

representation of the association that proposed them, which shall be responsible for appointing a provisional replacement, which shall be confirmed in the first General Assembly to be held.

Article XX.- Composition of Executive Committee membership

The Executive Committee members shall represent the organisation that proposed them, which may change them as it considers necessary. Membership rests with each organisation and is non-transferable.

In any event, there shall be at least one representative of the catching sub-sector from each Member State concerned although the final distribution of the representation shall attempt to balance and reflect the real importance of the fishing fleets involved.

Article XXI.- Meetings

The Committee shall meet at least twice a year. The Committee shall hold extraordinary meetings when requested by at least one third of the members in written communication to the chairperson with details of the specific topic(s) proposed for discussion. The chair shall be in charge of convening ordinary and extraordinary meetings. Notice of meeting must be given at least fifteen days in advance, and must state the agenda. Meeting documents must be sent one week in advance.

Article XXII.- The Chairperson

Besides representing **LDRAC** for all classes of acts and contracts, the Chairperson's powers shall also cover calling the meetings of the General Assembly, chairing and ordering debates of the latter, certifying its resolutions and authorising the minutes of its meetings.

The powers of the Chairperson of **LDRAC**, as Chairperson of the Executive Committee, shall also cover calling the meetings of the Executive Committee, chairing and ordering debates of the latter, proposing the creation of working groups, certifying its resolutions and authorising the minutes of its meetings.

He/she may delegate part of his/her powers to other RAC members, granting general and special powers to whoever is authorised by the Executive Committee.

Article XXIII.- Decision-making system

In ordinary matters and on the topics relating to the management of the RAC, the Executive Committee shall adopt its decisions by a simple majority of the attending members.

The recommendations of the Executive Committee shall be adopted by consensus. If this is not obtained, members' dissenting opinions shall be

recorded in the recommendations adopted by a majority of the members present and voting.

The minimum quorum of attendance for the validity of the decisions shall be 50% of the members.

In the period between meetings the chairperson may call on the officers of the Executive Committee to form a subcommittee which, carrying out liaison work and cooperating with the Secretariat, shall prepare the recommendations, organise the meetings, prepare the agenda and call the meetings, organise consultations and decide on current matters that are within the remit of the Executive Committee. To be valid, the decisions taken by the subcommittee shall be confirmed by the Executive Committee.

Article XXIV.- Quick consultation system

For certain specific topics or to decide on urgent recommendations the chairperson may make quick consultations with all the members of the Executive Committee by electronic mail or similar, whose result shall have the same validity as a normal decision. The response time for such consultations shall be not less than eight days.

TITLE III

WORKING GROUPS

Article XXV.- Working Groups

LDRAC shall create Working Groups to advise the Executive Committee and cooperate on the preparation of its recommendations. These groups may be temporary for a specific or permanent matter.

The Executive Committee shall formally appoint Working Group members on the basis of candidatures put forward by member organisations. The Executive Committee shall endeavour to achieve a balanced representation of the fleets involved in the objective of the group, of the Member States involved, and of the interests of the members of the RAC General Assembly in the specific problems that relate to the group.

Working Group members must be General Assembly members.

The creation of each Working Group shall be decided by resolution of the Executive Committee on the proposal of the chairperson. The resolution to create a group shall expressly include its assignment or its specific task, the duration of its mission and if applicable the functions delegated to it.

Each Working Group shall appoint a chair and a vice chair. Working Group chairs not sitting on the Executive Committee may attend Committee meetings as active observers.

The Groups shall report extensively in writing on all their activities to the Executive Committee and may only act on behalf of **LDRAC** in those circumstances for which they have been specifically authorised.

TITLE IV

PARTICIPATION BY NON-MEMBERS

Article XXVI.- Observers

Representatives of the European Commission, members of the regional and national administrations of the interested States, and also a representative of the ACFA may participate in the work of the General Assembly, of its Executive Committee and of the Working Groups as active observers entitled to take part in discussions without a right to vote, and with no need for a special invitation.

The members of the General Assembly may also participate as active observers on the invitation of the Executive Committee in the deliberations of the latter, although they may only intervene in specific matters when they are invited to do so by the chairperson.

Finally, by invitation of the Executive Committee, other representatives of the fisheries sector and of other interest groups of third countries, or of Regional Fisheries Organisations may also participate as observers in the work of **LDRAC**.

The observers indicated in the preceding paragraph shall not have a right to vote, and their right to take part in discussions shall be regulated by the chairperson who, if applicable, shall take disciplinary measures in relation to them, as well as in relation to any other attendee from outside the RAC, if they engage in anomalous behaviour or prevent the normal running of the meeting.

Article XXVII.- Experts

The RAC chair shall invite scientists from institutes of the Member States concerned or international organisations as well as any independent qualified scientist and other persons qualified in fields that are related to the problems of the RAC, such as specialists, economists, jurists, sociologists, etc., to attend meetings of Working Groups, the Executive Committee and the General Assembly, in the capacity of experts, and to engage in any functions that may be entrusted to them.

The Executive Committee may if applicable fix the remuneration or compensation of these experts for work commissioned by the RAC.

TITLE V

ADMINISTRATION AND MANAGEMENT

Article XXVIII.- Financial system

LDRAC shall have full independent management of its funds. Its liability shall be limited to its own assets. All the funds of the RAC, whether budgeted or own resources, shall be applied for their proper purpose.

The closing date of the accounting period shall be 31 December every year.

Article XXIX.- Financing

The financial resources of **LDRAC** are:

- a) Ordinary and extraordinary contributions from members.
- b) Contributions, donations, bequests and subsidies that it may receive from territorial, local, national, Community or international authorities, public and private corporations and natural persons.
- c) Other financial income.

In particular [during the first five years from the date of its creation] it shall be financed with aid for operation established for all the RACs in Article 9 of Council Decision 2004/585/EC of 19 July 2004.

It is also expected to receive assistance of all types, including aid and logistics, from the Member States concerned.

Article XXX.- Economic administration

LDRAC shall maintain accounting records that provide a true view of the capital and financial position of the Association and of the activities carried out. The accounts shall be maintained in a budget and accountability system. Every year annual accounts shall be prepared for approval by the Executive Committee and sent to the General Assembly, together with the annual report, for its approval.

The RAC shall appoint a certified auditor to review its annual accounts before submission to the General Assembly.

Article XXXI.- Secretariat

The Executive Committee may create, select and, where appropriate, replace a Secretariat, which shall serve **LDRAC** for a term of at least five years and may be re-appointed.

The Executive Committee shall appoint a person who shall act as executive secretary of the RAC. The secretary shall be directly responsible for the administration and management of the RAC exercising the powers that the

Executive Committee decides to delegate to him/her. He/she shall act impartially and participate in the meetings with right to take part in discussions without a right to vote.

Without being exhaustive and without prejudice to other functions that it may perform on instructions from the Executive Committee, the Secretariat, subject to the supervision of the latter, shall exercise the following functions:

- a) Organise distribution of the information produced by **LDRAC's** various bodies to the members of the General Assembly and of the Executive Committee, to Member States concerned, to the European Commission and to the Advisory Committee on Fisheries and Aquaculture.
- b) Maintain the Register of the members of the General Assembly and the Executive Committee and of direct relations with them.
- c) Organise and, on behalf of the chair, call meetings, and monitor attendance.
- d) Attend the meetings of the General Assembly, the Executive Committee and the Working Groups and draw up minutes for them.
- e) Seek funds to finance the RAC, and arrange their processing and collection.
- f) Commission and control the studies and works that it is decided to undertake.
- g) Hire and pay the remuneration to the staff needed to organise the works and, if applicable, to the RAC's own bodies.
- h) Manage and collect fees from its members.
- i) Purchase or rent the premises, equipment, appliances and supplies needed for the operation of the RAC.
- j) Maintain the accounting and all the documentation of the RAC, create and maintain its Web Site, and manage correspondence and relations with outside bodies and with the members.
- k) Take care of expert assistance, payments of fees, allowances, etc.

The Secretariat shall act at all times under the responsibility of the Executive Committee and the supervision of its chairperson and vice-chair. For certain specific matters, such as those indicated under (g) and (i), it shall only act under specific ad hoc mandate.

Article XXXII.- Dissolution and Liquidation

LDRAC may be dissolved voluntarily by a two-thirds majority of its General Assembly, on the proposal of the Executive Committee, or by force of legal requirement or final court decision.

After the dissolution is resolved or decreed, the Executive Committee will be constituted in a liquidation commission, all outstanding obligations will be settled, and any transactions required for liquidation shall be concluded.

The surplus capital, if any, shall be applied as far as possible in compliance with the purpose established in these Rules of Procedure.

Article XXXIII: Approval and amendments to the rules of procedure

These statutes shall be approved by the General Assembly and the Member Status concerned. Any amendments shall be presented to the members for comments during the General Assembly and approved by a majority of two thirds of the members of the Executive Committee and receive the consent of the European Commission and Member States concerned. Any change in the objectives of the LDRAC must also have the consent of the European Commission.