

RULES OF PROCEDURE OF THE AQUACULTURE ADVISORY COUNCIL – V. 20.02.2024

Article 1. Functioning of the AAC

1. The Aquaculture Advisory Council (hereafter "**AAC**") functions in accordance with the present Rules of Procedure, which supplement the AAC's Statutes.

Article 2. Definitions

1. For the purposes of these Rules of Procedure the following definitions shall apply:
 - a) "**AAC**" means the Aquaculture Advisory Council.
 - b) "**Bodies**" means General Assembly, Executive Committee and Working Groups of the AAC.
 - c) "**Business Day**" means any day on which the banks in Bruxelles are open for regular business (other than for internet banking).
 - d) "**Chair**" means the chair of the AAC.
 - e) "**Common Fisheries Policy**" means regulation no. 1380/2013 of the Common Fisheries Policy
 - f) "**DR 2015/242**" means the Commission delegated regulation (EU) no. 2015/242.
 - g) "**DR 2022/204**" means the Commission delegated regulation (EU) no. 2022/204.
 - h) "**Emergency Procedures**" means serious, unexpected situations that require a course of action differing from the usual decision-making process.
 - i) "**Executive Committee**" means the executive committee of the AAC.
 - j) "**Executive Secretary**" has the meaning set for the in Article 16.
 - k) "**General Assembly**" means the general assembly of the AAC.
 - l) "**Member Organisation**" means a member organisation of the AAC.
 - m) "**Member State**" means a member state of the European Union.
 - n) "**Office-holders**" means the Chair and the Vice Chairs.
 - o) "**Proxy**" means the authorisation from one member to another to represent it 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.
 - p) "**Rules of Procedure**" means these rules of procedure of the AAC.
 - q) "**Secretariat**" has the meaning set forth in Article 16.
 - r) "**Statutes**" means the statutes of the AAC.
 - s) "**Vice Chairs**" means the vice chairs of the AAC.
 - t) "**Working Groups**" has the meaning set forth in Article 10.

The General Assembly

Article 3. The General Assembly

1. The General Assembly appoints one Chair and two Vice-Chairs for a mandate of three years

(the Office-holders) after proposals made by the Executive Committee in accordance with Article 13.

2. The General Assembly appoints an Executive Committee drawn from the Member Organisations in accordance with Article 6 and 7.
3. The General Assembly shall decide on the classification of the Member Organisations under the categories “sector organisations” or “other interest groups” using (i) the criteria laid down in Annex I of the DR 2022/204 and (ii) objective and verifiable criteria, such as the provisions of the statutes, the list of the members and the nature of the activities of the organisation concerned.
4. The General Assembly adopts the Rules of procedure.
5. The General Assembly shall ensure equitable membership fees in accordance with article 4(4) of DR 2015/242, which enable balanced and wide representation of all stakeholders taking into account their financial capacity.

Article 4. General Assembly meetings

1. The General Assembly shall meet at least once a year to approve the annual report, the annual strategic plan and the annual budget of the AAC. The meetings of the General Assembly shall be open to the public.
2. The time, date, location and draft agenda for the General Assembly meeting are sent to its members, the European Commission, the European Parliament and the Member States at least 30 Business Days before the scheduled date, excluding Emergency Procedures, for which they have to be sent at least 15 days in advance. The same provisions apply when a General Assembly meeting is convened at the request of the European Commission or if at least one fifth of the Member Organisations send such a request to the Chair of the AAC.
3. Documents that are submitted to the General Assembly for approval pursuant to the Statutes are to be sent to its members, the European Commission and the Member States at least 15 days before the scheduled date.

Article 5. Decisions and votes

1. The General Assembly proposals are voted on by a show of hands. Every member of the General Assembly represents one vote.
2. As a matter of principle, the General Assembly strives to reach a consensus amongst its members.
3. If this is not possible, ordinary decisions should be taken by simple majority of the members present or represented by Proxy. However (i) 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 (55 % of the members present or represented by Proxy), (ii) exclusions of Member Organisations and amendments to the Statutes and Rules of Procedure

shall be approved by two thirds (2/3) of the members present or represented by Proxy and (iii) dissolution of the AAC must be approved by three quarters (3/4) of the members present or represented by Proxy. Members' dissenting opinions shall be duly recorded. Abstentions are not taken into account in the numerator or the denominator.

4. The General Assembly can only decide 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 and shall validly deliberate irrespective of the number of members present or represented. The General Assembly can only decide on exclusions of members and amendments to the Statutes and these 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. If this quorum is not reached, a second general meeting will be convened, and shall validly deliberate irrespective of the number of members present or represented.
5. Following a proposal by the Chair or at a request of a simple majority of members present or represented by Proxy, the General Assembly may also vote by secret ballot following Emergency Procedures.

The Executive Committee

Article 6. Representation

1. The Executive Committee shall initially consist of 20 members among the members of the General Assembly. Representation shall respect the allocation of seats as determined in article 6 of the Statutes of the AAC.
2. The composition of the Executive Committee shall ensure adequate representation of all parties involved in EU aquaculture. 60 % of the seats in the Executive Committee shall be allotted to representatives of aquaculture operators and representatives of the processing and marketing sectors, and 40 % to representatives of the other interest groups affected by the Common Fisheries Policy.
3. The initial composition of the Executive Committee stands as follows:

Representation	Number
Operators	
Fish Farmers	4
Feed Manufacturers	1
Shellfish Sector	4
Employees	1
Representatives from processing and distribution sector	2
Sub-Total	12
Other Interest Groups	8
TOTAL	20

4. The total number of seats and the distribution of seats may be adjusted to reflect developments in the EU aquaculture sector, however, the number of members of the Executive Committee cannot exceed 25.

Article 7. Elections

1. Members of the Executive Committee are nominated by the General Assembly for a period of 3 years.
2. Deadlines for elections shall be:
 - a) 6 weeks in advance for calls for candidates
 - b) 4 weeks in advance for submissions of candidacies
 - c) 3 weeks in advance for circulation amongst the Member Organisations

Article 8. The Executive Committee

1. The Executive Committee shall:
 - Steer and manage the tasks of the AAC in accordance with article 44(2) and (3) of Common Fisheries Policy;
 - Prepare the annual report, the annual strategic plan and the annual budget;
 - Annually transmit the budget of AAC and a report of the AAC's activities to the Commission and to all Member States;
 - Adopt recommendations and suggestions as referred to in article 44(2) of the Common Fisheries Policy;
 - Procure that the AAC subjects itself to an independent performance review at least once every five years pursuant to Article 20.
2. The Executive Committee shall meet at least twice a year. The meetings of the Executive Committee shall be open to the public unless, in exceptional cases, decided otherwise by a majority of the Executive Committee.
3. Any changes to the persons nominated as members by their organisation shall be made in writing to the Secretariat of the AAC, with a copy to the Chair of the AAC, in advance of any meeting of the Executive Committee.
4. At least two thirds of the Executive Committee must be present or represented by Proxy to perform its functions. If this quorum is not reached, a new meeting will be called within a month's time and shall validly deliberate irrespective of the number of members present or represented.
5. The Executive Committee meeting is convened by the Chair at least 30 Business Days in advance, excluding Emergency Procedures. This time scale also applies when the Executive Committee meeting is convened at the request of the European Commission, a Member State or if the majority of its members send such a request to the Chair of the AAC.

6. Documents that are submitted to the Executive Committee for approval are then sent to its members at least 10 Business Days before the scheduled date, excluding Emergency Procedures.

Article 9. Decisions and votes

1. As a matter of principle, the Executive Committee strives to reach a consensus amongst its members.
2. The Executive Committee decisions are voted on by a show of hands. Each member of the Executive Committee represents one vote.
3. If this is not possible, decisions will be taken by simple majority, as long as the required quorum of two thirds (2/3) of the members present is achieved. Members' dissenting opinions shall be duly recorded.
4. Following a proposal by the Chair or at the request of one of its members, the Executive Committee may also vote by secret ballot following Emergency Procedures.

Working Groups

Article 10. Working Groups

1. The Executive Committee may establish Working Groups to assist it in its tasks. Working Groups may be ad hoc, appointed for a specific purpose for a limited duration, or may be permanent.
2. The Executive Committee will define the scope, the rules and the budget for Working Groups and request proposals for participation from members of the General Assembly.
3. A chair and a vice chair for each Working Group will be appointed from members of that Working Group and/or Executive Committee.
4. Each Working Group chair will be responsible for communicating positions, decisions and advice of that Working Group to the Executive Committee.
5. Decisions put forward by the Working Groups shall be examined for approval by the Executive Committee.
6. Working Group Meetings and other consultation actions will be made under the same conditions as those that apply to the Executive Committee.
7. The Working Groups may establish focus groups to assist it in its tasks. Members of the Working Group decides if they want to participate in such focus groups. The Executive

Committee decides on financial support to the activities of such focus group. The members of a focus group decide on conditions for meetings and consultation actions.

Observers & Experts

Article 11. Observers & Experts

1. Representatives of the aquaculture operators and other interest groups from third countries may - at the discretion of the Executive Committee - be invited to participate in the AAC and Working Groups as active observers when issues that affect them are discussed.
2. Representatives of the European Commission, other European institutions, Member States and additional representatives of Member Organisations shall be permitted to attend any meeting of the AAC.
3. The AAC shall not be responsible for meeting the costs of attendance of observers. Observers shall not be entitled to vote.
4. The Executive Committee may invite experts from institutes of all Member States or international bodies and other qualified scientists, to provide scientific, technical, economic, legal or other relevant advice. Experts shall not be entitled to vote.

Common Provisions

Article 12. Governance, transparency and membership

1. 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.
2. The AAC shall respect all of the opinions expressed; dissenting opinions shall be recorded. The AAC shall respect equal opportunities and shall not discriminate against membership within its operating structures on the grounds of race, gender or disability.
3. Decisions from the General Assembly and decisions of the Executive Committee are recorded chronologically and are indexed to the calendar year in which they were adopted.
4. Decisions from the General Assembly and decisions of the Executive Committee are sent to the authority that called upon the AAC within 30 Business Days of their adoption. Within the same time period, they are also published on the AAC website.
5. Minutes from meetings of the AAC are sent to the participants as well as to members of the General Assembly.

6. The Chair of the AAC may also consult the members of the Executive Committee in writing via post or e-mail. Such a written consultation is initiated for urgent matters or when an in-person meeting is not called. In that case, the Executive Committee may take decisions by unanimous written consent of all its members.
7. The Chair of the AAC shall seek to ensure the efficiency and full participation of all members through the use of modern IT communication means and the provision of interpretation and translation services.
8. The membership application process is as follows:
 - Reception of a formal application and a copy of the statutes of the applicant by the Secretariat.
 - The Secretariat contacts the relevant Member States to request approval.
 - If the relevant Member States approve the new member, the Executive Committee decides on the approval of the application and subsequently decides on the group categorisation.
 - The group categorization is validated by the General Assembly on the next General Assembly meeting pursuant to Article 3(3).

Chair and Vice Chairs

Article 13. Chair and Vice Chairs

1. The Office-holders of the AAC shall be:
 - a) The Chair

To be appointed by consensus for a term of three years by the General Assembly on a proposal made by the Executive Committee. The Chair will preside over both the General Assembly and the Executive Committee. 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 Member Organisation which the Chair formerly represented. The Chair of the AAC shall not have a vote within the Executive Committee.
 - b) The two Vice Chairs

The first Vice Chair is to be appointed every three years by the General Assembly from the members of the Executive Committee amongst representatives of the other interest groups affected by aquaculture in the Common Fisheries Policy.

The second Vice Chair is to be appointed every 3 years by the General Assembly from the members of the Executive Committee amongst representatives of the operator sector.
2. The deadlines for elections for the Chair and the Two Vice Chairs shall be:
 - a) 6 weeks in advance for calls for candidates
 - b) 4 weeks in advance for submissions of candidacies
 - c) 3 weeks in advance for circulation amongst the Members Organisations

Article 14. Delegation

1. The Chair of the AAC may delegate his authority to the Vice Chairs.

Article 15. Interim measures

1. Should the Chair of the AAC be unable to attend meetings, he will be replaced temporarily by one of the Vice Chairs.

Various provisions

Article 16. Secretariat

1. The AAC shall engage the services of a secretariat (hereinafter the **Secretariat**), which shall serve the AAC for an agreed term with the possibility of renewal.
2. The Executive Committee may appoint a person who shall act as executive secretary (hereinafter the **Executive Secretary**) of the AAC. The Executive Secretary shall be directly responsible for the administration and management of the AAC exercising the powers that the Executive Committee decides to delegate. The Executive Secretary will act impartially and participate in the meetings.
3. 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) Distribution of the information produced by the AAC's Bodies to the members of the General Assembly and of the Executive Committee, to all Member States, to the European Commission and to other European Union institutions.
 - b) Maintain the register of the members of the AAC. Organise and, on behalf of the Chair, call meetings, and monitor attendance.
 - c) Attend the meetings of the AAC and prepare minutes of these.
 - d) Seek funds to finance the AAC and arrange their processing and collection.
 - e) Implement and execute the contracts passed between the Executive Committee and the Secretariat and the payment, where applicable, of indemnities, fees and allowances to the members of the AAC bodies and experts.
 - f) Manage and collect fees from its members.
 - g) Purchase or rent the premises, equipment, appliances and supplies needed for the operation of the AAC.
 - h) Maintain financial accounting and all the documentation of the AAC, create and maintain its website and manage correspondence and relations with outside bodies and with the members.
 - i) Assist the members of the AAC bodies and experts in their requests linked to meeting attendance.

4. The Secretariat shall act at all times under the responsibility of the Executive Committee and the supervision of the Chair and Vice Chairs. For certain specific matters such as those indicated under (g) and (i), it shall only act under specific *ad hoc* mandate.

Article 17. Amendments

1. These Rules of Procedure shall be agreed by the General Assembly. The European Commission shall be informed.
2. The General Assembly can only decide on amendments to these 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. If this quorum is not reached, a second general meeting will be convened, and shall validly deliberate irrespective of the number of members present or represented. Amendments to Rules of Procedure shall be approved by two thirds (2/3) of the members present or represented by Proxy. Abstentions are not taken into account in the numerator or the denominator.

Article 18. Reimbursement of expenses

1. The Secretariat will facilitate the process of reimbursing members and invited experts with their travel costs, following the rules laid down in these Rules of Procedure.
2. When planning their travels, members should take into account that they can only claim economy fare airplane tickets and train tickets, and car mileage. A standard reimbursement sheet is available and must be sent to the Secretariat with original travel receipts attached, at the latest one month after the meeting date. Furthermore, with this sheet, members can also claim a per diem, which is a set amount, independent of the travel expenses and for which no receipts need to be provided. This per diem covers subsistence costs of the participants at the place where the meeting is held including meals, lodging and public transport.
3. As a basic principle, one representative per member of the AAC is entitled to be reimbursed following attendance to meetings, unless the Executive Committee decides otherwise.

Article 19. Emergency Procedures

1. The Executive Committee decides when Emergency Procedures can be used.
2. The deadlines ('Business Days') referred to in Article 8(4) and 8(5) are reduced by 50 pct under Emergency Procedures.
3. Members of the Executive Committee and the Working Groups can be requested to approve documents via e-mails within 5 Business Days under emergency procedures.

Article 20. Performance review

1. The Executive Committee shall procure that the AAC shall subject itself to an independent performance review at least once every five years. This review shall aim to identify best

practices and shortcomings, list recommendations aiming at improving the functioning of the AAC and assess its overall contribution to the objectives of the Common Fisheries Policy. The results of these reviews shall be made public and, where shortcomings in the functioning of the AAC are identified, shall be accompanied by an action plan setting out concrete actions and a clear timeframe for their implementation.