

Rules of Procedure for the North Sea Regional Advisory Council As of November 2006

Name

1. The North Sea Regional Advisory Council (NSRAC)

Objectives

2. The objective of NSRAC is to prepare and provide advice on the management of the fisheries of the North Sea on behalf of stakeholders in order to achieve the objectives of the CFP. That advice shall be provided to the Fisheries Council of the European Community, the European Commission, individual Member States of the European Community, the European Parliament, the Commission's Advisory Committee on Fisheries & Aquaculture (ACFA), the International Council for Exploration of the Sea (ICES) and other bodies as decided by the NSRAC.
3. The NSRAC shall fulfill the role of a Regional Advisory Council (RAC) as described in European Council Regulation (EC) No. 2371/2002 of the 20th December 2002, and the subsequent Fisheries Council Decision 2004/585/EC establishing Regional Advisory Councils under the Common Fisheries Policy.
4. For the purposes of the NSRAC the North Sea shall consist of ICES Area IV (the North Sea) and Area IIIa (the Skagerrak & Kattegatt). When considering straddling stocks and wide-ranging non-target species within the North Sea, whose unity requires special attention, the NSRAC's interests shall also extend to other areas adjacent to the North Sea and shall involve liaison with RACs and other similar partnerships for these adjacent areas.
5. The activities of the NSRAC shall be open and transparent. The NSRAC shall disseminate full and timely reports on all its activities to its members and others. Reports of each meeting of the General Assembly and Executive Committee will be placed on the NSRAC's website within 14 days of the meeting taking place. The General Assembly shall be open to the public. The meetings of the Executive Committee shall be open to the public unless decided otherwise by a majority of the Executive Committee
6. The NSRAC shall be an equal opportunities organisation and shall not discriminate against membership on the grounds of race, gender or disability.

Powers

7. The NSRAC shall have powers to do all things necessary for the fulfillment of its objectives.
8. The NSRAC shall be established as a legal entity, in a form fully acceptable to the European Commission and Member States for fulfilling the role of a Regional Advisory Council and for receiving funding for that purpose.

The NSRAC Legal Entity (added November 2005)

1. The Board of Directors of NSRAC (the Company Limited by Guarantee, registered number 273169, registered on the 10th September 2004 with Companies House, which fulfils the Commission's requirement that the NSRAC be established as a legal entity) shall consist of the Chair of the Executive Committee, the two Vice Chairs, the Secretary and up to two additional Directors co-opted by the aforementioned Directors.
2. The members of the NSRAC Company shall be allocated voting rights, and shall be defined as those registering their membership of the Company at the First General Assembly of the NSRAC.. New members of the General Assembly shall be approved by the Board of Directors (and also by common agreement between the concerned Member States and in accordance with paragraphs 9 to 13 of the Rules of Procedure).
3. The Board of Directors of the NSRAC Company shall provide an annual report to the General Assembly on the activities and financial status of the company, and shall provide an interim report to each meeting of the Executive Committee
4. The constitution of the NSRAC Company shall be set out in a Memorandum of Association which shall be made available to all its members

Organisation and Structure

9. The NSRAC shall consist of members, attending a General Assembly, which shall meet annually, or more frequently as required, and an Executive Committee, with a membership drawn from particular organisations nominated by the General Assembly, which shall meet at least three times per year.

Members

10. Membership of the General Assembly of the NSRAC shall be open to representatives from the fisheries sector and other interest groups from the concerned Member States which are affected by the Common Fisheries Policy in

the North Sea, as outlined in article 5 of Council Decision 2004/585/EC, and who support the objectives of the Advisory Council as set out in these rules of procedure and who are admitted to membership in accordance with paragraph 11 below.

- 11.** European and national organisations (including regional and local organisations) representing the fisheries sector and other interest groups may propose their organisations as members of the NSRAC to the concerned Member States. The concerned Member States shall agree on the members of the General Assembly. Further subsequent applications for membership of the General Assembly shall be made in writing to the Secretary of the NSRAC. The Secretary of the NSRAC shall refer all applications to the Executive Committee, which will take advice from Member States. The final decision on membership shall be decided by common agreement between the concerned Member States
- 12.** The Executive Committee of the NSRAC, in consultation with the concerned Member States, may seek to terminate the membership of any organisation which in their opinion is not affected by the Common Fisheries Policy in the North Sea or does not support the objectives of the NSRAC as laid out in these rules of procedure. The final decision on termination of membership shall be decided by common agreement between the concerned Member States.
- 13.** Members of the General Assembly of the NSRAC shall have the right to attend the General Assembly, nominate and appoint an Honorary Chairperson for the General Assembly from amongst their members, participate in the appointment of the Executive Committee and the nomination of a Chair for the NSRAC from amongst their members who will coordinate the work of the Executive Committee. Members shall be able to present their views on relevant issues to the Executive Committee.
- 14.** The NSRAC shall have an Executive Committee, which shall exercise the powers of the Council, decide upon general policy, direct the affairs of the Council and be responsible for the preparation and forwarding of advice on the North Sea fisheries to the bodies defined in paragraph 2. The Executive Committee shall meet at least three times each year, revolving its meetings between the concerned Member States.
- 15.** The General Assembly and the Executive Committee shall have separate Chairpersons.
- 16.** The NSRAC may establish advisory Working Groups, to assist the Executive Committee in its task of preparing advice. Working Groups may be *ad hoc*, appointed for a specific purpose for a limited duration, or may be permanent. Members of the Working Groups shall be nominated by members of the General Assembly and appointed by the Executive Committee.

- 17.** The Executive Committee shall prepare an annual report and an annual strategic plan for the members of the General Assembly which shall be approved by the General Assembly at its annual meeting and forwarded to the Commission, Member States and the Advisory Committee on Fisheries and Aquaculture (ACFA). Recommendations adopted by the Executive Committee shall be made available immediately to the General Assembly, the Commission, concerned Member States, the European Parliament, ACFA and, upon request, to any member of the public. Members of the General Assembly may comment upon the activities of the Executive Committee and raise issues of relevance to the Advisory Council at that General Assembly or at any time through the Secretariat.
- 18.** Meetings of the General Assembly shall be open to the public. The meetings of the Executive Committee shall be open to the public unless decided otherwise by a majority of the Executive Committee.
- 19.** Meetings of the General Assembly and Executive Committee shall be open to observers who are additional representatives from the fisheries sector and other interest groups affected by the Common Fisheries in the North Sea.
- 20.** The General Assembly shall appoint the Executive Committee. Members of the Executive Committee of the Advisory Council shall consist of:
- At least one representative of the catching sub-sector (ship-owners, small-scale fishermen, employed fishermen and producer organisations) from each of the concerned Member States
 - Other representatives of the North Sea fisheries sector (including ship-owners, small-scale fishermen, employed fishermen, producer organisations as well as, amongst others, processors, traders and other market organisations and women's networks).
 - Representatives of other interest groups (including environmental organisations and groups, aquaculture producers, consumers and recreational or sport fishermen) affected by the Common Fisheries Policy.
- 21.** In both the General Assembly and the Executive Committee two thirds of the seats shall be allotted to representatives of the fisheries sector and one third to representatives of the other interest groups affected by the Common Fisheries Policy.
- 22.** The Executive Committee shall consist of up to 24 members, at least two thirds of which must be present for the Executive Committee to perform its full functions.
- 23.** Members of the Executive Committee shall be appointed by the organisations which they represent, which themselves will have been appointed for a three year

period by the General Assembly. Any changes to the persons nominated as members by their organisation shall be made in advance of any meeting of the Executive Committee, in writing, to the Secretary of the Advisory Council, with a copy to the Chairperson of the NSRAC .

- 24.** If an organisation terminates its membership of the General Assembly or Executive Committee then its nominated representative on either the General Assembly or Executive Committee shall also terminate membership.
- 25.** Members of the Executive Committee shall behave in the best interests of the Advisory Council to further the aims and objectives laid down in this document and shall be accountable to the General Assembly. They shall also have responsibilities to the organisations which nominated them and which they represent. Members shall report back to their nominating organisations at frequent intervals, more than once per year.
- 26.** The members of the Executive Committee shall, where possible, adopt recommendations by consensus. If no consensus can be reached, dissenting opinions expressed by members shall be recorded in the recommendations adopted by the majority of the members present and voting. Upon receipt in writing of the recommendations the Commission and, where relevant, the concerned Member States shall reply precisely to them within a reasonable time period and, at the latest, within three months, as specified by the Decision. If a vote is taken at Executive Committee Meetings only members of the Executive Committee (excluding the Chairperson, Secretary and Rapporteur) shall be entitled to vote, and more than two thirds of the Executive Committee shall be present.
- 27.** Representatives of the fisheries sector and other interest groups from third countries, including representatives from Regional Fisheries Organisations that have a fishing interest in the area or fisheries covered by NSRAC may be invited to participate in NSRAC as active observers when issues which affect them are discussed, at the discretion of the Executive Committee.
- 28.** Additional representatives of member organisations of the Executive Committee shall be permitted to attend any meeting of the NSRAC as active observers.
- 29.** Representatives of each concerned Member State shall be permitted to attend any meeting of the NSRAC as active observers.
- 30.** Representatives of the European Commission shall be permitted to attend any meeting of the NSRAC as active observers.
- 31.** A representative of the Advisory Committee on Fisheries & Aquaculture shall be able to attend any meeting of the NSRAC as an active observer.

Other Observers (added November 2005)

5. Representatives of other European organisations that have an interest in the area or fisheries covered by the NSRAC (for example the North Sea Commission and OSPAR) shall be permitted to attend any meeting of the NSRAC as active observers.
32. The NSRAC shall not be responsible for meeting the costs of attendance of observers. Observers shall not be entitled to vote.
33. Members of the Executive Committee shall be assisted at Executive Committee Meetings by scientists from institutes of the Member States concerned or international bodies and other qualified scientists, invited by the Executive Committee to provide scientific, technical, economic, legal or other relevant advice. Experts shall not be entitled to vote.
34. In the event that rapid consultation of the NSRAC is required by the European Commission or another body then it shall be the responsibility of the Chair of the NSRAC, who coordinates the Executive Committee, to establish quickly, by electronic or other means, the views of members of the Executive Committee and communicate these to the Commission.
35. An Annual General Assembly shall be organized by the Executive Committee and Secretariat on behalf of the NSRAC.
36. At the Annual General Assembly the Chair of the NSRAC and Secretary shall report to the Council on the year's activities and present the annual accounts on behalf of the Executive Committee. Members shall also be able to express their views on relevant topics to the Executive Committee at the Annual General Assembly. Decisions by the General Assembly shall be decided by consensus or by a simple majority vote.

Delegation of Powers (added November 2005)

6. Powers shall be delegated to the Chair and Vice Chairs of the Executive Committee to take part in meetings with other organisations and to take decisions for the NSRAC between meetings of the Executive Committee. Whenever possible, the Executive Committee members shall be consulted in advance in relation to such meetings or decisions. Full reports on such meetings or decisions shall subsequently be provided to the Executive Committee.

Members' authority (added November 2005)

7. Members of the NSRAC, including members of the Executive Committee and the Chairs and Vice-Chairs of the NSRAC, Executive Committee and Working Groups shall not claim to represent the views of the NSRAC itself, or the views of other Members. Comments and papers expressing the views of the NSRAC shall only be issued by the Secretariat, with the authority and agreement of the Executive Committee.

The Office Bearers

37. The Office Bearers of the Advisory Council shall be:

The Honorary Chairperson of the General Assembly,

To be nominated and elected by consensus of the General Assembly for a term of three years from amongst the membership of the General Assembly. The Chairperson of the General Assembly shall play an impartial and independent role.

The Chairperson of the NSRAC,

To be appointed by consensus for a term of three years by members of the Executive Committee from persons nominated by members of the General Assembly from amongst the membership of the General Assembly. The Chairperson shall play an impartial and independent role. In the event that the Chairperson is drawn from the members of the Executive Committee, a substitute member shall be nominated in writing by the organisation which the Chairperson formerly represented. The Chairperson of the NSRAC shall not have a vote within the Executive Committee.

The Two Vice Chairpersons of the NSRAC, (modified November 2006)

The First Vice-Chair is to be appointed annually by members of the Executive Committee from amongst the representatives of the North Sea fisheries sector on the Executive Committee (as defined in paragraph 20). The First Vice-Chairperson shall be a member of the Executive Committee and shall have a vote.

The Second Vice-Chair is to be appointed annually by members of the Executive Committee from amongst the representatives of other interest groups affected by the Common Fisheries Policy. The Second Vice-Chair shall be a member of the Executive Committee and shall have a vote.

The Secretary of the NSRAC

To be appointed by the organisation chosen by the Executive Committee to provide the Secretariat, with the annual approval of the Executive Committee, in the first instance for three years. The Secretary shall not have a vote.

The Rapporteur of the NSRAC

To be appointed annually by members of the Executive Committee. The Rapporteur need not be a member of the Executive Committee. The Rapporteur shall not have a vote.

The Secretariat

- 38.** The Secretariat shall be appointed for an agreed term, in the first instance for three years, by the Executive Committee, and shall act independently and without bias in furthering the objects of the NSRAC. The Secretariat shall be a properly constituted body.
- 39.** The Secretariat, guided by the Chairperson of the Executive Committee, shall consolidate the principles for the operation of the Advisory Council, and for resolving disputes.
- 40.** The Secretariat, guided by the Chairperson of the Executive Committee, may receive nominations for new members of the General Assembly. Full membership shall require endorsement by the Executive Committee and the agreement of concerned Member States, as laid down in Para 11.
- 41.** The Secretariat shall keep the accounts of the NSRAC and prepare the accounts for the Annual General Assembly. The Secretariat shall also arrange for certified auditing of the accounts and for satisfying any reporting conditions laid down by funders. The Secretariat shall liaise with potential and actual funders to achieve funding of the NSRAC.
- 42.** The Secretariat shall arrange meetings of the General Assembly, Executive Committee and Working Groups, and pay expenses, and make travel and accommodation arrangements where appropriate.
- 43.** The Secretariat shall liaise with the Rapporteur and Chairperson of the NSRAC, and the Rapporteurs and Chairmen of Working groups to produce timely and accurate reports on the NSRAC's activities. The Secretariat shall maintain a web-site for the NSRAC.

44. The Secretariat shall appoint a Secretary, approved for an appropriate term by the Executive Committee, to attend Executive Committee Meetings and the General Assembly and to report to the NSRAC on the Secretariat's activities.
45. To further the objects of the NSRAC, The Secretariat shall maintain a register of members, and may, with the approval of the Executive Committee:
- employ and pay any person to supervise, organize and carry out the work of the NSRAC;
 - engage and pay fees to professional and technical advisors or consultants to assist in the work of the NSRAC;
 - bring together in conference and work in liaison with representatives of other organisations, concerned Member States, the European Commission, the European Parliament and other statutory authorities and individuals including the Advisory Committee on Fisheries and Aquaculture (ACFA);
 - ensure that properly qualified experts attend the meetings of such organisations as are considered to be in the interests of and compatible with the objects of the NSRAC.
 - promote and carry out or assist in promoting or carrying out surveys, studies and other investigations and where appropriate publish or disseminate the results;
 - arrange and provide for or join in arranging and providing for the holding of exhibitions, seminars and meetings;
 - cause to be prepared and printed or otherwise reproduced and circulated, free of charge or for payment, such papers, books, periodicals, pamphlets or other documents, films, recorded tapes or other electronic media as shall further the objects of the NSRAC;
 - purchase, take on lease, hire, or otherwise acquire any equipment or apparatus considered appropriate for the work of the NSRAC;
 - seek funds to pursue the objects of the NSRAC, and
 - do all other such lawful things as are incidental or conducive to the attainment of the objects of the NSRAC.

Amendments to the Rules of Procedure

46. These Rules of Procedure shall be agreed between the General Assembly and the concerned Member States. Any amendments must be presented to members for comment at the Annual General Assembly and agreed by a two-thirds majority of members of the Executive Committee and must have the consent of the European Commission and concerned Member States. Any changes to the objectives and aims of the North Sea RAC should also have the consent of the European Commission.

Dissolution

47. Dissolution of the NSRAC shall require a two-thirds majority of the members of the General Assembly.
48. After all debts and liabilities have been met and funding conditions satisfied any remaining assets shall be passed to an organisation having similar objectives.