

NSAC Policy

Procedure 1. Rules of Procedure for the North Sea Advisory Council

Name of Organisation

1. The North Sea Advisory Council (NSAC)

Objectives

2. The objective of NSAC 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 International Council for Exploration of the Sea (ICES) and other bodies as decided by the NSAC.
3. The NSAC shall fulfil the role of an Advisory Council (AC) as described in European Regulation (EU) No. 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.
4. For the purposes of the NSAC the North Sea shall consist of ICES Area 4 (the North Sea) and Area 3a (the Skagerrak & Kattegat). When considering straddling stocks and wide-ranging non-target species within the North Sea, whose unity requires special attention, the NSAC's interests shall also extend to other areas adjacent to the North Sea and shall involve liaison with ACs and other similar partnerships for these adjacent areas.
5. The activities of the NSAC shall be open and transparent. The NSAC shall disseminate full and timely reports on all its activities to its members and others. Approved reports of each meeting of the General Assembly and Executive Committee will be placed on the NSAC's website within 14 days of their being approved. The General Assembly shall be open to the public.
6. Meetings of the General Assembly, Executive Committee and Working Groups shall be open to the public. The meetings of the Executive Committee shall be open to the public unless decided otherwise by a simple majority of the Executive Committee.

6. The NSAC shall be an equal opportunities organisation and shall not discriminate against membership on the grounds of race, gender or disability.

Powers

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

The NSAC Legal Entity

9. The Board of Directors of NSAC (Association under Dutch Law, KvK no. 73959987, registered on 11 February 2019 at the Chamber of Commerce (in Dutch: Kamer van Koophandel), Utrecht, which fulfils the Commission's requirement that the NSAC be established as a legal entity) shall consist of the Chair of the Executive Committee, the two Vice Chairs and up to two additional Directors co-opted by the aforementioned Directors.
10. The members of the NSAC Association shall be allocated voting rights, and shall be defined as those registering their membership of the Association at the First General Assembly of the NSAC and those subsequently admitted by common agreement between the concerned Member States and in accordance with paragraphs 13 to 17 of the Rules of Procedure.
11. The Board of Directors of the NSAC Association shall provide an annual report to the General Assembly on the activities and financial status of the association.
12. The constitution of the NSAC Association shall be set out in Statutes, which shall be made available to all its members.

Organisation and Structure

13. The NSAC shall consist of members, attending a General Assembly, which shall meet annually, 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

14. Membership of the General Assembly of the NSAC 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 45 of the EU regulation No 1380/2013 of Council Decision, 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 15 below.
15. Applications for membership of the General Assembly shall be made in writing to the Secretary of the NSAC. The Secretary of the NSAC shall refer all applications to the General Assembly and Executive Committee, which will take advice from the concerned Member State. Following the delegated act (EU) 2017/1575, the General Assembly decides on the classification of the organisation based on objective and verifiable criteria such as provision of statutes, list of members and nature of the activities of the organisation. Application to the Executive Committee is handled by that forum.
16. The Executive Committee of the NSAC, 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 NSAC 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.
17. Members of the General Assembly of the NSAC 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 NSAC 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.
18. The NSAC 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.
19. The General Assembly and the Executive Committee shall have separate Chairpersons.

20. The NSAC may establish Working Groups, to assist the Executive Committee in its task of preparing advice. Focus Groups may be *ad hoc* appointed for a specific purpose for a limited duration. Members of the Working Groups shall be from organisations represented in the General Assembly and appointed by the Executive Committee.
21. 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. Recommendations adopted by the Executive Committee shall be made available immediately to the General Assembly, the Commission, concerned Member States, the European Parliament, 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.
22. In both the General Assembly and the Executive Committee sixty percent of the seats shall be allotted to representatives of the fisheries sector (including fisheries organisations, employed fishermen, aquaculture operators and representatives of processing and marketing), and forty percent to representatives of the other interest groups affected by the Common Fisheries Policy.
23. The Executive Committee shall consist of up to 25 members (15 fishing sector, 10 other interest), at least two thirds (17) of which must be present for the Executive Committee to perform its full functions.
24. The General Assembly shall appoint the Executive Committee. Based on designations from the sector organisations and from the other interest groups for the seats allotted to them respectively, the General Assembly appoints an Executive Committee of up to 25 members. After consultation with the Commission, the General Assembly may decide to appoint an Executive Committee of up to 30 members to ensure appropriate representation of small scale fleets.
25. 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.
26. Members of the Executive Committee shall be appointed by the organisations which they represent. 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 NSAC.
 27. If an organisation terminates its membership of the General Assembly or Executive Committee then its nominated representative to either the General Assembly or Executive Committee shall also terminate membership.
 28. 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.
 29. 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. 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 at least two thirds of the Executive Committee shall be present.

General Assembly

32. An Annual General Assembly shall be organized by the Executive Committee and Secretariat on behalf of the NSAC.
33. At the Annual General Assembly the Board of the NSAC and the Secretary shall report to the Advisory 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 2/3 majority vote.

Observers

34. 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 NSAC as well as scientists may be invited to participate in NSAC as active observers when issues which affect them are discussed, at the discretion of the Executive Committee.
35. Invited observers have the right to actively participate at the meeting and are eligible for reimbursement of travel and accommodation costs.
35. Additional representatives of member organisations of the Executive Committee shall be permitted to attend any meeting of the NSAC as observers. The NSAC shall not be responsible for reimbursing the costs of attendance of uninvited observers. Observers shall not be entitled to vote.
36. Representatives of each concerned Member State and European Commission, shall be permitted to attend any meeting of the NSAC as active observers.
37. Executive Committee meetings and Working Groups shall be assisted 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.

Delegations of Power and Members' Responsibilities

42. In the event that rapid consultation of the NSAC is required by the European Commission or another body then it shall be the responsibility of the Chair of the NSAC, 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. The minimum consultation time shall be 48 hours.
43. Powers shall be delegated to the Chair and Vice Chairs of the Executive Committee, and on occasion to other members of the Executive Committee, to take part in meetings with other organisations and to take decisions for the NSAC between meetings of the Executive Committee. Executive Committee members shall be told in advance that such meetings or decisions are planned, and shall be given the opportunity to express their own views in advance. In attending meetings or taking decisions, the Chair, Vice-Chairs and members delegated to represent the NSAC shall take the views of Executive Committee members into account. Full reports on such meetings or decisions shall

subsequently be provided to the Executive Committee by the person delegated to represent the NSAC.

44. Members of the NSAC, including members of the Executive Committee, the Chairs and Vice-Chairs of the Executive Committee and Working Groups shall not claim to represent the views of the NSAC itself, or the views of other Members, unless delegated specifically to do so. Comments and papers expressing the views of the NSAC shall only be issued by the Secretariat, with the authority and agreement of the Executive Committee.

The Office Bearers

45. 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 NSAC,

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 NSAC shall not have a vote within the Executive Committee.

The Two Vice Chairpersons of the NSAC,

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 24). 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 Secretariat

46. The Secretariat shall be appointed for an agreed term, in the first instance for one year, by the Executive Committee, and shall act independently and without bias in furthering the objectives of the NSAC.
47. 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.
48. 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 Paragraph 15 above.
49. The Secretariat shall keep the accounts of the NSAC 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 NSAC.
50. The Secretariat shall arrange meetings of the General Assembly, Executive Committee, Working Groups and Focus Groups, and pay expenses, and make travel and accommodation arrangements where appropriate.
51. The Secretariat shall liaise with the Rapporteur and Chairperson of the NSAC, and the Rapporteurs and Chairmen of Working groups to produce timely and accurate reports on the NSAC activities.
52. The Secretariat shall coordinate all communication activities for the NSAC.
53. To further the objects of the NSAC, 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 NSAC;
 - engage and pay fees to professional and technical advisors or consultants to assist in the work of the NSAC;
 - 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);

- ensure that properly qualified experts attend the meetings of such organisations as are considered to be in the interests of and compatible with the objectives of the NSAC.
- 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 NSAC;
- purchase, take on lease, hire, or otherwise acquire any equipment or apparatus considered appropriate for the work of the NSAC;
- seek funds to pursue the objectives of the NSAC, and
- do all other such lawful things as are incidental or conducive to the attainment of the objectives of the NSAC.

Amendments to the Rules of Procedure

54. These Rules of Procedure shall be adopted 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. A

Protocols agreed by the NSAC

I. Protocol for the Preparation of NSAC Advice by Working Groups

1. All NSAC member organisations are eligible to participate in NSAC Working Groups (WGs). Nominations for members of each WG will be sought from members of the General Assembly & Executive Committee.
2. Individuals representing member organisations on WGs should have a clear authority to speak on behalf of those organisations.
3. Member organisations who cannot or do not wish to participate in a particular WG may give another member organisation the authority to represent their interests by writing to the Secretary.
4. WG chairs are expected to be neutral. The role of WG chairs during meetings is to facilitate discussion and seek compromise (if necessary). The chair bears responsibility for the contents of the advice, including the agreed procedures for producing the final text, as well as the timely submission of advice to the ExCom. Each WG chair will be appointed by the ExCom for a period of one year.
5. Individuals representing member organisations should be knowledgeable about the WG subject, willing to look at the subject from different perspectives and have the authority to agree to a compromise position on behalf of their member organisations. Members of WGs are responsible for all communications concerning the advisory process within their own organisations.
6. When drafting advice, the first draft may be produced by a designated person or a chairperson of the working/focus group, who will present it to the rest of the group for comments. Alternatively, a drafting group can be established, who will distribute work among the members and present the first draft to the rest of the group for comments.
7. The WG, through its chair, can invite experts or observers to WG meetings or can organise preliminary workshops or discussion sessions to support the preparation of advice. It is important that experts should be objective in presenting information and views to the Working Group and that experts are chosen from a range of sources. Experts or observers are not full members of the WG. The protocol for observers at NSAC meetings is applicable to experts and observers attending WGs. The NSAC Secretariat will assist the chair/member organisation in organising the WG meetings and will set firm limits on expenditure to be incurred by

the NSAC. WG dates will be set by the chair of the WG to achieve maximum attendance.

8. WG, FG, ExCom and GA agendas and documents will be submitted to WG, FG, Executive Committee or General Assembly members at least one week, and preferably two weeks, before the meeting to allow for internal discussions within member organisations. Actions of meetings shall be circulated to members within 2 weeks after the meeting.
9. While allowing for exceptional circumstances, failure to comment before set deadlines will be regarded as assent. WG members who cannot meet the agreed deadlines are responsible for appointing a substitute and informing the chair.
10. Where there is no consensus on the advice, or objections to part or all of the advice, minority positions will be mentioned explicitly, including full reference to the organisation concerned.
11. All comments on draft texts should be retained by the rapporteur and will only be deleted after the formal agreement on the advice by ExCom.
12. WG chairs are responsible for presenting the Agreed Record or draft advice to the ExCom. The ExCom may adopt or reject the WG advice, entirely or in part but if advice is rejected an explanation for the rejection should be provided. Approval of the advice by ExCom is necessary before the advice is published or sent out.
13. The NSAC secretariat is responsible for submitting the final advice to the European Commission and the Member States and for placing it on the website. All member organisations of ExCom will receive copies of each advisory document submitted to the Commission or Member States.

II. Communications Protocol

1. Documents, pictures, videos and slides, including papers, reports and press releases, power-point shows and other media which carry the name or logo of the NSAC shall be issued only with the approval of the Secretariat.
2. Members are encouraged to disseminate, in their own language, any material issued from the NSAC which already has the approval of the Secretariat. However, if any material is added to the translation it must be made clear that the additional material is not from the NSAC.
3. Members of the ExCom may express in public their own opinions on the work of NSAC. If a comment is required from the NSAC itself the request must be forwarded to the Secretariat.

4. Members of the ExCom and Chairs and Vice-Chairs of the NSAC shall not claim to present the views of the NSAC itself, or the views of other members.
5. Press releases or statements regarding NSAC activities may be issued by the members of the ExCom provided it is made clear that the material issued does not represent the views of the NSAC itself but only those of the organisation issuing it. They must be **about** the NSAC, rather than **from** the NSAC.

III. Protocol for the Participation of Observers in the work of NSAC

There are two distinct kinds of Observers attending NSAC Meetings:

Active Observers

These include;

1. 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 NSAC;
2. Additional representatives of member organisations of the Executive Committee;
3. Representatives of each concerned Member State;
4. Representatives of the European Commission; and
5. Representatives of other European organisations that have an interest in the area or fisheries covered by the NSAC (for example the North Sea Commission, OSPAR, European Parliament PECH Committee etc.).
6. Representatives from other Advisory Councils.

Active observers shall be allowed to speak and participate fully in discussions

Other Observers

These include;

1. Individual stakeholders, including fishers and others with an interest in North Sea Fisheries;
2. Members of the General Public, including the Press and other Media Representatives;

Other observers are allowed to speak and participate in discussions only by prior arrangement with the Secretariat, and at the discretion of the Chair.

All observers are expected to observe the Communications Protocol laid down for full NSAC Members.

IV. Environmental Impact Protocol

The NSAC Environmental Impact Protocol entails working groups and the Executive Committee taking a short time to consider **four key issues** as part of the process of deliberation over policy proposals and advice, before making recommendations to the European Commission. These four issues are:

1. What positive environmental implications does NSAC's policy proposal/advice have for the marine environment (including target and non-target species, habitats and ecosystems), any sector of the fisheries industry or for associated fishing communities?
2. What negative environmental implications does NSAC's policy proposal/advice have for the marine environment (including target and non-target species, habitats and ecosystems), any sector of the fisheries industry or for associated fishing communities?
3. Is the balance between these positive and negative implications acceptable, significant or marginal? (A relatively small impact regionally may nevertheless be large in relation to a wider community). How can they best be managed?
4. Where appropriate, how do the likely environmental impacts of NSAC's advice differ from those of the Commission's proposal? In the case where NSAC is giving proactive advice in the absence of a specific proposal from the Commission, how do the likely environmental impacts of NSAC's advice differ from those of the current policy under the CFP?



V. Socio-Economic Protocol

The NSAC Socio-Economic Protocol entails working groups and the Executive Committee taking a short time to consider **four key issues** as part of the process of deliberation over policy proposals and advice, before making recommendations to the European Commission. These four issues are:

What positive socio-economic implications does NSAC's policy proposal/advice have for any sector of the fisheries industry or for associated fishing communities?

What negative socio-economic implications does NSAC's policy proposal/advice have for any sector of the fisheries industry or for associated fishing communities?

Are these positive and negative implications acceptable and how can they best be managed? For example, by the introduction of social or economic fisheries management instruments, such as short-term compensatory schemes, infrastructural subsidies and incentive schemes relating to sustainable fisheries practices.

Where appropriate, how do the likely socio-economic impacts of NSAC's recommendation differ from those of the Commission's proposal?

A necessary part of this Protocol is that NSAC commits to communicating to the Commission, the resultant discussions about the socio-economic implications of policy proposals/advice and any agreed recommendations.

NB: The picture we currently have of economic and social aspects of North Sea fisheries is incomplete. Studies have tended to be piecemeal and are difficult to compare. The Socio-Economic Protocol represents a starting point from which NSAC can work towards a more comprehensive and long-term socio-economic agenda by immediately mobilising the knowledge held within NSAC. This Socio-Economic Protocol should be revised once the proposed Study of Social and Economic Aspects of North Sea fisheries has been completed and the knowledge base updated.

