

Unofficial translation

NOTE: THIS IS A TRANSLATION INTO ENGLISH OF THE ARTICLES OF ASSOCIATION (*STATUTEN*) OF A DUTCH FOUNDATION. IN THE EVENT OF A CONFLICT BETWEEN THE ENGLISH AND DUTCH TEXTS, THE DUTCH TEXT SHALL PREVAIL.

STATUTES

NAME AND REGISTERED OFFICE

Article 1.

The name of the foundation is: ~~Regional~~ Advisory Council for pelagic stocks, hereafter the "Pelagic **RAC**".

It has its corporate seat at 's-Gravenhage.

FISHERY RESOURCES AND GEOGRAPICAL AREA

Article 2.

Pelagic stocks meaning: blue whiting, boarfish, mackerel, horse mackerel, herring, in all International Council for the Exploration of the Sea areas, as defined in Regulation (EEC) No 3880/91 (hereafter "ICES-areas"), excluding the Baltic Sea.

If an issue is not only of interest of the Pelagic **RAC**, it shall coordinate its position with the other concerned ~~Re-~~gional Advisory Council(s) with a view to adopting joint recommendations on that issue.

OBJECTIVE

Article 3.

The objective of the Pelagic **RAC** is to prepare and provide advice on the management of pelagic stocks (blue whiting, boarfish, mackerel, horse mackerel, herring) in all ICES areas (excluding the Baltic Sea) on behalf of the stakeholders in order to contribute to the achievement of the objectives of the Common Fisheries Policy. This will be done within the general aim of attaining the sustainable management of fisheries, incorporating an ecosystem based approach and based on the precautionary approach by the Community, taking into consideration social and economic factors.

PROVISIONS OF RECOMMENDATIONS

Article 4.

The executive committee of the Pelagic **RAC** shall provide recommendations to the general assembly, the Commission, Member States having a fishing interest in the area or fisheries covered by the Pelagic **RAC** (hereafter: Member States concerned).

ROLE OF THE PELAGIC **RAC**

Article 5.

The Pelagic **RAC** shall fulfil the role of an ~~an Regional~~ Advisory Council as described in Regulation (EU) No 1380/2013 of the European Parliament and of the Council of the eleventh day of December two thousand thirteen establishing Advisory Councils under the Common Fisheries Policy. Council Regulation No 2371/2002 of the twentieth day of December two thousand two and Council Decision No 2004/585/EC of the nineteenth day of July two thousand and four establishing Regional Advisory Councils under the Common Fisheries Policy.

In particular, the Pelagic RAC will encourage the drawing up of fisheries management plans for the pelagic stocks in the North East Atlantic Ocean. These plans may include rules on the exploitation of pelagic fish resources, the management of the fleet capacity, technical measures, control and enforcement and measures to improve scientific advice and research on pelagic species. In conformity with the reformed CFP the Pelagic AC will also advise the Commission and Member States on the implementation of the EU landing obligation either through specific discard plans, long-term management plans or on an *ad hoc* basis.

OPERATING PRINCIPLES

Article 6.

The Pelagic RAC shall adopt all the necessary measures to ensure transparency in all stages of the decision-making process. The Pelagic RAC shall disseminate full and timely reports on all its activities to its members and others. Meetings of the general assembly of the Pelagic RAC shall be open to the public. Meetings of the executive committee of the Pelagic RAC shall be open to the public unless, in exceptional cases, decided otherwise by a majority of the executive committee.

Article 7.

The Pelagic RAC shall adopt the measures necessary for their organisation including a secretariat and working groups.

Article 8.

The Pelagic RAC consists of two bodies, to wit:

- a. an executive committee, and
- b. a general assembly.

Article 9

The executive committee consists of up to twenty-four (24) members which will be appointed and discharged by the general assembly. Any changes in the membership of the executive committee shall be made by the secretariat. The secretariat will inform the Commission and the Member States (concerned) of such changes.

In the executive committee, two thirds 60 % of the seats shall be allotted to representatives of ~~the fisheries sector~~ fishermen and representatives of the processing and marketing sectors, and 40% to representatives of the other interest groups affected by the Common Fisheries Policy, for example environmental organisations and consumer groups, which includes the catching subsector (shipowners, small-scale fishermen, employed fishermen, producer organisations), as well as, amongst others, processors, traders and other market organisations and women's networks and one third to representatives of the other interest groups such as environmental organisations and groups, aquaculture producers, consumers and recreational or sport fishermen affected by the Common Fisheries Policy.

At least one representative of the catching subsector from each Member State concerned shall be represented in the executive committee.

An appointed representative may send a substitute to a meeting of the executive committee, if the appointed representative is not able to attend this meeting.

Members of the executive committee shall be appointed for three years.

The executive committee shall meet at least 3 times each year.

REPRESENTATION

Article 10.

The Pelagic RAC is represented:

- a. by the executive committee, and
- b. by the chairperson of the Pelagic RAC.

GENERAL ASSEMBLY

Article 11.

The Member States appoint and discharge the members of the general assembly. European and National organisations representing the fishing sector and other interest groups are allowed to nominate members to the Member States concerned.

The general assembly shall meet at least once a year to approve the annual report and the annual strategic plan drawn up by the executive committee.

~~In the general assembly 60 % of the seats shall be allotted to representatives of fishermen and representatives of the processing and marketing sectors, and 40% to representatives of the other interest groups affected by the Common Fisheries Policy, for example environmental organisations and consumer two thirds of the seats shall be allotted to representatives of the fisheries sector, which includes the catching subsector (shipowners, small-scale fishermen, employed fishermen, producer organisations), as well as, amongst others, processors, traders and other market organisations and women's networks and one third to representatives of the other interest groups such as environmental organisations and groups, aquaculture producers, consumers and recreational or sport fishermen affected by the Common Fisheries Policy.~~

An appointed representative may send a substitute to a meeting of the general assembly, if the appointed representative is not able to attend this meeting.

Once the general assembly has been established, further applications for membership of the general assembly shall be made in writing to the secretariat of the Pelagic RAC. The secretariat shall refer all applications to the executive committee, which shall take advice from Member States. The final decision on membership shall be decided by common agreement of the Member States concerned.

An appointed representative may terminate his membership of the general assembly by written application to the secretariat of the Pelagic RAC. The secretariat shall refer all terminations to the executive committee.

Members of the general assembly shall be appointed for three years.

PARTICIPATION BY NON-MEMBERS

Article 12.

~~Representatives of national and regional administrations that have fisheries interests in the area concerned and researchers from the Member States' scientific and fisheries research institutes and from the international scientific institutions that advise the Commission shall be allowed to participate in Pelagic AC meetings as active observers. Any other qualified scientist may also be invited.~~

~~Representatives of the European Parliament and of the Commission may take part as active observers in Pelagic AC meetings.~~

~~When issues that affect them are discussed, representatives of the fisheries sector and other interest groups from third countries, including representatives from RFMOs, that have a fishing interest in the area or fisheries covered by the Pelagic AC, may be invited to participate as active observers.~~

~~The Commission, national and regional administrations of the Member States concerned and a representative of the Advisory Committee on Fisheries and Aquaculture shall have the right to participate at any meeting of the Pelagic RAC as active observers.~~

~~Scientist from institutes of the Member States concerned or international bodies shall be invited to participate as experts in the work of the Pelagic RAC. Any other qualified scientist may also be invited.~~

~~Representatives of the fisheries sector and other interest groups from third countries, including representatives from Regional Fisheries Organisations, that have a fishing interest covered by the Pelagic RAC may be invited to participate in the Pelagic RAC as active observers when issues which affect them are discussed.~~

WORKING GROUPS

Article 13.

The executive committee of the Pelagic RAC may create working groups. Members of the working groups shall

be nominated by members of the general assembly and appointed by the executive committee. The executive committee shall also appoint the chairpersons for the working groups. ~~If the person appointed as chair of a working group is not a member of the executive committee he or she shall be entitled to attend meetings of the executive committee as an observer~~Chairpersons of the working groups shall participate as observers at the executive meetings.

CHAIRMANSHIP

Article 14.

The executive committee appoints on the nomination of the general assembly a chairperson of the Pelagic RAC. The chairperson shall act impartially. The appointment of the chairperson shall be for a period of three years. The chairperson of the Pelagic RAC is the chairperson of the executive committee as well as chairperson of the general assembly.

SECRETARIAT

Article 15.

A permanent secretariat consisting of a secretariat and other administrative staff as required, will be appointed by the organisation chosen by the executive committee to provide the secretariat, in the first instance for three years.

The secretariat shall act independently and without bias in furthering the objectives of the Pelagic RAC.

The secretariat, guided by the chairperson of the Pelagic RAC, shall establish principles for the functioning of the Pelagic RAC, including the resolving of disputes, to be decided by the executive committee.

The secretariat shall keep the accounts of the Pelagic RAC and prepare the accounts for the annual general assembly. The secretariat shall also arrange for auditing the accounts and for satisfying any reporting conditions laid down by funders.

The secretariat shall arrange the meetings of the general assembly, executive committee and working groups. The secretariat shall liaise with the chairperson of the Pelagic RAC, to produce timely and accurate reports on the activities of the Pelagic RAC. An annual report of these activities shall be transmitted to the Commission, and the Member States concerned~~and the Advisory Committee on Fisheries and Aquaculture~~ before the thirty-first day of March of the year following the year covered by the report within four months of the end of the period of eligibility.

The executive committee shall establish separate rules of procedure regarding the other tasks and authorities of the secretariat.

ACCOUNTING AUDIT

Article 16.

The Commission or the Court of Auditors may, at any time, arrange for an audit to be carried out either by an outside body of their choice or by the Commission or the Court of Auditors departments themselves. The executive committee of the Pelagic RAC shall appoint an approved auditor.

Article 17.

The financial year of the Pelagic RAC shall run from the day of its establishment up to and including the day one year later before the day on which the foundation as ~~Regional~~ Advisory Council has been acknowledged by the Commission. The next financial year and every following financial year shall run from the day of aforementioned acknowledgement and ends one day before the day of aforementioned acknowledgement one year later on.

RULES OF PROCEDURE

Article 18.

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.

Recommendations adopted by the executive committee shall be made available immediately to the general assembly, the Commission, Member States, ~~the Advisory Committee on Fisheries and Aquaculture~~ and, upon request, to any member of the public. Upon receipt in writing of the recommendations, the Commission and, where relevant, the Member States concerned shall reply precisely to them within a reasonable time period and, at the latest, within three months.

Observers and scientists are not entitled to vote.

In the event that rapid consultation of the Pelagic RAC is required by the Commission or another body then it shall be the responsibility of the chairperson of the Pelagic RAC to establish quickly, for example by electronic means, the views of members of the executive committee and communicate these to the Commission.

Advice and suggestions of the working groups shall not be binding upon the executive committee or general assembly.

The Member States concerned shall provide the appropriate support, including logistical help, to facilitate the functioning of the Pelagic RAC.

FINANCING

Article 19.

The financing for the Pelagic RAC shall be provided by the Commission, the Member States concerned and contributions of third parties. The contribution from the Commission shall be as defined in [EU Regulation No 1380/2013 of the European Parliament and of the Council](#) ~~Council Decision No 2004/585/EC~~ establishing ~~Region-~~ ~~al~~ Advisory Councils under the Common Fisheries Policy.

AMENDMENT TO THE ARTICLES

Article 20.

Every amendment of the articles of association needs to be submitted to the general assembly ~~during the annual meeting~~ for comments. With regard to the amendment of the articles of association, the executive committee shall decide with at least a two-third majority. An amendment of the articles of association requires the approval of the Commission and the Member States concerned.

DISSOLUTION

Article 21.

Dissolution of the Pelagic RAC shall require a two-thirds majority of the members of the executive committee and approval by the general assembly.

After all debts and liabilities have been met and funding conditions satisfied, any remaining assets shall be passed to an organisation having similar objectives.

Article 22.

The Pelagic RAC has a legal personality, in accordance with Dutch law.
Disputes will be settled according to Dutch law.

TRANSITIONAL ARRANGEMENT

Notwithstanding the above the founder will be appointed as sole first officer.