

RULES OF PROCEDURE

Name

1. The North Western Waters Regional Advisory Council (NWW RAC)

Objectives

2. The NWW RAC will contribute to the achievement of the objectives of the CFP by advising the Commission on matters of fisheries management in respect of the North Western Waters. This advice will incorporate the social, economic and environmental dimensions of fisheries as well as the Ecosystem Based Approach and Precautionary Approach to management and will be prepared with the general aim of attaining sustainable fisheries management.
3. 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 and other bodies, as decided by the NWW RAC. The advice shall also be forwarded to the Commission's Advisory Committee on Fisheries and Aquaculture (ACFA), the International Council for Exploration of the Sea (ICES) and other bodies as decided by the NWW RAC.
4. The NWW RAC 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 (EC) 585/2004 establishing Regional Advisory Councils under the Common Fisheries Policy.
5. For the purposes of the NWW RAC, the North Western Waters shall consist of ICES Area VII, VI and V excluding Va and only EC waters in Vb (the North Western Waters). When considering straddling stocks and wide-ranging non-target species within the North Western Waters, whose unity requires special attention, the NWW RAC's interests shall also extend to other areas adjacent to the North Western Waters and shall involve liaison with RACs and other similar partnerships for these adjacent areas.
6. The activities of the NWW RAC shall be open and transparent. The NWW RAC 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 NWW RAC'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
7. The NWW RAC shall be an equal opportunities organization and shall not discriminate against membership on the grounds of race, gender or disability.

Powers

8. The NWW RAC shall have powers to do all things necessary within its legal competency for the fulfillment of its objectives.
9. The NWW RAC 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.

Organization and Structure

10. The NWW RAC 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 organizations nominated by the General Assembly.
11. Members shall have the right to attend the General Assembly, nominate and appoint a Chairperson for the General Assembly, participate in the appointment of the Executive

Committee and the nomination of a Chairperson for the Executive Committee and shall be able to present their views on relevant issues to the Executive Committee.

12. The Executive Committee, 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 Western Waters fisheries to the bodies defined in paragraph 3. The Executive Committee shall meet at least three times each year, revolving its meetings between the concerned Member States.
13. The General Assembly and the Executive Committee shall have separate Chairpersons.
14. Four sub-area Working Groups will be established, as described in Annex I, to develop area specific advice within the overall objectives of the North Western Waters RAC. This shall not preclude any changes to the area coverage of the working groups, the establishment of additional issue focused working groups, or any other sub-groups, at the determination and direction of the Executive Committee. Working Group Chairmen, who are not members of the Executive Committee may attend the Executive Committee meetings as non voting members.
15. The Sub Area Working Groups 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 and appointed by the Executive Committee.

Members

16. Membership of the General Assembly of the NWW RAC 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 Western Waters, as outlined in article 5 of the Council Decision (EC) 585/2004 and who support the objectives of the NWW RAC as set out in these rules of procedure and who are admitted to membership in accordance with paragraph 17 below².
17. European and national organizations (including regional and local organizations) representing the fisheries sector and other interest groups may propose members for the NWW RAC 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 North Western Waters RAC. The Secretary of the NWW RAC 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.
18. The Executive Committee of the NWW RAC, in consultation with the Member States concerned, may seek to terminate the membership of any person or organization which in their opinion is not affected by the Common Fisheries Policy in the North Western Waters or does not support the objectives of the NWW RAC 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.
19. 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 NWW RAC at that General Assembly or at any time through the Secretariat.

² For the purposes of the North Western Waters RAC, representatives from the fisheries' sector and other interest groups from the United Kingdom Crown Dependencies, namely the Isle of Man and the Channel Islands, shall be eligible for involvement in the RAC as stakeholders with a fishing interest in accordance with article 5.1 of the Council Decision (EC) 585/2004.

20. Meetings of the General Assembly shall be open to the public. The meetings of the Executive Committee shall be open to then public unless decided otherwise by a majority of the Executive Committee.
21. 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 Western Waters.
22. The General Assembly shall appoint the Executive Committee, Members of the Executive Committee of the NWW RAC shall consist of:
 - a. Two representatives of the catching sub-sector (ship-owners, small-scale fishermen, employed fishermen and producer organizations) from each of the concerned Member States.
 - b. Other representatives of the North Western Waters fisheries (including processors, traders and other market organizations and women's networks).
 - c. Representatives of other interest groups (including environmental organizations and groups, aquaculture producers, consumers and recreational or sport fishermen) with an interest in the fisheries of the North Western Waters.
23. 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.
24. 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.
25. The General Assembly shall appoint, for a period of three years, Organizations which will make up the Executive Committee and which in turn will annually appoint a representative. Any changes to the persons nominated as members by their organization shall be made in advance of any meeting of the Executive Committee, in writing, to the Secretary of the NWW RAC with copy to the Chairperson of the Executive Committee.
26. If an organization 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.
27. Members of the Executive Committee shall behave in the best interests of the NWW RAC 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 organizations which nominated them and which they represent. Members shall report back to their nominating organizations at frequent intervals, more than once per year.
28. 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 Rapportuer) shall be entitled to vote, and at least two thirds of the Executive shall be present.
29. At the discretion of the Executive Committee, one or more representatives of the national fishers' organization from a Third Party State outside the European Community, including representatives from Regional Fisheries Organisations, having a fishing interest in the area or fisheries covered by the NWW RAC may be invited to attend Executive Committee Meetings, Working Group Meetings or parts of those meetings, as active observers.
30. Additional representatives of member organizations of the Executive Committee shall be permitted to attend any meeting of the RAC as active observers.
31. Representatives of each concerned Member State shall be able to attend any meeting of the RAC as a active observers.

32. Representative of the European Commission shall be able to attend any meeting of the RAC as a active observers
33. A representative of the Advisory Committee on Fisheries & Aquaculture shall be able to attend any meeting of the RAC as an active observer.
34. The Council shall not be responsible for meeting the costs of attendance of observers. Observers shall not be entitled to vote.
35. 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.
36. In the event that rapid consultation of the NWW RAC is required by the European Commission or another body then it shall be the responsibility of the Chairperson of the NWW RAC to establish quickly, by electronic or other means, the views of members of the Executive Committee and communicate these to the Commission.
37. An Annual General Assembly shall be organized by the Executive Committee and Secretariat on behalf of the NWW RAC.
38. At the Annual General Assembly the Chairperson of the NWW RAC and Secretary will 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.

The Office Bearers

39. The Office Bearers of the NWW RAC shall be:
40. The Chairperson of the General Assembly,
 - i. to be known as the Honorary President of the RAC, shall be nominated from and elected by consensus of the members of the General Assembly for a term of three years. The Chairperson of the General Assembly shall play an impartial and independent role. The Chair shall not have a vote within the General Assembly.
41. The Chairperson of the Executive Committee,
 - i. to be known as the Chairperson of the RAC, shall be nominated and elected by consensus of the members of the Executive Committee. The Chairperson may be a member of the Executive Committee or may be appointed from amongst the membership of the General Assembly. The Chairperson shall play an impartial role, independent of the different interests represented on the Executive Committee. 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 organization which the Chairperson formerly represented. The Chairperson of the NWW RAC shall not have a vote within the Executive Committee.
42. The Vice Chairperson of the Executive Committee,
 - i. To be appointed annually by members of the Executive Committee. The Vice-Chairperson shall be a member of the Executive Committee and shall have a vote.
43. The Secretary of the NWW RAC
 - i. To be appointed by the organization 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.
44. The Rapporteur of the NWW RAC

- i. 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

45. 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 NWW RAC. The Secretariat shall be a properly constituted body.
46. The Secretariat, guided by the Chairperson of the Executive Committee, shall consolidate the principles for the operation of the NWW RAC, and for resolving disputes.
47. The Secretariat, guided by the Chairperson of the Executive Committee, may receive nominations for membership 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 17.
48. The Secretariat shall keep the accounts of the NWW 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 fund providers. The Secretariat shall liaise with potential and actual fund providers to achieve funding of the NWW RAC.
49. The Secretariat shall arrange meetings of the General Assembly, Executive Committee, Sub Area Working Groups and other Working Groups, and pay expenses, and make travel and accommodation arrangements where appropriate.
50. The Secretariat shall liaise with the Rapporteur and Chairperson of the NWW RAC, and the Rapporteurs and Chairmen of Sub Area Working groups and other Working Groups to produce timely and accurate reports on the NWW RAC's Activities. The Secretariat shall maintain a web-site for the NWW RAC.
51. 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 NWW RAC on the Secretariat's activities.
52. To further the objects of the NWW RAC, The Secretariat shall maintain a register of members, and may, with the approval of the Executive Committee:
 - a. employ and pay any person to supervise, organize and carry out the work of the NWW RAC;
 - b. engage and pay fees to professional and technical advisors or consultants to assist in the work of the NWW RAC;
 - c. bring together in conference and work in liaison with representatives of other organizations, government departments, the European Commission, and other statutory authorities and individuals including the Advisory Committee on Fisheries and Aquaculture (ACFA);
 - d. ensure that properly qualified experts attend the meetings of such organizations as are considered to be in the interests of and compatible with the objects of the NWW RAC.
 - e. promote and support or assist in promoting or carrying out research, surveys and investigations and where appropriate publish or disseminate the results;
 - f. arrange and provide for or join in arranging and providing for the holding of exhibitions, seminars and meetings;
 - g. 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 NWW RAC;
 - h. purchase, take on lease, hire, or otherwise acquire any equipment or apparatus considered appropriate for the work of the NWW RAC;
 - i. seek funds to pursue the objects of the NWW RAC,

- j. do all other such lawful things as are incidental or conducive to the attainment of the objects of the NWW RAC.

Amendments to the Rules of Procedure

53. These Rules of procedure shall be agreed between the General Assembly and the Member States concerned. 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 modification of the aims and objectives of the North Western Waters RAC shall also have the consent of the European Commission and Member States concerned.

Dissolution

54. Dissolution of the NWW RAC shall require a two-thirds majority of the members of the General Assembly.
55. After all debts and liabilities have been met and funding conditions satisfied any remaining assets shall be passed to an organization having similar objectives.