

# INTERNATIONAL HYDROGRAPHIC ORGANIZATION



## STATUTES OF THE MEDITERRANEAN AND BLACK SEAS HYDROGRAPHIC COMMISSION (MBSHC)

9th Edition, April 2022

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STATUTES OF THE MEDITERRANEAN AND BLACK SEAS HYDROGRAPHIC COMMISSION  
(MBSHC)

Article 1

*Establishment*

- a) The Mediterranean and Black Seas Hydrographic Commission (hereinafter referred to as “the Commission” or “the MBSHC”) is established in conformity with Resolution 2/1997 as amended of the International Hydrographic Organization (IHO) on the Establishment of Regional Hydrographic Commissions (RHC).
- b) The Mediterranean and Black Seas Hydrographic Commission shall act in accordance with the objectives of the IHO as described in Article II of the Convention on the IHO, with other provisions in the IHO Convention, with the IHO Strategic Plan and with the approved IHO Work Programme.

Article 2

*Membership*

- a) Member States of the Commission are the States bordering the Mediterranean and Black Seas [within the limits of Region F] which are Members of the IHO and whose representatives are signatories to the present Statutes.
- b) Associate Member States are States bordering the Mediterranean and Black Seas which are not Members of the IHO, but willing to co-operate in the work of the Commission, and whose representatives are signatories to the present Statutes. Similarly, coastal States outside the MBSHC region which are IHO Members may become Associate Members as signatories of the Statutes of the MBSHC, on the condition that they contribute to the safety of navigation by their activities in the fields of hydrography, nautical charting, nautical information or navigational warnings, marine spatial data infrastructure (MSDI) and related fields in the MBSHC region. Their application shall be considered by the Commission, and their admission shall require a two-thirds majority of the Members, as stated in Article 4 d).
- c) Observers are any International Organizations, Non-Governmental Organizations, subject matter experts from Industry, Academia stakeholders, RENCs, active in the region in the fields of hydrography, nautical charting, nautical information or navigational warnings, MSDI and related fields, that express their will to participate in the MBSHC meetings through their appointed representatives.

### Article 3

#### *Aims of the Commission*

The aims of the Commission, which is recognized by the Assembly, shall be, in pursuance of the resolutions and recommendations of the IHO:

- a) To provide regional coordination among Member States and with Associate Members with regards to nautical information, hydrographic surveys, production of nautical charts, publications and S-100 based products, training, MSDI and hydrographic capacity building projects and technical assistance;
- b) To examine the implications of matters of general interest with which the IHO is concerned, avoiding any interference with the prerogatives of the IHO Secretariat and of any other commissions set up by the IHO;
- c) To stimulate all bordering countries to widen hydrographic activity in the region and to encourage them to seek technical advice and assistance in establishing and strengthening their hydrographic capabilities;
- d) To facilitate the exchange of information and consultation between the Member States, Associated Members and Observers concerning surveys, research or scientific and technical developments, to aid in the planning and organization of hydrographic activities in the widest sense of the term, but without interference in the national responsibilities of each Hydrographic Office;
- e) To coordinate the design of INT and ENC chart schemes for the region, implement them and monitor their suitability;
- f) To carry out certain studies and projects through committees or working groups of the Commission so as to provide input to the IHO and related international organizations when considered appropriate;
- g) To liaise with the adjacent RHCs in the subjects of mutual interest;
- h) To deal with Capacity Building (CB) matters in accordance with the IHO CB Strategy and CB procedures developed by the Capacity Building Sub-Committee (CBSC), and to designate a focal point to ensure continuity, where required;
- i) To select the MBSHC Member States having a seat at the IHO Council, in accordance with the Rules for the Selection provided in Annex;
- j) To facilitate the exchange of information concerning developments in common interest with the EU, IGOs and NGOs, designating a focal point, where required;
- k) To ensure adequate preparedness, so as to enable an immediate and appropriate response to disasters affecting coastal areas.

## Article 4

### *Voting*

- a) Only Member States are entitled to vote, each having the right to one vote. The voting shall be by a show of hands. In case of virtual conferences, the voting shall be conducted remotely. In case of hybrid conferences, the voting will be a combination of both. In some particular circumstances or for some issues, if deemed necessary by any of the Member States, a secret ballot can be carried out.
- b) The participation in conferences, either in-person or remotely, of two-thirds (2/3) of the Members States of the Commission, shall constitute a quorum. A quorum is required in advance before the adoption of any resolutions or decisions. Resolutions and decisions shall be adopted by a majority of the Member States participating, with the minimum number of affirmative votes being at least one-third (1/3) of all Member States.
- c) The admission of IHO Members from outside the region as MBSHC Associate Members States requires a two-thirds (2/3) majority of the Members States of the Commission.

## Article 5

### *Chair and Vice Chair*

- a) The Conferences of the Commission are conducted by the Chair with the assistance of the Vice Chair. The Chairpersonship and the Vice Chairpersonship of the Commission shall always remain in a Member State. At the conclusion of the Conference, the Vice Chair shall become Chair and remain in office until the end of the next Conference.
- b) The Vice Chair shall be elected on a rotational basis by a vote of all Members of the MBSHC. In the event that no candidate comes forward, priority for the appointment of a Vice Chair will be given to one of the Member States attending the Conference that have never held the Chairpersonship, or, failing that, to one of the Member States which has held the Chairpersonship least recently.
- c) Under normal circumstances, the term for the Chair and Vice Chair shall be two years in accordance with paragraph 7.g). If the period between Conferences exceeds two years, their terms shall be extended until the end of the following Conference without prior application to the Members States.
- d) The Chair of the MBSHC shall report to the IHO Assembly and the IRCC on MBSHC activities, hydrographic capacity and requirements within its region, future plans and the agreed key targets that support RHC tasks detailed in the IHO Work Programme. The Chair of the MBSHC shall also submit an annual report to the IHO indicating progress made

against the agreed key targets in the IHO Work Programme for general dissemination. Between sessions of the MBSHC, reports of studies or other activities, which may be considered of general interest to all IHO Member States, shall be sent by the Chair of the MBSHC to the IHO Secretariat for general dissemination.

- e) The Chair initiates the selection process of Members from the MBSHC to the IHO Council. The rules for the selection of such are part of the Statutes and provided in the Annex.
- f) If the Chair, or the Vice Chair, is unable to officiate, they shall be replaced by their successor or deputy in his office.

## Article 6

### *Participants to the Commission Conferences*

- a) Members States and Associate Members States shall be represented at Conferences by heads of Hydrographic Services (or a designated deputy), or, where such services do not exist, by heads of national authorities responsible for hydrography. They may also be accompanied by members of their staff, but it is most desirable that their number be kept to a minimum.
- b) Experts who are not Members of the Commission may be invited to Conferences by the Chair.
- c) Associate Members States shall have the same rights and obligations as the Members States of the Commission, except the right to vote and proposing amendments into the statutes.
- d) The Commission may set up ad-hoc or permanent committees or working groups of Members and Associate Members interested in particular projects with the object of examining and executing such projects and report back to the Members and Associate Members. Committees or working groups shall carry out their tasks in accordance with the rules of procedure approved by the Commission and shall not have the right to take decisions. ToR/RoP should be prepared for each and every ad-hoc committee and/or working group if needed.
- e) An invitation to attend the Conference shall invariably be addressed to the IHO Secretariat.

## Article 7

### *Conduct of the MBSHC Conference*

- a) The Chair shall prepare the Provisional Agenda in consultation with the Vice Chair, forward it to the participants at least eight weeks before the opening of the Conference, and shall present - as the first item - a report on the activities of the Commission since the last Conference.

- b) Proposals to be included in the Agenda of a Conference must be sent to the Chair at least three months before the date fixed for the opening of the Conference.
- c) At the end of the Conference, the Chair shall read the text of the decisions and actions taken during the Conference, which will be adopted in accordance with the following stipulations. These decisions and actions will be prepared in written form by the Chair and supplied to all Members and Associate Members before being read by the Chair.
- d) The resolutions and decisions reached at Conferences shall be adopted by consensus in general, or otherwise in accordance with the procedure described in Article 4. The Chair is the only one in a position to decide whether a proposed resolution or decision should be submitted to a vote or not. When the text under review concerns the concerted action of merely a limited number of Members, the unanimous decision of such Members is required.
- e) All decisions become operative immediately after the Conference, except as otherwise expressly provided or in the case where a Member objects to any decision and asks that the matter be referred to the IHO Secretariat for advice.
- f) The new Chair shall dispatch within one month of the close of the Conference a copy of the summary report containing the discussions, decisions (including those objected if any), actions and recommendations of the Conference for approval to each Member and for comments to Associate Members and Observers. The Chair shall endeavor to obtain a confirmation of the receipt of this dispatch by all Members. Members shall notify within one month of the receipt their approval or objections, if any, which shall be settled by correspondence including calls for voting if appropriate. In the absence of a return from a Member State following the transmission of the above-mentioned documents, the latter shall be considered as approved by that State. Finally, no later than three months after each conference, the summary report of the conference, including possible objections and disclaimer notices, is to be made available.
- g) The period between two MBSHC Conferences is set at two years. If necessary, this period may be extended exceptionally and with the prior consent by exchange of correspondence of a majority of the Member States. The Commission shall meet in plenary Conference in the country of one of its Members or Associate Members, or in virtual format, at least once between two successive sessions of the IHO Assembly.
- h) The Agenda shall be adopted by the Commission at the beginning of each Conference. The election of Vice Chair shall also take place at the beginning of the Conference.
- i) The Commission may modify in the course of the Conference the order in which Agenda items are to be discussed.

## Article 8

### *Other MBSHC meetings*

- a) In the case of urgent matters, which cannot be treated by correspondence and which cannot be postponed until the next Conference, the Chair, with the agreement of the Vice Chair, having taken the opinion of the Members and the Associate Members, shall convene an Extraordinary Meeting, to be held in the country of the next Conference or the place considered most appropriate. The Extraordinary Meeting may also be held by videoconference for reasons of convenience or time.
- b) The provisions of Article 5 paragraphs a (regarding Chair succession process), b, and e are not applicable to the meetings defined in paragraph a) above, which shall be organized and presided over by the Chair, who will remain in office after the meeting has concluded.
- c) When these meetings defined in paragraph a) above do not include all Members States, the decisions reached shall be reported to the next Conference of the Commission, or by correspondence if the matter is urgent.

## Article 9

### *Languages*

- a) The official languages of the Commission are those of the IHO.
- b) The working languages for each Conference (or meeting) shall be established by consensus and will be notified to Members at the time the Conference (or general meeting) is convened.
- c) The report shall be drawn up in one of the official languages, as selected by consensus.

## Article 10

### *Hosting of the Conference*

- a) At the end of each Conference, the Members or Associate Members desirous of hosting the Conference shall put forward their candidatures. Priority shall be given first of all to Member States over Associate Members, secondly to a country which has not yet hosted a Conference and finally to the one which hosted a Conference the longest time ago. In cases of equal priority, a secret ballot shall be held, the decisions being taken by a simple majority of Members present.
- b) The candidature of an Associate Member to be the host of an MBSHC conference will be adopted by consensus if possible, and subject to a vote of Member States if needed.
- c) The State hosting a Conference, should it be a Member or an Associate Member State, shall

be responsible for the organization of the Conference for which his country shall pay the expenses.

- d) The host country undertakes to facilitate and promote the obtaining by the Conference participants of any necessary permissions, authorizations and visas to enable them to attend the Conference.
- e) Travel and accommodation expenses of delegates shall be defrayed by their respective countries.
- f) In the case of extraordinary situations, the Conference can be held in virtual format. In that case, the State hosting the Conference, shall be responsible for the organization of the Conference, providing the necessary coordination for its virtual conduct.

#### Article 11

##### *Representation of the Commission*

- a) The MBSHC may appoint from among its Member States Representatives to IHO instances, or international or regional committees. The appointment is then made during a Conference or by correspondence following approval by a majority of the Members.
- b) The Representatives of the Commission designated in accordance with paragraph 11.a) shall report to the Commission on any action or subject of interest.

#### Article 12

##### *Revision and amendments to the MBSHC Statutes*

- a) The IHO Secretariat shall be custodian of these Statutes.
- b) Members of the Commission may propose revisions to the present Statutes, as well as addition, amendment or deletion of Annexes. These amendments shall be discussed at a Conference and the decisions, which must be approved by a two-thirds (2/3) majority of the Members of the Commission present in the Conference, will be included in the Report of the Conference.
- c) Each revised version of the Statutes, the Edition number, and the date of approval will be indicated on the cover page of the Statutes. Each revised Annex will carry the date of implementation of the change in the bottom right hand corner.



## Annex

### RULES FOR THE SELECTION OF MEMBER STATES FROM MBSHC TO THE IHO COUNCIL (as approved at the 19<sup>th</sup> MBSHC Conference)<sup>1</sup>

Selection from MBSHC to the IHO Council shall be determined in compliance with IHO General Regulations Art.2 and Art.16.

1. MBSHC Member States who wish to be selected from another Regional Hydrographic Commission (RHC) shall inform the MBSHC Chair and the IHO Secretary-General six months before the ordinary session of the IHO Assembly.
2. Member States who wish to be selected from the MBSHC to the Council shall submit their application to the Chair and the IHO Secretary-General six months before the ordinary session of the IHO Assembly.
3. If the number of candidates is equal to the number of seats allocated for the MBSHC by the IHO Secretary-General, then the aforementioned candidates will be automatically selected.
4. If the number of candidates is less than the number of seats allocated, the candidates will be automatically selected. Remaining positions will be selected, under the supervision and follow up of the MBSHC Chair, from a list of all MBSHC Member States in French alphabetical order, except for those States who are candidates of another RHC, giving preference firstly to the remaining States that have never been selected before, and secondly to those that have not been selected the longest time ago.
5. If the number of candidates is more than the number of seats allocated, a voting will take place at a Conference of the MBSHC, or by correspondence if no MBSHC Conference is scheduled in the three months prior to the IHO Assembly. Each Member State will submit one voting paper listing the Member States from the list of candidates equal to the number of seats allocated. The highest voted candidates will be selected from the MBSHC. In case of a draw, the Chair will cast a deciding vote.
6. The Chair shall notify MBSHC Member States of the results.
7. In case the selected State is unable to carry out its duties, the aforementioned selection process will be repeated.
8. All expenses connected with the participation to the Council shall be defrayed by their respective States, in accordance with IHO General Regulations Art. 3.

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<sup>1</sup> Note: see also Decision No 6 of the 5<sup>th</sup> Extraordinary International Hydrographic Conference, Oct. 2014.