determined by the Committee”.*

*Accordingly, the Party concerned will be invited to participate in the meetings of the Committee when the submission is under consideration. Moreover, in the interest of full transparency and fairness, the Contracting Parties should have an opportunity to comment on findings, measures and recommendations made by the Committee, and the comments, if any, would be forwarded together with the report of the Committee to the Meeting of the Contracting Parties for consideration and action.*

**CONDUCT OF BUSINESS**

***RULE 17***

Option I

1) Meetings of the committee shall be held in private, unless the committee of its own accord or at the request of the Party concerned decides, for overriding reasons, that part or all of the meeting shall be held in public. The Party concerned and any party, observer or person invited by the Committee shall be present at the meetings of the Committee.

2) Only members and alternate members of the Committee and secretariat officials may be present during the elaboration and adoption of Committee findings, decisions or recommendations.

Option II

1) The Committee shall meet in closed session unless it decides otherwise. The Party concerned and any person invited by the Committee shall be present at the meetings of the Committee.

2) Only members and alternate members of the Committee and secretariat officials may be present during the elaboration and adoption of Committee findings, decisions or recommendations.

Option III

1) Unless the Committee or the Party whose compliance is in question decides otherwise, the meetings of the Committee will be open to other contracting parties and to observers

2) Only members and alternate members of the Committee and secretariat officials may be present during the elaboration and adoption of Committee findings, decisions or recommendations.

**Notes**

*Paragraph 13 of the compliance procedures and mechanisms provides the following:*

*The Secretariat shall inform all Contracting Parties of the date and venue of the meetings of the Committee. Unless the Committee or the Party whose compliance is in question (hereinafter "the Party concerned") decides otherwise, the meetings of the Committee will be open to:*

*a) Parties to the Convention, which shall be treated as observers in accordance with the Rules of Procedure for meetings and conferences of the Contracting Parties for the purpose of their participation in the Committee; and*

*b) Observers, in accordance with Article 20 of the Convention and the Rules of Procedure for the meetings and conferences of the Contracting Parties.*

**RULE 18**

Seven members of the Committee shall constitute a quorum.

**RULE 19**

1. With respect to a notification or document sent by the Secretariat to a Contracting Party, the date of receipt shall be deemed to be the date indicated in a written confirmation from the Party or the date indicated in a written confirmation of receipt by the expedited delivery courier, whichever comes first.

2. With respect to a submission, request, or other document intended for the Committee, the date of receipt by the Committee shall be deemed to be the first business day after receipt by the secretariat.

**RULE 20**

1. Electronic means of communication may be used by the members of the Committee for the purpose of conducting informal consultations on issues under consideration and decision-making on matters of procedure. Electronic means of communication shall not be used for making decisions on matters of substance.

2. The Committee may use electronic means for transmission, distribution and storage of documentation, without prejudice to normal means of circulation of the documentation, as the case may be.

**Note**

*Since emails are frequently being used as a means of communications, the Committee may explore such electronic means of conducting business during the inter-sessional period. However, it may be necessary to clarify in the provision as to which activity can or cannot be carried out through electronic means. Given the importance of decision-making on matters of substance, it is proposed that such action should not be conducted through emails.*

## VOTING

### **RULE 21**

Each member of the Committee shall have one vote.

### **RULE 22**

1. The Committee shall make every effort to reach agreement by consensus on its findings, measures and recommendations. If all efforts to reach consensus have been exhausted, the Committee shall as a last resort adopt its findings, measures and recommendations by at least 6 members present and voting. "Members present and voting" means members present and casting an affirmative or a negative vote.

2. For the purpose of these rules, the phrase "members present and voting" means members present at the session at which voting takes place and casting an affirmative or negative vote. Members abstaining from voting shall be considered as not voting.

#### **Notes**

*According to paragraph 16, Section III of the Compliance procedures and mechanisms, the Committee shall, as a last resort, adopt its findings, measures and recommendations by at least three-fourth of members present and voting.*

*During the MAP Focal Points meeting held in Madrid, Spain from 16-19 October 2007, it was agreed that a three-fourth majority of the seven-member committee is six.*

## SECRETARIAT

### **RULE 23**

1. The secretariat shall make arrangements for meetings of the Committee and provide it with services as required.

2. In addition, the secretariat shall perform other functions assigned to it by the Committee or the Meeting of the Contracting Parties with respect to the work of the Committee.

## LANGUAGE

### **RULE 24**

The working language of the Committee shall be English and French.

### **RULE 25**

1. The submissions from the Party concerned, the response and the information, as referred to in section V of the compliance procedures and mechanisms, shall be made in one of the four official languages of the meetings of the Contracting Parties to the Convention and its related Protocols. [The Secretariat shall make arrangements to translate them into English and or French if they are submitted in the other official languages of the meeting of the Contracting Parties to the Convention and its related Protocols].

2. A representative taking part in the proceedings may speak in a language other than the working languages of the Committee if the Party provides for interpretation.

3. Findings, measures and recommendations that are final shall be made available in all official languages of the meetings of the Contracting Parties to the Convention and its related Protocols.

**Notes**

*For the purpose of cost-effectiveness, it is proposed that the working language of the Committee be English and French. However, when a Party makes a submission in one of the official languages other than English, it is suggested that the Secretariat make appropriate arrangements for translation into English and or French in order to facilitate full participation by Parties concerned.*

*In the situation where a representative of a Party taking part in the proceedings of the Committee speaks a language other than English or French, that Party may have to make its own interpretation arrangement into English and or French.*

**GENERAL PROCEDURES FOR SUBMISSIONS****RULE 26**

1. A submission by any Contracting Party raising a question of non-compliance with respect to itself shall set out:

- a) The name of the Contracting Party making the submission;
- b) A statement identifying the question of non-compliance;
- c) A reference to the provisions of the Barcelona Convention and its related Protocols and decision IG 17/2 that form the basis for raising the question of non-compliance.

2. The submission should also set out:

- a) Any provisions of the decisions of the Meeting of the Contracting Parties and the reports of the Secretariat that are applicable to the question of non-compliance;
- b) The information that is material to the question of non-compliance;
- c) A list of all documents annexed to the submission.

**RULE 27**

1. A submission by any Contracting Party raising a question of non-compliance with respect to another Party shall set out:

- a) The name of the Contracting Party making the submission;
- b) A statement identifying the question of non-compliance;
- c) The name of the Party concerned;
- d) A reference to the provisions of the Barcelona Convention and its related Protocols and decision IG 17/2 that form the basis for raising the question of non-compliance;
- e) Corroborating information supporting the question of non-compliance.

2. The submission should also set out:

- a) Any provisions of the decisions of the meetings of the Contracting Parties and the reports of the Secretariat that are applicable to the question of non-compliance;
- b) A list of all documents annexed to the submission.

**RULE 28**

The secretariat shall make the submission and any supporting information submitted under rule 14 available to the representative of that Party.

**RULE 29**

Comments and written submissions by the Party concerned in accordance with the provisions of section V of the compliance procedures and mechanisms should include:

- a) A statement of the position of the Party concerned on the information, findings, measures and recommendations or question of non-compliance under consideration, including the grounds therefore;
- b) An identification of any information provided by the Party that it requests not to be made available to the public in accordance with paragraph 30 of section V of the compliance procedures and mechanisms;
- c) A list of all documents annexed to the submission or comment.

**RULE 30**

1. Any submission or comment under rules 13, 14 shall be signed by the MAP focal points of the Party and be delivered to the secretariat in hard copy and by electronic means.
2. Any relevant documents in support of the submission or comment shall be annexed to it.

**RULE 31**

If the Committee decides to seek expert advice, it shall:

- a) Define the question on which expert opinion is sought;
- b) Identify the experts to be consulted;
- c) Lay down the procedures to be followed.

**RULE 32**

1. Findings, measures or recommendations shall contain, *mutatis mutandis*:
  - a) The name of the Party concerned;
  - b) A statement identifying the question of non-compliance addressed;
  - c) The provisions of the Barcelona Convention and its related Protocols and decision IG.17/2 and other relevant decisions of the Meetings of the Contracting Parties that form the basis of the preliminary finding or final decision;
  - d) A description of the information considered in the deliberations, a confirmation that the Party concerned was given an opportunity to comment in writing on all information considered;
  - e) A summary of the proceedings, including an indication of whether its preliminary finding or any part of it as specified is confirmed;
  - f) The substantive decision of the question of non-compliance, including the consequences applied, if any;
  - g) Conclusions and reasons for the findings, measures and recommendations;
  - h) The place and date of the findings, measures and recommendations;



- i) The names of the members who participated in the consideration of the question of non-compliance, as well as the elaboration and adoption of the findings, measures and recommendations.

2. Comments in writing on the findings, measures and recommendations submitted within 45 days from their receipt by the Party concerned shall be circulated by the Secretariat to the members and alternate members of committee and shall be included in the Committee's biannual report to the Meeting of the Contracting Parties.

## **AMENDMENTS TO THE RULES OF PROCEDURE**

### ***RULE 33***

Amendments to these rules of procedure shall be adopted by consensus by the Committee and submitted to the Meeting of the Contracting Parties for consideration and adoption.

## **OVERRIDING AUTHORITY OF THE CONVENTION AND ITS RELATED PROTOCOLS AND DECISION IG 17/2**

### ***RULE 34***

In the event of a conflict between any provision in these rules and any provision in the Convention and its Protocols or decision IG 17/2, the provisions of the Convention and its Protocols or, as the case may be, decision IG 17/2 shall prevail.