



Rules of Procedure of the OSPAR Commission¹

(Reference Number: 2013-02)

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A. Definitions

Rule 1

1. For the purposes of these Rules of Procedure:
 - (a) **"the Convention"** means the Convention for the Protection of the Marine Environment of the North-East Atlantic, Paris, 22 September 1992 (OSPAR Convention);
 - (b) **"the Commission"** means the Commission established by Article 10.1 of the Convention;
 - (c) **"Decision"** means a Decision as described in Article 13 of the Convention;
 - (d) **"document"** means any information, whether recorded in writing or in a form for reproduction by aural, electronic, or visual means, to which Article 9 of the Convention applies;
 - (e) **"main committee"** means the Biodiversity Committee, the Environmental Impact of Human Activities Committee, the Hazardous Substances and Eutrophication Committee, the Offshore Industry Committee or the Radioactive Substances Committee;
 - (f) **"Recommendation"** means a Recommendation as described in Article 13 of the Convention;
 - (g) **"delegations present and voting at the meeting"** means delegations present at the meeting casting an affirmative or negative vote; delegations abstaining from voting shall be considered as not voting;
 - (h) in computing any period of time which is less than a year, no account shall be taken of the period between 25 December and 1 January, inclusive.

B. Composition of the Commission

Rules 2 - 3

2. The Commission shall consist of representatives of each of the Contracting Parties.
3. Each Contracting Party shall designate a Head of Delegation to the Commission and as many other delegates to each meeting as it considers appropriate.

C. Meetings of the Commission

Rules 4 - 9

4. Ordinary meetings of the Commission shall take place at least once a year. The time and place of such meetings shall be decided either by the Commission at the preceding meeting or by correspondence between the Executive Secretary and the Contracting Parties.
5. On the request of at least three Contracting Parties, the Chairman of the Commission shall convene an extraordinary meeting in accordance with Article 10(1) of the Convention as soon as practicable after the request. An extraordinary meeting shall only take place if the Contracting Parties requesting it provide the necessary facilities, unless the Commission has made other provision for it.
6. Each Contracting Party should give the Secretariat the number and names of its delegates, if possible two weeks before the opening of an ordinary meeting.
7. The presence of delegations representing at least three-quarters of the Contracting Parties shall constitute a quorum for ordinary and extraordinary meetings. In the absence of a quorum, the meeting may not take a valid decision, except to fix a date for the next meeting.
8. The meetings of the Commission and its subsidiary bodies shall be held in private unless the Commission unanimously decides otherwise.
9. In accordance with Article 11 of the Convention, the Commission may unanimously decide to admit

- (a) any state which is not a Contracting Party to the Convention;
- (b) any international Governmental organisation; and
- (c) any international non-Governmental organisation (NGO);

to be represented by observers at its meetings. If need be, the Commission may restrict the participation in a specified meeting of observers in any category. The participation of NGO observers in the work of the Commission shall be governed by the Criteria and Procedures set out in Annex 2.

D. Chairman and Vice-Chairmen of the Commission

Rules 10 - 14

10. The Commission shall elect a Chairman and two Vice-Chairmen by the unanimous vote of the Contracting Parties present and voting at the meeting.
11. The Chairman and Vice-Chairmen shall serve for a period of two years. In exceptional cases their term of office may be extended, in the case of any of them, for a further period of two years.
12. In electing the Chairman and Vice-Chairmen the Commission will seek to ensure rotation amongst the Contracting Parties and an equitable geographical representation of the Contracting Parties.
13. Should the Chairmanship fall vacant, or should the Chairman be temporarily unable to perform his/her functions, the two Vice-Chairmen shall agree which shall act as Chairman until a successor is elected. Failing such agreement, the elder shall act as Chairman. A Chairman or a Vice-Chairman who is a delegate shall not act as a delegate as long as he/she is sitting as Chairman.
14. The duties of the Chairman shall be to preside over the meetings of the Commission, to take initiatives and put forward proposals to the Commission which could promote the efficient operation of the Commission, and to perform any other tasks that may be entrusted to him/her by the Commission.

E. Secretariat

Rules 15 - 18

15. The Commission shall appoint its Executive Secretary by consensus.
16. The Commission shall decide on the location of the Secretariat.
17. The Executive Secretary shall be the Commission's executive official and shall be responsible to the Commission for the administration of the Secretariat, for drawing up budgets and calculating contributions and for the income and expenditure of the Commission. He/she shall perform any other tasks that may be entrusted to him/her by the Commission or by the Chairman.
18. All communications addressed to or emanating from the Commission shall be sent to or despatched by the Secretariat. The Secretariat shall be charged with receiving, translating and distributing to participants all the reports, resolutions, proposals for decisions and recommendations, summary records and other documents of the meetings of the Commission and its subsidiary bodies.

F. Subsidiary Bodies

Rules 19 - 42

19. The Commission may by the unanimous vote of delegations present and voting at a meeting set up, for such period as it thinks fit, such subsidiary bodies as it considers necessary and determine their terms of reference.
20. Unless the Commission makes special provision to meet a particular need, the subsidiary bodies shall be:

- (i) the main committees;
- (ii) the Coordination Group
- (iii) working groups;
- (iv) the Meeting of Heads of Delegation to the Commission and the Committee of Chairmen and Vice-Chairmen;
- (v) the Group of Jurists and Linguists;
- (vi) intersessional correspondence groups;
- (vii) *ad hoc* meetings included in the schedule of meetings.

21. At each annual meeting, and in the light of proposals from the main committees, the Commission shall establish a schedule of meetings of subsidiary bodies for the ensuing year. The precise date and location of each meeting shall be fixed by the Secretariat, in agreement with any Contracting Party that has agreed to host the meeting.

22. Unless otherwise specified, each Contracting Party may send to any meeting of a subsidiary body a delegation consisting of as many delegates as it considers appropriate.

23. States and intergovernmental organisations which have been admitted as observers may be represented at meetings of the main committees and working groups, and may participate in intersessional correspondence groups, on the same basis as for meetings of the Commission. By special invitation of the Chairman, they may also participate in meetings of Heads of Delegation and meetings of the Committee of Chairmen and Vice-Chairmen and the Group of Jurists and Linguists.

24. Representatives of non-governmental organisations admitted as observers may participate in the work of subsidiary bodies in accordance with the criteria and procedures set out in Annex 2.

25. Each subsidiary body shall decide on its own working procedures to carry out tasks, including, *inter alia*, the establishment of parallel working groups during a meeting. Any conclusions from a parallel working group shall be considered by the plenary session of the subsidiary body and an opportunity given for discussion.

26. All proposals by subsidiary bodies with financial implications for the Commission shall be subject to approval by the Commission.

(i) Main committees

27. The terms of reference of the main committees shall be adopted by the Commission.

28. Each main committee shall elect its chairman by the unanimous vote of the delegations present and voting at the meeting at which the election is made. In making an election, the subsidiary body should bear in mind, *inter alia*, the need to ensure rotation amongst the Contracting Parties and an equitable geographical representation of Contracting Parties.

29. Chairmen shall hold office for two years, unless the main committee decides otherwise when making an election. One of the chairman's tasks shall be the reporting as specified in that main committee's terms of reference. If a chairman ceases to hold office before his or her successor has been elected, the Secretariat shall nevertheless consult him or her on the agenda and arrangements for the next-following meeting of the subsidiary body, unless the Commission has nominated a successor, in which case that person shall be consulted.

30. Each main committee may also elect one or two vice-chairmen by the unanimous vote of delegations present and voting at the meeting. A vice-chairman shall hold office for two years, unless the main committee decides otherwise when making an election. A vice-chairman shall assist the chairman and shall replace him/her if he/she is not available. If there are two vice-chairmen and if the chairmanship falls vacant, or if the chairman is temporarily unable to perform his/her functions, rule 13 shall apply as it applies to Vice-Chairmen of the Commission.

31. The heads of the delegations of Contracting Parties to main committees shall hold a preliminary meeting, under the chairmanship of the chairman of the committee, before the start of the committee meeting, to agree the working arrangements for the ensuing meeting. This preliminary meeting shall also agree under rule 50 which documents proposed to be circulated at the committee meeting shall be discussed.

32. Where appropriate, each main committee shall consider each year what changes in the work programme should be proposed for the approval of the Commission.

(ii) Working Groups

33. On the proposal of the main committee responsible for an activity, the Commission may establish a working group to carry out specific parts of that activity. In addition, a main committee may, as an exception, decide on the establishment of *ad hoc* working groups if this is necessary to fulfil its work programme in due time, and if the working group needs to meet for this purpose before the next Commission meeting. In such cases, the chairman of the relevant main committee shall make a written proposal to the Heads of Delegation to the Commission. If no Contracting Party objects to the proposal within two weeks after the date on which the proposal was sent, the proposal shall be regarded as accepted. The relevant main committee shall review the output of all working groups in its field of activity.

34. Rules 28 and 29 shall apply in respect of the chairmen of working groups as they apply in respect of chairmen of main committees, except that the relevant main committee may provide for its chairman or one of its vice-chairmen to be the chairman of a working group which it has recommended the Commission to establish. The relevant main committee may nominate a chairman for a working group where the chairman has ceased to hold that office before his/her successor has been elected. In that case, the nominee shall be consulted in place of the former chairman.

35. Rule 31 (heads of delegation to agree working arrangements and what late documents are to be discussed) shall apply to working groups as it applies to main committees.

(iii) Meetings of Heads of Delegation to the Commission and the Committee of Chairmen and Vice-Chairmen

36. The meeting of Heads of Delegation to the Commission shall:

- (a) ensure that the material to be presented to meetings of the Commission is properly prepared;
- (b) advise on the management of the administrative, budgetary, contractual and personnel issues of the Commission and the Secretariat;
- (c) oversee the development and implementation of the decisions, recommendations and other agreements (including the strategies and work programmes) adopted by the Commission.

It shall have no powers of decision on behalf of the Commission.

37. The Committee of Chairmen and Vice-Chairmen shall consist of the Chairman and Vice-Chairmen of the Commission and the Chairmen of the main committees. It shall advise the Chairman of the Commission and the Executive Secretary on the discharge of their functions.

38. The Chairman of the Commission shall be the chairman both of the Meetings of the Heads of Delegation to the Commission, of the Coordination Group and of the Committee of Chairmen and Vice-Chairmen. These bodies may establish their own procedures. Subject to other express provision elsewhere in these Rules, and to any decisions by these bodies to the contrary, these Rules shall apply to meetings of these bodies as they apply to meetings of a main committee.

(iv) Group of Jurists and Linguists

39. In relation to the formulation of advice on draft OSPAR Decisions and Recommendations, the procedure of the Group of Jurists and Linguists shall be that:

- (a) in a preliminary written procedure a copy of every draft Decision and Recommendation shall be sent by the Secretariat to the Group as soon as a working group or main committee has agreed that a proposal for such a measure shall be put to the relevant main committee or to the Commission, as the case may be, with an invitation to comment on the formulation; the Secretariat may add any suggestions that it wishes to make to the Group;
- (b) in the case of a draft to be submitted to a main committee, the Secretariat shall submit the comments made by the Group to the next meeting of the relevant main committee;
- (c) in the case of a draft to be submitted to the Commission, the Secretariat shall submit to the annual meeting of the Group of Jurists and Linguists the comments received, together with any further suggestions that it may wish to add; the advice of the Group shall be submitted to the Meeting of Heads of Delegation to the Commission and to the heads of the delegations to the relevant main committee;
- (d) as far as possible, arrangements should be made for a representative of the lead Contracting Party, or for the chairman or a vice-chairman of the relevant main committee, to attend the annual meeting of the Group of Jurists and Linguists to advise on the technical content of the drafts;
- (e) as far as possible, the annual meeting of the Group of Jurists and Linguists shall be held between the last meeting of a main committee in each cycle of meetings and the Meeting of the Heads of Delegation to the Commission which will review the material to be submitted to the next meeting of the Commission;

39 (bis) In relation to the formulation of legal advice on the interpretation and application of the Convention, the procedure shall be that:

- (a) a request for the formulation of legal advice by the Group of Jurists and Linguists on the interpretation and application of the Convention shall be addressed to the Commission through a main committee;
- (b) the relevant main committee shall:
 - (i) prepare a clear outline of the issue under consideration;
 - (ii) prepare draft Terms of Reference on the issue under consideration for the Group of Jurists and Linguists to be submitted to the Commission;
 - (iii) submit the documentation specified in subparagraphs (i) and (ii) in accordance with Rule 46.

39(ter) Notwithstanding Rule 39(bis), no legal advice on the interpretation and application of the Convention provided collectively by the Group of Jurists and Linguists is to be taken as definitive or as binding Contracting Parties as a matter of international law.

39(quarter) If the amount of business does not justify it, the Chairman of the Commission may decide that the annual meeting of the Group of Jurists and Linguists shall not be held, and that any business shall instead be dealt with by a written procedure.

40. The Chairman of the Commission, or a person appointed by him/her, shall be the chairman of the Group of Jurists and Linguists. Subject to other express provision elsewhere in these Rules, these Rules shall apply to the meetings of the Group as they apply to meetings of a main committee.

(v) *Intersessional correspondence groups*

41. Any subsidiary body, other than an intersessional correspondence group, may establish an intersessional correspondence group to take forward an issue on which work has not been completed at the meeting which decides to set up that group. The meeting establishing the group shall appoint a convener of the group, who shall be responsible for

- (a) ensuring that all documents for the group are circulated to all members of the group;
- (b) arranging any informal meetings which the members of the group agree by consensus to hold;

- (c) reporting the outcome of the work of the group to the next meeting of the subsidiary body that established the group or to another meeting identified in the decision to set up the group.

42. Subject to any decision to the contrary by the subsidiary body establishing the intersessional correspondence group, any Contracting Party and any observer shall be entitled to nominate a person to receive the documents of the group and to circulate documents as part of the group's work. The Secretariat shall assist the convenor of an intersessional correspondence group as far as resources allow.

G. Documents

Rules 43 - 62

Meeting agendas

43. For ordinary meetings of the Commission, the Executive Secretary shall, in agreement with the Chairman, circulate a proposed draft agenda at least two months before the opening of meeting. Each delegation shall be entitled, up to five weeks before the opening of the meeting, to ask for subjects to be placed on the draft agenda; delegations requesting such additions should submit an explanatory memorandum in support of their request. The draft agenda shall be sent to all Contracting Parties at least one month before the opening of the meeting. The agenda shall be adopted at the beginning of the meeting, and at that stage items may only be added with the unanimous approval of all delegations present.

44. For extraordinary meetings of the Commission (see rule 5 above), the agenda shall be limited to the matters specified in the request from the Contracting Parties for the calling of the meeting and such other matters as the Contracting Parties agree unanimously to add to the agenda. The Secretariat shall distribute without delay all papers which it receives relating to the matters specified in that request and other matters which a Contracting Party intends to propose to be added to the agenda.

45. For meetings of subsidiary bodies, the Secretariat shall, in agreement with the Chairman of the body, prepare a draft agenda reflecting the work programme approved by the Commission. The draft agenda shall be sent to all Contracting Parties at least six weeks before the commencement of the meeting. The agenda shall be adopted at the beginning of the meeting, and at that stage items may only be added with the unanimous approval of all delegations present.

Proposals for Decisions and Recommendations

46. For meetings of the Commission, proposals for Decisions or Recommendations to be adopted by the Commission shall be received by the Secretariat in at least one of the official languages at least five weeks before the opening of an ordinary meeting of the Commission and shall be distributed by the Secretariat without delay. The translated version of the proposal into the other official language shall be distributed by the Secretariat as soon as practicable. If the five-week deadline is not met, the proposal will only be discussed if the Commission unanimously so decides. Contracting Parties which wish to have written comments on such proposals circulated to other Contracting Parties before the opening of the ordinary meeting should ensure that they are received by the Secretariat at least two weeks before the opening of that meeting.

47. For meetings of a subsidiary body, proposals for Decisions and Recommendations shall be received by the Secretariat in at least one of the official languages at least twelve weeks before the opening of a meeting of that subsidiary body and shall be distributed by the Secretariat without delay. The version of the proposal translated into the other official language shall be distributed by the Secretariat as soon as practicable. If the twelve-week deadline is not met, the proposal will only be discussed if the subsidiary body unanimously so decides. Contracting Parties which wish to have written comments on such proposals circulated to the other Contracting Parties before the meeting should ensure that they are received by the Secretariat at least two weeks before opening of the meeting.

Other meeting documents

48. All other documents submitted for discussion or information at a meeting shall be received by the Secretariat at least three weeks before the opening of a meeting of the Commission or of a subsidiary body and, subject to the next rule, shall be circulated by the Secretariat as soon as possible.

49. No documents shall be circulated by the Secretariat two weeks before a meeting, except where:

- (a) the chairman of the meeting, or, where there is no chairman, the person to be consulted on the agenda or, if he/she cannot act, the Executive Secretary, considers that the document is essential for the meeting to deliver its intended results;
- (b) the document comments on a document already circulated.

50. Documents circulated at a meeting shall only be discussed if agreed under Rule 31.

Reports of meetings

51. Reports of the meetings of the Commission, of the main committees and, subject to rule 52, of working groups shall be prepared by the Secretariat and shall be amended and adopted in a plenary session before the close of the meeting. Such reports, including, as appropriate, any Decisions and Recommendations adopted by the Commission or proposed for adoption by a subsidiary body, shall be distributed by the Secretariat without delay.

52. The reports of Meetings of Heads of Delegation to the Commission, the Committee of Chairmen and Vice-Chairmen and the Group of Jurists and Linguists shall be adopted under a written procedure after the close of the meeting. The Commission, or the main committee establishing an *ad hoc* working group, may decide that the report of a working group shall be adopted in a written procedure after the close of the meeting.

53. Where there is a written procedure under Rule 52, the meeting shall agree the procedure to be adopted, including the deadlines for comments, taking into account any general advice from the Commission. Unless some other period is agreed, one week shall be the period allowed under the written procedure for comment on drafts. All comments shall be sent by e-mail or fax. The Secretariat shall acknowledge the receipt of all comments. When the chairman of the meeting is satisfied that a report has been agreed, the Secretariat shall distribute it without delay.

54. Contracting Parties shall ensure that they have arrangements to make any necessary comments on draft reports to be adopted under a written procedure by the agreed deadlines, even if their head of delegation is absent following a meeting where the report is to be adopted in that way.

Annual Reports

55. The Executive Secretary shall prepare and circulate not later than six weeks after the first ordinary meeting of each calendar year a draft report giving an account of the activities in the intersessional period and at that meeting. Contracting Parties shall be allowed at least six weeks to comment on that draft report, following which the report shall be made available to the public. If any comments received conflict, they shall be resolved by the Executive Secretary in consultation with the Contracting Parties concerned.

Availability of Documents

56. Subject to Rule 57, all documents which represent the considered views of the Commission, a main committee or a working group (including summary records of meetings) shall be made available by the Secretariat to any person on request (with a payment towards the costs of making them available, when appropriate).

57. Rule 56 shall not apply to:

- (a) proposals and drafts submitted to the Commission, a main committee or working group, unless the originator agrees that they should be made publicly available;

- (b) documents of a management nature (such as those dealing with budgetary, contractual or personnel issues);
- (c) documents formally restricted by the originator (such as those containing commercially confidential information);
- (d) documents of the Meeting of Heads of Delegation to the Commission and the Committee of Chairmen and Vice-Chairmen.

58. Documents formally restricted by the originator shall:

- (a) be made available only to Contracting Parties, observer states and, to the extent that they are involved, intergovernmental observers.
- (b) be clearly marked as “RESTRICTED*” and shall carry a footnote “*The Commission has decided that documents marked as “RESTRICTED” shall only be made available to Contracting Parties, observer states and, to the extent that they are involved, intergovernmental observers”.

Documents of a management nature and documents of the Meeting of Heads of Delegation to the Commission and the Committee of Chairmen and Vice-Chairmen shall be made available to Contracting Parties, and to observers of States or intergovernmental organisations. In addition, documents of the Meeting of Heads of Delegation to the Commission shall be made available to observers of non-Governmental organisations, except where they are of a management nature or are formally restricted by the originator.

59. In the case of documents prepared by the Secretariat, the Executive Secretary shall exercise the discretion given to the originator until the document is submitted to the Commission or the subsidiary body for which it was prepared. If the Executive Secretary decides that it is not appropriate to make such a document available, the body to which it was submitted, or the Commission, may alter that decision after it has been submitted.

60. The circulation of documents shall be by means of:

- a. placing the documents on the OSPAR website; the Secretariat shall ensure that documents which are not to be made available to the general public, or which are only to be made available to Contracting Parties, observer states and intergovernmental observers are protected by appropriate measures;
- b. sending one paper copy to the official contact point for each Contracting Party which states in writing to the Secretariat that it wishes to receive such copies.

Where it is not practicable to circulate a document by electronic means, the Secretariat shall send a paper copy to each Contracting Party, and to each observer that requests it, and up to three additional paper copies to those Contracting Parties that so request.

Format of documents

61. Any document submitted to the Commission or a subsidiary body shall, as far as possible, start with a short summary of its contents, and conclude with a clear statement of the action requested to be taken by the body to which it is submitted.

62. Any proposal for a Decision or Recommendation shall, as far as possible, follow the Guidelines on the Preparation of Draft Measures, as from time to time adopted by the Commission.

H. Voting Procedures

Rules 63 - 70

63. Subject to the provisions of Article 20 of the Convention, each Contracting Party shall have one vote at the Commission.

64. Decisions and Recommendations shall be adopted in accordance with the procedure specified in Article 13 of the Convention (that is unanimity or three-quarters majority of the Contracting Parties).
65. Substantive issues, other than issues for which the Convention or these Rules prescribe some other procedures, shall be determined by a three-quarters majority of the votes of the Contracting Parties present and voting at the meeting. Procedural questions, other than questions for which the Convention or these Rules prescribe some other procedures, shall be decided by a simple majority of the votes of the Contracting Parties present and voting at the meeting.
66. Disputes as to whether a specific question is procedural or substantive shall be decided by the Chairman. Such a ruling may be challenged by a Contracting Party and over-ruled by a simple majority of the votes of the Contracting Parties present and voting at the meeting. If such a vote is requested, it shall be taken before the vote on the question itself.
67. Decisions under Regulations 2.1(c) and 2.1(e) of the Financial Regulations at Annex 1 shall be taken by unanimous vote of the Contracting Parties present and voting at the meeting.
68. If there is an equal vote on a subject for which a simple majority is required, the Chairman shall have a casting vote.
69. Amendments to a proposal shall be voted upon before the proposal itself.
70. Unless other Rules/Regulations apply, in exceptional cases, on a proposal by the Chairman, a written vote may be held between meetings. The rules applicable to a vote at a meeting of the Commission shall apply to such a written vote, with the following modifications:
- a. references to Contracting Parties present and voting at the meeting shall be understood as references to all Contracting Parties;
 - b. a letter shall be sent to the head of the delegation of each Contracting Party to the Convention, by e-mail and by post, setting out the proposal on which the Contracting Parties are asked to vote. Except where the Contracting Party has notified the Secretariat that a new head of delegation has been appointed, the head of delegation of a Contracting Party shall be taken to be the person or persons who attended the last meeting of the Commission or the Meeting of Heads of Delegation (whichever is more recent) as head(s) of the delegation from that Contracting Party;
 - c. the letter setting out the proposal shall indicate the date and time by which a vote must be received by the Secretariat. This date and time shall be at least three weeks after the end of business at the Secretariat on the day that the letter is sent by e-mail;
 - d. if the Chairman agrees, the letter setting out the proposal may indicate that, if no contrary view has been received by the Secretariat from the Contracting Party by the date and time by which a vote must be received, that Contracting Party will be taken to have accepted the proposal, except in the case of written votes on proposals for Decisions or Recommendations where the provisions of Article 13 of the Convention apply;
 - e. any proposal by a Contracting Party to amend the proposal contained in the letter shall be taken to be a vote against the proposal. Nevertheless, an amended proposal may subsequently be made by a further written procedure in accordance with this rule;
 - f. copies of the letter setting out the proposal shall be sent at the same time to all observers who have relevant specialised technical, scientific or other expertise relating to the proposals, with an invitation to make any comments on the proposal to the heads of delegation;
 - g. the Secretariat shall write to each head of delegation setting out the result of the vote. A copy of this letter shall be sent to the observers to which a copy of the letter setting out the proposal was sent.

I. Press Notices

Rule 71

71. A press notice about the results of meetings of the Commission may be prepared by the Chairman of the Commission and the Executive Secretary at the end of the Commission's meetings. Press statements may also be issued at other times on the responsibility of the Executive Secretary.

J. Languages

Rules 72 - 73

72. The official languages of the Commission are English and French. A Contracting Party desiring to use any other language shall be entitled to do so if, at its own expense, it provides for translation or interpretation into at least one of the official languages.

73. The host country shall be responsible for ensuring adequate interpretation into both official languages at the plenary sessions of meetings of:

- the Commission;
- the main committees, and
- as far as possible, any working group.

Nevertheless, where the Secretariat:

- (a) at a date six weeks before the commencement of a meeting of a main committee or a working group, has received no notification from any Contracting Party that its delegation would wish to use interpretation facilities; and
- (b) considers that the meeting of the main committee can effectively be conducted in a single specified language,

there shall be no requirement to provide interpretation at that meeting of that committee or working group.

K. Other

Rules 74 - 82

74. The Commission may nominate members of the Secretariat or delegates of Contracting Parties as representatives to meetings organised by other international organisations. Between meetings of the Commission, the Chairman of the Commission may make such nominations after consulting the Heads of Delegation to the Commission. Where such a representative may have to express views on behalf of the Commission, the Secretariat shall ensure that agreed guidance is provided to him/her. The representative shall follow such guidance.

75. The Commission may, where it so decides, seek expert advice from competent scientific authorities or international organisations.

76. Where more than three Contracting Parties agree to share the lead on any issue, their cooperation shall be organised in the form of an intersessional correspondence group limited to those Contracting Parties.

77. The Commission may agree that a workshop to be organised by a Contracting Party may be described as an OSPAR workshop. When this is done, the Contracting Party organising the workshop should ensure that:

- (a) all Contracting Parties are invited to send participants to the workshop;
- (b) States, intergovernmental organisations and international non-governmental organisations which have been admitted as observers and which have expressed an interest in the workshop

are invited to participate; the number of places allocated to such observers should be at least one-eighth of the places available for Contracting Parties;

- (c) the Secretariat is invited to participate;
- (d) a report on the outcome of the workshop is submitted to the appropriate main committee or working group.

78. If a Contracting Party is more than 12 months in arrears with its contribution to the budget:

- (a) this shall be mentioned in the annual report;
- (b) its delegates shall not be eligible to be Chairman or Vice-Chairman of the Commission or any subsidiary body.

79. The Commission shall decide what other action shall be taken in respect of a Contracting Party more than 12 months in arrears with its contribution.

80. The Financial Regulations of the Commission are set out in Annex 1.

81. The principles and arrangements set out in Annex 3 shall be applied to all decisions on the release of monitoring data held by, or on behalf of, OSPAR.

82. These Rules including their annexes may be amended at any meeting of the Commission by a unanimous vote of the Contracting Parties present and voting at the meeting. Proposals for amendment of these Rules shall be circulated to Contracting Parties at least five weeks before a meeting of the Commission.

Financial Regulations

A. *The Financial Year*

1. The Commission's financial year shall be from 1 January to 31 December.

B. *The Budget*

2. Preparation and adoption of the budget
 - a. A draft budget shall be prepared by the Executive Secretary for approval by the Commission. The draft budget shall be accompanied by accounts showing the amount of appropriations and expenditure incurred for the preceding financial year and the amount of appropriations for the current financial year and shall be divided by function into chapters;
 - b. The draft budget for the ensuing year shall be circulated by the Executive Secretary to the Heads of Delegation to the Commission not less than twelve weeks before the opening of the meeting at which the budget is to be adopted. It shall include a draft statement of the contributions of Contracting Parties;
 - c. The Commission shall adopt the budget which shall contain all planned expenditure and all estimated revenue, the receipt of which can be estimated with confidence, for the financial year to which it relates;
 - d. A non-binding outline budget of estimated expenditure for the 3 subsequent years shall be circulated at the same time;
 - e. In the case of specific expenditures of an operational nature, a special budget may be prepared in accordance with the procedures set out above. The Commission may adopt this budget and shall, in this case, determine the contributions to be made by the Contracting Parties (cf. Appendix 1).
3. The appropriations agreed by the Commission for the ensuing financial year shall constitute an authorisation to the Executive Secretary to incur obligations and make payments for the purposes for which the appropriations were agreed and up to the amounts so agreed unless the Commission decides otherwise.
4. Appropriations shall be available for obligations during the financial period to which they relate. Any excess of income over expenditure in a financial year, as revealed by the audited accounts at the end of the said financial year, shall be transferred to the General Fund.
5. Transfers within the same chapter of the budget may be effected by the Executive Secretary, who shall report thereon to the Commission.
6. Where necessary, transfers from one chapter of the budget to another within the ceiling of the approved budget may be effected by the Executive Secretary after having obtained the approval of the Chairman of the Commission and shall be reported to the Commission.
7. As soon as it becomes foreseeable that expenditure exceeding the ceiling of the budget as a whole or for a purpose not covered in the budget will become necessary, the Executive Secretary shall, without any delay, consult the Chairman of the Commission and seek approval from the Head of each Delegation for the excess of expenditure over budget, in a written procedure (including any electronic communication), explaining in detail the matter and any reasons for exceeding the budget, as well as any proposed solution to cover the excess expenses.
8. If the provision for additional expenditure as described in the written procedure does not exceed the amount standing to the credit of the Working Capital Fund on the date when the communication was made to the Heads of Delegation, the excess in expenditure shall be deemed to be approved by the Contracting Parties three weeks after that date, unless before the end of that day one or more Contracting Parties have

notified the Executive Secretary that they cannot approve it. If every such notification is subsequently withdrawn, the budget shall be deemed to be approved on the day of the last withdrawal of such a notification. In other cases, a supplementary budget shall be prepared and adopted in the same manner as an ordinary budget.

9. If by 1 December in any year the budget for the ensuing year has not been adopted, the Executive Secretary, until such time as the budget is adopted, shall be authorised to collect contributions and incur expenditure up to 25% of the contributions and chapters of the budget provided for in the current year.

C. Provision of Funds

10. Each Contracting Party shall meet the expenses of its delegates.

11. The Commission's expenditure shall be met from contributions to the annual General Budget which consists of two Tranches:

T1: basic budget shared by all Contracting Parties as set out in § 12;

T2: North Sea budget shared by all North Sea riparian states (Belgium, Denmark, France, Germany, the Netherlands, Norway, Sweden and the United Kingdom).

The Tranches shall be calculated as follows:

$T1 + T2 = \text{the General Budget}$

$T2 = 20\% \text{ of } T1$

12. Unless otherwise determined in the case of a special budget in accordance with § 2.e of these Regulations:

- a. Contracting Parties to the Convention will each contribute 2.5% of Tranche 1;
- b. subject to the next sub-paragraph, the balance of Tranche T1 will be divided among Contracting Parties other than the European Union (EU) in proportion to their Gross National Product in accordance with the scale of assessment adopted regularly by the United Nations' General Assembly;
- c. in no case shall the contribution of a Contracting Party exceed 22% of the total of Tranche T1;
- d. the deficit arising from the application of the ceiling mentioned in § 12.(c) shall be divided among Contracting Parties other than the EC whose contributions are not subject to such a ceiling according to the principles at §§ 12.(a) and (b);
- e. Tranche T2 shall be shared in equal parts between North Sea riparian States.

13. As soon as the Commission has approved the budget for a financial year, the Executive Secretary shall send a copy thereof to all Contracting Parties, notifying them of their contributions due for that financial year. Contributions to the budget shall be due in the currency of the country in which the Secretariat is located within six weeks of receipt of the information from the Executive Secretary or on the first banking day of that financial year at the seat of the Secretariat, whichever is later. Contributions shall be received by the Secretariat by 15 February of that financial year at the latest.

14. Contracting Parties shall bear any bank charges arising from the transfer of funds.

15. New Contracting Parties whose membership in the Commission becomes effective during the first six months of any year shall pay the full amount of the annual contribution. New Contracting Parties whose membership in the Commission becomes effective during the last six months of any year shall pay half the amount of the annual contribution. The contribution shall be paid within eighteen weeks of depositing the instrument of ratification, acceptance, approval or accession with the Depository Government.

16. Except for contributions or debts from Contracting Parties, any debt receivable by the Commission shall be written off, at the latest in the third year following that in which the debt becomes due.

17. The Commission shall consider, before approving the budget for any year, what action to take in respect of any contribution or debt still owing from any Contracting Party.

D. Funds

18. A General Fund is established for the purpose of accumulating any surplus of income over expenditure until such time as it is disbursed following a decision of the Commission.

19. Any cash surplus in the General Fund as revealed by audited accounts shall be used to offset the contributions of Contracting Parties in an ensuing financial year unless the Commission decides otherwise.

20. A Working Capital Fund is established to provide reserve funds for emergency situations. The Working Capital Fund shall be restricted to a level of 10% of estimated gross expenditure. It shall be maintained at the appropriate level by budget contributions.

E. Statements of Accounts

21. The Executive Secretary shall:

- a. maintain proper accounts and ensure effective financial control;
- b. ensure that all payments are supported by vouchers and other documents which ensure that the services or goods have been received and that payment has not previously been made.

22. The Executive Secretary shall prepare a Statement of Account at the end of each financial year. The statement shall show the income of the Commission and, under separate heads, expenditure; it shall also give such information as may be appropriate to indicate the current financial position of the Commission. The Executive Secretary shall attach to the Statement of Account for each financial year an explanatory memorandum.

23. In exercising his/her financial responsibilities the Executive Secretary shall take due account of the guidelines in Appendix 2.

F. External Audit

24. An External Auditor shall be appointed by the Commission.

25. In exercising his/her responsibilities the Auditor shall take due account of the guidelines in Appendix 3.

26. The auditor shall prepare a report on the accounts certified, and on any matters on which the Commission may from time to time give specific instructions.

27. The Executive Secretary shall submit final accounts to the auditor not later than 31 March following the end of the financial year to which the accounts relate and the auditor shall submit his report to the Commission not later than 30 April following the end of the said financial year. At its next meeting the Commission shall decide on the discharge to be given to the Executive Secretary in respect of the implementation of the budget.

G. Salaries

28. The Commission shall approve, and from time to time review, the salary scales for the Executive Secretary and staff.

H. Decisions involving expenditure

29. The Commission shall take no decision involving expenditure unless it has before it a report from the Executive Secretary on the administrative and financial implications of the proposal.

30. Where in the opinion of the Executive Secretary the proposed expenditure cannot be met from the existing budgetary provisions it shall not be incurred until the Commission has made the necessary budgetary provisions in accordance with Section B of these Regulations.

I. Assets register

31. The Executive Secretary shall keep a register of fixed assets with a purchase price per item of more than £ 500.

32. The Executive Secretary may part-exchange or sell worn-out items of furniture and office equipment on the open market for the best price reasonably attainable.

J. Assistance at Meetings

33. When a Contracting Party acts as host for a meeting of the Commission or one of its subsidiary bodies, the Contracting Party shall reimburse the Secretariat for any expenditure incurred by the Secretariat in respect of:

- a. the translation of the draft summary record:
 - (i) at a meeting of the Commission;
 - (ii) at a meeting of a subsidiary body, if the Contracting Party hosting this meeting so wishes;
- b. the translation of the final version of the summary record of a meeting of a subsidiary body. This translation should be finalised within approximately three weeks of the finalisation of the version in the first working language;
- c. the travel and subsistence costs of any B-grade Secretary allocated to the meeting;
- d. the travel and subsistence costs of any translator whose attendance is arranged by the Secretariat;
- e. overtime of any B-grade Secretary at the meeting in accordance with the Staff Regulations.

The Contracting Party and the Secretariat shall agree what expenditure of these kinds the Secretariat is to incur.

34. A Contracting Party requesting the assistance of the Secretariat in a workshop under the Commission's auspices shall pay for:

- a. travel and subsistence costs for any Secretariat staff allocated to the workshop;
- b. overtime of any B-grade Secretary allocated to the workshop, calculated according to the Staff Regulations.

K. Special Projects

35. Any remaining funds from present and future finalised Special projects will be amalgamated into an Unused special funds that could be used for small urgent projects or to supplement any small overspend of special projects.

36. The general budget and funds from special projects can be used jointly to finance a project, where there is provision under the general budget to do so.

Additional Notes to the Financial Regulations**1. Division of costs of Special Budgets (cf. §2.e)****1.1 ICES Special Budget**

The following formula for dividing the costs of the ICES special budget is agreed:

- a. dividing Contracting Parties into three groups, each paying a fixed percentage of the special budget:
 - (i) 7,5%: France, Germany, United Kingdom;
 - (ii) 4%: Belgium, Denmark, Netherlands, Norway, Spain, Sweden;
 - (iii) 2,5%: Iceland, Ireland, Portugal
- b. dividing the balance according to the UN scale of assessment;
- c. not seeking contributions from the EU, Finland, Luxembourg and Switzerland.

Guidelines on the financial responsibilities of the Executive Secretary

1. The Executive Secretary shall:
 - a. establish detailed financial rules in order to ensure effective financial administration and the exercise of economy;
 - b. designate the officers who may receive monies, incur obligations, and make payments on behalf of the Commission; the Executive Secretary may delegate to other officials of the Secretariat such of his powers as he considers necessary for the effective implementation of these Financial Regulations;
 - c. maintain an internal audit which shall provide for an effective current examination and/or review of financial transactions.
2. No member of the Secretariat shall incur any liability for expenditure without written authorisation from the Executive Secretary.
3. The Executive Secretary shall make suitable arrangements under which the Commission will be protected against loss on account of the conduct of officials who may be entrusted by him with the custody and disbursement of funds of the Commission.

Guidelines on responsibilities of the Auditor

1. The auditor shall perform such audit as he deems necessary to certify that:
 - (a) the financial statements are in accord with the books and records of the Commission;
 - (b) the financial transactions reflected in the statements have been in accordance with the rules and regulations, the budgetary provisions, and other applicable directives;
 - (c) the monies on deposit and on hand have been verified by certificate received direct from the Commission's depositories or by actual count;
 - (d) the assets and liabilities of the Commission are in accord with the books and records of the Commission.
2. Subject to the direction of the Commission, the auditor shall be the sole judge as to the acceptance in whole or in part of the certifications by the Executive Secretary and may proceed to such detailed examination and verification of all financial records as he chooses including those relating to supplies and equipment.
3. The auditor and his staff shall have free access at all convenient times to all books of account and records which are, in the opinion of the auditor, necessary for the performance of the audit. On application to the Executive Secretary, information classified in the records of the Executive Secretary as confidential, and which is required for the purposes of the audit shall be made available to the auditor.
4. The auditor, in addition to certifying the accounts, may make such observations as he deems necessary with respect to the efficiency of the financial procedures, the accounting system, the internal financial controls and, in general, the financial consequences of administrative practices. In no case, however, shall the auditor include criticism in his audit report without first affording the Executive Secretary an opportunity of explanation to the auditor of the matter under observation. Audit objections to any item in the accounts shall be immediately communicated to the Executive Secretary.

Criteria and Procedures Governing Observership of Non-Governmental Organisations at Meetings within the framework of the OSPAR Commission

General

1. The following criteria shall be applied in considering applications from non-Governmental Organisations (NGOs) for observer status at meetings within the framework of the Commission.

1.1 Subject to the conditions specified in the paragraphs 4 and 5 below, observer status will be granted for agenda items dealing with issues other than management issues internal to the Commission or the discussion of restricted documents as specified in Rule 58 of the Rules of Procedure of the OSPAR Commission.

1.2 Consideration of the suitability of NGOs for observer status shall be based on the capability of the NGO in question to contribute constructively to the aims and objectives of the Commission. Observer status may only be granted to an NGO with specialised technical, scientific or other expertise pertinent to the objectives of the Convention.

1.3 Observer status will only be granted to NGOs which:

- a. have an organised administration;
- b. are international in character (an organisation shall be deemed to be an international organisation for the purposes of the Commission only if it has members, component branches or affiliated bodies in a number of States covered by the Convention area);
- c. are authorised under their constitution to speak for their members through accredited representatives.

1.4 Applications for observer status shall be either for such status generally or for specific topics. The Commission shall decide in which category to approve any application.

Application and Selection Procedure

2. An application for observer status should be sent to the Executive Secretary at least 12 weeks before a meeting of the Commission. Such applications should include:

- a. a concise statement about the organisation and how it meets the criteria in paragraph 1.3 above and of the expertise and experience which it could provide to the Commission;
- b. reasons why the NGO believes this contribution would assist the work of the Commission;
- c. confirmation in writing that the NGO will respect the obligations imposed on it by these Criteria and Procedures and any additional requirements imposed by the Commission from time to time.

3. Following receipt of an application from an NGO for observer status:

- a. the Executive Secretary shall immediately distribute the application to all Contracting Parties for comments;
- b. at least 4 weeks before the meeting of the Commission the Executive Secretary shall circulate a summary of the views of Contracting Parties on such applications;
- c. observer status shall be granted by a unanimous decision of the meeting of the Commission. Observer status will be subject to the acceptance of the Criteria and Procedures governing observership for NGOs and will take effect following the meeting at which it was granted.

General and Specialised NGO Observer Status

4.1 NGO observers may participate in meetings held in the framework of the Commission as follows:

- a. meetings of the Commission:
 - (i) two seats per delegation will be allocated to general NGO observers;
 - (ii) a total number of six seats will be available for specialised NGO observers. Such observers may apply to attend the meetings of the Commission for one or more points of the agenda. The Chairman of the Commission will decide upon the distribution* of the seats available to specialised NGO observers.

** the aim will be to make such distribution at the latest three weeks before the date of the meeting*
- b. the total number of seats allocated to general and specialised NGO observers in meetings of subsidiary bodies of the Commission will be:
 - (i) 8 for meetings of main Committees;
 - (ii) 6 for meetings of working groups specified in the annual schedule of meetings adopted by the Commission;
 - (iii) for *ad hoc* working groups, a number to be settled by the subsidiary body establishing the *ad hoc* working group.

The Chairman of the meeting of the subsidiary body will decide upon the distribution of the available seats to NGO observers requesting participation. This may include the allocation of a seat for a limited period or for a specific piece of business. When there is no Chairman prior to the meeting, the Executive Secretary shall decide. The host of a meeting may decide to provide more seats for NGOs.

4.2 Any NGO accepted as an observer to the Commission may:

- a. submit prior to meetings held in the framework of the Commission relevant documents to be distributed at the discretion of the Executive Secretary and to be considered at the discretion of the meetings; and
- b. participate in discussions at the discretion of the Chairman at a meeting at which it has been allocated a seat;
- c. make proposals at such meetings, but no proposal by an NGO shall be discussed unless discussion of this proposal is supported by at least one Contracting Party.

4.3 Any NGO admitted as an observer to the Commission may ask to participate in an intersessional correspondence group, unless participation is limited.

4.4 Documents for these meetings will be circulated as appropriate.

Other Procedural Conditions

5. The Commission or any subsidiary body may at any time take any appropriate action in accordance with the Rules of Procedure of the Commission if, in the opinion of the Commission or of that subsidiary body, the conduct of an NGO is contrary to these Criteria and Procedures relating to its status as observer.

6. The observer status of any NGO shall impose an obligation:

- 6.1 to recognise the basic purposes and principles of the Convention and not to hinder the work of the Commission or of its subsidiary bodies;
- 6.2 to deliver only such information as is pertinent to the work of the Commission or of its subsidiary bodies;
- 6.3 to refrain from using the meetings of the Commission or of its subsidiary bodies for the purpose of demonstrations;
- 6.4 to respect the private character of the meetings and of the documents circulated for them; and

6.5 to respect any specific requirements agreed to by the Contracting Parties relating to the participation of NGOs at the meetings of the Commission or of its subsidiary bodies.

7. If an NGO observer does not participate in the work of the Commission for 2 consecutive years, then the Chairman of the Commission may either determine that its observership status has lapsed or restrict the observership to the receipt of documents.

OSPAR Data Release Arrangements

Principles

1. OSPAR is committed to making as much information as possible publicly available, consistent with achieving other similarly important goals of public policy. The framework for this is set out in Article 9 of the OSPAR Convention.
2. OSPAR and its Contracting Parties wish to collaborate to the greatest possible extent with other agencies working in the field of monitoring and observing the marine environment. Such agencies include the International Council for the Exploration of the Sea, the European Environment Agency, the Barcelona, Helsinki and Black Sea Commissions, the Arctic Monitoring and Assessment Programme and the European Air Pollution Monitoring Programme.
3. Data-handling arrangements should ensure that properly documented, quality-controlled and comparable data sets are available for use both by those who need them for their work and by the public, safeguard the interests of the scientists who collect and interpret data, encourage scientific research, and assist the maintenance of sound, comprehensive, high-quality, accessible data banks, which can be relied on for their accuracy and integrity.
4. Data-handling arrangements should also make efficient use of resources and be clear and transparent, while protecting the privacy and confidentiality of individuals and commercial interests.

Collection and handling of data

5. The OSPAR monitoring programmes rely upon data derived from publicly funded monitoring by OSPAR Contracting Parties.
6. OSPAR will ensure that its specifications of programmes for collecting and evaluating data on the state of the marine environment, on the activities and measures which can affect it and on the activities and measures adopted under the Convention make proper provision for:
 - a. the design of monitoring activities;
 - b. reporting on the collection of data, including the identification of a thematic data centre to hold and manage the data;
 - c. the documentation, quality control and building of comprehensive data sets.
7. For the following programmes, these elements are set out in the following OSPAR Agreements (as they may be amended from time to time by agreements of OSPAR), and the following bodies (subject to any changes that may be made by ordinary agreements of OSPAR) fulfil the role of thematic data centre:
 - a. **for the Comprehensive Atmospheric Monitoring Programme (CAMP)**
the Principles for the Comprehensive Atmospheric Monitoring Programme (Agreement 2001-7);
thematic data centre: The Norwegian Institute of Air Research (NILU);
 - b. **for the Coordinated Environmental Monitoring Programme (CEMP)**
the Coordinated Environmental Monitoring Programme (Agreement 2004-16) and the Requirements for the Submission of National Comments to ICES when Submitting Monitoring Data (Agreement 2003-11);
thematic data centre: International Council for the Exploration of the Sea (ICES);
 - c. **for the Comprehensive Study of Riverine Inputs and Direct Discharges (RID)**
the Principles for the Comprehensive Study of Riverine Inputs and Direct Discharges (Agreement 1998-5);
thematic data centre: the OSPAR Secretariat.

8. For future OSPAR monitoring products specified in the Joint Assessment and Monitoring Programme, the OSPAR agreements on the form, timing and development of these products will ensure that these elements are adequately specified, together with the identification of a thematic data centre.

Release of data

9. Data from the CAMP and RID programmes are freely available once the annual data reports of these programmes have been finalised and published.

10. For CEMP data, OSPAR Contracting Parties will ensure that, when their national institutions provide data to the thematic data centre, there is agreement that the data provided may be released by the thematic data centre as soon as it has completed the necessary quality-control procedures.

11. Paragraph 10 shall not apply to meteorological or hydrographic data, if the release of that data is restricted by national legislation or international agreement.

12. For any future additional programmes for data collection and management, the OSPAR agreement establishing it shall specify whether the arrangements for data release are to follow the arrangements applying to RID and CAMP or the arrangements applying to CEMP.

13. In using data held by an OSPAR thematic data centre, Contracting Parties will ensure that all data of any given kind is treated and assessed in a consistent manner, irrespective of its source. This shall apply equally to the application of the procedures agreed to ensure an appropriate level of assurance of the quality of the data.

14. Where an OSPAR product is based on data subject to different levels of restriction on release, the most stringent level of restriction shall be applied to all the basic data on which that product is based.

OSPAR documents & published material

15. These arrangements do not apply to:

- a. data contained in documents presented to OSPAR or one of its subordinate bodies. These shall continue to be governed by rules 56 – 60;
- b. data and information obtained from scientific literature or published reports that are already in the public domain (which may, of course, be subject to copyright).