

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

Second session

New York, 18–29 August 2025

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

Revised aid to discussions and negotiations prepared by the Co-Chairs

1. The 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, established pursuant to General Assembly resolution [78/272](#), considered, at its first session, held from 14 to 25 April 2025, rules of procedure for the Conference of the Parties to the Agreement, on the basis of an aid to discussions and negotiations prepared by the Co-Chairs (A/AC.296/2025/3). Following the consideration by the Preparatory Commission, it was agreed that the Co-Chairs would prepare a revised version of the aid to discussions and negotiations concerning the draft rules of procedure for the Conference of the Parties to the Agreement, for consideration by the Preparatory Commission at its second session, which is being convened from 18 to 29 August 2025.

2. The annex to the present note contains the revised aid to discussions and negotiations prepared by the Co-Chairs 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. The revisions are based on the views expressed during the first session and also take into account additional written input provided by delegations within the indicated timeline following the conclusion of the first session, as well as the text of the Agreement. While the Co-Chairs have used their best judgment to provide text and streamline options seeking to consolidate input which seemed to be going in a similar direction, square brackets have been used to indicate alternative options within a paragraph where the input received did not lend themselves to such consolidation, while alternative formulations for paragraphs are presented according to the following structure:

Option I

[...]

Option II

[...]

The order in which alternative formulations appear in the present document should not be taken as indicating any suggested order of priority. The Co-Chairs have also made efforts to streamline options in the aid to discussions and negotiations where no preferences were expressed by delegations. In some cases, placeholders have been included in anticipation of textual proposals by delegations.

3. The aim of the revised aid to discussions and negotiations is to enable delegations to take stock and to facilitate further progress towards text-based negotiations at the second session. Delegations are invited to study it, with a view to considering whether specific rules could be finalized or whether further input might be suggested for the purpose of finalizing specific rules.

Annex

Aid Revised aid to discussions and negotiations prepared by the Co-Chairs 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

I. Scope and definitions

Rule 1

Scope

The present rules of procedure shall apply to any meeting of 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 convened in accordance with article 47 of the Agreement.

Rule 2

Definitions

For the purposes of the present rules:

1. “Agreement” means 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, adopted in New York on 19 June 2023.
2. “Chair” means Chair or Co-Chairs, as appropriate.
3. “Conference of the Parties” means the Conference of the Parties established under article 47 of the Agreement.
4. “Meeting” means any ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with article 47 of the Agreement.
5. “Parties present and voting” means Parties present at the meeting in which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.
6. “Party” means a Party as defined in article 1, paragraph 11, of the Agreement.
7. “President” means the President of the Conference of the Parties elected in accordance with paragraphs 1 or 2 of rule 22 of the present rules of procedure.
8. “Regional economic integration organization” means an organization as defined in article 1, paragraph 12, of the Agreement.
9. “Secretariat” means the secretariat established under article 50 of the Agreement.
10. “Subsidiary body” means the Access and Benefit-Sharing Committee,¹ the Capacity-Building and Transfer of Marine Technology Committee,² the Scientific and

¹ Article 15, paragraph 1, of the Agreement.

² Article 46, paragraph 1, of the Agreement.

Technical Body,³ the Finance Committee on financial resources⁴ and the Implementation and Compliance Committee,⁵ as well as any subsidiary body established pursuant to article 47, paragraph 6 (d), of the Agreement.

II. Meetings

Rule 3

Place of meetings

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].~~

Rule 3 bis

In-person and/or virtual participation

1. Meetings of the Conference of the Parties should be held in person, unless extraordinary circumstances, as indicated in paragraph 2 of this rule, render the holding of in-person meetings impractical for an extended period or otherwise necessitate a hybrid format.

2. In the event of extraordinary circumstances that render the holding of in-person meetings impractical or that otherwise necessitate a hybrid format, sessions of the meetings of the Conference of the Parties could be held virtually through modalities that allow for online interactive participation, following consultations among Parties and a decision of the Bureau of the Conference of the Parties, as long as no substantive decisions are taken online, with the exception of decisions on budgetary and procedural matters to allow the secretariat of the Agreement to function.

3. In the event of extraordinary circumstances as indicated in paragraph 2, urgent decisions, such as those on budgetary matters, may be taken by the Conference of the Parties under a silence procedure [in line with United Nations practice⁶] and a decision of the Bureau of the Conference of the Parties, following consultations by the Bureau members with their respective regions, and applying the procedures set out in rule 4 of the present rules of procedure for the convening of an extraordinary meeting.

4. The secretariat shall ensure that arrangements for meetings referred to in paragraph 1 of this rule always include a provision for streaming the proceedings online to enable all duly registered delegates to follow the proceedings in real time.

5. Subsidiary bodies with limited membership may meet in person, online or in a hybrid format, in line with their respective mandates and, as applicable, their respective rules of procedure.

6. During the intersessional period, the Bureau can meet online to provide continued guidance to the secretariat with regard to the preparation for, and conduct of, the meetings of the Conference of the Parties and relevant subsidiary bodies.

7. The operational modalities of any meeting held online or with hybrid modalities pursuant to this rule should be clearly set out in a scenario note prepared by the secretariat in consultation with the relevant Bureau and made available to all Parties in advance of the meeting.

³ Article 49, paragraph 1, of the Agreement.

⁴ Article 52, paragraph 14, of the Agreement.

⁵ Article 55, paragraph 1, of the Agreement.

⁶ Silence procedures under the United Nations are written procedures.

8. When scheduling online sessions of meetings, the secretariat shall take into consideration the significant burden on the health and well-being of participants arising from time differences across time zones and aim to enable equitable participation of Parties across all regions, including by rotating time zones.

9. The duration of online sessions should preferably be limited to [two] consecutive hours per day.

10. The secretariat should implement measures to facilitate effective virtual participation by all participants in any online or hybrid sessions of meetings pursuant to this rule, and in particular to support Parties in overcoming network and connectivity difficulties, including by providing opportunities for prior training and testing convenient for all time zones, [facilitating the use of meeting facilities at the relevant United Nations country office,]where possible and by prior arrangement following a request from the Party concerned, and providing all reasonable measures to assist Parties that encounter difficulties with connectivity and the use of the interactive platform.]

[Rule 3ter

Meetings on emergency measures under article 24 of the Agreement

...]

Rule 4

Date of meetings

1. ~~Ordinary meetings~~Unless otherwise decided by the Conference of the Parties, the [...] ordinary meeting[s] of the Conference of the Parties shall be held ~~once on an annual basis and, thereafter, ordinary meetings shall be held every year~~ [every two years], unless the Conference of the Parties decides otherwise.

2. At each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting. The Conference of the Parties should endeavour not to hold such meetings at a time that would make the attendance of a significant number of delegations difficult.

3. Extraordinary meetings of the Conference of the Parties shall be held at such times as may be decided either by the Conference of the Parties at an ordinary meeting or at the written request of any Party, provided that, within [90 days] [six months] of the request being communicated to the Parties by the secretariat, it is supported by at least [one third] [a majority] of the Parties.

4. In the case of an extraordinary meeting held at the written request of a Party, it shall be held not more than 90 days after the date on which the request is supported by [at least one third of the Parties;][a majority], in accordance with paragraph 3 of the present rule.

Rule 5

Notification of meetings

1. The secretariat shall notify all Parties of the dates and venue of ordinary meetings at least 60 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 [30] [60] days before the meeting in question is due to commence.

III. Observers

Rule 6

Observers

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 request to participate as observers in the meetings of the Conference of the Parties and of its subsidiary bodies.

[1bis. Requests to participate as observers pursuant to paragraph 1 of this rule may be submitted to the President of the Conference and shall be granted unless [one third] [a majority] [two thirds] of the Parties present object.]

~~{2. The United Nations, its specialized agencies and related organizations⁷ may be represented at meetings of the Conference of the Parties and of its subsidiary bodies as observers-}.~~

Rule 7

Participation of observers

1. Such observers may[, upon the invitation of the President,] 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.

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

(a) Attend meetings of the Conference;

(b) Deliver statements at such meetings at the invitation of the President;

(c) Receive the documents of the Conference, and

(d) Submit their views in writing to the Conference.

Rule 8

Notification by the secretariat

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].

Rule 8bis

Regular consultations with other relevant instruments, frameworks and bodies

The Conference of the Parties shall make arrangements for regular consultations to enhance coherence, cooperation and coordination with and among relevant legal

⁷ For the purpose of the present rules, the term “related organizations” includes the International Atomic Energy Agency, the International Criminal Court, the International Organization for Migration, the International Seabed Authority, the International Tribunal for the Law of the Sea, the Organisation for the Prohibition of Chemical Weapons, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the World Trade Organization.

instruments and frameworks and relevant global, regional, subregional and sectoral bodies pursuant to the relevant provisions of the Agreement.

IV. Agenda

Rule 9

Preparation of the provisional agenda

In agreement with the President in consultation with the Bureau, the secretariat shall prepare the provisional agenda of each meeting.

Rule 10

Items on the provisional agenda of ordinary meetings

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

- (a) Items arising from the articles of the Agreement, including those specified in its article 47;
- (b) Items the inclusion of which has been decided at a previous meeting;
- (c) Items referred to in rule 16 of the present rules of procedure;
- (d) The proposed budget and all questions pertaining to accounts and financial arrangements;
- (e) Any item proposed by a Party and received by the secretariat before the provisional agenda is circulated.

Rule 11

Distribution of the provisional agenda

For each ordinary meeting, the provisional agenda, together with supporting documents, shall be issued in the official languages of the Conference of the Parties, distributed by the secretariat to the Parties and made available to observers referred to in rules 6 and 7 of the present rules at least 45 days before the opening of the meeting.

Rule 12

Supplementary items

The secretariat shall, in agreement with the President in consultation with the Bureau, include any item that is proposed by a Party and has been received by the secretariat after the provisional agenda of an ordinary meeting has been distributed, but no later than [15] [30] days before the opening of the meeting, in a supplementary provisional agenda.

Rule 13

Addition, deletion, deferment or amendment

When adopting the agenda of an ordinary 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.

Rule 13bis

Adoption of the agenda

The Conference of the Parties shall consider and approve the agenda of the meeting as soon as possible after the opening of the meeting.

Rule 14

Agenda of extraordinary meetings

The [provisional] agenda of an extraordinary meeting shall consist only of those items proposed for consideration by the Conference of the Parties at [an][the] ordinary meeting [at which the extraordinary meeting was decided upon] or in the [written] request for the holding of the extraordinary meeting- [unless the Conference of the Parties decides otherwise]. 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.

Rule 15

Report on administrative, budgetary and financial implications

The secretariat shall report to the Conference of the Parties on the administrative, budgetary and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the Conference of the Parties decides otherwise, no such substantive agenda item shall be considered until at least 48 hours after the Conference of the Parties has received a report of the secretariat on its administrative, budgetary and financial implications.

Rule 16

Incomplete consideration of items

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the provisional agenda of the next ordinary meeting, unless otherwise decided by the Conference of the Parties.

V. Representation and credentials

Rule 17

Composition of delegations

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

Rule 18

Alternates and advisers

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 19

Submission of credentials

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the secretariat, if possible not later than 24 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 any person authorized by either of them], or, in the case of a regional economic integration organization, by the competent authority of that organization.

Rule 20

Examination of credentials

A Credentials Committee shall be appointed at the beginning of each meeting. It shall consist of nine members, who shall be appointed by the Conference of the Parties on the proposal of the President. The Committee shall elect its own officers. It shall examine the credentials of representatives and report to the Conference of the Parties without delay.

Rule 21

Provisional participation

Representatives shall be entitled to participate provisionally in the meeting, pending a decision by the Conference of the Parties on their credentials.

VI. Officers

Rule 21bis

Bureau

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, including intersessionally, 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.

Rule 22

Election of officers

1. At the commencement of the first ordinary meeting of the Conference of the Parties, a President and [...] [5] [9] [12] [15] 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 [...] [one] [two] [three] Bureau member[s]. One Bureau member shall represent the small island developing States and one shall represent least developed countries. These officers shall be elected taking into account gender balance-[,] [and] equitable geographical representation- [and adequate representation of developing countries]. 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 member[s]. 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.

2bis No representative of any Party whose contributions are in arrears for two or more years shall be eligible to become a member of the Bureau of the Conference of the Parties, provided, however, that this shall not apply to Parties that are least

developed countries or small island developing States or to Parties that have agreed on and are respecting a schedule of payments in accordance with the financial rules.

3. The offices of the President and Rapporteur shall ~~normally~~ 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. The Rapporteur shall, in addition to serving as Vice-President to the Conference of the Parties, be responsible for the preparation of the report of any meeting of the Conference of the Parties, which shall be published, distributed and circulated by the secretariat as an official document of the meeting.~~

Rule 23

General powers of the President

1. In addition to exercising the powers conferred upon the President elsewhere in the present rules, the President shall declare the opening and closing of the meeting, preside at the meeting, ensure the observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to the present rules, shall have complete control of the proceedings and over the maintenance of order at the meeting.

2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or closure of the debate and the suspension or adjournment of a session.

3. The President, in the exercise of the functions of that office, remains under the authority of the Conference of the Parties.

Rule 24

Acting President

1. The President, if temporarily absent from a meeting or any part thereof, shall designate a Vice-President to act as President. The President so designated shall not at the same time exercise the rights of a representative of a Party.

2. A Vice-President acting as President shall have the powers and duties of the President as set out in rule 23 of the present rules of procedure.

Rule 25

Replacement of an officer

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's term. If the Party concerned declines to name a replacement, the Conference of the Parties shall elect a representative of the same United Nations regional group to replace the said officer for the remainder of that officer's term.

VII. Subsidiary bodies

Rule 26

Application of the rules to subsidiary bodies

Unless otherwise decided by the Conference of the Parties, the present 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 adopt recommendations to the Conference of the Parties by consensus. If the Chair of the subsidiary body determines that all efforts to reach consensus have been exhausted, recommendations to be submitted to the Conference of the Parties shall be adopted by a 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;]

[(c) ~~Decisions~~When matters are subject to a vote, decisions of subsidiary bodies shall be taken by a majority of its members present and voting, except that the reconsideration of a proposal or the reconsideration 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.]

Rule 27

Establishment of subsidiary bodies

1. The Conference of the Parties may establish, in accordance with paragraph 6 (d) of article 47 of the Agreement, such subsidiary bodies as it considers necessary for the implementation of the Agreement, in addition to 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 and the Implementation and Compliance Committee.

2. Meetings of subsidiary bodies shall be held in public, unless the Conference of the Parties decides otherwise.

Rule 28

Dates of meetings

[The Chair of a subsidiary body, in consultation with the secretariat and the President of the Conference of the Parties,] [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 between ordinary meetings of the Conference of the Parties or in conjunction with such meetings.

[Rule 28bis]

Election of members of subsidiary bodies

1. Unless the Conference of the Parties decides otherwise, members of subsidiary bodies shall be elected in accordance with rules 53 to 55 of the present rules of procedure.

2. No representative of any Party whose contributions are in arrears for two or more years shall be eligible to become a member of any subsidiary body of the Conference of the Parties, provided, however, that this shall not apply to Parties that are least developed countries or small island developing States or to Parties that have agreed on and are respecting a schedule of payments in accordance with the financial rules.]

Rule 29

Election of officers for subsidiary bodies

The Chair of any subsidiary body shall be elected by the Conference of the Parties, unless the Conference of the Parties decides otherwise, with due consideration to rotation among the United Nations regional groups. Each subsidiary body shall elect its own officers other than the Chair. The officers of such subsidiary bodies shall be elected taking into account the principles of gender balance and equitable geographical representation [and providing for representation from developing States, including from the least developed countries, from small island developing States and from landlocked developing countries]-. [on the Access and Benefit-Sharing Committee and the Capacity-Building and Transfer of Marine Technology Committee]]. Officers of subsidiary bodies shall not serve for more than [two] consecutive terms.

Rule 30

Matters for consideration

The Conference of the Parties shall determine[, in accordance with the Agreement,] the matters to be considered by each subsidiary body, [which may make recommendations to the Conference of the Parties concerning their programme of work] and the President may, upon the request of the Chair of the subsidiary body concerned, adjust the allocation of work.

Rule 30bis

Cooperation and coordination with and between subsidiary bodies

The Conference of the Parties [and the Chair of each subsidiary body] may make arrangements for regular consultations to enhance cooperation and coordination with and among subsidiary bodies.]

VIII. Secretariat

Rule 31

Duties of the head of the secretariat

1. The head of the secretariat, or the designated representative of the head of the secretariat, shall exercise the functions of that office in all meetings of the Conference of the Parties and of its subsidiary bodies.
2. The head of the secretariat shall arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, within available resources. The head of the secretariat shall manage and direct such staff and services and provide appropriate support and advice to the Bureau of the Conference of the Parties and its subsidiary bodies.

Rule 32

Functions of the secretariat

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 ~~and~~, distribute and circulate the documents of the meeting;
- (c) Publish ~~and~~, distribute and circulate the official documents of the meeting;
- (d) Make and arrange for the keeping of ~~sound~~audio 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.

IX. Conduct of business

Rule 33

Sessions

Sessions of a meeting of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise.

Rule 34

Quorum

1. The President shall not declare a session of the meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the Parties to the Agreement are present. The presence of [a majority] ~~[two thirds]~~ of the Parties to the Agreement shall be required for any decision to be taken.
2. For the purposes of determining a quorum for a decision to be taken on a matter within the competence of a regional economic integration organization, that organization shall be counted to the extent of the number of votes it is entitled to cast in accordance with paragraph 2 of article 64 of the Agreement.

Rule 35

Procedures for speaking

1. No one may address a meeting without having previously obtained the permission of the President. Subject to rules 36 to 39 and 41 of the present rules of procedure, the President shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.
2. The Conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of, and two against, a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

Rule 36

Precedence

1. Representatives of Parties shall be accorded precedence over observers.

2. The Chair or rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

Rule 37

Statement by the secretariat

The head of the secretariat or a designated representative may at any time, including upon request or invitation by the Conference of the Parties, make either oral or written statements to the Conference of the Parties concerning any question under consideration by it.

Rule 38

Points of order

During the discussion of any matter, a representative may, at any time, raise a point of order, on which the President shall immediately rule in accordance with the present rules. A representative may appeal against the ruling of the President. The appeal 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. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 39

Decisions on competence

~~Any.~~ The Conference of the Parties shall take a decision on any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it ~~shall be put to the vote~~ before the matter is discussed or a ~~vote~~decision is taken on the proposal or amendment in question.

Rule 40

Proposals and amendments to proposals

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 when such proposals, amendments to proposals or motions have not been circulated or have been circulated only the same day.

Rule 41

Order of procedural motions

1. Subject to rule 38 of the present rules of procedure, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

- (a) To suspend the session;
- (b) To adjourn the session;
- (c) To adjourn the debate on the question under discussion;
- (d) To close the debate on the question under discussion.

2. Permission to speak on a motion falling within paragraph 1 (a)–(d) of the present rule shall be granted only to the proposer and to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Rule 42*Withdrawal of proposals or motions*

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other Party.

Rule 43*Reconsideration of proposals*

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 and to one speaker in favour of and two against the proposal, after which it shall be put immediately to the vote.

X. Decision-making

Rule 44*Right to vote*

1. Each Party shall have one vote, except as provided for in paragraph 2 of the present rule.
2. A regional economic integration organization Party to the Agreement, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States ~~[that are Parties to the Agreement-]~~ [[present and voting]]. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.
3. No representative of any Party whose contributions are in arrears for four or more years and that has not agreed on or is not respecting a schedule of payments implemented in accordance with the financial rules governing the funding of the Conference of the Parties, and whose payment deadline has not been extended according to those financial rules, shall be entitled to vote at any meeting of the Conference of the Parties unless the Conference decides otherwise.

[Rule 44bis**Proxy voting**

...]

Rule 45*Voting thresholds*

1. The Conference of the Parties shall make every effort to adopt decisions and recommendations by consensus.
1bis. Except as otherwise provided in the Agreement ~~and, as set out~~ in paragraph 2 of the present rule, if all efforts to reach consensus have been exhausted, 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 +1bis of the present rule:

(a) ~~Decisions pursuant~~Pursuant to article 14, paragraph 7, of the Agreement, if all efforts to reach consensus have been exhausted, decisions under that paragraph 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~~if no consensus is reached on a decision or recommendation to be taken under partPart III of the Agreement, that decision or recommendation 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;

(c) Pursuant to article 47, paragraph 6 (e), of the Agreement, if all efforts to reach consensus have been exhausted, the Conference of the Parties shall adopt a budget by a three-fourths majority of the Parties present and voting.

2bis. A determination on whether all efforts to reach consensus have been exhausted shall be made by the President of the Conference of the Parties, in consultation with the Bureau.

3. If the question arises as to whether a matter is 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.

Rule 46

Deferment of voting upon a request for an advisory opinion

If the Conference of the Parties, pursuant to article 47, paragraph 7, of the Agreement, decides to request the International Tribunal for the Law of the Sea to give an advisory opinion ~~on a legal question on the conformity with the Agreement of a proposal before the Conference of the Parties on any matter within its competence~~in accordance with that article, the Conference of the Parties shall defer decision-making on that proposal pending receipt of the advisory opinion by the Tribunal. If the advisory opinion is not received before the closure of the meeting during which it is requested, the Conference of the Parties shall decide when it will meet to decide upon the deferred proposal.

Rule 47

Order of voting on proposals

If two or more proposals relate to the same question, the Conference of the Parties shall make every effort to merge these proposals and adopt them by consensus. If all efforts to reach consensus have been exhausted, the Conference of the Parties, unless it decides otherwise, shall decide on the proposals in the order in which they have been submitted. The Conference of the Parties may, after each decision on a proposal, decide whether to decide on the next proposal.

Rule 48

Division of proposals and amendments

1. Any representative may request that any part of a proposal or of an amendment to a proposal be decided on separately. The President shall allow the request unless a Party objects. If an objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the request,

after which it shall be put immediately to a vote. The President may limit the time allowed to each speaker.

2. If the request referred to in paragraph 1 of the present rule is allowed or adopted, those parts of a proposal or of an amendment to a proposal that are approved shall then be decided on as a whole. If all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

Rule 49

Amendment to a proposal

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from or revises parts of that proposal. An amendment shall be decided on before the proposal to which it relates is decided on and, if the amendment is adopted, the amended proposal shall then be decided on.

Rule 50

Order of voting on amendments to a proposal

If two or more amendments to a proposal are proposed, the Conference of the Parties shall first decide on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all the amendments have been decided on. [The President shall determine the order of decision-making on the amendments under the present rule.]

Rule 51

Method of voting for general matters

1. Voting, except for elections, may be by show of hands. A roll-call vote shall be taken if so requested by any Party. The roll call shall be taken in the English alphabetical order of the names of the Parties, beginning with the Party whose name is drawn by lot by the President. [Any Party may request a secret ballot. The President shall ask whether the request is seconded. If it is seconded, the vote shall be by secret ballot.]

2. When the Conference of the Parties votes by mechanical means, a non-recorded vote shall replace a vote by show of hands, and a recorded vote shall replace a roll call.

3. The vote of each Party participating in a roll call or a recorded vote shall be included in the relevant documents of the meeting.

Rule 52

Conduct during voting

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his or her vote on his or her own proposal or amendment, except if it has been amended.

XI. Elections

Rule 53

Method of voting for elections

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

Rule 54

Absence of majority

1. If, when one person or one delegation is to be elected, no candidate obtains, in the first ballot, a majority of the votes cast by the Parties present and voting, a second ballot, restricted to the two candidates obtaining the largest number of votes, shall be taken. If, in the second ballot, the votes are equally divided, the President shall decide between the candidates by drawing lots.
2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by drawing lots, and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of the present rule.

Rule 55

Election to two or more elective places

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.
2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the number of places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.
3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the number of places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on, until all the places have been filled.

XII. Languages and ~~sound~~audio recordings

Rule 56

Official languages

The official languages of the Conference of the Parties shall be Arabic, Chinese, English, French, Russian and Spanish.

Rule 57

Interpretation

1. Statements made in an official language shall be interpreted into the other official languages.
2. A representative of a Party may speak in a language other than an official language if the Party provides for interpretation into one official language.

Rule 58

Languages of official documents

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

Rule 59

~~Sound~~Audio recordings of meetings

~~Sound~~Audio recordings of the meetings of the Conference of the Parties and, whenever possible, of its subsidiary bodies, shall be kept by the secretariat, consistent with the practice of the United Nations.

XIII. Amendments to the rules of procedure

Rule 60

Amending the rules of procedure

The present 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.~~

Option I: [a [two-thirds majority] [simple majority] of the Parties present and voting.]

Option II: [consensus, after the Bureau has reported on the proposed amendment. [In cases where the President decides, in consultation with the Bureau, that all efforts to reach consensus have been exhausted, the amendment shall be adopted by a decision taken by a three-fourths majority of the Parties present and voting, [provided it includes a two-thirds majority of Parties participating in the meeting.]]

XIV. Overriding authority of the Agreement

Rule 61

Precedence of the Agreement

1. Nothing in these rules shall be construed as contradicting or modifying any provision of the Agreement.

2. In the event of any conflict between any provision of the present rules and any provision of the Agreement, the Agreement shall prevail.

XV. Miscellaneous

Rule 62

Italicized headings

The italicized headings of the present rules are for reference purposes only. They shall be disregarded in the interpretation of the rules.