

MEDISAMAK

24/06/2008

**STATUTES OF THE MEDITERRANEAN
REGIONAL ADVISORY COUNCIL**

Article 1: Name, registered office and duration

- 1.1 The non-profit-making association created in accordance with Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy and Council Decision No 2204/585/EC of 19 July 2004 establishing Regional Advisory Councils under the Common Fisheries Policy, as amended by Council Decision No 2007/409/EC of 11 June 2007, is named: Mediterranean Regional Advisory Committee (MRAC).
- 1.2 Its registered office is established at Rome. The association is therefore governed by Italian law.
- 1.3 The MRAC is established for an unlimited period of time.

Article 2: Objectives and scope

- 2.1 The objective of the MRAC is to prepare and provide advice on the management of fishing in the Mediterranean Sea on behalf of its members in order to attain the objectives of the **CFP as defined in Article 2 of Council Regulation (EC) No 2371/2002** and to ensure the sustainable management of fisheries.
- 2.2 The MRAC's objective also includes recommending improvements with respect to the implementation of European legislation in the region for the fisheries concerned, and undertaking any activity necessary for attaining its objectives.
- 2.3 For the purposes of the MRAC, the Mediterranean Sea shall consist of the maritime waters of the Mediterranean to the East of line 5°36' West.

The MRAC is also competent for discussing the management of migratory species present in the Mediterranean Sea. When these questions concern other RACs, the MRAC and the other RACs concerned may formulate joint recommendations.

Article 3: Members

- 3.1. Any European or national organisation representing the fisheries sector or any other interest grouping concerned by the Common Fisheries Policy may apply for membership of the MRAC. Requests for membership shall be submitted in writing to the MRAC Secretariat. These applications shall be presented to the Executive Committee which shall consult the Member States concerned. The decision on membership is taken upon the assent of the Member States concerned, in accordance with article 5 of Council Decision No 2004/585/EC.
- 3.2 Member organisations undertake to respect the statutes and other decisions adopted by the MRAC. In particular they undertake to pay their membership subscriptions within the set deadlines.
- 3.3 The MRAC Executive Committee may terminate, after consulting Member States, the membership of any organisation which fails to respect the provisions of the present statutes and which acts counter to the objectives of the MRAC. The member organisation whose

affiliation is contested shall be given an opportunity to defend its position and be heard by the Executive Committee. **The European Commission shall be kept informed.**

Article 4: Structure

- 4.1 The MRAC shall consist of a General Assembly and an Executive Committee.
- 4.2 The MRAC may also establish working groups to assist the Executive Committee in preparing opinions. Working groups may be ad hoc structures set up for a specific purpose and a limited time, or permanent. Working group members shall be appointed from among MRAC members and the number of members may vary according to needs.
- 4.3 Two-thirds of the seats in the General Assembly and the Executive Committee shall be allotted to representatives of the fisheries sector and one third to the representatives of other interest groups affected by the Common Fisheries Policy.
The fisheries sector shall cover the fish-catching sub-sector, comprising in particular fleet-owners, small-scale fishermen, salaried fishermen and producers' organisations, as well as, among others, processors, commercial intermediaries, other market organisations and women's groups.
The other interest groups shall include environmental protection organisations and groups, fish farmers, consumers, and the representatives of recreational or sports fishing.
- 4.4 The General Assembly and the Executive Committee shall have the same Chairperson.

Article 5: The General Assembly

- 5.1 The General Assembly shall consist of all MRAC member organisations.
- 5.2 It shall meet at least once a year, and more often if necessary.
- 5.3 The General Assembly shall appoint Chairperson and three Vice-Chairpersons for a four-year term. They may be reappointed. They shall be of different nationalities. The Chairperson has no vote and shall be impartial.
- 5.4 The General Assembly shall examine and approve the annual activities report and the financial report of the MRAC together with the annual strategy plan. It shall grant discharge to the Secretariat for the management of the accounts.
- 5.5 The main function of the General Assembly shall be to supervise the functioning of the RAC and to give direction to the Executive Committee's general policy.
- 5.6 Decisions within the General Assembly shall ordinarily be taken by consensus. Where consensus cannot be obtained, the Assembly will decide by simple majority. Contrary opinions will be recorded in writing.

Article 6: The Executive Committee

- 6.1 The Executive Committee shall manage the MRAC's affairs with due respect for the directions taken by the General Assembly and shall adopt the final recommendations prepared by the working groups.
- 6.2 Executive Committee members shall act in the interest of the Regional Advisory Committee with a view to furthering the interests and objectives set out in the present statutes and shall be responsible to the General Assembly for their acts. They shall also have a responsibility vis-à-vis the organisations appointing them and which they represent.
- 6.3 In accordance with article 4 of Decision No 2004/585/EC, the Executive Committee shall consist of 24 members, one at least of whom shall represent the fish-catching sub-sector of each Member State concerned. Two-thirds of the seats in the Executive Committee shall be allotted to representatives of the fisheries sector, one third shall be allotted to other interest groups concerned by the CFP.
- 6.4 Two-thirds of Executive Committee members must be present for the Executive Committee to be able to fully exercise its functions.
- 6.5 Executive Committee members shall each have an alternate member.
- 6.6 Executive Committee members shall be put forward by the organisations that they represent and shall be appointed for a four-year term by the General Assembly. Any changes with regard to the members put forward by the organisations shall be submitted in writing to the MRAC Secretary and examined by the members of the Executive Committee.
- 6.7 If an organisation terminates its membership of the General Assembly or the Executive Committee, its representative shall no longer be a member of the General Assembly or the Executive Committee.
- 6.8 The Executive Committee shall meet at least **three times** a year. Meetings may be held, on an alternating basis, in the various regions of the Member States represented in the MRAC.
- 6.9 The Executive Committee shall appoint a certified auditor for the time during which it receives financial support from the Community as stipulated in article 10 of the Council Decision.

Article 7: Operating principles

- 7.1 Executive Committee members shall adopt recommendations by consensus if possible. Where consensus cannot be reached, the recommendations adopted by the majority of members present and voting shall mention the divergent opinions expressed.
- 7.2 Meetings of the General Assembly shall be accessible to the public. Executive Committee meetings shall be public except where, in exceptional cases, a majority of members of the Executive Committee so decide.
- 7.3 Full and timely reports shall be provided of all MRAC meetings.

- 7.4 Invitations to meetings shall be sent to members and observers at least 15 days before the date of the meeting.
- 7.5 The decisions of the MRAC shall be transparent. Opinions and recommendations formulated by the MRAC shall be passed to the General Assembly, the European Commission, the Member States concerned and to any member of the public who so requests.
- 7.6 Upon reception of the written recommendations, the Commission and, where applicable, the Member States concerned, will respond in a precise and timely fashion, within no more than three months.
- 7.7 In the event that the European Commission or any other body wishes to consult rapidly with the MRAC, it shall be the responsibility of the Secretariat to obtain rapidly, by electronic or other means, the views of the Executive Committee members and communicate these to the Commission.
- 7.8 The MRAC shall have contacts with the other Regional Advisory Councils. Where a subject proves to be of common interest, they shall coordinate their positions with a view to adopting joint recommendations on the subject in question.

Article 8: Observers

- 8.1 General Assembly, Executive Committee and working group meetings shall be open to representatives of the Commission, of the national and regional administrations of the Member States concerned, of the Advisory Committee on Fisheries and Aquaculture, and of the fisheries sector and other third country interest groups.

Qualified scientists may be invited to take part in the work of the RAC. External experts shall not have voting rights.

- 8.2 Unless otherwise decided by the Executive Committee, the Regional Advisory Committee shall not pay observers' participation costs.
- 8.3 Observers shall have a right to speak, but not to vote.

Article 9: The Secretariat

- 9.1 The Secretariat shall act independently and without bias to further the objectives of the MRAC.
- 9.2 The Secretariat shall consist of an executive secretary approved by the Executive Committee, who shall attend the Executive Committee, General Assembly and working group meetings, and shall prepare the reports on the RAC's activities.
- 9.3 The Secretariat shall receive applications from organisations for membership of the General Assembly. It shall keep an updated membership list of the RAC.

- 9.4 The Secretariat shall organise the meetings of the General Assembly, the Executive Committee and the working groups, undertake the financial management (reimbursement of travel expenses etc.) and make travel and accommodation arrangements where necessary. It shall prepare the opinions, minutes and activity reports of the RAC and transmit the RAC's opinions and recommendations to the Commission.
- 9.5 The Secretariat shall keep the accounts of the MRAC and prepare the accounts for the Annual General Assembly. The Secretariat shall also find a certified external auditor and ensure that all financial management conditions laid down by the funders are met, and in particular those laid down by Council Regulation no. 1605/2002 of 25 June 2002, as amended, on the financial regulation applicable to the general budget of the European Communities, and by the subsidy agreement.
- 9.6 To further the objectives of the MRAC, the Secretariat may, with the approval of the Executive Committee:
- recruit and remunerate persons to supervise, organise and undertake the work of the MRAC;
 - recruit and remunerate advisers or professional and technical consultants to assist the MRAC;
 - bring together and work in liaison with representatives of other organisations, the Member States concerned, the European Commission, the European Parliament, and other competent bodies in the Region, including the Advisory Committee on Fisheries and Aquaculture (ACFA);
 - ensure that qualified experts take part in meetings to the extent that such participation is in the interests of and compatible with the objectives of the MRAC;
 - promote and carry out research, studies and surveys and, where necessary, publish or disseminate the results;
 - purchase, rent, lease or acquire any equipment or apparatus necessary for the work of the MRAC;
 - seek funds to pursue the objectives of the MRAC;
 - undertake any activities, accessory or not, necessary for the attainment of the objectives of the MRAC.
- 9.7 The Secretariat shall take care of having the working papers translated and organise the interpretation service in the working languages as defined each meeting according to the decisions of the Executive Committee in this matter.

Article 10: Amendments of the statutes

- 10.1 The present statutes have been agreed between the General Assembly, the European Commission and the Member States concerned. Any amendment must be presented to members for their comments at the Annual General Assembly and must be agreed by a two-thirds majority of Executive Committee members. It must also have the assent of the European Commission and of the Member States concerned.

Article 11: Dissolution

- 11.1 Dissolution of the MRAC shall require a two-thirds majority of General Assembly members.

11.2. Any assets remaining after payment of all debts and commitments and respecting of the conditions of financing, shall be made over to an organisation pursuing similar objectives.