



26 October 2023

IPHC CIRCULAR 2023-025

SUBJECT: FOR DECISION – IPHC RULES OF PROCEDURE (2023)

Dear Commissioners,

In accordance with the IPHC Rules of Procedure (2023), Rule 11 – Decision Making (paragraphs 4-10) shown below, please note the subsequent text detailing an Intersessional Decision requiring your attention:

IPHC Rules of Procedure (2023)

Rule 11 – Decision making - Intersessional decision-making

4. *In case of the need for adoption of an emergency measure between Sessions, or where a decision needs to be taken intersessionally, the Chairperson may propose that a decision be taken by mail, telephone, or electronic communication.*
5. *When a decision is to be taken by electronic means, the Executive Director shall transmit the proposed decision to all Commissioners.*
6. *Commissioners shall promptly acknowledge receipt of any proposed decision by electronic means. If no acknowledgement is received from any particular Commissioner within one week of the date of transmittal, the Executive Director will retransmit the proposed decision, and will use all reasonable means to ensure that it has been received.*
7. *Members shall have **10 days** to respond, unless a longer period is specified by the Executive Director in the transmittal.*
8. *If no reply from a Commissioner reaches the Executive Director within the period established under [Rule 11.7](#), that decision shall be deferred to the next session of the Commission.*
9. *All inter-sessional decisions must be made by consensus.*
10. *The Executive Director shall promptly ascertain and transmit the decision to all Commissioners via an IPHC Circular. The date of that transmittal shall be the 'date of notification'. Such decisions shall be duly recorded in the Commission's records by the Executive Director. Copies of such decisions shall be published with unique Intersessional Decision (ID) numbering on the IPHC website, via an IPHC Circular.*

Background

At the 99th Session of the IPHC Annual Meeting (AM099) changes to the IPHC Rules and Procedures (ROP) were discussed. The Commission requested that a working group involving interested PAB

members, convened by the IPHC Secretariat, be formed to determine if additional edits to the PAB Rules of Procedure are necessary on topics including but not limited to membership eligibility.

The Commission considered the changes proposed by the small working group, alongside other factors such as the need for the Commission's subsidiary bodies to be inclusive, and where possible to maintain standardized processes across its subsidiary bodies.

The resultant consolidated Commission amendments to the Rules of Procedure are provided in **Appendix I**, for final decision.

Intersessional decision:

Please provide your decision on the below action no later than 05 November 2023, in accordance with Rule 11.7 shown above.

I approve / I do not approve the following actions:

That the Commission:

- 1) **ENDORSE** the amendments to the IPHC Rules of Procedure, as provided at **Appendix I**, and **REQUEST** that the IPHC Secretariat finalise and publish them accordingly.

Yours sincerely



David T. Wilson, Ph.D.
Executive Director, IPHC

Appendices:

Appendix I: Amended: Processor Advisory Board (PAB) – Terms of Reference and Rules of Procedure



APPENDIX I

Processor Advisory Board (PAB) – Terms of Reference and Rules of Procedure

I. Terms of reference

1. The Processor Advisory Board (PAB) is a subsidiary body of the International Pacific Halibut Commission (IPHC) that represents the commercial Pacific halibut processing industry from Canada and the United States of America. It advises the Commission on issues related to the management of the Pacific halibut resource in the Convention Area.
2. The PAB ~~shall encourages stability and growth of the North American Pacific halibut industry by~~ fostering a cooperative relationship, better understanding, and a spirit of mutual benefit among seafood processors, fishers~~men~~, the Commission, and all other stakeholders.

II. Representation

3. ~~Any company or association, including sole proprietorships, corporation, or partnerships, whose direct business is purchasing, processing and selling Pacific halibut caught in Alaska, British Columbia, Washington, Oregon, or California is eligible for PAB membership.~~

~~Members of the PAB are buyers who process and/or custom process, Pacific halibut caught in the Convention Area, including associations with at least one (1) member that meets these criteria.~~

4. ~~Potential members shall present authorization from their company or association to represent that company member in PAB deliberations meetings, via the PAB Accreditation portal on the IPHC website. Such authorization will be presented to the general membership of the PAB at its annual meeting. If this authorization is not valid, the member will be removed from the PAB membership list.~~
- 4.5. ~~The Accreditation Questionnaire, available through the PAB Accreditation portal on the IPHC website, should be completed no later than seven (7) days prior to the opening of the session, at which a company or association seeks to participate on the PAB, however, accreditation submissions are welcome at any time. The Secretariat will send new member accreditation submissions to the PAB prior to the opening of the session for information.~~

- ~~5.6.~~ PAB members agree to carefully and objectively consider all aspects of an issue.
- ~~6.7.~~ The PAB regulates its membership by accrediting members at the beginning of each PAB session. Accreditation is documented using the Accreditation Questionnaire through the PAB Accreditation portal on the IPHC website. The PAB members shall compose nationals from Canada and the United States of America.
- ~~7.8.~~ PAB members may be re-accredited for successive meetings for a period of five (5) years from their initial accreditation by a simple roll call at the beginning of the PAB session if they have participated in at least three (3) PAB annual meetings within the five (5) year period. PAB members not meeting this criteria ~~ona~~ or ~~whosetheir~~ five year accreditation cycle has elapsed, must fill out the Accreditation Questionnaire ~~provided in Annex 1~~, submitted through the PAB Accreditation portal on the IPHC website. ~~Returning PAB members who need to fill out the Accreditation Questionnaire and potential PAB members seeking accreditation for the first time are encouraged to notify the IPHC Secretariat at least two weeks before the beginning of the Annual Meeting of the PAB session they wish to attend.~~
- ~~8.9.~~ Members serve without compensation from the Commission.

III. Officers

- ~~9.10.~~ The PAB's annual meeting shall be convened by the PAB Chairperson and Vice-Chairperson, one representing each country. Officers are elected for two-year terms. The election of the officers whose terms have expired will be at the end of the annual session of the PAB, or through intersessional voting should a position become vacant sooner.
- ~~10.~~ ~~In years when the Commission's Annual Meeting is held in Canada, the PAB Chairperson shall~~ Whbe a Canada based member and the Vice Chairperson shall be a U.S.A. based member. In ~~years when the Commission meets in the U.S.A., the PAB Chairperson shall be a U.S.A. based member and the Vice Chairperson shall be a Canada based member.~~
- ~~11.~~ ~~Officers' terms shall be for one year, or until a replacement is elected.~~

IV. Sessions of the PAB

~~12.11.~~ **Time and place:** The PAB meets once a year over the course of a few days, in conjunction with the IPHC Annual Meeting, in a hybrid format, allowing both physical and remote (electronic) attendance (and voting). A quorum is established each year.

~~13.12.~~ **Agenda:** The PAB's draft agenda will be presented by the Chairperson and approved by the membership at the beginning of the meeting. Members may suggest changes to the agenda prior to approval.

~~14. — **Conduct of meetings:** Parliamentary procedure will be used in the conduct of the PAB meeting.~~

~~15.13.~~ **Decision-making:** Only one vote per ~~company~~ member is allowed.

- a) If a ~~company member~~ has more than one representative in attendance, those representatives will choose from among them one individual to cast the ~~member company's~~ single vote on any issue.
- b) Proxies are allowed from accredited members from the PAB;
- c) Only one proxy per attending member;
- d) Proxies ~~will~~ shall be submitted to the IPHC Secretariat prior to the PAB meeting in written or electronic form;
- e) A general proxy will authorize a designated PAB member to vote on any or all topics brought before the PAB on behalf of a PAB member who cannot attend. A specific proxy will authorize a PAB member to vote on specifically named topics (listed on the proxy itself) on behalf of the PAB member who can-not attend.

V. Intersessional process and ad-hoc working groups

~~16.14.~~ The PAB may establish ad-hoc working groups to address issues or projects, or to represent the PAB's interests. Completed documents and other work materials from the PAB working groups will be posted for public access on the IPHC website.

~~17.15.~~ Additional work group members outside of the PAB membership may be added as judged appropriate by the Chairperson.

~~18.16.~~ When determined by the PAB Chairperson and Vice-Chairperson as necessary, Special Sessions of the PAB may be called. These meetings shall be for a purpose requiring discussion or other action by a quorum of PAB members.

~~19.17.~~ A quorum is established by a majority of the PAB members who were present at the prior annual PAB meeting.

~~20.18.~~ Attendance, discussion, voting, reportage, and all other aspects of the Special Meeting may be done electronically.

VI. Reports and records

~~21.19.~~ A report shall be adopted at the end of each Session of the PAB.

~~22.20.~~ The report shall embody the PAB's recommendations, including, when requested, a statement of minority views.

~~23.21.~~ A copy of the final report from each PAB meeting shall be forwarded by the IPHC Executive Director to the Contracting Parties and to the Commissioners no later than **15 days** after the close of the Session.

~~24.22.~~ All reports shall be available on the Commission's website.