

RES-GFCM/40/2016/1
on guidelines for drafting GFCM decisions

The General Fisheries Commission for the Mediterranean (GFCM),

RECALLING that the objective of the Agreement establishing the General Fisheries Commission for the Mediterranean (GFCM Agreement) is to ensure the conservation and sustainable use, at the biological, social, economic and environmental level, of living marine resources in the area of application;

RECALLING Resolution GFCM/35/2011/3 concerning the procedure to submit new proposals of decisions to the annual sessions of the GFCM;

AWARE of the necessity to provide guidance to Contracting Parties and Cooperating non-Contracting Parties in the elaboration of conservation and management measures submitted to the Commission as draft decisions for consideration and possible adoption;

TAKING into account the need to streamline the decision-making process within the Commission with a view to ensure formal consistency throughout the Compendium of GFCM decisions;

ADOPTS, in conformity with Articles 5 and 8 of the GFCM Agreement, the following resolution:

1. Contracting Parties shall ensure, to the extent possible, to use the guidelines on drafting GFCM decisions reproduced in Annex 1 when submitting to the GFCM Secretariat any proposal for new decisions submitted to the Commission.
 2. The GFCM Secretariat might adapt the formal text of relevant decisions reproduced in the GFCM Compendium on the basis of the guidelines on drafting GFCM decisions and bring any formal changes proposed to the attention of the Commission for endorsement.
-

Guidelines for drafting GFCM decisions

- a) All GFCM decisions should have an external structure based on a number, a title, a preamble and an operative part, followed, if appropriate, by annexes;
- b) If appropriate, GFCM decisions should include “final provisions” where the relationship with other GFCM decisions is indicated, in particular whether previous decisions or some of their provisions are terminated;
- c) Definitions in GFCM decisions should be given only where a word or an expression is used in a technical meaning or in a meaning that is different from the ordinary one;
- d) Unless there is a compelling reason to do otherwise, terms that are already defined in the GFCM Agreement should be defined in the same way in GFCM decisions by making a reference to the relevant definition in the GFCM Agreement;
- e) Consistency between the definitions of the same terms given in different GFCM decisions should be checked;
- f) Acronyms should be put in brackets immediately after the expression that is abbreviated, where in the text it is used for the first time;
- g) The provisions in GFCM decisions should be called “paragraphs”; if appropriate, they should be grouped in parts and sections;
- h) Each sentence in a provision should enunciate a limited number of rights or obligations – preferably one – pertaining to the subjects to which the decision is addressed; exceptions should be clearly distinguished from rules;
- i) The correspondence between the linguistic versions of the GFCM decisions in the official languages of the Commission should be carefully checked;
- j) At the time of adoption of a decision, the GFCM should consider indicating which version among the official languages of the Commission is authoritative in case of differences in meanings;
- k) Proposals for new GFCM decisions should be drafted at least in two of the official languages of the Commission;
- l) The mandatory character of a provision should be expressed in English by “shall” followed by the verb, in French by the present of the indicative mode of the verb, and in Arabic and Spanish by the appropriate terminology;
- m) the voluntary character of a provision should be expressed in English by “should” or “may” followed by the verb, in French by the conditional mode, and in Arabic and Spanish by the appropriate terminology;
- n) The GFCM, at the time of the adoption of a recommendation that has a mandatory effect under the GFCM Agreement, should use of the following formula: “The GFCM (...) adopts, in conformity with Articles 5 b), 8 b) and 13 of the GFCM Agreement, the following recommendation”;
- o) The GFCM, at the time of the adoption of a recommendation that has a voluntary effect under the GFCM Agreement, should use of the following formula: “The GFCM (...) adopts, in conformity with Articles 5 and 8 of the GFCM Agreement, the following resolution [or decision].”;
- p) GFCM decisions that have a mandatory character should be deemed to become effective at the expiration of the 120-day deadline for casting objections provided for in Article 13, paragraph 3, of the GFCM Agreement, unless they indicate another deadline.