



**Written Submission on behalf of the European
Union and its Member States regarding the
draft Rules of Procedure for the Conference of
the Parties**

**Preparatory Commission for the Entry into
Force of the Agreement under the United
Nations Convention on the Law of the Sea on
the Conservation and Sustainable Use of
Marine Biological Diversity of Areas beyond
National Jurisdiction and the Convening of the
First Meeting of the Conference of the Parties
to the Agreement**

**Written input following the first session of the
Preparatory Commission
14-25 April 2025**

Informal Working Group Discussions

General Comments

- The EU and its Member States are generally supportive of the Rules of Procedure as submitted by the Co-Chairs in the aid to discussions.
- We note with approval that the draft Rules of Procedure (hereafter RoP) for the Conference of the Parties (hereafter CoP) draw on well-established practices in the context of other international agreements, such as multilateral environmental agreements, and therefore do not require extensive amendment.
- The EU and its Member States also wish to flag their strong support for adequate involvement of observers, the need to respect gender balance and equitable geographical representation, the current wording of the REIO clause which is contained in over a dozen other RoP for similar international instruments, and the need to place no undue restrictions on agenda setting.
- Changes are indicated in **bold**, deletions are indicated by [...]. Where no changes are proposed this should be understood as agreement from the EU and its Member States on the proposed text. In cases of [brackets] where no proposals are submitted this should be understood as the EU and its Member States reserving their position.

Specific Text Proposals

Co-Chairs' aid to discussions and negotiations concerning draft rules of procedure for the Conference of the Parties to the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction

II. Meetings

Place of meetings

Rule 3

The Conference of the Parties shall ordinarily meet at the seat of the secretariat or at United Nations Headquarters **unless the Conference of the Parties decides otherwise.**

Justification

The EU and its Member States support the inclusion of the text in brackets 'unless the Conference of the Parties decides otherwise'. The possibility to have the CoP

convene in a different location should be included to give more flexibility to the organization of CoPs.

Rule 3(2): Remote and/or hybrid participation

[flexible as to the text]

Justification

The EU and its Member States are open to considering modalities for remote and/or hybrid participation for [ordinary and] extraordinary meetings of the Conference of the Parties and the meetings of its subsidiary bodies.

Date of meetings

Rule 4

1. **Unless otherwise decided by the Conference of the Parties, the first [X] ordinary meetings of the Conference of the Parties shall be held [...] on an annual basis, and, thereafter, ordinary meetings shall be held every two years [...].**

Justification

The EU and its Member States support a staggered model with a sunset clause whereby the CoP meets more regularly right after the entry into force of the agreement and moves to a biennial model afterwards. We are flexible as to the number of annual meetings before moving to a biennial schedule. The proposed wording is drawn from the precedent of Rule 4(1) of the Minamata Convention CoP RoP.

Notification of meetings

Rule 5

1. The secretariat shall notify all Parties of the dates and venue of ordinary meetings at least sixty days before the meeting in question is due to commence.
2. The secretariat shall notify all Parties of the dates and venue of extraordinary meetings at least **sixty** days before the meeting in question is due to commence, **which time period may however be shortened to thirty days for reasons of urgency or capacity.**

Justification

The EU and its Member States believe Rule 5(2) should be changed in order to have the default rule of the regular 60 days for notifying the dates and venue of an extraordinary meeting. A shorter time period of at least 30 days should be possible for urgent or practical reasons, however the sooner parties are informed the better.

III. Observers

Observers

Rule 6

1. Representatives of States not party to the Agreement, relevant global, regional, subregional and sectoral bodies, Indigenous Peoples and local communities with relevant traditional knowledge, the scientific community, civil society and other relevant stakeholders with an interest in matters pertaining to the Conference of the Parties may **submit a request to the President of the Conference of the Parties** to participate as observers in the meetings of the Conference of the Parties and of its subsidiary bodies, **which request the President shall grant and they shall be so admitted, unless [one half] [two thirds] of the Parties present object.**

2. The United Nations, its specialized agencies and related organizations may be represented at meetings of the Conference of the Parties and of its subsidiary bodies as observers.

Justification

The EU and its Member States support the adequate participation of observers in the work of the CoP, and adherence to the wording of Article 48(2) and 48(4) of the agreement that the Rules of Procedure shall not be unduly restrictive with respect to requests for observer status.

The EU and its Member States support including a specific reference to the United Nations, its agencies and related organizations in the RoP. However, the EU and its Member States also request clarification as to the scope of the term ‘related organizations’.

Participation of observers

Rule 7 (1)

Such observers may [...] participate without the right to **take part in the adoption of decisions on substantive or procedural matters, whether by consensus or by vote**, in the proceedings of any meeting of the Conference of the Parties and of its subsidiary bodies in matters pertaining to the Conference of the Parties in which they have an interest, unless otherwise decided by the Conference of the Parties **or the members of the relevant subsidiary body**.

Rule 7(2)

Participation of observers at meetings of the Conference of the Parties shall entitle them:

- (a) **To attend meetings of the Conference;**
- (b) **To deliver statements at such meetings;**
- (c) **To receive the documents of the Conference, and**
- (d) **To submit their views in writing to the Conference.**

Justification

Rule 7(1) on observer status could be further clarified. Rule 7(2) is proposed in order to clarify and safeguard the participation of observers in the work of the CoP. This would also align the RoP with the requirement in the agreement that the RoP shall not be unduly restrictive. The language proposed is drawn from the RoP of the CoP of the UN Convention Against Transnational Organized Crime, Rule 15(2).

Notification by the secretariat

Rule 8

The secretariat shall notify those entitled to be observers and those that have informed the secretariat of their wish to be represented, pursuant to rules 6 and 7 of the present rules of procedure, of the dates and venue of the next meeting, **at least sixty days before the meeting in question is due to commence, or thirty days in the case of extraordinary meetings and for reasons of urgency or capacity**.

Justification

The current draft RoP do not have a deadline for the secretariat to inform observers. This should be included because observers are faced with the same practical necessities as parties.

IV. Agenda

Addition, deletion, deferment or amendment

Rule 13

When adopting the agenda for an ordinary **or extraordinary** meeting, the Conference of the Parties may decide to add, delete, defer or amend items. Only items that are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

Justification

The EU and its Member States consider it prudent to include provision for the agenda of extraordinary meetings to be amended if so decided by the CoP.

Adoption of the agenda

Rule 13bis

At each meeting, the provisional agenda shall be submitted to the Conference of the Parties for consideration and approval as soon as possible after the opening of the session.

Justification

The EU and its Member States believe it could be useful to add an article on the adoption of the agenda for each meeting of the Conference of the Parties. The language is drawn from the RoP of the CoP of the UN Convention Against Transnational Organized Crime, Rule 11.

Agenda for extraordinary meetings

Rule 14

The **provisional** agenda for an extraordinary meeting shall consist only of those items proposed for consideration by the Conference of the Parties at an ordinary meeting or in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties and made available to observers referred to in rules 6 and 7 of the present rules at the same time as the notification of the extraordinary meeting.

Justification

The EU and its Member States consider it prudent to include provision for the agenda of extraordinary meetings to be amended if so decided by the CoP. The agenda will remain provisional until it is approved by the CoP.

Submission of credentials

Rule 19

The credentials of representatives as well as the names of alternate representatives and advisers shall be submitted to the secretariat if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of

the delegation shall also be submitted to the secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister **for** Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Justification

The EU and its Member States consider that the “Minister for Foreign Affairs” is the more common term than “Minister of Foreign Affairs”.

VI. Officers

Bureau

Rule 21bis

The President and Vice-Presidents shall constitute the Bureau, which shall meet periodically throughout each session to review the progress of the Conference of the Parties and its subsidiary bodies and to make recommendations for furthering such progress. It shall also meet at such other times as the President deems necessary or upon the request of any other of its members. The Bureau shall assist the President in the general conduct of the work of the Conference of the Parties which falls within the competence of the President. The Chairs of the subsidiary bodies may be invited to attend meetings of the Bureau.

Justification

The EU and its Member States support the proposal from the United Kingdom to use Rule 35 of the ISA Assembly RoP as a model for a description of the Bureau.

Election of officers

Rule 22

1. At the commencement of the first ordinary meeting of the Conference of the Parties, a President and [...] Vice-Presidents, one of whom shall act as Rapporteur, shall be elected from among the representatives of the Parties present at the meeting. These officers shall serve as the Bureau of the Conference of the Parties. Each of the five United Nations regional groups shall be represented by [...] Bureau members. These officers shall be elected taking into account gender balance and equitable geographical representation. They shall remain in office until the closure of the second ordinary meeting of the Conference of the Parties, including for any intervening extraordinary meeting.

2. At the second and subsequent ordinary meetings of the Conference of the Parties, a President and [...] Vice-Presidents, one of whom shall act as Rapporteur, shall be elected from among the representatives of the Parties present at the meeting. These officers shall serve as the Bureau of the Conference of the Parties. Each of the five United Nations regional groups shall be represented by [...] Bureau members. These officers shall be elected taking into account gender balance and equitable geographical representation. They shall commence their term of office at the closure of the meeting at which they are elected and remain in office until the closure of the following ordinary meeting of the Conference of the Parties, including for any intervening extraordinary meeting.

3. The offices of the President and Rapporteur shall [...] be subject to **equitable** rotation among the United Nations regional groups. No elected officer may serve on the Bureau for more than [two] consecutive terms.

4. The President shall participate in meetings of the Conference of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the meetings and to exercise the right to vote.

5. The chairs of the access and benefit-sharing committee, the capacity-building and transfer of marine technology committee, the Scientific and Technical Body, the finance committee on financial resources, the Implementation and Compliance Committee, and any other subsidiary body shall be members ex-officio of the Bureau.

Justification

The EU and its Member States reserve their position on the total number of Vice-Presidents. However, given the need for gender balance and equitable geographical representation one president and nine Vice-Presidents could be appropriate. The EU and its Member States are furthermore of the view that the RoP should spell out the tasks of the rapporteur more clearly. Finally, the word ‘normally’ in rule 22(3) appears unnecessary and should be deleted.

VII. Subsidiary bodies

Application of the rules to subsidiary bodies

Rule 26

Unless otherwise decided by the Conference of the Parties, these rules shall apply *mutatis mutandis* to the proceedings of subsidiary bodies, except that:

(a) A majority of the members of the subsidiary body shall constitute a quorum, but in the event of the subsidiary body being open-ended, one quarter of the Parties shall constitute a quorum;

(a)bis Members of subsidiary bodies shall make every effort to reach agreement on recommendations and decisions by consensus. If the Chair of the subsidiary body determines that all efforts to reach consensus have been exhausted and no agreement has been reached, decisions and recommendations to be submitted to the Conference of the Parties shall, as a last resort, be taken by vote and each member of the subsidiary body shall have one vote.

(b) The chair of a subsidiary body may exercise the right to vote; and

(c) **When matters are subject to a vote**, decisions of subsidiary bodies shall be taken by a majority of the members **present and voting**, except that the reconsideration of a proposal or of an amendment to a proposal shall require a two-thirds majority.

(c) bis When any matter is subject to a vote, the subsidiary body should ensure that the views of all members of the body are fairly reflected in its report to the Conference of the Parties.

Justification

The EU and its Member States are of the opinion that the RoP for the CoP should apply *mutatis mutandis* to the subsidiary bodies of the Agreement, but with the possibility of adjustments and enactment of additional rules by the respective bodies where needed, taking into account their specificities.

The RoP and/or the ToR and modalities for the subsidiary bodies should ensure that these bodies strive for consensus. After all efforts to achieve consensus have been exhausted, such rules or modalities should provide for a mechanism to facilitate recommendations as well as reports and output to be forwarded to the CoP within the subsidiary body.

Dates of meetings

Rule 28

[...] The Chair of a subsidiary body, in consultation with the Secretariat and the President of the Conference of the Parties, shall decide on the dates of the meetings of the subsidiary bodies, taking note of any proposals to hold such meetings in between the ordinary meetings of the Conference of the Parties or in conjunction with such meetings.

Justification

The EU and its Member States believe that it should be considered to designate this task of determining the dates of meetings to an entity such as the Secretariat in consultation with the bureau or with the chairperson of the subsidiary body, taking into account that subsidiary bodies may be engaged in intersessional work.

Election of members of subsidiary bodies

Rule 28bis

[flexible as to the text]

Justification

It should be noted here that an important omission is the fact that there are no rules on the election of members to the subsidiary bodies. The EU and its Member States suggests that a Rule 28b should be included to address this omission. The EU and its Member States believe that the RoP should clearly include the procedure for nomination by parties and election by the CoP of members of subsidiary bodies. The RoP should also address the procedure if a mandate is not completed.

Matters for consideration

Rule 30

The Conference of the Parties shall determine the matters to be considered by each subsidiary body and the President may, upon the request of the chair of the subsidiary body concerned, adjust the allocation of work. **In addition, the chair of each subsidiary body shall be empowered, with the support of the Secretariat, to engage with the chairs of the other subsidiary bodies, in order for each subsidiary body to jointly consider and cooperate on matters within the limits of their respective competences.**

Justification

The EU and its Member States believe that each subsidiary body should be mandated to engage and work together with the other subsidiary bodies.

VIII. Secretariat

Functions of the secretariat

Rule 32

In addition to the functions specified in the Agreement, in particular in article 50, the secretariat shall, in accordance with the present rules:

- (a) Arrange for interpretation at the meeting;
- (b) Collect, translate, reproduce, distribute **and circulate** the documents of the meeting;
- (c) Publish, distribute **and circulate** the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting;
- (e) Arrange for the custody and preservation of the documents of the meeting;
- (f) Perform all other work that the Conference of the Parties may require.

Justification

The EU and its Member States believe that adding ‘circulate’ would add more clarity to the provision.

Furthermore, the EU and its Member States ask for additional clarifications on the meaning of ‘sound’, and whether this refers to ‘audio’ recordings or ‘accurate’ recordings.

IX. Conduct of business

Proposals and amendments to proposals

Rule 40

Proposals and amendments to proposals shall normally be introduced in writing, in one of the official languages, by the Parties and handed to the secretariat, which shall circulate copies to delegations. As a general rule, no proposal or amendment to a proposal shall be discussed or put to the vote at any session unless copies of it have been circulated to delegations not later than the day preceding that session. The President may, however, permit the discussion and consideration of proposals, of amendments to proposals or of procedural motions even though such proposals, amendments to proposals or motions have not been circulated or have been circulated only the same day.

Justification

The EU and its Member States believe that the scope and purpose of this rule should be further clarified, in particular with regard to the concepts of ‘proposal’ and ‘session’. After clarification the need for translation should be considered. Following such clarifications it should be considered whether the deadline of one day preceding a session is appropriate.

Reconsideration of proposals

Rule 43

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover, to one speaker in favour of and two against the proposal, after which it shall be put immediately to the vote.

Justification

The EU and its Member States believe it should be considered whether this rule should also apply to motions and not only to proposals.

X. Decision-making

Voting thresholds

Rule 45

1. The Conference of the Parties shall make every effort to adopt decisions and recommendations by consensus. Except as otherwise provided in the Agreement and in paragraph 2 of the present rule, if all efforts to reach consensus have been exhausted **and no agreement reached, and when such a determination has been made by the President, as a last resort** decisions and recommendations of the Conference of the Parties on questions of substance shall be adopted by a two-thirds majority of the Parties present and voting, and decisions on questions of procedure shall be adopted by a majority of the Parties present and voting.
2. Notwithstanding paragraph 1 of the present rule:
 - (a) Decisions pursuant to article 14, paragraph 7, of the Agreement shall be adopted by the Conference of the Parties by a three-fourths majority of the Parties present and voting;
 - (b) Pursuant to article 23, paragraph 2, of the Agreement, decisions and recommendations under Part III of the Agreement shall be taken by a three-fourths majority of the Parties present and voting, before which the Conference of the Parties shall decide, by a two-thirds majority of the Parties present and voting that all efforts to reach consensus have been exhausted; and
 - (c) Pursuant to article 47, paragraph 6, subparagraph (e), of the Agreement, the Conference of the Parties shall adopt a budget by a three-fourths majority of the Parties present and voting.
3. If the question arises of whether a matter is one of a procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.
4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

Justification

The EU and its Member States believe that the provisions on reaching consensus should be strengthened and it should be clarified how it is determined when all efforts to reach consensus have been exhausted.

XIII. Amendments to the rules of procedure

Amending the rules of procedure

Rule 60

These rules of procedure may be amended by a decision of the Conference of the Parties taken by a two-thirds majority of the Parties present and voting, provided it

includes a majority of Parties participating in the meeting, after the Bureau has reported on the proposed amendment.

Justification

The EU and its Member States are of the view that all efforts to seek consensus should be explored in order to amend the Rules of Procedure. We reserve our position in respect of this Rule.