

RULES OF PROCEDURE PELAGIC RAC

(September 2008)

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1. Mission statement

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

2. Objectives

The Pelagic RAC shall fulfil the role of a Regional Advisory Council (RAC) as described in Council Regulation (EC) No. 2371/2002 of the 20th December 2002, and the Council Decision 2004/585/EC (as amended by Council Decision 2007/409/EC) establishing Regional Advisory Councils under the Common Fisheries Policy (CFP).

In other words, the Pelagic RAC 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 by;
- Balancing ecological objectives with economic and social needs;
- Including an eco-system-based approach and applying the precautionary principle;
- Providing 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;
- Involving 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 RAC 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 or horse mackerel¹) or on a horizontal issue regarding the Common Fisheries Policy, when this is of specific concern to the stakeholders of the Pelagic RAC.

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 RAC will address both long-term and short-term management issues. Contributing to the development of stock specific long-term 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 long-term management plans, year-to-year decisions are likely to be needed still, and will therefore remain of importance always.

¹ Note that the Pelagic RAC may choose to provide advice on other species and/or stocks as well. These require specific procedures (in line with article 8 of Council Regulation 2004/585/EC 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 Council decision establishing Regional Advisory Councils under the Common Fisheries Policy (2004/585/EC) the Pelagic RAC 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 RAC 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 (GA) is made up of all the member organisations in the P-RAC. Member organisations either represent the fisheries sector, including the catching sub-sector (producer organisations, ship owners, employed fishermen), as well as processors, traders, other market organisations and women's networks, or other interest groups, such as environmental organisations and groups, aquaculture producers, consumers and recreational or sport fishermen. Member organisations shall decide themselves upon a person to represent them at GA meetings. GA 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 GA shall also:

- Appoint its chairman²
- Appoint the Executive Committee³

4.2 Executive Committee

The Executive Committee (ExCom) has a total of up to 24 members. Two thirds of the seats are allotted to representatives of the fisheries sector (including one representative of the catching sector per Member State concerned) and one third to representatives of other interest groups. Meetings of the ExCom are open to the public, unless decided otherwise by a majority of the ExCom. The ExCom will be the final arbitrator before any advice, as meant in the objectives, is issued as P-RAC 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 ExCom meeting, approval will be asked by means of written procedure. Information will be provided to all members of the ExCom via electronic mail, to which the ExCom 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 ExCom 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 P-RAC.

² See paragraph 4.4 on 'Chairmen'.

³ See paragraph 6.1 on 'Membership'.

4.3 Working Groups

The Pelagic RAC has established two Working Groups (WGs) in order to discuss stock management issues and to prepare advice. The WGs 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. WG meetings will not take place at the same time as the Executive Committee but will be held at least two weeks in advance of the subsequent ExCom meeting. Working Groups will submit recommendations in writing to the Executive Committee for consideration.

Working Group I deals with herring and mackerel; Working Group II with blue whiting and horse mackerel. Any horizontal issues (as described in the scope) are taken up by either one of the WGs 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 ExCom. A WG may, by consensus, suggest to set up a focus group or a project to deal with a specific issue (to be endorsed by the ExCom). Any member from the WG 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 RAC (whether General Assembly, Executive Committee or Working Group) will be presided over by a Chairman. The GA/ExCom chairman will be appointed tri-annually by the GA. He will, besides chairing the GA and ExCom meetings, represent the P-RAC 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 member of the Executive Committee will attend Executive Committee meetings as an active (non-voting) observer and will speak on behalf of the Working Group. 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 (MT), consisting of the secretariat, the chairmen of the Working Groups, the Pelagic RAC chairman and a representative from the non-industry stakeholders group. The MT supports the secretariat with day-to-day decisions, e.g. planning meetings, making the agenda and deciding on representation at external meetings. When the P-RAC 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 P-RAC representatives. If more people wish to attend than slots are available, the MT will have the final decision on attendance. Any person attending meetings on behalf of the P-RAC will speak in the interest of the P-RAC.

⁴ I.e. Coordination meetings with the European Commission, meetings of ACFA and the Control and Enforcement Agency (CFCA)

The MT furthermore has a mandate from the Executive Committee to decide on following up on P-RAC 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 RAC 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 RAC. At least one person of the Secretariat will attend all Pelagic RAC meetings. In order to support the process and activities of the Pelagic RAC the Secretariat shall:

- Keep the accounts of the Pelagic RAC 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, translation 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 P-RAC meetings.
- Send advice to the Commission or Member States and keep track of responses.
- Maintain working relations with the Commission, Member States and members.
- Notify members of any relevant external meetings.

The secretariat shall adopt the necessary measures to ensure transparency in all stages of the P-RAC's decision-making process. For this purpose, all meetings will be conducted in English, with translation into French and/or Spanish where necessary. 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 RAC 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 P-RAC 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. External relations

The P-RAC shall collaborate with any party it deems necessary for the proper functioning of the P-RAC.

5.1 Scientific Community

In order to facilitate good quality advice (e.g. to ensure conformity with the precautionary principle) the P-RAC 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

⁵ Mandate confirmed during ExCom 14 July 2008

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.

5.2 Co-ordination with other RACs

Informal Inter-RAC meetings are organised to coordinate administrative matters which concern all RACs. The secretariat, and a member of the MT 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-RAC focus groups may be established, or conferences may be organised to cooperate where appropriate when dealing with horizontal issues. At these meetings any P-RAC member may volunteer to attend.

5.3 Participation by non-members

Commission, national and regional administrations of the Member States concerned and ACFA representatives shall have the right to participate at any meeting of the P-RAC 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 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.

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 P-RAC can be provided annually by the Commission, the Member States concerned and the P-RAC 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 P-RAC distinguishes between different levels of membership. An organisation could be a member of :

- GA or;
- GA and WG(s) or;
- GA and ExCom or;
- GA, WG(s) and ExCom.

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.

GA The Secretariat shall refer all applications to the Executive Committee, which shall take binding advice from the concerned Member States.

- ExCom Executive Committee members shall be appointed by the General Assembly tri-annually.
- WGs Only members of the General Assembly can apply for membership of a Working Group. Membership shall be confirmed by the Executive Committee.

Membership contributions shall be determined annually by the General Assembly. Non-payment of contribution may lead to termination of membership and until payment has been realised the member forfeits the right to claim reimbursement of travel costs.

6.2 Reimbursement rules

The secretariat will facilitate the process of reimbursing members with their travel costs, following the rules laid down in this document. Rates (e.g. for car mileage and per diem) are decided annually by 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, first and second class train tickets and car mileage. A standard reimbursement sheet is available and should 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, independent of travel expenses and for which no receipts need to be provided.

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

- GA One representative per GA member organisation has the right to reimbursement.
- ExCom ExCom members (or their alternates) have the right to reimbursement.
- WGs One representative per member organisation that also has a WG membership has the right to reimbursement. Note that membership of one WG does not give the organisation the right to claim reimbursement of costs for attending a meeting of the other WG.

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.