

Rules of Procedure for the Conference of the Parties to the Agreement To Prevent Unregulated High Seas Fisheries In The Central Arctic Ocean***Definitions***

For the purposes of these Rules of Procedure:

- a) “Agreement” means the *Agreement To Prevent Unregulated High Seas Fisheries In The Central Arctic Ocean*, done at Ilulissat, Greenland on October 3, 2018 and entered into force on June 25, 2021;
- b) “Parties” means the Parties to the Agreement;
- c) “Conference of the Parties” (COP) is the decision-making body of the Agreement that advances the implementation of the Agreement through decisions pursuant to the Agreement and these Rules, including those decisions described in Article 5 of the Agreement;
- d) “Chairperson” means the Chairperson elected in accordance with Rule 2;
- e) “Vice-Chairperson” means the Vice-Chairperson elected in accordance with Rule 2;
- f) “Participants” means representatives of Parties, Observers authorised to attend meetings of the COP consistent with these Rules;
- g) “Information Material and Documents” means material and documents submitted to the COP for the purpose of informing the Parties on a relevant matter which does not contain a formal proposal for decision by the COP; and,
- h) “Working Material and Documents” means material and documents submitted to the COP for the purpose of seeking a decision by the COP.

Purpose**Rule 1**

- 1.1 These Rules of Procedure apply to any meeting of the COP convened in accordance with Article 5 of the Agreement and intersessional work of the COP as provided in these Rules.

Chairpersons**Rule 2**

- 2.1 The Chairperson and the Vice-Chairperson of the COP shall be elected from and by the Parties, as a general rule, at a meeting of the COP.

- 2.2 The Chairperson and Vice-Chairperson shall each serve for a single term of four years that shall commence with immediate effect at the end of the meeting at which they are elected, or as otherwise decided by the Parties. Following the completion of this term, the Chairperson and Vice-Chairperson shall not serve an added term, unless otherwise agreed by the Parties.
- 2.3 The Chairperson, or the Vice-Chairperson when acting as the Chairperson, shall cease to act as a representative of a Party when performing the duties of the Chairperson.
- 2.4 The duties of the Chairperson, exercised in cooperation, as appropriate, with the Vice-Chairperson during meetings of the COP or the intersessional periods, include:
- i) Convening meetings;
 - ii) Drafting provisional agendas for meetings;
 - iii) Declaring the opening and closing of meetings;
 - iv) Presiding over the meetings;
 - v) Inviting observers pursuant to Rule 5;
 - vi) Calling for and announcing the results of votes;
 - vii) Deciding on all questions of order;
 - viii) Drafting any material or documents requested by the COP;
 - ix) Drafting records of meetings, as described in Rule 11;
 - x) Disseminating adopted reports, including reports from any committees or other similar bodies established by the Parties; and,
 - xi) Presenting the report of the COP at external meetings;
- 2.5 Whenever the Chairperson is unable to perform duties set out in Rule 2.4, the Vice-Chairperson shall exercise the power and duties prescribed for the Chairperson.
- 2.6 If the office of the Chairperson is vacated during a term, the Vice-Chairperson shall, notwithstanding Rule 2.1, serve as Chairperson for the balance of the term, until a new Chairperson is elected. In such circumstances, the Parties may appoint a new Vice-Chairperson to serve in this role for the balance of the term.

Meetings**Rule 3**

- 3.1 Pursuant to Article 5 of the Agreement, the Parties shall meet as a COP every two years, or more frequently if they so decide.
- 3.2 All COP meetings shall be open to all participants, unless otherwise decided by the Parties pursuant to these Rules. Following consultations with the Parties, the Chairperson may conduct the work of the COP meetings in plenary sessions, or in smaller groups or *in camera*.
- 3.3. Where no other alternative exists and following consultations with the Parties and the host of the COP meeting, the Chairperson may seek to limit the number of participants per delegation and observers for a COP meeting factoring in the available space for the meeting.

- 3.4. As a general rule, meetings of the COP shall be held in person. This does not preclude the Chairperson from convening the Parties by other means in exceptional circumstances, including by online or other electronic means, following consultations with the Parties.¹
- 3.5. At each meeting, the COP shall decide on the date of the next meeting. The location and hosting of such meetings shall rotate amongst the Parties based on the order of Parties provided in Annex 1, unless otherwise decided by the Parties.
- 3.6. Additional meetings of the COP as defined in Article 5 of the Agreement shall be convened by the Chairperson at the request of one third of the Parties or upon decision of the Parties following a recommendation of the Chairperson. The date and host of such meetings shall be determined by the Parties.
- 3.7. As soon as the host and date of the COP meeting is determined pursuant to Rules 3.5 or 3.6, the host shall provide secretariat services for the Chairperson and the COP in preparation for, and during the meetings. These functions include:
- i) Receiving the list of representatives of Parties and observers;
 - ii) Sending out formal invitations to the Heads of Delegation of the Parties, the points of contact designated pursuant to Rule 4.4, delegates, and to observers and experts as per Rule 5;
 - iii) Making all necessary logistical arrangements for hosting the meeting, in line with the guidelines provided in Annex 2;
 - iv) Notifying all Parties of the dates and venue of the meeting; and,
 - v) In consultation with the Chairperson, designating one or more rapporteurs to assist and support the work of the Chairperson during the meeting.

¹ The Parties understand that the words “following consultation with the Parties” in these Rules of Procedure requires the Chairperson to consult all Parties and subsequently inform them of the decision verbally or in writing. If a Party considers that the view it communicated is not reflected in the action taken by the Chairperson after the consultation, that Party may seek a decision pursuant to Article 6 of the Agreement. All decisions discussed intersessionally are communicated promptly by the Chairperson to all Parties via electronic means to ensure an accurate understanding of the positions of the Parties.

Representation**Rule 4**

- 4.1 Each Party participating in a COP meeting shall be represented by a delegation consisting of a Head of Delegation, at least one alternate Head of Delegation, and other such representatives and advisers, including Indigenous knowledge holders and local knowledge holders, as it deems appropriate.
- 4.2 A preliminary list of representatives and their capacity to serve at the meeting shall be submitted by each Party to the host at least 20 calendar days in advance of the meeting. Final lists of representatives shall be submitted to the host by a formal letter from the relevant authority from each Party as soon as possible but no later than 24 hours after the opening session of the meeting.
- 4.3 Heads of Delegation and any alternate Heads of Delegation of each Party listed in the Final lists of representatives submitted pursuant to Rule 4.2 shall be authorized to represent the Party and participate in decision-making at the meeting.
- 4.4 Each Party shall designate at least one individual to be the national point of contact on behalf of that Party. Designation of such points of contact shall not preclude correspondence with Heads of Delegations as the need arises. The Chairperson shall be informed promptly of any changes in designation of the national point of contact.

Observers**Rule 5**

- 5.1 Any entity with an interest in the work of the Agreement may request to attend a meeting of the COP, its committees or similar bodies as an observer. Such an entity shall submit a written observer candidate request, including information referred to in 5.3 to the Chairperson at least 60 calendar days in advance of the meeting. The Chairperson shall promptly and no later than 57 calendar days before the COP meeting submit the request to the Parties for consultation and decision by the COP intersessionally, through electronic means. The Parties shall provide any views they may have on the request at least 50 calendar days before the COP meeting.
- 5.2 Unless the Parties decide otherwise pursuant to Article 6 of the Agreement, following consultations with the Parties², an observer candidate that meets the requirements of this Rule may attend the meetings of the COP its committees and similar bodies. Any Party objecting to the admission of an observer candidate shall specify the reasons for the objection. The

² See footnote 1 for the Parties understanding of the term “following consultations with the Parties”.

Chairperson shall convey the decision of the Parties to each observer candidate no later than 40 calendar days before the COP meeting. The Parties may impose terms and conditions for observer participation as referenced in Rule 5.4, Rule 12 and Appendix 1.)

5.3 Written requests from observer candidates shall include the following information:

- i) Name of the observer candidate;
- ii) Name(s) of the representative(s) of the observer candidate; and,
- iii) Brief description of the observer candidate and how its work or how its knowledge, including, where relevant, from scientific, Indigenous and local knowledge systems, contribute to the meetings of the COP or its committees or similar bodies at which the observer candidate wishes to attend, and to furthering the goals of the Agreement.

5.4 Subject to confidentiality requirements found in Rule 12 and Appendix 1, observers that are permitted to attend a COP meeting and its committees or similar bodies:

- i) shall be given access to meeting material and documents;
- ii) may participate in the discussions in the COP meeting and meetings of its committees and similar bodies when given the floor by the Chairperson, but shall not vote; and
- iii) may submit relevant information material and documents to the meeting at least 35 calendar days in advance of the meeting.

Official and Working Language

Rule 6

6.1 English shall be the working language of the COP, including COP meetings. Other languages may be used with interpretation provided by the participant using the other language.

6.2 All official publications and communications of the COP shall be in English.

Agenda

Rule 7

7.1 The Chairperson shall prepare and circulate to the Parties for comment a draft provisional agenda for each COP meeting at least 70 calendar days before the meeting.

7.2 The provisional agenda of each COP meeting shall include, as appropriate:

- i) A review of the implementation of the Agreement;
- ii) A review of all available scientific information contributing to and developed through the Joint Program of Scientific Research and Monitoring;
- iii) Any items proposed by a Party and received by the Chairperson at least 45 calendar days prior to the meeting;
- iv) Reports or other items from any committees or similar bodies; and

v) Any other items provided in Article 5 of the Agreement.

7.3 The Chairperson shall adjust the agenda based on comments received, and distribute a final provisional agenda to the Parties and to permitted observers and invited individuals and organisations at least 40 calendar days prior to the meeting.

7.4 At the beginning of each meeting, the Parties shall adopt the agenda for the meeting.

Material and Documents

Rule 8

8.1 Parties who wish to circulate working material and documents relevant to the meeting shall provide electronic versions of these to the Chairperson at least 35 calendar days prior to the meeting of the COP. Information material and documents may be provided by all participants 35 calendar days prior to the meeting of the COP.

8.2 The Chairperson shall distribute the official material and documents of the meeting at least 30 calendar days prior to the meeting to the Parties and permitted observers.

Quorum for Meetings

Rule 9

9.1 A quorum for holding a COP meeting shall consist of four-fifths of the Parties being present at the meeting or participating using electronic means following a decision made pursuant to Rule 3.4. The host Party shall make all efforts to equally enable all Parties to participate at COP meetings.

9.2 With regard to an in-person COP meeting, if a Party is unable to attend a COP meeting in person due to exceptional circumstances, this Party should notify the host Party in writing. In such cases, the host Party shall facilitate attendance of that Party to the COP through electronic means.

Decision-Making

Rule 10

10.1 Decision-making shall be undertaken in accordance with Article 6 of the Agreement.

10.2 Decisions of the Parties on questions of procedure shall be taken by a majority of the Parties casting affirmative or negative votes.

10.3 Decisions of the Parties on questions of substance shall be taken by consensus. For the purpose of the Rules of Procedure, “consensus” means the absence of any formal objection made at the time the decision was taken. A question shall be deemed of substance if any Party considers it to be of substance.

- 10.4 Each Party shall have one vote. The Chairperson shall record affirmative and negative votes. Only affirmative and negative votes shall be counted in calculating the number of votes cast.
- 10.5 A Party may abstain, in which case the abstention shall be recorded by the Chairperson.
- 10.6 Voting shall normally be taken by a show of hands, except when a secret vote is determined by the Parties to be more appropriate. Any Party may request a roll-call vote. The roll-call shall be taken in the order of the Parties specified in Annex 1. The name of the first Party to be called shall be designated by lot drawn by the Chairperson. If the election of the Chairperson or the vice-Chairperson is not decided by consensus, the decision shall be taken by secret vote, unless otherwise decided by the COP.
- 10.7 Voting shall only be undertaken by the Head of Delegation or a designated alternate.
- 10.8 Following a request from a Party or upon the Chairperson's recommendation to the Parties, the Chairperson may seek a decision of the Parties intersessionally using electronic means, such as by e-mail, or in virtual or hybrid meetings. In such instances, a roll call vote may be required in the virtual setting or in writing.
- 10.9 Unless otherwise provided by these Rules, the Chairperson shall clarify, in writing, a proposed process and deadlines by which the voting by electronic means shall take place, at least 30 calendar days in advance of the voting. The Parties may object to the matter being decided by electronic means and/or provide comments on the Chairperson's proposed process and deadlines within 21 calendar days from the date of the proposed vote. The Chairperson shall provide a final procedure for the voting by electronic means at least 14 calendar days before the date of the vote.
- 10.10 The Parties shall acknowledge receipt of any notification of a proposed decision for vote by email or other electronic means from the Chairperson within 7 calendar days of receipt of the notification.
- 10.11 The Chairperson shall endeavor to contact a Party, including the Party's designated point of contact, head of delegation and designated alternate head of delegation, that has not responded within the timeline referenced in Rule 10.10 before deeming the Party's silence as an abstention. If neither an affirmative nor negative vote has been received from the Party within the timeframe provided by the process described by the Chairperson, the Party shall be deemed to have abstained and the Chairperson shall record the abstention in the outcome of the voting procedure.

Records and Reports**Rule 11**

11.1 A summary report of each COP meeting shall be drafted by the Chairperson, factoring in the confidentiality requirements of Appendix 1. The Chairperson shall endeavor to distribute a draft summary report to the Parties before the end of the meeting, for the Parties to provide input and comments, and for adoption by the Parties by the end of the meeting. Should this not be possible and the Parties agree, the Chairperson shall distribute a draft summary report within 30 calendar days of the close of the meeting to the Parties for their review and comment. The Parties may then provide comments on the report within 14 calendar days of receipt of the draft report. The final report shall be adopted by the Parties no later than 60 calendar days after the end of the meeting and distributed to all meeting participants. The final report shall be made publicly available by the Chairperson within 10 calendar days of dissemination to the Parties.

11.2 The report shall contain:

- i) a summary record of discussions, decisions reached and recommendations when requested;
- ii) the final agenda;
- iii) the complete list of working material and documents; and,
- iv) the list of participants.

Confidentiality Requirements**Rule 12**

12.1 All participants at meetings of the COP, its committees and similar bodies shall comply with these Rules, including the confidentiality requirements set out in Appendix 1.

12.2 Failure by permitted observers and invited individuals and organisations to conform to these rules, or the confidentiality requirements set out in Appendix 1 may result in withdrawal of accreditation following discussions by the Parties.

Committees or Similar Bodies**Rule 13**

13.1 In accordance with Article 5 of the Agreement, the COP may form committees or similar bodies as it deems necessary, in which representatives of Arctic communities, including Arctic Indigenous peoples, may participate.

13.2 The procedures for the committees or similar bodies established in accordance with Article 5 of the Agreement shall be governed *mutatis mutandis* by these Rules of Procedures, unless these committees or similar bodies have established their own Rules of Procedures.

Amendments

Rule 14

14.1 These Rules of Procedure may be amended by a decision of the COP. Notwithstanding Rule 10.2, all amendments shall be adopted in accordance with Article 6 of the Agreement.

Overriding Authority of the Agreement

Rule 15

15.1 In the event of any conflict between any provision of these Rules of Procedure and any provision of the Agreement, the Agreement shall prevail.

Annex 1 – Order for Hosting Conference of the Parties (*under Rule 3.5*)

- Canada
- People’s Republic of China
- Kingdom of Denmark, in respect of the Faroe Islands and Greenland
- Republic of Iceland
- Japan
- Republic of Korea
- Kingdom of Norway
- Russian Federation
- United States of America
- European Union

Annex 2 – Logistic Guidelines for Hosting COP Meetings (Rule 3.7(iii))**Invitations**

1. In making the necessary arrangements for meetings of the COP and its committees and similar bodies as per Rule 3.7, the Party hosting the meeting is expected to:

- a. Notify all Parties and the Chairpersons of the dates and venue of the meeting as soon as practically possible but no later than 90 days prior to the meeting;
- b. Request and receive the list of authorized delegates from the Parties and maintain an updated list of delegates and permitted observers and invited individuals and organisations, and their respective contacts, including any updates thereto, simultaneously with the Chairpersons;
- c. Send out, as soon as practicably possible and at the latest 40 days before the meeting, formal invitation letters to the meeting, including for travel entry requirement purposes (such as visas), to:
 - The Heads of Delegation,
 - The points of contact designated pursuant to Rule 4.4.,
 - Authorized delegates,
 - permitted observers and invited individuals and organisations as per Rule 5; and,
 - The Chairpersons; and,
- d. Inform and assist, as necessary, any participant with travel entry requirements.

Venue

2. The Party hosting the meetings of the COP and its committees and similar bodies shall endeavor to provide:

- a. Facilities with sufficient meeting rooms and space to accommodate meeting participants as follows:
 - i. plenary hall where all participants have seating space, and main meeting arrangement set-up to accommodate all Heads of Delegation plus one delegate, the Chairperson and a rapporteur;
 - ii. Breakout meeting room(s) to accommodate committees' and subsidiary bodies' sessions, as referenced in Article 5 of the Agreement and Rule 13;
 - iii. a room dedicated to the host Party for its secretariat functions, the rapporteur and the Chairpersons; and,
 - iv. where possible, rooms to enable larger delegation coordination meetings and other side meetings;
- b. Support staff on the ground at the meeting venue to provide necessary meeting services to the Chairpersons and to the meeting participants, including the rapporteur;
- c. Internet access and sufficient access to power outlets to all participants in the meeting room;

- d. Multimedia facilities, as required;
- e. Services for printing, copying, organizing and distributing meeting material and documents prior to, during and following the meeting; and,
- f. Security for accessing and attending the meeting venue.

Electronic Meetings

3. When a COP meeting is to be held by electronic means as per Rule 3.4, the Party hosting the meeting is expected to use an electronic hosting platform that may be accessed by all Parties and the Chairperson, and provide information and assistance to the Parties and the Chairperson in using this platform.

Accommodations

4. The Party hosting the meeting is expected to identify a reasonable number of hotel choices at or in approximate distance from the meeting venue for participants' consideration. The Party hosting the meeting may reserve blocks of rooms for participants so as to ensure sufficient availability of accommodations for meeting participants.

Ground Transportation

5. The Party hosting the meeting may arrange for ground transportation for participants to reach the meeting venue from the airport or train station or from specific accommodations, especially when the meeting venue is in a remote area.

Refreshments and Meals

6. The Party hosting the meeting shall endeavor to provide water, coffee, and other refreshments during meeting times. Meal options should be available to ensure retention of participants at the meeting venue.

Costs

7. Costs associated with attendance to the meeting are paid for by the respective meeting participants, including costs for travel to and from the meeting, accommodations and meals not provided by the host Party.

Emergencies

8. The Party hosting the meeting is expected to ensure that measures and procedures are in place to assist meeting participants in cases of emergencies during the meeting, including by providing meeting participants with a contact list for medical and other emergency personnel (e.g. police, fire), and ensuring that evacuation procedures are in place for the meeting venue.

Other Functions

9. The Party hosting the meeting shall endeavor to perform other functions and services that may be entrusted by the Parties or the Chairpersons in respect of the hosting of the meeting.

APPENDIX 1

CONFIDENTIALITY REQUIREMENTS

Information Disclosure

1. As a general principle, all participants attending meetings of the COP, its committees and similar bodies may access information, material and documents produced for and during such meetings.
2. Any participant admitted to a meeting of the COP, its committees or similar bodies may not:
 - (a) use film, video, audio recording or other similar devices, to record meeting proceedings, without permission of the Parties;
 - (b) issue press releases or disclose other information to the media during the meeting in question on agenda items under discussion;
 - (c) disclose in the public domain any information that they have acquired at meetings before the adjournment of the meeting; or
 - (d) disclose in the public domain any information considered to be confidential under these rules or any other rules adopted by the COP.

Non-Disclosure of Confidential Information

3. Information, including data, under the following categories contained in reports, documents and other material provided to, or produced by, a meeting of the COP, its committees and similar bodies is deemed confidential:
 - (a) Commercial information contained in reports, documents and other material including:
 - (i) Specific vessels (position, catches);
 - (ii) Companies; and
 - (iii) Technology;
 - (b) Information contained in reports, documents and other material whose disclosure is likely to endanger the safety or security of:
 - (i) any individual, violates his or her rights, or invades his or her privacy; or
 - (ii) any Party or prejudice the security or proper conduct of any operation or activity by a Party pursuant to the *Agreement*;
 - (iii) the COP, its meetings and proceedings;

(c) Information deemed to be confidential under the national laws of a Party and the Party indicates it as such when it is provided;

(d) Unpublished scientific and academic information deemed to be confidential by the provider of the document, report or other material.

4. Documents, reports and other material containing such confidential information shall not be publicly released or disclosed unless:

(a) permission has been granted for its release or disclosure by the provider; or

(b) the information has been arranged and/or aggregated in a way that prevents the identification of individual vessels, activities, company or personal information.
The COP shall adopt rules for the aggregation of confidential data, including on the basis of a proposal of the SCG.

(c) disclosure is necessary to implement a COP decision relating to the publication of lists of IUU vessels