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Terms of Reference

# ARCTIC OFFSHORE REGULATORS FORUM

## Terms of Reference

### CHAPTER 1: PRESENTATION OF THE ORGANIZATION

#### Article I. Name

The name of the organization is the Arctic Offshore Regulators Forum hereinafter referred to as the "AORF".

#### Article II. Purpose and Policy

##### 1. Definition

- (a) The AORF is an Arctic forum of technical and operational offshore petroleum safety regulators whose members are dedicated to the common cause of continually improving offshore safety outcomes. The primary scope will be an exchange of information, best practices and relevant experiences learned from regulatory efforts related to developing petroleum resources in the Arctic regions of the globe. Topics addressed by the group may expand beyond this scope as the organization matures and other relevant topics are raised.
- (b) The work of the AORF is intended to complement and not duplicate the work of other international bodies in the field of offshore petroleum safety or any body associated with the Arctic Council.
- (c) The AORF may collaborate with the Arctic Council and other international fora, as appropriate.

##### 2. Objectives

The objectives of the AORF are:

- (a) To further the recommendations of the Arctic Council's Task Force on Arctic Marine Oil Pollution Prevention (TFOPP) to enhance the capacity of Arctic offshore petroleum safety regulators to prevent marine oil pollution through regular exchanges of knowledge and experience;
- (b) to enable an exchange of technical and operational information among Arctic offshore petroleum regulators on:
  - i. safety regulation;
  - ii. oil spill prevention, including source control and containment equipment;
  - iii. regulatory approaches;

- iv. relevant environmental regulation; and
  - v. additional areas of collaboration;
- (c) to provide a network of offshore petroleum safety regulators for mutual support and advice when required; and
- (d) to facilitate the multilateral work toward safer offshore petroleum activities.

## **CHAPTER 2: COMPOSITION OF THE ORGANIZATION**

### **Article III. AORF Membership**

#### **1. Eligibility**

- (a) Membership is to be granted to an Arctic State, as defined by membership in the Arctic Council, and represented by a regulatory agency from that Arctic State. That regulatory agency:
- i. regulates safety relating to offshore petroleum activities in the Arctic and is established by national legislation; or
  - ii. has similar responsibilities as part of an Arctic State which has no current offshore petroleum development activities; and
  - iii. intends to participate in AORF meetings or working groups on an ongoing basis.
- (b) Observer status may be granted to an offshore petroleum safety regulatory agency that does not meet the qualifications for eligibility defined in Article III, 1(a), that:
- i. accepts and supports the objectives of the AORF; and
  - ii. demonstrates an interest and ability to contribute meaningfully to and support the work of the AORF.

#### **2. Application for Membership**

An application for AORF membership or observer status must be in writing, sent to the Chairperson of the AORF Management Committee and include:

- (a) a signed statement addressing the eligibility criteria in Article III; and
- (b) a statement agreeing to act in accordance with the Terms of Reference of the AORF.

#### **3. Election to Membership**

- (a) An application for membership or observer status is to be considered and accepted or rejected by the AORF Management Committee. In considering such an application, the AORF Management Committee is to seek and duly consider input from all AORF members.

#### **4. Termination of Membership**

- (a) A member or observer of AORF may terminate its membership or observer status through written notification to the Chairperson of the AORF Management Committee.

- (b) An AORF membership or observer status may be terminated through a Management Committee decision, should the member or observer in question, in the Management Committee's opinion, fail to meet member commitments and responsibilities. In considering such a termination, the AORF Management Committee should seek and duly consider input from all AORF members. Before termination, the member or observer should be offered an opportunity to comment on the action contemplated by the Management Committee.

## **5. Listing of Members**

- (a) The AORF Management Committee should maintain and publicize a list of current AORF members and observers.
- (b) The Arctic States, through the AORF, should create a contact list for key technical and regulatory experts for each Arctic State. Updates to this list could be made regularly through the meetings.

## **6. Responsibilities of AORF Members and Observers**

- (a) Subject to applicable laws, regulations, procedures, and policies of the members, and subject to the availability of appropriated and other funds, each member and observer should:
  - i. support and promote the AORF objectives; and
  - ii. contribute to the working of the AORF by actively participating in AORF meetings and program working groups.
  - iii. In addition to responsibilities of members and observers, AORF members are to assist in hosting AORF meetings on a rotational basis and in addressing AORF matters that may arise between meetings in a timely manner. AORF meetings are to take place at least annually.
- (b) Membership in the AORF or decisions made by the AORF do not create legal and binding obligations on behalf of any member or observer.

## **CHAPTER 3: ORGANIZATION AND PERFORMANCE**

### **Article IV. AORF Management Committee**

#### **1. Roles and Responsibilities**

The Management Committee:

- (a) is the governing authority of the AORF;
- (b) has the authority to appoint working groups that report to the Management Committee;

- (c) has the authority to approve, reject and terminate AORF membership and observer status as set out in these Terms of Reference;
- (d) should propose at the AORF meetings amendments and/or revisions of the AORF Terms of Reference;
- (e) has the authority to set the AORF meeting agenda and invite technical and operational experts;
- (f) has the authority to expand the range of AORF topics; and
- (g) should actively monitor the progress of work group projects.

## **2. Composition**

- (a) The Management Committee consists of a Chairperson, immediate past Chairperson and Immediate next Chairperson. Changeover of Management Committee representatives should take place immediately following the conclusion of the AORF meeting immediately following a change in Arctic Council Chairmanship.
- (b) The immediate past Chairperson, Chairperson, and immediate next Chairperson are to be chosen sequentially from the following list: Canada, the United States, Finland, Iceland, the Russian Federation, Norway, the Kingdom of Denmark, and Sweden. All AORF members are expected to assume a role on the Management Committee on a rotational basis.
- (c) In the event that an Arctic Council member is unwilling or unable to serve on the AORF Management Committee, the replacement is to be the next country in the sequence of countries listed in Article IV, 2(b). Designation of members of the Management Committee will then continue in order of the country sequence listed in Article IV, 2(b).

## **3. Convening, Decision Making, and Voting**

- (a) The Management Committee should convene (in person or by telephone conference) on an “as required basis” but at least biannually.
- (b) To have a quorum, at least two thirds of Management Committee members should participate or make provisions for vote by proxy.
- (c) The Management Committee should obtain consensus from the AORF members both in bringing forward at the AORF meeting proposed amendments and/or revisions to the AORF Terms of Reference, as well as in the development of any meeting agenda.
- (d) Decisions regarding the acceptance, rejection or termination of membership or observer status should be determined by a full consensus of the Management Committee, after consultation with AORF members.

- (e) In all other cases and where consensus cannot be reached, the Management Committee may communicate its position to AORF members and observers as both the majority and minority positions without attribution.

## **Article V. AORF Management Committee Officers**

### **1. Chairperson of the Management Committee**

The Chairperson:

- (a) may request participation of members in working groups or to assist other members;
- (b) may canvass member views and call for out-of-session meetings;
- (c) should be appointed for a period of two years to coincide with the duration of the Arctic Council chairmanship;
- (d) should preside at AORF meetings and events and be the primary spokesperson for AORF; and
- (e) should serve as host of the AORF Secretariat on a rotating basis.

## **Article VI. AORF Secretariat Function**

### **1. Provision of Services**

The member organization from which the Chairperson of the AORF Management Committee has been appointed is to provide the AORF Secretariat function.

### **2. Roles and Responsibilities**

- (a) The AORF Secretariat is to:
  - i. designate a Secretariat Chair who acts as the liaison to the Management Committee and attends all meetings that the Management Committee convenes;
  - ii. support the AORF program of events;
  - iii. develop protocols, communication and promotion; and
  - iv. facilitate program plans for working groups to deliver timely outcomes.
- (b) Duties include, but are not limited to:
  - i. serving as focal point for the administration and technical aspects of all AORF activities;
  - ii. giving notice of all meetings to members and observers;
  - iii. taking minutes of meetings and actions;
  - iv. keeping records of all AORF documentation; and

- v. providing direction to website host on posting of information.

## **Article VII. AORF Meetings**

### **1. Purpose**

- (a) There are to be AORF meetings whose location should rotate. These meetings should provide for:
  - i. discussion and evaluation of challenges and opportunities to advance the objectives of the AORF; and
  - ii. agreement of the topics and project plans for working groups.
- (b) Potential revisions to the AORF Terms of Reference are to be presented, discussed, and/or voted upon as needed at AORF meetings per the direction of the AORF Management Committee. Approval of these revisions should be based on at least a two-thirds vote of those AORF members present, in person or voting by proxy. Each Arctic State that is an AORF member is to be allowed one vote.
- (c) Meetings are to be conducted with openness and honesty, and may either be held in person or through teleconference.
- (d) The Management Committee is to ensure that each meeting of the AORF has a member-only session.

### **2. Agenda**

- (a) Standing agenda items for AORF meetings should include:
  - i. country updates on regulatory Arctic experiences and initiatives regarding offshore petroleum safety;
  - ii. in-depth discussion of technical, operational and research topics;
  - iii. project updates from working groups; and
  - iv. consideration of additional working group projects.

### **3. Attendance**

- (a) AORF members are expected to attend the AORF meetings with technical delegations of the sufficient number of persons necessary to facilitate the agenda. Should circumstances dictate, delegations may include additional technical and operational experts from within their jurisdiction.
- (b) Participants in the meetings should be sufficiently authoritative technical subject matter experts, competent to speak about operational and technical issues.

- (c) Each attending delegation should appoint a senior spokesperson to represent its interests in topics of debate (typically this is to be the senior member of the regulatory agencies in attendance).
- (d) Other regulators and stakeholders may be invited to attend as considered appropriate and determined by the Management Committee with input from the membership.

## **Article VIII. AORF Working Groups**

### **1. Roles and Responsibilities**

The AORF working groups are to:

- (a) advance programs of work as agreed upon by the members;
- (b) provide semi-annual progress reports for consideration by the Management Committee, and annual reports for consideration at AORF meetings; and
- (c) designate a lead regulator from a member to act as Chairperson of any working groups established.

### **2. Composition**

Working groups are to be composed of available staff from AORF members and observers, and may include other subject matter experts as appointed by the Management Committee.

### **3. Programs of work**

Programs of work should be those proposals raised during AORF meetings that the members agree should be progressed.

### **4. Assignment of work**

- (a) Work is to be assigned by agreement at an AORF meeting.
- (b) Work can be reviewed and re-assigned by consensus of the member states of a particular working group. AORF members not participating in the particular working group and the Chairperson of the AORF Management Committee are to be notified of any changes by the incoming working group Chairperson.

## **CHAPTER 4: PRACTICAL DETAILS**

### **Article IX. Communication on behalf of the AORF**



- (a) All correspondence, positions and other documents to or with other associations or international organizations and authorities for and on behalf of AORF are to be signed by the Chairperson of the AORF Management Committee.
- (b) When communicating to parties external to the AORF, the Chairperson of the AORF Management Committee should first notify other AORF members.
- (c) Each AORF member should keep its Senior Arctic Official duly informed of ongoing activity.

**Article X. Official Language**

The language to be used by and within AORF, with respect to all meetings and programs, is English.

**Addendum:**