

RULES OF PROCEDURE PELAGIC AC

(April 2018)

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1. Mission statement

The mission of the Pelagic AC is to be the foremost stakeholder advisory body in the European Union on the management of pelagic fish stocks.

2. Objectives

The Pelagic AC shall fulfil the role of an Advisory Council (AC) as described in Regulation (EU) No. 1380/2013 of the 11th December 2013 establishing Advisory Councils under the Common Fisheries Policy (CFP).

In other words, the Pelagic AC aims to:

- Contribute to the achievement of the objectives of the CFP by providing advice to the European Commission, the Member States, the European Council and the European Parliament and other relevant parties;
- Balance ecological objectives with economic and social needs;
- Include an eco-system-based approach and apply the precautionary principle;
- Provide a forum for active involvement of the industry and other interest groups most directly concerned with pelagic fish stocks, which will contribute to true exchanges of thought and the possibility to suggest feasible solutions in fisheries management and;
- Involve the scientific community in the advisory process, which will contribute to the improvement of the quality of the advice, as well as to a better understanding between the scientific community and the stakeholders.

3. Scope

The Pelagic AC will provide advice on matters related to the management of major pelagic fish stocks in all ICES areas, excluding the Baltic Sea and the Mediterranean Sea. It will do so on its own initiative or at the request of the Commission, a Member State or another party. The advice shall either be on a specific species (i.e. on blue whiting, herring, mackerel horse mackerel or boarfish¹) or on a horizontal issue regarding the CFP, when this is of specific concern to the stakeholders of the Pelagic AC.

Each year, an annual strategic plan shall be drawn up, describing the scope and work programme for the next year. In general, however, the Pelagic AC will address both long-term and short-term management issues. Contributing to the development of stock specific multiannual management plans and providing an opinion on possible improvements to the implementation of Community legislation, form the key activities in relation to the former. Providing an opinion on the annual allocation of resources when ICES advice on fishing opportunities becomes available, forms the key activity in relation to the latter. Both long-term and short-term decisions are considered equally important, because short-term decisions are likely to have implications in the long term and vice versa. In addition, after implementation of multiannual management plans, year-to-year decisions are likely to be needed still, and will therefore remain of importance always.

¹ Note that the Pelagic AC may choose to provide advice on other species and stocks as well. This requires specific procedures (in line with article 44.2 of Regulation (EU) 1380/2013 which states that "If an issue is of interest to two or more Regional Advisory Councils, they shall coordinate their positions with a view to adopting joint recommendations on that issue").

4. Organisational structure

In conformity with the Common Fisheries Policy (Regulation (EU) 1380/2013) the Pelagic AC consists of a General Assembly and an Executive Committee. In addition, the Executive Committee has agreed on the establishment of two Working Groups, a Secretariat and a Management Team. The Secretariat is based in the Netherlands and consequently, the Pelagic AC has the legal entity of a foundation under Dutch Law. Its board of directors consists of the members of the Executive Committee.

4.1 General Assembly

The General Assembly is made up of all the member organisations in the Pelagic AC. Member organisations either represent the fisheries sector, including the catching, processing and marketing sector, or other interest groups affected by the Common Fisheries Policy, such as environmental organisations and groups, consumers and recreational or sport fishermen. Member organisations shall decide themselves upon a person to represent them at General Assembly meetings. These meetings will be open to the public and will take place once a year to:

- Approve the annual report and the annual strategic plan drawn up by the Executive Committee.

In addition, once every three years, the General Assembly shall also:

- Appoint its Chairman²;
- Appoint the Executive Committee³.

4.2 Executive Committee

The Executive Committee has a total of up to 25 members. 60% of the seats are allotted to representatives of the fisheries sector (including one representative of the catching sector per Member State concerned and two representatives of EU industry organisations) and 40% to representatives of other interest groups. Meetings of the Executive Committee are open to the public, unless decided otherwise by a majority of the Executive Committee. The Executive Committee will be the final arbitrator before any advice, as meant in the objectives, is issued as Pelagic AC advice. Advice shall, where possible, be adopted by consensus, or otherwise, dissenting opinions expressed by members shall be recorded in the communication presenting the advice that was adopted by the majority. When issues arise that cannot be put on hold to await approval during the next Executive Committee meeting, approval will be asked by means of written procedure. Information will be provided to all members of the Executive Committee via electronic mail, to which the Executive Committee members are requested to submit their response in the form of a vote within a week. In exceptional circumstances, the chairman may decide to reduce the response period.

In addition, the Executive Committee is responsible for a number of day-to-day organisational and/or procedural issues, e.g.:

- Appointing Chairmen of the Working Groups;
- Confirming listed membership of the Working Groups;
- Deciding if and how a Working Group should handle an incoming request for advice;
- Ensuring sound financial management of the Pelagic AC.

² See paragraph 4.4 on 'Chairmen'.

³ See paragraph 6.1 on 'Membership'.

4.3 Working Groups

The Pelagic AC has established two Working Groups in order to discuss stock management issues and to prepare advice. The Working Groups will be sufficiently large to include all those with an appropriate interest, yet small enough to provide an appropriate working environment. They will actively encourage the participation of relevant observers in their work. Working Groups will submit recommendations in writing to the Executive Committee for consideration.

Working Group I deals with the following stocks: Atlanto-Scandian herring, North Sea herring, Western Baltic spring spawning herring, blue whiting and North Sea horse mackerel. Working Group II deals with: Northeast Atlantic mackerel, western horse mackerel, southern horse mackerel, boarfish, Celtic Sea herring, Irish Sea herring, West of Scotland herring and herring in ICES area VIa South and VIIb,c. Any horizontal issues (as described in the scope) are taken up by either one of the Working Groups in order to balance the work load as much as possible. Dissolution of any Working Group shall require a two-thirds majority of the members of the Executive Committee. A Working Group may, by consensus, suggest setting up a Focus Group or a project to deal with a specific issue (to be endorsed by the Executive Committee). Any member from the Working Group may volunteer to partake in this Focus Group or project. Simultaneous translation will not be available during Focus Group meetings.

4.4 Chairmen

Each meeting of the Pelagic AC (whether General Assembly, Executive Committee or Working Group) will be presided over by a Chairman. The General Assembly / Executive Committee Chairman will be appointed tri-annually by the General Assembly. He will, besides chairing the General Assembly and Executive Committee meetings, represent the Pelagic AC at official events of external parties⁴, unless, if unable to attend, replaced by an alternate appointed by the Management Team.

Working Group Chairmen will be appointed by the Executive Committee. Working Group Chairmen who are also elected members of the Executive Committee will retain the right to vote on all matters at all meetings of the Executive Committee. Working Group Chairmen who are not also elected members of the Executive Committee will attend Executive Committee meetings as an active (non-voting) observer and will speak on behalf of the Working Groups. They will be responsible for liaison with the Executive Committee on all matters relevant to the Working Groups. In preparation to meetings and in order to be well-informed, they will attend meetings with ICES and other scientific bodies, as well as coordination meetings with the Commission if appropriate.

All Chairmen will act impartially and have no right to vote in their own meeting. They will enhance transparency and the participation of all parties by facilitating discussions and the decision-making process. They will summarize the key-points and deliver input in minutes of the meetings.

4.5 Management Team

The Executive Committee has appointed a Management Team, consisting of the Secretariat, the Chairmen of the Working Groups, the Pelagic AC Chairman and a representative from the 40% stakeholders group. The Management Team supports the Secretariat with day-to-day decisions, e.g. planning meetings, making the agenda and deciding on representation at external meetings. When the Pelagic AC is invited to an external event, the Secretariat will circulate the invitation to the members and, when appropriate, ask for volunteers to attend those meetings as Pelagic AC representatives. If

⁴ E.g. specific seminars organised by Member States or other parties, coordination meetings with the European Commission or meetings of the European Fisheries Control Agency (EFCA)

more people wish to attend than seats are available, the Management Team will have the final decision on attendance. Any person attending meetings on behalf of the Pelagic AC will speak in the interest of the Pelagic AC.

The Management Team furthermore has a mandate from the Executive Committee to decide on following up on Pelagic AC initiatives, once a position has formally been taken on a certain subject. I.e. this may mean responding to a request for further explanation or communicating the position to a different party⁵.

4.6 Secretariat

The Secretariat to the Pelagic AC shall be Secretariat to the General Assembly, Working Groups and Executive Committee and shall perform all duties as required for the proper functioning of the Pelagic AC. At least one person of the Secretariat will attend all Pelagic AC meetings. In order to support the process and activities of the Pelagic AC the Secretariat shall:

- Keep the accounts of the Pelagic AC and prepare the accounts for the annual General Assembly meeting;
- Arrange for auditing the accounts and for satisfying any reporting conditions laid down by the Commission and Member States;
- Arrange the meetings of the General Assembly, Executive Committee and Working Groups (meeting room, interpretation and accommodation);
- Prepare (with relevant Chairman) and distribute agenda for each meeting (first draft at least two weeks in advance);
- Prepare (with relevant Chairman) and distribute any background material such as position papers to attendants of the meetings (at least one week in advance, if possible);
- Produce (with relevant Chairman) and distribute minutes of Pelagic AC meetings;
- Send advice to the Commission or Member States and keep track of responses;
- Maintain working relationships with the Commission, Member States and members;
- Notify members of relevant external meetings.

The Secretariat shall adopt the necessary measures to ensure transparency in all stages of the Pelagic AC's decision-making process. The Secretariat shall immediately make any advice or planned action adopted by the Executive Committee available to the General Assembly, the Commission, Member States concerned and, upon request, to any member of the public. Upon receipt in writing of the advice, the Commission and, where relevant, the Member States concerned shall reply to the Pelagic AC within a reasonable time period and, at the latest, within three months. The Secretariat will make these responses available to all above mentioned parties as well. Members of the public can make their request to be included in the mailing list of the Pelagic AC known to the Secretariat by e-mail, so that they are automatically informed of all proceedings. These contact details shall not be shared with any third parties without prior approval of the person in question. The Secretariat shall establish and maintain a website. Press releases based on information from the meetings shall be coordinated with the Secretariat.

⁵ Mandate confirmed during ExCom 14 July 2008

4.7 Interpretation arrangements

All Working Groups and Executive Committee meetings will be conducted in English, with interpretation into French and/or Spanish where necessary. The Secretariat will make arrangements for interpretation services only if this is specifically requested by a member participant, at least two weeks in advance of the meeting (Working Groups as well as Executive Committee) and will be cancelled otherwise⁶. If interpretation has been required by a member, but this member does not participate in the meeting the costs will be borne by that member. Exceptions to this rule apply in case of force majeure⁷. Meeting documents will be made available in English, and when available in French and Spanish as well.

5. External relations

The Pelagic AC shall collaborate with any party it deems necessary for the proper functioning of the Pelagic AC.

5.1 Scientific Community

In order to facilitate good quality advice (e.g. to ensure conformity with the precautionary principle) the Pelagic AC seeks input from and co-operation with scientists and experts on different areas (e.g. experts from ICES, STECF, and national research institutes). Collaboration generally takes place at the level of Working Groups or Focus Groups, and can take a number of forms. Scientists may be invited to present and explain certain technical issues, to support the debate by answering factual questions and to provide their opinion or through submission of proposals and asking a research institute to review them.

5.1.1 Involvement in research projects

Participation of the Pelagic AC in research projects (e.g. up-coming Horizon 2020 research programme) must be agreed upon by a majority of the Executive Committee. Preferably the objectives of the research project shall be explained to the Executive Committee in the form of an oral presentation by a researcher involved in drafting the specific research proposal. If an oral presentation is not possible due to time constraints a proposal summary shall be circulated to the Executive Committee for them to make a decision by email or provide the Management Team with a mandate to interact with the research consortium if needed to make a final decision on whether to join or not.

Participation of the Pelagic AC in research projects is based on the condition that the work will be in support of the Working Groups and/or be relevant for the Executive Committee in making decisions and recommendations. Furthermore, all expenses related to involvement such as travel and subsistence costs, as well as labour costs shall be covered through project funding. In case involvement in a research project requires more work than Pelagic AC members are able to deliver, resources must be provided by the project funding for hiring a qualified assistant to be guided by the Pelagic AC.

5.2 Co-ordination with other ACs

Formal Inter-AC meetings are organised by the Commission to coordinate administrative and other matters which concern all ACs. The Secretariat, and a member of the

⁶ Confirmed during ExCom 13 February 2009

⁷ Confirmed during ExCom 5 October 2012

Management Team where appropriate, shall be present at all of these meetings. The aim is to share experiences and best practices, to avoid duplication of effort, to provide support and to coordinate meetings. In addition, Inter-AC Focus Groups may be established, or conferences may be organised to cooperate where appropriate when dealing with horizontal issues. At these meetings any Pelagic AC member may volunteer to attend.

5.3 Participation by non-members

Commission and national and regional administrations of the Member States concerned shall have the right to participate in any meeting of the Pelagic AC as active observers. Scientists from institutes of the Member States concerned or international bodies shall be invited to participate as experts in the work of the Pelagic AC. 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 AC, may be invited to participate in the Pelagic AC as active observers when issues which affect them are discussed.

6. Financial provisions and membership

The Secretariat will ensure sound financial management, ensuring compliance with the financial contractual provisions of the Framework Agreement and the Specific Agreement. To this purpose, the Secretariat will also use the guidelines provided by the Commission. 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 its choice or by the Commission or the Court of Auditors departments themselves. Finances for the Pelagic AC can be provided annually by the Commission, the Member States concerned and the Pelagic AC members. Contributions must be supported by written documents confirming the proposed contributions, annexed to the grant application. The Secretariat shall make the arrangements for annual renewal of the Grant Agreement with the Commission, and renewal of the Framework Agreement every four years.

6.1 Membership

The Pelagic AC distinguishes between different levels of membership. An organisation can be a member of:

- General Assembly or;
- General Assembly and Working Group(s) or;
- General Assembly and Executive Committee or;
- General Assembly, Working Group(s) and Executive Committee.

Participants to meetings shall have the right to vote and the right to claim reimbursement of their travel costs when the organisation they are representing is a formal member of that particular meeting group. Applications for membership of any meeting group shall be made in writing to the Secretariat.

General Assembly	The Secretariat shall refer all applications to the Executive Committee, which shall take binding advice from the concerned Member States;
Executive Committee	Executive Committee members shall be appointed by the General Assembly;

Working Groups Only members of the General Assembly can apply for membership of a Working Group. Membership shall be confirmed by the Executive Committee.

Members shall pay their membership fee(s) annually, in advance to the upcoming Pelagic AC year. The Secretariat shall send invoices on the 1st of May at the latest. Membership will be guaranteed when the payment is made by the member before the 1st of July. Non-payment of the fee(s) will lead to termination of the membership, and consequently, the member forfeits the right to claim reimbursement of travel costs.

6.2 Membership and Member State fees

The membership fees have been fixed to the following annual amounts:

- General Assembly: EUR 300.00
- Working Group I: EUR 250.00
- Working Group II: EUR 250.00
- Executive Committee: EUR 100.00

The Member State fees have been fixed to the following annual amount:

- EUR 3,500.00

Any changes to these amounts must be agreed by a two-third majority of the Executive Committee at least one year prior to the changes taking effect.

6.2 Reimbursement rules

The Secretariat will facilitate the process of reimbursing members and invited experts with their travel costs, following the rules laid down in this document. Observers do not have the right to reimbursements, unless specifically agreed upon with the Secretariat in advance to the meeting (applicable to e.g. invited experts). Rates (e.g. for car mileage and per diem) have been decided by the General Assembly and can be adjusted annually by a majority vote of the General Assembly, but will in no case exceed the rates as determined in the Commission's regulations. When planning their travels, members should take into account that they can only claim economy fare airplane tickets up to EUR 700⁸, first and second class train tickets and car mileage. A standard reimbursement sheet is available and must be sent to the Secretariat with original travel receipts attached, before one month after the meeting date. Furthermore, with this sheet, members can also claim a per diem, which is a set amount, independent of the travel expenses and for which no receipts need to be provided. The per diem is intended to cover subsistence costs of the experts at the place where the meeting is held including meals, housing and taxi or car rental costs. The cost for buses or trains between the home location and the airport will be reimbursed upon presentation of the receipt.

Reimbursement for (travel) costs for a specific meeting will be afforded to the Chairman plus to one representative per member organisation.

General Assembly One representative per General Assembly member organisation has the right to reimbursement.

Executive Committee Executive Committee members (or their alternates) have the right to reimbursement.

⁸ Confirmed during ExCom 5 October 2012

Working Groups

One representative per member organisation that also has a Working Group membership has the right to reimbursement. Note that membership of one Working Group does not give the organisation the right to claim reimbursement of costs for attending a meeting of the other Working Group.

7. Amendments to the rules of procedure

Any amendment to the rules of procedure must be agreed upon by a two-third majority of the members of the Executive Committee.