

# DRAFT STATUTES OF THE AQUACULTURE ADVISORY COUNCIL

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## Article I. Legal form and mandate

1. The Aquaculture Advisory Council (hereafter AAC), referred to in Article 43, paragraph 2, point b) of Regulation N° 1380/2013 on the Common Fisheries Policy, takes the form of a not-for-profit organisation. In accordance with the provisions of Article 1, paragraph 9 of Directive 2004/18, the Aquaculture Advisory Council is a body governed by public law, whose tasks are defined by Article 44 of Regulation No 1380/2013 on the Common Fisheries Policy.
2. In performing the said tasks and in order to contribute to achieving the objectives referred to in Article 2 of Regulation (EU) N° 1380/2013 on the Common Fisheries Policy, the responsibilities of the Aquaculture Advisory Council are as follows:
  - a) To evaluate and propose any general measures on aquaculture to the public authorities and competent bodies.
  - b) To provide opinions on:
    - i. aquaculture production and operating methods, notably concerning the coexistence of different activities in a given production area,
    - ii. good farming practices, particularly concerning aquatic animal health and welfare, use of resources, responsible and sustainable development
    - iii. technical measures to improve operating performance, protect endangered stocks, to prevent the spread of pathogens and diseases
    - iv. the proper functioning of the market for aquaculture products, especially marketing and the traceability of aquaculture products up to the retail sale stage, including the relevant sanitary and organoleptic standards,
    - v. protecting and improving the quality of the environment and aquaculture waters.
  - c) To conduct or participate in relevant activities to support, promote or improve the quality and image of aquaculture products.
  - d) To conduct or participate in relevant studies, experiments and technical or socio-economic research projects on aquaculture and to share the results obtained with the profession.
  - e) To coordinate its activities with those of the other Advisory Councils set up under the Common Fisheries Policy and to ensure that aquaculture stakeholders are informed of any relevant opinions provided.
  - f) To support the efforts of all of its members to generate and provide accurate information on aquaculture, working in close collaboration with officially-recognised European Technology Platforms, Joint Programming Initiatives, international organisations and relevant scientific organisations or committees .
3. Its headquarters shall be at [road name and number, postcode, city, country] and may be amended in accordance with the procedures set out in Article VII.

## Article II. Jurisdiction and powers

1. The AAC may be called upon by the European Commission, the European Parliament, the Committee of the Regions, the European Economic and Social Committee or one or several European Union Member States to provide advice on any new legislative, regulatory or legal measure at European or national level, that are relevant to its objectives and the tasks defined in Article 44 of Regulation (EU) N° 1380/2013.
2. The General Assembly of the Advisory Council may agree to the accomplishment of tasks in relation to point a) of Article 1 mentioned above.

## Article III. Article 3: Membership

1. The AAC consists of members that are representatives of aquaculture operators, representatives of the processing and marketing sectors and representatives of other interest groups affected by the aquaculture components of the Common Fisheries Policy.
2. European and national organisations representing the aquaculture operators, the processing and marketing sectors and other interest groups may propose their organisations as members of the AAC to the Member States concerned. The Member States concerned shall agree on the identity of members of the General Assembly.
3. The members constitute the General Assembly whose structure will respect the allocation of seats as determined in Annex III of Regulation (EU) N° 1380/2013.
4. The members of the AAC shall be defined as those registering their membership of the AAC at the first General Assembly and those subsequently admitted by common agreement with the Member States concerned and in accordance with paragraphs XX of the Rules of Procedure.
5. The General Assembly will elect from its members an Executive Committee to assure the management and governance of the AAC, following the conditions described in Article 6.
6. Further subsequent applications for membership of the General Assembly shall be made in writing to the Executive Committee of the AAC, which will take advice from relevant Member States. The final decision on membership shall be decided by common agreement between the Member States concerned.
7. The Executive Committee, in consultation with the Member States concerned, may seek to terminate the membership of any organisation which in their opinion is not affected by the aquaculture components of the Common Fisheries Policy or does not support the objectives of the AAC as laid out in these Statutes. The final decision on termination of membership shall be decided by common agreement between the Member States concerned.

## Article IV. General Assembly

1. The General Assembly of the Aquaculture Advisory Council is comprised of a minimum of 25 members, each of which shall be approved by the Member States concerned by the AAC.
2. The General Assembly is composed of one group of representatives of aquaculture operators, as defined in Article 4 (30) of Regulation N° 1380/2013 and another group of representatives of other interest groups affected by the Common Fisheries Policy and aquaculture.
3. The Rules of Procedure establish the distribution of seats between these representative groups, guaranteeing a balanced representation of the different European operating sectors, geographical regions and interest groups that are not operators as defined in Article 4 (30) of Regulation N° 1380/2013.
4. The General Assembly is responsible for approval of the budget, end-of-year accounts, membership fees and amending the current statutes.
5. Meetings of the General Assembly will respect Paragraphs (g), (i), (j) and (k) of Annex III of Regulation N° 1380/2013.
6. The General Assembly shall meet at least once each year. Decisions should be made by consensus.

## Article V. Chair of the AAC

1. The Chair of the AAC is designated by consensus of the General Assembly for a period of three years from the date of decision. The Chair shall act impartially.
2. The Chair is responsible for the management of the services of the Aquaculture Advisory Council, is the sole legal representative and represents it in all civil matters and in its relations with third parties.
3. The Chair of the Aquaculture Advisory Council is responsible for communication of the deliberations of the General Assembly and Executive Committee, and ensures that they are put into effect.
4. The Chair may not participate in decisions of the General Assembly nor the Executive Committee.
5. The Chair may authorise any person whose presence he deems to be beneficial based on the agenda of the meeting, to attend General Assembly and Executive Committee meetings.
6. The Executive Committee may authorise the Chair to delegate his signature under the conditions set out in Article XX of the Rules of Procedure.
7. The Chair represents the Aquaculture Advisory Council during any legal proceedings.
8. The Chair appoints employees, following agreement with the Executive Committee.

## **Article VI. The Executive Committee of the AAC**

1. The AAC shall have an Executive Committee to assure the management and governance of the AAC and is appointed by the General Assembly. The Rules of Procedure define its function and responsibilities.
2. The composition of the Committee will follow Section 2(a) of Annex III to Regulation (EU) N° 1380/2013.
3. The Executive Committee, in addition to the Chair of the General Assembly who presides the Committee, is made up of (10,15,20) persons who are appointed from the representative organisations that are members of the General Assembly, in accordance with the terms and conditions set out in the Rules of Procedure. The Chair of the AAC shall not have a vote within the Executive Committee.
4. In the event that the Chair is drawn from the members of the Executive Committee, a substitute member shall be nominated in writing by the organisation which the Chair formerly represented.

## **Article VII. Functioning of the General Assembly and Executive Committee**

1. The General Assembly and Executive Committee meet to deliberate on the issues that concern the Aquaculture Advisory Council.
2. The General Assembly and Executive Committee can only deliberate properly if a minimum of half of its members are present. If this quorum is not reached, a new meeting will be called. The deliberations of this meeting will be adopted by consensus or by simple majority of the members present.
3. The European Commission, the European Parliament, the Committee of the Regions, the European Economic and Social Committee and the European Union Member States are informed of all meetings in which they may participate or be represented, and from which they receive the draft deliberations decided.
4. When the Committee is consulted on issues pursuant to Article 2, members of the General Assembly or Executive Committee may, with the Chair's consent, participate in debates via teleconference, videoconference or electronic communication, allowing them to participate in collegiate deliberations. Participation in this manner counts towards the quorum. This approach may not be used for any voting procedure.

## **Article VIII. Working Groups**

1. Working groups may be established in order to prepare deliberations on specific questions.
2. The creation of Working Groups may be instigated by decision of the General Assembly or the Executive Committee.
3. The composition of working groups is covered in the Rules of Procedure. Nonetheless, specific mandates or rules and budgets must be approved by the Executive Committee

## **Article IX. Secretariat**

1. The Chair of the AAC is assisted by a Secretariat, which oversees the preparation, organisation and realisation of the meetings of the bodies of the AAC.
2. The Secretariat prepares draft minutes, circulates these for approval and publishes approved minutes. The Secretariat also monitors how any relevant adopted deliberations are put into effect.
3. The Secretariat carries out all tasks relating to the operations of the AAC, including circulating information through electronic or ICT channels.
4. The Secretariat maintains the website and other communication channels for the AAC.

## **Article X. Rules of procedure**

1. The Rules of Procedure, approved by deliberation of the Executive Committee, stipulate how the Aquaculture Advisory Council operates and supplements the present statutes.

## **Article XI. Transparency**

1. The AAC publishes a notification of the deliberations of the General Assembly and the Executive Committee on the AAC website within 15 days of their approval.
2. Deliberations that provide an opinion on a referral under Article 2 are sent to the authority that called upon the AAC.
3. Should the said authority take reasonable note of these opinions, the AAC also publishes a notification thereof on its website within 15 days.
4. Only in exceptional circumstances, after having received a justified request from the authority that called upon the Aquaculture Advisory Council, publication of deliberations opinions may be delayed upon decision by the Executive Committee.

## **Article XII. Duration of mandates**

1. The duration of mandates for members of the AAC is set at [three] years, pursuant to the provisions of [Delegated Act xxx/2014 on the rules of procedure and recognition for the Advisory Councils established by Regulation No 1380/2013].
2. Members of bodies of the AAC who are deceased or dismissed, and those who, during their mandate, no longer occupy the role for which they were nominated, are replaced immediately by their alternate members for the remaining duration of the mandate.

## **Article XIII. Resources**

1. The Aquaculture Advisory Council's resources include:
  - a) Membership fees stipulated under Article 3 of the current statutes,
  - b) Sectoral contributions,
  - c) Payments for services provided,
  - d) Subsidies,
  - e) Borrowings,
  - f) Donations
2. The General Assembly deliberates to set the level of membership fees stipulated in 1 a), pursuant to Articles 3, 7 and 11.
3. The rate and basis of said membership fees are established based on objective and non-discriminatory criteria.

## **Article XIV. Financial accounts**

1. The financial and accounting rules of the Aquaculture Advisory Council are in line with accrual accounting methods.
2. Budgetary estimate documents drawn up by the Executive Committee are submitted for approval by the General Assembly. Such approval also serves as permission to bring the budget into effect.
3. The financial accounts of the Aquaculture Advisory Council are adopted by the General Assembly upon certification by an auditor and approval by the Executive Committee.

## **Article XV. Allowances and expenses**

1. Duties as a member of the Aquaculture Advisory Council, created in accordance with Part XI of the Regulation No 1380/2013, are free of charge.
2. The Rules of Procedure of the Aquaculture Advisory Council set the amounts and terms of payment for representation allowances, which may be granted to the Chairs of the General Assembly and Executive Committee, the working groups and expert assistance.
3. Transport costs for members of the bodies of the Aquaculture Advisory Council, its working groups and/or expert assistance are reimbursed according to the terms and conditions laid down in the expenses regulation stipulated by the Rules of Procedure.

## **Article XVI. Dissolution**

1. Dissolution of the AAC shall require a two-thirds majority of the members of the General Assembly.
2. After all debts and liabilities have been met and funding conditions satisfied any remaining assets shall be passed to an organisation having similar objectives.