

# STATUTES OF THE AQUACULTURE ADVISORY COUNCIL

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## Article 1. Legal form and mandate

1. The Aquaculture Advisory Council (hereinafter AAC), referred to in Article 43, paragraph 2, point b) of Regulation No 1380/2013 of the Common Fisheries Policy, takes the form of a non profit organisation. The AAC is a body governed by public law.
2. Its headquarters shall be at [road name and number, postcode, Brussels, Belgium] and may be amended in accordance with the procedures set out in these Statutes.

## Article 2. Definitions

1. For the purposes of these Statutes the following definitions shall apply:
  - a) “Proxy” shall be the authorisation from one member to another to represent their voting rights at a meeting. The member appointed must be physically present. Proxies are limited to one per member and need to be submitted to the Secretariat in writing prior to the start of the meeting.
  - b) “Bodies” means General Assembly, Executive Committee and Working Groups of the AAC.
  - c) “Emergency procedures” are defined as a serious, unexpected situation that requires a course of action differing from the usual decision-making process.

## Article 3. Jurisdiction and Powers

1. The AAC may submit recommendations to the European Commission, the European Parliament, the Committee of the Regions, the European Economic and Social Committee, one or several European Union Member States, sector organisations, interest groups and any other stakeholder on issues that are relevant to its objectives and tasks as defined in respectively Articles 34 and 44 of Regulation (EU) No 1380/2013 and in Article 4 of the Delegated Regulation (EU) 2015/242 as well as on any new legislative, regulatory or legal measure at European or national level.
2. The European Commission and the European Union Member States shall be informed of all meetings of the AAC.

## Article 4. Membership

1. In accordance with Article 2 of the Delegated Regulation (EU) 2015/242, the AAC consists of members that are representatives of sector organisations and other interest groups affected by the aquaculture components of the Common Fisheries Policy.

2. European, transnational, regional and national organisations representing the aquaculture operators and other interest groups may propose their organisations as members of the AAC to the Member States having a direct interest.
3. The members constitute the General Assembly whose structure will respect the allocation of seats as determined in Annex III of Regulation (EU) No 1380/2013.
4. The members of the AAC shall be defined as those registering their membership at the first General Assembly of the AAC and those subsequently admitted by common agreement with the Member States concerned and in accordance with the Rules of Procedure. Further subsequent applications for membership of the General Assembly shall be made in writing to the Executive Committee of the AAC. The final decision on membership shall be decided by common agreement with Member States having a direct interest.
5. Membership can be terminated voluntarily by decision of the interested organisation that shall be effective after providing written notice to the Chair of the AAC.
6. The Executive Committee, in consultation with the European Commission and Member States having a direct interest, may propose to terminate the membership of any organisation which in their opinion is not affected by the aquaculture components of the Common Fisheries Policy, does not comply with its obligations or does not support the objectives of the AAC as laid out in these Statutes or does not honour payment of the annual fee. After having allowed the organisation at hand to be heard, this decision will have to be put forward the General Assembly whilst, the final decision on termination of membership shall be decided by common agreement from the Member States affected.

## **Article 5. General Assembly**

1. The General Assembly shall meet at least once a year.
2. The General Assembly of the AAC shall agree to the pursuit of objectives and accomplishment of tasks in relation to Article 3 of these Statutes.
3. The General Assembly is composed of one group of representatives of aquaculture operators and representatives of the processing and marketing sector, and another group of representatives from other interest groups affected by the Common Fisheries Policy, as defined in Article 2 of the Delegated Regulation (EU) 2015/242.
4. The General Assembly is responsible for the approval of the annual report, the annual strategic plan, the annual budget of the AAC and the Rules of Procedure in accordance with Article 4 paragraph 2 points a) and b) of the Delegated Regulation (EU) 2015/242.
5. The General Assembly can only deliberate on its Statutes and Rules of Procedures, based on a proposal made by the Executive Committee, if a minimum of two thirds (2/3) of its

members are present or represented by proxy. Amendments to Statutes and Rules of Procedure shall be approved by two thirds (2/3) of the quorum.

6. On the rest of its tasks, the General Assembly can only deliberate if a minimum of at least 50% of members are present or represented by proxy. If this quorum is not reached, a new meeting will be held within a month's time.
7. The General Assembly shall adopt ordinary deliberations by consensus. If this cannot be reached, decisions shall be adopted by a simple majority, and members' dissenting opinions shall be duly recorded. Approval of certain specific matters such as disposal or sale of assets and remuneration of the members of the representative bodies shall require a qualified majority.

## **Article 6. The Executive Committee**

1. The General Assembly will elect from its members an Executive Committee to assure the management and governance of the AAC. The Rules of Procedure define its function and responsibilities. The composition of the Committee will follow Section 2. a) of Annex III to Regulation (EU) No 1380/2013.
2. The Executive Committee can only decide if a minimum of at least two thirds (2/3) of its members are present or represented by proxy. If this quorum is not reached, a new meeting will be called within a month's time.
3. In ordinary matters and on the topics relating to the management of the AAC, the Executive Committee shall adopt its decisions by consensus. If this cannot be reached, decisions are taken by simple majority.
4. The recommendations of the Executive Committee shall be adopted by consensus. If this cannot be reached, decisions shall be carried by a simple majority, and members' dissenting opinions shall be duly recorded.

## **Article 7. Working Groups**

1. Working Groups may be established in order to prepare deliberations on specific questions.
2. The Executive Committee creates Working Groups with a specific scope and area of interest.
3. The number, nature and composition of Working Groups is covered in the Rules of Procedure. Specific mandates or rules and budgets must be approved by the Executive Committee.

## **Article 8. Chair and Vice chairs**

1. The Chair and Vice chairs of the AAC are designated by consensus of the General Assembly on a proposal made by the Executive Committee for a period of three years from the date of

decision. The Chair will preside over both the Executive Committee and the General Assembly. The Chair shall act impartially.

2. The Chair is responsible for the management of the services of the AAC, is the sole legal representative and represents it in all civil matters and in its relations with third parties.
3. The Chair of the AAC is responsible for communication of the deliberations of the General Assembly and decisions of the Executive Committee, and ensures that they are put into effect.
4. The Chair may authorise any person whose presence is deemed to be beneficial based on the agenda of the meeting, as an observer, to attend General Assembly and Executive Committee meetings.
5. The Executive Committee may authorise the delegation of the Chair under the conditions set out in the Rules of Procedure. The Chair appoints employees, following agreement with the Executive Committee.

## **Article 9. 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 carries out all tasks relating to the operations of the AAC.

## **Article 10. Rules of Procedure**

1. The Rules of Procedure, adopted by the Executive Committee, stipulate how the AAC operates and supplements the present Statutes.

## **Article 11. Transparency**

1. The AAC publishes a notification of the deliberations of the General Assembly and decisions of the Executive Committee on the AAC website.
2. Deliberations that provide an opinion on a referral under Article 3 are sent to the authority that called upon the AAC. Should the said authority take reasonable note of these opinions, the AAC also publishes a notification thereof on its website, as stated under the Rules of Procedure.

## **Article 12. Mandates**

1. Members of the AAC will propose a main and a substitute representative that will attend its meetings and provide the details of these contact persons on an annual basis

2. Main representatives of members 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 immediately replaced by their substitute representative for the remaining duration of the mandate. Should this happen, another substitute representative shall be nominated immediately by the relevant Member organisation.
3. It is the responsibility of the member organisation to inform immediately the Secretariat with a copy to the Chair of the AAC. Prior to any meeting of the Assembly or the Executive Committee of the AAC, Members will inform the secretariat of the identity of the representative for the member in question.

### **Article 13. Resources**

1. The AAC's resources include, non exhaustively:
  - a. Membership fees stipulated under Article 4 of the current Statutes,
  - b. Sectoral contributions,
  - c. Public contributions and in kind contributions,
  - d. Borrowings,
  - e. Donations
2. The rate and basis of said membership fees are set up in accordance with the provision of Article 4, paragraph 4 of Delegated Regulation (EU) 2015/242, based on objective and non-discriminatory criteria.

### **Article 14. Financial accounts**

1. The financial and accounting rules of the AAC shall be in line with accrual accounting methods in line with the financial regulation of the European Commission.
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 audited financial accounts of the AAC shall be presented for adoption by the General Assembly, in accordance to Annex III 2 (q) of Regulation (EU) No 1380/2013 on the Common Fisheries Policy and approval by the Executive Committee.

### **Article 15. Allowances and expenses**

1. Duties as a member of the AAC are provided free of charge.
2. The Rules of Procedure of the AAC set the amounts and terms of payment for per diem and/or travel expenses, which may be granted to the Chair of the General Assembly and members of the Executive Committee and Working Groups.

3. Attendance costs for members of the bodies of the AAC and experts are reimbursed according to the terms and conditions laid down in the expenses regulation of the AAC stipulated by the Rules of Procedure.

## **Article 16. Dissolution**

1. Dissolution of the AAC shall take place through a written procedure and be approved by the three quarters (3/4) of the General Assembly. The AAC may be dissolved voluntarily, on the proposal of the Executive Committee, or by force of legal requirement or final court decision.
2. After all debts and liabilities have been met and funding conditions satisfied, any remaining assets shall be handled according to the financial regulation of the European Commission.