

DRAFT RULES OF PROCEDURE OF THE AQUACULTURE ADVISORY COUNCIL

Article I. Functioning of the Council

1. The General Assembly of the Aquaculture Advisory Council (hereafter "the Council") functions in accordance with the present rules of procedure, which supplement the Council's statutes pursuant to Article 10 of said statutes.

The General Assembly

Article II. The General Assembly

Section II-1 Composition of the General Assembly

1. The 'operators' group established by Article 3 of the statutes comprises four main components of the aquaculture value chain - shellfish production, fish farming, feed manufacture and processing and distribution – as well as workers.
2. The 'other' stakeholders group, established by the same Article, comprises three main components: non-governmental organisations, interest groups and related stakeholders who are not covered by the definition of 'operators' as provided in Article 4 (30) of Regulation N° 1380/2013.

COMMENTS :

Creating an equitable structure for the AAC – so as to guarantee Europe-wide representation in both the Assembly and the EXCOMM is a challenge, because the fisheries advisory councils have tended to be quite regional in nature. Assuring representation of European/national interests that are involved in aquaculture processes appears to be best approached by a regional division of the activities.

2 OPTIONS for reflection have been developed for a potential structure of the GENERAL ASSEMBLY

OPTION 1

1. The composition of the aforementioned sectors is determined in line with the following principles of geographic and sectoral representation:
2. The fish farming and shellfish production sectors represent a combined total of at least 60% and at most 85% of the operators group.
3. The non-governmental organisation sector represents at least 60% and at most 85% of the other stakeholders group.

In order to respect the principle of balanced geographical representation, the following five regional zones are established:

- Zone I: Northern Europe (DK, DE, LV, EE, LT, SE, FI, PL)
- Zone II: North West Europe (IE, UK, FR, BE, NL)
- Zone III: Southern Europe (ES, PT, IT, EL, CY, MT, HR, SI)
- Zone IV: Central & Europe (AT, CZ, HU, SK)
- Zone V: Eastern Europe (RO, BU)

The maximum indicative breakdown per zone and per sub-sector is as follows:

Category	Zone I	Zone II	Zone III	Zone IV	Zone V	Total categories	%
Operators group	10	14	15	7	8	54	60%
Fisheries sector	4	4	5	5	4	22	25%
Fish farmers	2	2	3	3	2	12	13%
Fisheries employees	1	1	1	1	1	5	6%
Fish slaughter and placing on the market	1	1	1	1	1	5	6%
Shellfish sector	4	8	8	0	2	22	25%
Shellfish farmers	2	4	4	0	2	12	13%
Shellfish employees	1	2	2	0	0	5	6%
Shellfish shipping	1	2	2	0	0	5	6%
Processing and distribution sector	2	2	2	2	2	10	11%
Aquaculture product processors	1	0	1	0	0	2	2%
Fish mongers and traditional sales	0	1	1	1	1	4	5%
Catering and oystermen	0	0	0	0	1	1	1%
Large-scale distributors	1	1	0	1	0	3	3%
Other stakeholders group	6	7	7	5	6	36	40%
NGO sector	4	4	4	4	4	25	28%
Environment	3	3	3	3	3	15	17%
Consumers	2	2	2	2	2	10	11%
Related activities sector	2	3	3	1	2	11	12%
Input providers	0	1	1	0	1	3	3%
Banks	1	1	1	1	1	5	6%
Research, technical centres and training organisations	1	1	1	0	0	3	3%
Total geographical zones	16	21	22	12	14	90	100%

OPTION 2

1. The composition of the aforementioned sectors is determined in line with the following principles of geographic and sectoral representation:
2. The aquaculture sectors represent a combined total of a maximum **60%** of the Assembly where producers represent at most **85%** of the operators group.
3. The non-governmental organisation sector represent a maximum of **60%** of the other interest stakeholders group to accommodate other user groups and service suppliers.

In order to respect the principle of balanced geographic and sectoral representation, the following five regional zones are established:

- Zone I: Northern Europe (DK, DE, LV, EE, LT, SE, FI, PL)
- Zone II: North West Europe (IE, UK, FR, BE, NL)
- Zone III: Southern Europe (ES, PT, IT, EL, CY, MT, HR, SI)
- Zone IV: Central & Eastern Europe (AT, CZ, HU, RO, BU, SK)

Category	Zone I	Zone II	Zone III	Zone IV	Total categories	%
'Operators' group	13	16	17	9	55	60%
Fish aquaculture sector	6	5	6	4	21	23%
Fish farmers	4	3	4	3	14	15%
Employees	1	1	1	1	4	4%
Feed manufacture	1	1	1	0	3	3%
Shellfish aquaculture sector	4	7	7	3	21	23%
Shellfish farmers	2	4	4	2	12	13%
Employees	1	1	1	1	4	4%
Shellfish shipping	1	2	2	0	5	5%
Processing and distribution sector	3	4	4	2	13	14%
Aquaculture product processors	1	2	1	1	5	5%
HORECA and traditional sales	1	1	2	1	5	5%
Large-scale distributors	1	1	1	0	3	3%
'Other interest' group	9	10	10	7	36	40%
NGO sector	5	5	5	5	20	22%
Environment	3	3	3	3	12	13%
Consumers	2	2	2	2	8	9%
Related activities sector	4	5	5	2	16	18%
Other activities (e.g. Vets, Anglers...)	2	3	3	1	9	10%
R&I, competence centres and training organisations	2	2	2	1	7	8%
Total Regional Geographic zones	22	26	27	16	91	100%

Article III. General Assembly meetings

1. The General Assembly shall meet annually, or more frequently as required.
2. The General Assembly appoints a Chair and 2 Vice-Chairs, drawn from member representative organisations, for mandates of 3 years (*see Office-holders*)
3. The General Assembly appoints an Executive Committee, drawn from member representative organisations, which shall meet at least two times per year.
4. The General Assembly has the responsibility for approving the work of the Executive Committee.
5. The time, date, location and agenda for the General Assembly meeting are sent to its members and the European Commission, the European Parliament and the Member States at least 30 days before the scheduled date, excluding emergency situations.
 - a. The same provisions apply when a General Assembly meeting is convened at the request of the European Commission or if the majority of its members sends such a request to the Chair of the Aquaculture Advisory Council.
6. Draft deliberations that are submitted to the General Assembly for approval pursuant to Article 3 of the statutes are to be sent to its members as well as the European Commission and the Member States at least seven days before the scheduled date, excluding emergency situations.

Article IV. Deliberations and votes

1. Apart from when electing the Chair and Vice-Chairs of the AAC, as defined in Article 2 above, the Council's deliberations are voted on by a show of hands.
 - a. As a matter of principle, the General Assembly strives to reach a consensus amongst its members.
2. Nonetheless, following a proposal by the Chair or at the request of one of its members, the General Assembly may also vote by secret ballot.

Article V. Resignation

Any member of the General Assembly who wishes to resign must address the Chair of the Council but will be obliged to respect its financial obligations to the AAC for the calendar year during which resignation takes place.

The Executive Committee

COMMENTS :

Equitable representation of the different interest groups that are present in the AAC within the Executive Committee has to be assured. Nonetheless, different technical and regulatory factors affect the 2 main products – fish and shellfish. Furthermore, there are significant differences between marine and freshwater aquaculture as well. Such differences may be accommodated by using thematic working groups to account for this. Nonetheless, there are many 'horizontal' issues (environmental topics, health aspects) that are common to all production sectors.

2 OPTIONS for reflection have been developed for a potential structure of the EXECUTIVE COMMITTEE

OPTION 1

TITLE II – THE EXECUTIVE COMMITTEE

Article 5: composition of the Executive Committee

In accordance with Annex III to Regulation (EU) N° 1380/2013 on the Common Fisheries Policy, the Executive Committee is comprised of, in addition to the Chair, a maximum of 24 members from the General Assembly, divided accordingly:

- 4 to 5 representatives of fish farmers, which must include the Chair of the fish farming sector and a representative of fish farming hatcheries or nurseries,
- 4 to 5 representatives of shellfish farmers, which must include the Chair of the shellfish sector and a representative of shellfish hatcheries or nurseries,
- 1 representative of the first stage of placing fish farming products on the market,
- 1 representative of the first stage of placing shellfish products on the market,
- 1 representative of full-time employees in the aquaculture sector,
- 1 to 2 representatives of the processing and distribution sector, which must include the Chair of the processing and distribution sector,
- 6 to 7 representatives of environmental and consumer non-governmental organisations, which must include the Chair of the NGO sector,
- 2 representatives of the related activities sector, which must include the Chair of the related activities sector.

OPTION 2

This option reflects the concept of a smaller EXCOM and larger use of the working groups (so as to reduce expenses on travel/time).

The calculation is based on the following table of distribution and assumes close contact/agreement with the Markets Advisory Council where there will be a higher level of processors/retail than in the AA and where market issues will be the focal point.

Article VI. Representation

Representation	Number	%
Operators		
Fish Farmers (North, FW, FW inland, Med)	4	33%
Feed Manufacture	1	8%
Shellfish Farmers	3	25%
1st Sale Shellfish Farm	1	8%
Employees	1	8%
Processing	1	8%
Retail	1	8%
Sub-Total	12	60%
Interest Groups		
NGO Environment/Development	3	38%
NGO Consumer	3	38%
Other Interest Groups	2	25%
Sub-Total	8	40%
TOTAL	20	

Article VII. Elections

Members of the Executive Committee are elected for a period of 3 years, during the first meeting of the General Assembly, and at the beginning of each new mandate.

Article VIII. The Executive Committee

1. The Executive Committee shall consist of (10, 15 or 20) members, each elected by the General Assembly for a period of 3 years. Representation shall respect the allocation of seats as determined in Annex III of Regulation (EU) No 1380/2013.
2. Candidates for the Executive Committee shall be nominated by the organisations that they represent.
 - a. Any changes to the persons nominated as members by their organisation shall be made in advance of any meeting of the Executive Committee, in writing, to the Secretary of the Advisory Council, with a copy to the Chair of the AAC.
3. If an organisation terminates its membership of the General Assembly or Executive Committee then its nominated representative to either the General Assembly or Executive Committee shall also terminate membership with immediate effect.
4. At least two thirds of the Executive Committee must be present to perform its functions
5. Members shall be able to present their views on relevant issues to the Executive Committee.
6. The Executive Committee meeting is convened by the Chair at least 30 days in advance, excluding emergency situations.
 - a. This time scale also applies when the Executive Committee meeting is convened at the request of the European Commission, the European Parliament or a Member State, or if the majority of its members sends such a request to the Chair of the Executive Committee.
7. Draft deliberations that are submitted to the Executive Committee for approval are then sent to its members at least seven days before the scheduled date, excluding in emergency situations.
8. The Executive Committee shall be responsible for the preparation and forwarding of advice on aquaculture to the bodies defined in paragraph 1 of the AAC objectives.
9. The Executive Committee of the AAC shall provide an annual report to the General Assembly on
 - a. the activities and financial status of the organisation
 - b. a strategic plan and financial budget for the coming year

Kommenterad [CAMH1]: Multiple of 5 to assure 60/40

Article IX. Deliberations and votes

1. The Executive Committee deliberations are voted on by a show of hands.
 - a. As a matter of principle, the Executive Committee strives to reach a consensus amongst its members.
 - b. If this is not possible, a majority suffices to reach a decision, as long as the required quorum of half of the members present is filled. Minority positions are documented on the adopted deliberation.
2. Nonetheless, following a proposal by the Chair or at the request of one of its members, the Executive Committee may also vote by secret ballot.
3. The Chair of the Committee may also consult the members of the Executive Committee via post or e-mail. Such a written consultation is initiated for urgent matters or where a meeting in person is not called.
4. It is also possible to consult members via e-mail on any new legislative or regulatory measures, as long as a collegiate deliberation remains possible.
 - a. Such consultation is sent to all members of the Executive Committee by the Chair, on his initiative, or at the request of at least half of the members of the Executive Committee.
 - b. Members have seven days from the date of despatch to respond to the written consultation.
 - c. Decisions must be approved by an absolute majority. Failure to respond within the allotted time constitutes consent.
 - d. The opinion of the Executive Committee is officially approved by the Chair at the end of this consultation process.

PROJETS

Working Groups

Committees/Working Groups – just WGs ? on What topics? 2 options provided

Option 1

TITLE III – COMMITTEES AND WORKING GROUPS

Article 9: working groups

Four working groups are comprised mainly of members of the sectoral groups of the General Assembly, both full and alternate, as well as individuals selected for their competencies on the issues discussed:

- Working group on fish farming,
- Working group on shellfish,
- Working group on processing and distribution,
- Working group on the environment, consumption and general affairs.

The working group on processing and distribution shall be empowered to set up a joint working group on aspects of the aquaculture market, comprised of members appointed for this purpose by the Advisory Council for markets. The terms and conditions, and Chairmanship of this group will be subject to specific rules.

Automatic Chairs of these groups are:

- For the working group on fish farming, the Chair of the fish farming sector,
- For the working group on shellfish, the Chair of the shellfish sector,
- For the working group on the environment, consumption and general affairs, the Chair of the NGO sector.

The Chair of each working group is responsible for nominating any competent individuals from outside of the General Assembly.

Article 10: committees

The Executive Committee may establish thematic or ad hoc committees to execute the tasks referred to in paragraphs c), d) and e) of Article 1 of the statutes. These committees are mainly comprised of full and alternate members of the General Assembly, along with individuals selected for their relevant competencies.

Article 11: observers

Representatives of the European Commission, the European Parliament and the Member States may be invited to attend meetings of the committees and working groups. They shall all receive appropriate invitations.

Article 12: working group meetings

The meetings of the working groups, detailed in Article 9, are convened by the relevant Chair and are held on a regular basis – at least before each meeting of the Executive Committee. These meetings may only discuss matters that fall under their specific mandates.

The time, date, location and agenda for these meetings are sent to its members and the European Commission, the European Parliament and the Member States concerned by issues on the agenda at least a fortnight before the scheduled date, unless in an emergency situation.

If the Chair of the Council and the relevant working group agree, the latter may also consult its members via post or e-mail.

Such a written consultation is initiated for urgent matters or where the importance of the matter does not necessitate calling a meeting of the working group. Members have eight days from the date of mailing to respond to the written consultation, or four days from the date that the e-mail was sent. Regardless of the consultation method, decisions must be approved by an absolute majority. Failure to respond within the allotted time constitutes consent. Working group representatives may prepare draft deliberations on the items referred to in paragraph b) of Article 1 of the statutes, which are then submitted to the Executive Committee for approval.

Option 2

Article X. Working Groups

1. The AAC 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.
 - a. Members of the Working Groups shall be nominated by members of the General Assembly and appointed by the Executive Committee.
2. A Chair for each Working Group will be appointed from its membership by the Executive Committee.
3. Each Working Group Chair will be responsible for communicating the advice of that Working Group to the Executive Committee.
4. Deliberations put forward by the Working Groups shall be examined for approval by the Executive Committee.
5. Working Group Meetings and consultation actions will be made under the same conditions as those that apply to the Executive Committee.
6. The AAC shall have 2 permanent Working Groups covering
 - a. Environmental issues, consumer and general affairs
7. The AAC shall have 4 permanent Regional Working Groups covering
 - a. Freshwater fish aquaculture, cold water marine aquaculture, warm water marine aquaculture and mollusc aquaculture.

Article XI. Observers & Experts

1. Representatives of the aquaculture sector and other interest groups from third countries may be invited to participate in the AAC and Working Groups as active observers when issues which affect them are discussed, at the discretion of the Executive Committee.
2. Representatives of each concerned Member State shall be permitted to attend any meeting of the AAC as active observers.
3. Representatives of the European Commission shall be permitted to attend any meeting of the AAC as active observers.
4. Representatives of other European organisations that have an interest in aquaculture covered by the AAC shall be permitted to attend any meeting of the AAC as active observers.
5. Additional representatives of member organisations of the Executive Committee shall be permitted to attend any meeting of the AAC as active observers.
6. The AAC shall not be responsible for meeting the costs of attendance of observers. Observers shall not be entitled to vote.
7. Members of the Executive Committee may 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.

Project

TITLE IV – COMMON PROVISIONS

Article XII. Governance and transparency

1. 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
2. Meetings of the General Assembly and Executive Committee shall be open to observers who are additional representatives from the aquaculture sector and other interest groups affected by aquaculture in the European Community.
3. Representatives of the European Commission, the European Parliament and the Member States are invited to all meetings of the General Assembly, the Executive Committee and the working groups. They only participate in an advisory capacity.
4. Members of the AAC shall not claim to represent the views of the AAC itself, or the views of other Members, unless delegated specifically to do so.
5. The AAC shall respect all of the opinions expressed; dissenting opinions shall be recorded in recommendations adopted by its operational structures.
6. The AAC shall respect equal opportunities and shall not discriminate against membership within its operating structures on the grounds of race, gender or disability.
7. Deliberations from both the General Assembly and the Executive Committee are recorded chronologically and are indexed to the calendar year in which they were adopted. A unique code is also given to the issues in the deliberations.
8. The General Assembly's deliberations apply to budgetary, accounting, financial, administrative and statutory matters.
9. The Executive Committee's deliberations may:
 - a. give an opinion as part of a referral under Article 2 of the statutes and on a subject related to paragraph b) of Article 1 of the statutes,
 - b. give a recommendation as part of a self-referral from the Council under Article 2 of the statutes and on a subject related to paragraph b) of Article 1 of the statutes,
 - c. give a decision as part of carrying out one of the tasks referred to in paragraphs c), d) and e) of Article 1 of the statutes.
10. Deliberations from the General Assembly and Executive Committee of the Council are sent to the authority that called upon the AAC within fifteen days of their adoption. Within the same time period, they are also published on the AAC website, respecting the possible context and limitations set out under Article 11 of the statutes.
11. Minutes from the meetings of the General Assembly and Executive Committee are sent to AAC members as well as the European Commission, the European Parliament and the Member States. These minutes will also be published on the Council's website.
12. Minutes from the meetings of the working groups are sent to the participants as well as to members of the Executive Committee.

TITLE V – CHAIRS

OPTION 1

Article XIII. Elections

The election of the Chair is organised by the outgoing Chair or, in his absence or if he is otherwise engaged, by the eldest member of the Council.

The election is held during the first meeting of the General Assembly at the beginning of each new mandate.

The votes are given in the following order:

- Chair of the General Assembly and of the Executive Committee,
- Chairs of the sectors of the General Assembly,
- Members of the Executive Committee,
- Constitution of the working groups,
- Possible nomination of General Assembly representatives within external organisations.

Candidacies for the position of Chair of the General Assembly must be sent to the Chair in office before the first round and at least eight days before the date of the meeting when the election is to be held.

The Chair is elected by secret ballot, by an absolute majority of members present or represented. If no candidate receives a sufficient amount of votes during the first round, a second round is held during the same meeting, after which the candidate who receives the most votes or, in the event of a tie, the eldest candidate is declared elected.

The Chairs of the sectors are elected following the same procedure, with no deadline for submitting candidacies.

OPTION 2

1. The Office Holders of the Advisory Council shall be:

- The Chair of the AAC,
 - To be appointed by consensus for a term of three years by the General Assembly from amongst the membership of the General Assembly. The Chair shall play an impartial and independent role. 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. The Chair of the AAC shall not have a vote within the Executive Committee.
- The Two Vice Chairs of the AAC,
 - The First Vice-Chair is to be appointed annually by members of the Executive Committee from amongst the representatives of the operator sector on the Executive Committee. The First Vice-Chair shall be a member of the Executive Committee and shall have a vote.
 - The Second Vice-Chair is to be appointed annually by members of the Executive Committee from amongst the representatives of other interest groups affected by aquaculture in the Common Fisheries Policy. The Second Vice-Chair shall be a member of the Executive Committee and shall have a vote.

Article XIV. Delegation

The Chair of the AAC may delegate his authority to the Secretary General to ensure the smooth administrative and financial running of the AAC.

Article XV. Interim measures

Should the Chair of the General Assembly and the Executive Committee be unable to attend or participate in official AAC meetings, he may be temporarily replaced by one of the Vice-Chairs.

projet

TITLE VI – VARIOUS PROVISIONS

Article XVI. Secretariat

OPTION 1

The labour laws in force in the Member State where the Council's headquarters are located apply to the employees recruited to carry out the tasks of the Secretariat.

A civil servant or military official may be sent on an assignment for a fixed duration to work on secondment to the Council's Secretariat, upon approval by the Executive Committee.

OPTION 2

1. 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 AAC.
2. The Secretariat shall be funded by the financial resources of the AAC.
3. The Secretariat, guided by the Chair, shall consolidate the principles for the operation of the Advisory Council, and for resolving disputes.
4. The Secretariat shall appoint a Secretary, approved for an appropriate term by the Executive Committee, to attend Meetings of the Executive Committee, Working Groups and the General Assembly and to report to the AAC on the Secretariat's activities.
5. The Secretariat shall keep the accounts of the AAC and prepare the accounts for the Annual General Assembly. The Secretariat shall also arrange for certified auditing of the accounts and for satisfying any reporting conditions laid down by entities providing funds to the AAC. The Secretariat shall liaise with potential and actual funders to achieve correct funding of the AAC.
6. The Secretariat shall arrange meetings of the General Assembly, Executive Committee and Working Groups and, where appropriate, pay expenses and make travel and accommodation arrangements.
7. The Secretariat shall liaise with the Chair of the AAC, of the Executive Committee and of the Working groups to produce timely and accurate reports on the AAC's activities. The Secretariat shall maintain a web-site for the AAC.
8. To further the objects of the AAC, the Secretariat shall maintain a register of members, and may, with the approval of the Executive Committee:
 - employ and pay any person to supervise, organise and carry out the work of the AAC;
 - engage and pay fees to professional and technical advisers or consultants to assist in the work of the AAC
 - bring together in conference and work in liaison with representatives of other organisations, concerned Member States, the European Commission, the European Parliament and other statutory authorities and individuals
 - ensure that properly qualified experts attend the meetings of such organisations as are considered to be in the interests of and compatible with the objects of the AAC.
 - promote and carry out or assist in promoting or carrying out surveys, studies and other investigations and where appropriate publish or disseminate the

- results;
- arrange and provide for or join in arranging and providing for the holding of seminars, meetings and exhibitions;
 - 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 AAC;
 - purchase, take on lease, hire, or otherwise acquire any equipment or apparatus considered appropriate for the work of the AAC;
 - seek funds to pursue the objects of the AAC, and
 - do all other such lawful things as are incidental or conducive to the attainment of the objects of the AAC.

Article XVII. Amendments

1. These Rules of Procedure shall be agreed between the General Assembly and the concerned Member States.
2. 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.
3. Any changes to the objectives and aims of the AAC should also have the consent of the European Commission and the concerned Member States.
4. The amendment takes effect from the date of entry into force of the Commission's decision, pursuant to [Delegated Act recognising the AAC?].

Article XVIII. Reimbursing expenses

To be determined