

## **RULES OF PROCEDURE PELAGIC AC (revised)**

Approved by General Assembly 3 October 2024

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## **1. Objectives**

1. The Pelagic Advisory Council (Pelagic AC/PelAC) shall fulfil the role of an Advisory Council (AC) as described in Regulation (EU) No. 1380/2013 of the European Parliament and of the Council of the 11<sup>th</sup> December 2013 on the Common Fisheries Policy, Part XI and Annex III, and in the Commission Delegated Regulation (EC) 2015/242 of 9 October 2014, laying down detailed rules on the functioning of Advisory Councils under the Common Fisheries Policy, as amended (EU) 2017/1575.
2. The Pelagic AC will contribute to the achievement of the objectives of the Common Fisheries Policy as described in Art. 2 of 1380/2013 as in effect at any given time by developing recommendations and suggestions that represent stakeholder's opinions on matters of fisheries management in respect of pelagic stocks under its remit in all EU areas excluding the Baltic and Mediterranean seas. The advice shall either be on a species specific or on a horizontal issue regarding the CFP, when this is of specific concern to the stakeholders of the Pelagic AC.
3. The Pelagic AC will provide a forum for active involvement of the industry and other interest groups most directly concerned with pelagic fish stocks, which will contribute to recommendations on fisheries management.
4. The Pelagic AC will involve the scientific community in the advisory process, which will contribute to the improvement of the quality of the advice, as well as to a better understanding between the scientific community and the stakeholders.
5. Recommendations and suggestions shall be provided to the European Commission, the group of relevant Member States and individual Member States of the European Union as decided by the Pelagic AC. Recommendations and suggestions shall also be made available on the Pelagic AC website and forwarded to any other bodies as decided by the Pelagic AC.
6. The Pelagic AC shall be an equal opportunities organisation and shall not discriminate against membership on the grounds of race, gender or disability.

## **2. Organisational structure**

1. As prescribed in Art. 45.2 of (EU) 1380/2013 of the Common Fisheries Policy, the Pelagic AC consists of a General Assembly and an Executive Committee, including as appropriate, three Working Groups, a Secretariat and a Management Team, to adopt the measures necessary for its functioning. Annex 1 provides an overview of the current structure of the Pelagic AC.
2. The Pelagic AC distinguishes between different levels of membership. An organisation can be a member of:
  - General Assembly or;
  - General Assembly and Working Group(s) or;
  - General Assembly and Executive Committee or;
  - General Assembly, Working Group(s) and Executive Committee.





## 2.1 General Assembly

1. The General Assembly is composed of all the member organisations in the Pelagic AC.
2. Membership of the General Assembly shall be open to organisations from the pelagic fisheries sector and other interest groups (OIGs) affected by the Common Fisheries Policy as outlined in article 45.1 of Regulation (EU) No 1380/2013.
3. Member organisations shall support the objectives as set out in these rules of procedure and are admitted in accordance with the procedure set out below:
  - Potential new member organisations for the Pelagic AC shall contact the Secretariat by e-mail with an expression of interest.
  - The Secretariat of the Pelagic AC shall refer all applications to the Member State(s) in the territory of which the applicant organisation is established for agreement. Should the decision be favourable, the application will then be submitted to the Executive Committee to endorse that due process has taken place.
  - Membership shall start when the Executive Committee has approved and the PelAC Secretariat has received the membership fee.
4. Member organisations are hereafter also referred to as "members" of the Pelagic AC.
5. Members should be appointed to one of the two categories ("sector organisations" or "other interest groups") in accordance with the Commission Delegated Regulation (EU) 2017/1575, as in effect at any given time. The General Assembly members shall decide on the correct categorisation based on 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. No member can be appointed to **both** the "sector organisations" and the "other interest groups" categories<sup>1</sup>.
6. Members shall appoint a permanent delegate to represent the organisation at the Pelagic AC General Assembly meetings. This permanent delegate shall represent the member for all purposes and may take part in deliberations and votes, and stand as candidate or be eligible for the various offices.
7. Each member may replace its permanent delegate at any time through explicit delegation by written notice to the Secretariat.
8. Whereas 60% of the seats in the Executive Committee are allotted to sector organisations and 40% to other interest groups to guarantee a balanced representation of all stakeholders (as described in (EC) 2015/242 article 2.2 and 2.3, amended by (EU) 2017/1575, and as in effect at any given time), the 60/40 balance of sector organisation and other interest groups shall be maintained in the General Assembly *where possible*.
9. Decisions by the General Assembly shall be decided by a simple majority vote.
10. General Assembly meetings will be open to the public and will take place annually to:
  - Approve the annual report and the annual strategic plan drawn up by the Executive Committee.

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<sup>1</sup> Confirmed during ExCom 10 July 2020.





In addition, once every three years, the General Assembly shall also:

- Appoint its Chairperson and Vice-Chairperson<sup>[1]</sup>;
- Appoint the Executive Committee<sup>[2]</sup>.

## *2.2 Executive Committee*

1. Based on designations from both groups and in accordance with Commission Delegated Regulation (EU) 2017/1575 as in effect at any given time, the General Assembly shall appoint an Executive Committee. 60% of the seats in the Executive Committee are allotted to sector organisations and 40% to other interest groups.
2. The 60% category should include at least one representative of the fisheries catching sector per Member State concerned, as well as one or more representatives of EU industry organisations relevant to the Pelagic AC.
3. The Executive Committee shall be set up according to the Delegated Regulation as in effect at any given time and consists of up to 25 members.
4. The General Assembly shall appoint the organisations which will make up the Executive Committee for a (renewable) period of three years. Each organisation will, in turn, appoint a permanent representative. Any changes to the persons nominated as members by their organisation shall be made 48 hours in advance of any meeting of the Executive Committee, in writing to the Secretariat of the Pelagic AC with copy to the Chairperson of the Executive Committee.

### *2.2.1 Roles and Responsibilities*

1. The Executive Committee shall steer and manage the tasks of the Advisory Council in accordance with Article 44(2) and (3) of Regulation (EU) No 1380/2013.
2. The Executive Committee shall act as the final arbitrator, as meant in the objectives, and approves, amends or rejects advice before any advice is issued as Pelagic AC advice.
3. The Executive Committee shall inform the General Assembly of relevant issues, decisions, and decision-making processes.
4. The Executive Committee shall prepare an annual report, an annual work plan and an annual budget to be approved by the members of the Pelagic AC at the General Assembly, and forwarded to the Commission and Member States. At the annual General Assembly, the Chairperson and the Secretariat shall report to the members of the Pelagic AC on the year's activities and present the annual accounts on behalf of the Executive Committee.
5. In addition, the Executive Committee shall be responsible for a number of day-to-day organisational and/or procedural issues e.g.:
  - Appointing Chairpersons of the Working Groups;
  - Confirming listed membership of the Working Groups;
  - Deciding if and how a Working Group should handle an incoming request for advice;
  - Ensuring sound financial management of the Pelagic AC.

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<sup>[1]</sup> See paragraph 2.5.1 and 2.5.2 on 'Chairperson(s)'.

<sup>[2]</sup> See paragraph 2.2 on 'Executive Committee'.





6. Meetings of the Executive Committee shall be open to the public, unless otherwise decided by a majority decision of the Executive Committee at the beginning of the meeting.
7. Meetings of the Executive Committee shall take place at least three times each year.
8. At least two thirds of the members of the Executive Committee must be present for the Executive Committee to perform its full functions. If a vote is taken at Executive Committee meetings, only members of the Executive Committee (excluding the Chairperson) shall be entitled to vote, and at least two thirds of the current number of members per college of the Executive Committee shall be present.
9. Members of the Executive Committee shall behave in the best interests of the Pelagic AC to further the aims and objectives laid down in this document and shall be accountable to the General Assembly.

#### 2.2.2. General elections Procedure for Executive Committee membership

1. Election announcements shall be made by the Secretariat at the annual July meeting. The deadline for nominations shall be the end of the first week of September following the announcement.
2. Nominations must be made by e-mail to the Secretariat. The Secretariat shall collate the list of nominated organisations. If more nominations are received than seats available, the Secretariat shall communicate this to the Management Team and ask the Management Team to resolve this issue internally. If the Management Team is unable to resolve it, the relevant stakeholder category shall vote on the final candidate by simple majority.
3. In accordance with the procedures identified in (EU) 2015/242 as amended by (EU) 2017/1575, both categories have the right to decide autonomously on their representation in the Executive Committee which shall be appointed by the General Assembly.
4. Results of the votes shall be announced at the General Assembly which then appoints the new Executive Committee.
5. Each member of the Pelagic AC may only occupy one seat in the Executive Committee, except under the circumstances detailed in paragraphs (2) and (4) of section 3.2.5.

#### 2.2.3. Nomination of Executive Committee members

Nominations of the 60% category:

1. Where an Executive Committee seat allotted to the sector organisation is vacant and available, belonging to a member country that is not yet represented, the sector organisation group members of the General Assembly shall designate a candidate organisation, that does not yet hold an Executive Committee seat. The candidate organisation shall be chosen unanimously where possible, but otherwise by a simple majority vote by the 60% stakeholder category.
2. If all relevant member countries already have one sector organisation representative from the fisheries catching sector in the Executive Committee, and in the event that an extra seat becomes vacant and available to the sector organisation group, the General Assembly shall designate a candidate organisation, that does not yet hold an Executive Committee seat, following the 'rotating seat' procedure: under these exceptional circumstances the seat





can be offered to a second representative of the catching subsector from the same member country engaged in the Pelagic AC, but on a rotating and yearly basis to ensure every Member State represented in the PelAC gets a turn. The member country names will be drawn randomly by the Secretariat to determine the order. The 'seat' will rotate to another member country each following year.

Nominations of the 40% category:

3. Where an Executive Committee seat to the other interest groups is vacant and available, the other interest group members of the General Assembly shall designate a candidate organisation, that does not yet hold an Executive Committee seat. The candidate shall be chosen unanimously where possible, but otherwise by a simple majority vote by the 40% category.
4. If two representatives of the fisheries catching sectors in one member country become members of the Executive Committee following the procedure outlined in paragraph (2), the same rotating procedure will then apply to the 'other interest group' category, and vice-versa. Two representatives of one organisation can be appointed to the Executive Committee, thereby resulting in one OIG organisation holding two votes in the Pelagic AC Executive Committee.
5. Candidates to the Executive Committee, so designated, must be confirmed by the General Assembly, unanimously where possible, but otherwise by a simple majority vote.
6. When nominating a member of its group for a vacant seat on the Executive Committee, both sector organisations and other interest groups shall inform the Secretariat of the nomination. The Secretariat shall communicate every nomination to all members of the General Assembly.
7. Within a period of one week, the members of the General Assembly shall communicate their approval or disapproval of this nomination to the Secretariat by electronic means. Approval shall be made by a simple majority vote. Should the candidate not receive approval, the Secretariat shall communicate the result to the General Assembly.

#### 2.2.4. Termination of membership

1. The Executive Committee of the Pelagic AC, in consultation with the Member States concerned, may seek to terminate the membership of any person or organisation which in their opinion is not affected by pelagic fisheries in the Common Fisheries Policy or does not support the objectives of the Pelagic AC as laid out in these rules of procedure. The final decision on termination of membership shall be decided by common agreement between the concerned Member States.
2. Termination comes into effect on the date of notice of termination to the member organisation. Membership fees may be returned to the member organisation on a pro rata basis.
3. If an organisation terminates its membership of the General Assembly or Executive Committee then its nominated representative on either the General Assembly or Executive Committee shall also terminate membership.
4. Termination comes into effect on the first day of the next financial year following notification of the Secretariat.





### 2.3 Working Groups

1. The Pelagic AC has established three Working Groups: Working Group I, Working Group II and Working Group III. The Working Groups will report directly to the Executive Committee, i.e. by submitting recommendations for approval.
2. Horizontal issues are taken up by Working Group III, according to the Terms of reference. If necessary, the Management Team may allocate horizontal issues to specific working groups to ensure a balanced workload.
3. The work of the Pelagic AC is organised as identified in article 23 of the Pelagic AC statutes. These arrangements shall not preclude future changes to the stocks covered by the working groups.
4. Members of the General Assembly can become a member of a Working Group when they are appointed by the Executive Committee. Membership shall start when the Executive Committee has approved and the Pelagic AC Secretariat has received the Working Group related membership fee.
5. The Secretariat shall publish the composition of the Working Groups on the Pelagic AC website.
6. A Working Group may, by consensus, propose setting up a Focus Group or a project to deal with a specific issue to the Executive Committee for endorsement. Any member from the Working Group may volunteer to partake in this Focus Group or project.
7. Members of the Working Groups must be members of the Pelagic AC General Assembly and shall ensure, as far as is practicable, that there is appropriate continuity of membership. Focus Group participants must be members of one of the Working Groups or the Executive Committee.
8. Working Groups will actively encourage the participation of relevant experts and observers in their work.
9. Members will be notified of the upcoming elections in the Working Group meeting prior to the election (the annual July meeting) and asked for verbal expressions of interest.
10. These shall be relayed to the Working Group at the following meeting at the start of the election process.
11. Each member of the relevant Working Group shall have one vote which shall be exercised by hand signal during the voting procedure.
12. Working Groups shall submit recommendations to the Executive Committee for approval. The Chairperson shall speak for the Working Group and shall be responsible for liaison with the Executive Committee on all matters relevant to the Working Group.
13. The Secretariat shall organise meetings of the Working Groups at least once a year.
14. Working Group meetings shall not take place at the same time as the Executive Committee but shall meet consecutively in advance of Executive Committee meetings, where possible.
15. Dissolution of any Working Group shall require a two-thirds majority of the members of the Executive Committee.





## 2.4 Focus Groups

1. A Working Group can put forward a proposal to the Executive Committee to establish a Focus Group to assist the Working Group(s) in preparing/drafting recommendations and suggestions. A Focus Group may be appointed for a specific purpose for a limited duration or may have a permanent character. The Executive Committee shall approve the establishment of a Focus Group.
2. Focus Groups shall prepare draft advice on the specific topic for which they have been created and accordingly prepare the work for approval of the relevant Working Group.
3. Participation in the Focus Group is open to all Working Group members upon expression of interest. The Working Group nominates the Focus Group members, taking into account that focus and/or drafting requires a restricted number of participants in the Group.
4. Focus Groups must have at least 5 members but no more than 12 to ensure efficient and effective advice drafting.
5. Where possible, members of the Pelagic AC that nominate members to a Focus Group, should ensure that there is appropriate continuity of membership for the duration of the Focus Group.
6. Members of the Focus Groups shall nominate and appoint a Chairperson, vice-Chairperson and a rapporteur for the group from the group attendees.
7. The relevant Working Group Chairperson shall, in principle, act as the Chairperson for the Focus Group. If the Chairperson is unavailable, a Chairperson shall be appointed by consensus or by a vote as appropriate, from amongst the members of the Focus Group for the duration of same as approved by the Executive Committee.
8. Terms of Reference for Focus Groups shall be drafted by the Secretariat upon input by the relevant Working Group.
9. Should any Pelagic AC member wish to join an already established Focus Group for the duration of the work of the respective group, they must contact the Secretariat, which will notify the Chairperson of the relevant group for decision making.
10. The Secretariat shall organise meetings of Focus Groups as requested by said groups' members.
11. Meetings of the Focus Groups are open to active members of the respective group only. Pelagic AC members who wish to be informed about the work of an Focus Group may contact any member of the respective group.
12. Focus Group meetings will not take place at the same time as the Executive Committee or Working Groups meetings but will meet when necessary and agreed by the group's members.
13. Focus Groups shall automatically dissolve once their task as described in the Terms of Reference is completed.
14. This shall not preclude the Focus Group to request from the relevant Working Group an application to the Executive Committee for the extension of the duration of the relevant Focus Group based on the relevant work programme and/or an approved amendment of the Terms of References.







## 2.5 Chairperson(s)

Each meeting of the Pelagic AC (whether General Assembly, Executive Committee or Working Group) will be presided over by a Chairperson.

### 2.5.1. General Assembly/ Executive Committee Chairperson

1. The General Assembly / Executive Committee Chairperson and Vice-Chairperson will be appointed by majority of the General Assembly for a (renewable) period of three years. If the Chairperson is appointed from the industry college, the Vice-Chairperson shall be appointed from the OIG college and vice versa, in accordance with the Delegated Regulation as in effect at any given time.
2. The Chairperson of the Pelagic AC will, besides chairing the General Assembly and Executive Committee meetings, represent the Pelagic AC at official events of external parties<sup>2</sup>, unless if unable to attend, replaced by the Vice-Chairperson. The Chairperson shall play an impartial role, independent of the different interests represented on the Executive Committee. The Chairperson of the Pelagic AC shall not have a vote within the Executive Committee.
3. In the event that the Chairperson is drawn from the members of the Executive Committee, a substitute member shall be nominated in writing by the organisation which the Chairperson formerly represented.

#### 2.5.1.1. Election procedure for the Chairperson of the Pelagic AC (Executive Committee and General Assembly)

1. Call for applications
  - A call for applications will be announced at the Pelagic AC July meetings of the election year and will be open until the end of the first week of September of the election year.
  - Applications shall be open to all the members of the General Assembly.
  - External candidates can be brought forward for election by another member of the General Assembly.
2. If only one candidate applies, the General Assembly will approve by 2/3 majority vote. If disapproved, the Secretariat, guided by the Management Team, will start a new election procedure with urgency.
3. When two or more candidates apply, members of the General Assembly will vote by 2/3 majority during the General Assembly meeting by ballot. The General Assembly will decide beforehand whether the ballot is open or secret. If 2/3 majority isn't reached by one of the candidates, the Secretariat, guided by the Management Team, will start a new election procedure with urgency.
4. The elected Chairperson to the General Assembly shall be announced at the annual October meeting.

### 2.5.2. General Assembly/Executive Committee Vice-Chairperson

1. Nominations must be made by a General Assembly member and seconded by another General Assembly member.
2. The same procedure as outlined in 2.5.1.1 paragraphs (2-4) will apply for the election of Vice-Chairperson to the General Assembly/Executive Committee.

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<sup>2</sup> E.g. specific seminars organised by Member States or other parties, coordination meetings with the European Commission or meetings of the European Fisheries Control Agency (EFCA).





### 2.5.3. Working Group Chairpersons

1. Working Group Chairpersons will be appointed by the Executive Committee.
2. Members will be notified of the upcoming elections in the Pelagic AC July meeting and invited for expressions of interest. The election procedure outlined in paragraph 2.5.1.1 will also apply to Working Group Chairs.
3. Expression of interest shall be relayed to the Executive Committee at the following meeting.
4. A Chairperson and where possible, a Vice-Chairperson, shall be appointed for a (renewable) period of three years via open ballot under point one of the agenda during the next meeting following the election announcement. If the Chairperson is appointed from the industry college, the Vice-Chairperson shall be appointed from the OIG college and vice versa.
5. Working Group Chairpersons who are also elected members of the Executive Committee shall retain the right to vote on all matters at all meetings of the Executive Committee.
6. Working Group Chairpersons who are not elected members of the Executive Committee shall attend Executive Committee meetings as an active (non-voting) observer and will speak on behalf of the Working Groups.
7. Working Group Chairpersons will be responsible for liaison with the Executive Committee on all matters relevant to the Working Groups. In preparation to meetings and in order to be well-informed, they will attend meetings with ICES and other scientific bodies, as well as coordination meetings with the Commission if appropriate.
8. All Chairpersons will act impartially and have no right to vote in their own meeting. They will enhance transparency and the participation of all parties by facilitating discussions and the decision-making process. They will summarize the key-points and deliver input in minutes of the meetings.
9. In the event that no new nominations are received for the position of Chairperson of the Pelagic AC (both Working Groups and General Assembly/Executive Committee), the incumbent Chairperson can be re-elected for a renewed 3 year period and, the incumbent Chairperson's term can be rolled over for an additional 3 year term with his/her agreement and the approval of the General Assembly.
10. In the event that there are no new nominations for the position of Chairperson of the Pelagic AC and the incumbent Chairperson cannot continue for a continued 3 year term, the incumbent Chairperson shall continue his/her function for a maximum of one additional year.
11. The mandate of an appointed (General Assembly/Executive Committee) Chairperson may be extended by one additional year if circumstances of *force majeure* apply. The Pelagic AC Management Team will decide on the circumstances warranting an extension, and will make a proposal for approval by the General Assembly<sup>3</sup>.
12. In the event that the incumbent Chairperson is not in position to take over for an additional year, the Vice-Chairperson will carry over the function for a maximum of one additional year. In this case, the new call for nominations shall be initiated immediately.
13. In the event that the incumbent Chairperson at any moment cannot continue holding the office for any justified reason, the Vice-Chairperson shall take over the office and a call for nominations shall be initiated immediately.

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<sup>3</sup> Mandate confirmed during ExCom 10 July 2020.





14. No Chairperson shall occupy the role of Chairperson of the Pelagic AC for more than 10 consecutive years.

## *2.6 Management Team*

1. The Pelagic AC Management Team consists of:
  - The Pelagic AC Chairperson and Vice-Chairperson
  - The Chairs of the Working Groups
  - The Head of Secretariat
  - The Executive Secretary
2. The Pelagic AC Management Team supports the Secretariat with administrative, management and operational matters, including but not limited to:
  - Discussing the ongoing work regarding agreed action points from Pelagic AC meetings
  - Preparing drafts for work programmes and budgets
  - Reviewing and editing Pelagic AC official documents expressing agreed positions adopted by the Executive Committee (e.g. recommendations, letters...), ensuring fully reflect agreed Pelagic AC positions.
  - Discussing venues and agenda points for upcoming Pelagic AC meetings
  - Addressing invitations to external meetings, projects and consultations etc.
3. When the Pelagic AC is invited to an external event, the Secretariat will circulate the invitation to the members and, when appropriate, ask for volunteers to attend those meetings as Pelagic AC representatives. If more people wish to attend than seats are available, the Management Team shall have the final decision on attendance.
4. When the Pelagic AC is invited to (high level) external meetings such as Technical or High Level meetings of regional Member State Groups, these meetings will principally be attended by a member of the Management Team. If no member of the Management Team is available to attend, the Secretariat may extend the invitation to a member of the Executive Committee.
5. The Management Team has the mandate from the Executive Committee to decide on following up on Pelagic AC initiatives, once a position has formally been taken on a certain subject (i.e. responding to a request for further explanation etc).
6. The Management Team has the mandate to put forward a solution to the General Assembly if for any reason an appointed Chairperson is unable to complete his election term if no candidate comes forward upon conclusion of term.
7. The Management Team shall be responsible for appointing the Head of Secretariat.

## *2.7 Head of Secretariat*

1. The Head of Secretariat contributes to the objectives of the Pelagic AC by managing the members of staff of the Secretariat and playing an active role in the Pelagic AC Management Team.
2. The Secretariat shall be hosted in the same office quarters as the Head of Secretariat. The responsibilities of the Head of Secretariat include, but are not limited to:





- Acting as formal signatory of the annual Grant Agreement between the Pelagic AC and the European Commission.
- Taking a leading role in recruiting, selecting and orienting prospective staff members of the Secretariat, in collaboration with the Management Team.
- Drafting and acting as formal signatory of Secretariat staff employment contracts, including conducting negotiations for salary and additional employment benefits.
- Maintaining staff by taking an active supervising role within the limits of the Management Team of the Pelagic AC and that is impartial to interests of its member organisation(s).
- Conducting performance evaluations and report on employee contribution, performance and development.
- Ensuring safe, secure and legal employment conditions set in accordance with local laws applicable in the country where legal entity of the Secretariat is based.
- Where appropriate, involve the Secretariat in ongoing developments that are of relevance to the Pelagic AC and its objectives.
- Liaising with the Secretariat staff and the Management Team in all employment matters that are of interest to the work for the Pelagic AC.

## *2.8 Secretariat*

1. The Secretariat of the Pelagic AC is based in the Netherlands and consequently, the Pelagic AC has the legal entity of a foundation under Dutch Law. Its board of directors consists of the members of the Executive Committee.
2. The legal entity and office of the Pelagic AC Secretariat may be moved to another Member State if deemed appropriate by a majority vote of the Executive Committee.
3. The Secretariat shall act independently and without bias in furthering the objectives of the Pelagic AC. The Secretariat shall be a properly constituted body as identified in Pelagic AC Statutes.
4. The Secretariat to the Pelagic AC shall be Secretariat to the General Assembly, Working Groups and Executive Committee and shall perform all duties as required for the proper functioning of the Pelagic AC.
5. The Secretariat consists of an Executive Secretary and an Assistant Secretary. The Assistant Secretary shall report to the Executive Secretary, the Executive Secretary shall report to:
  - The Head of Secretariat on employment related matters;
  - The Management Team on all operational matters pertaining to the Pelagic AC.
6. At least one person of the Secretariat will attend all Pelagic AC meetings.
7. Guided by the Management Team, the Secretariat shall consolidate the principles for the operation of the Pelagic AC. In order to support the functioning and activities of the Pelagic AC, the Secretariat shall:
  - Keep the accounts of the Pelagic AC and prepare the reporting to the General Assembly.
  - Arrange for the auditing of the accounts and for satisfying any reporting conditions laid down by fund providers.





- Liaise with potential and actual fund providers to achieve funding of the Pelagic AC.
  - Arrange meetings of the General Assembly, Executive Committee, Working Groups, Focus Groups, (meeting room, accommodation and where appropriate, interpretation) and organise reimbursements as foreseen under the AC principle.
  - Prepare (with relevant Chairperson) and distribute an agenda for each meeting (first draft at least two weeks in advance).
  - Prepare (with relevant Chairperson) and distribute any background material such as position papers to attendants of the meetings (at least one week in advance, if possible).
  - Produce (with relevant Chairperson) and distribute minutes of Pelagic AC meetings and ensure these drafts are agreed upon. Agreed reports are placed on the Pelagic AC's website within two months of the meeting taking place. In case no agreement on a draft report can be reached by correspondence, formal adoption of the report shall take place at the forthcoming meeting.
  - Send advice to the Commission or Member States and keep track of responses.
  - Maintain working relationships with the Commission, Member States and members.
  - Notify members of relevant external meetings.
  - The Secretariat shall adopt the necessary measures to ensure transparency in all stages of the Pelagic AC's decision-making process.
  - The Secretariat shall immediately make any advice or planned action adopted by the Executive Committee available to the General Assembly, the Commission, Member States concerned and, upon request, to any member of the public by posting them on the website.
8. The Secretariat shall make responses available to all above mentioned parties as well.
  9. Members of the public can make their request to be included in the mailing list of the Pelagic AC known to the Secretariat by e-mail, so that they are automatically informed of all proceedings. These contact details shall not be shared with any third parties without prior approval of the person in question.
  10. The Secretariat shall establish and maintain a website as part of an active communications programme. The Secretariat shall produce draft press releases if required, and provide full and timely reports on the Pelagic AC activities.
  11. Press releases based on information from the meetings shall be coordinated with the Secretariat.
  12. To further the objectives of the Pelagic AC, the Secretariat shall maintain a register of member organisations, and may, with the approval of the Executive Committee and taking into account the annual budget:
    - a) Employ and pay any person(s) to supervise, organize and carry out the work of the Pelagic AC;
    - b) Engage and pay fees to professional and technical advisors or consultants to assist in the work of the Pelagic AC;
    - c) Bring together in conference and work in liaison with representatives of other organisations, government departments, the European Commission, and other statutory authorities and individuals;





- d) Ensure that properly qualified experts attend the meetings of such organisations as are considered to be in the interests of and compatible with the objectives of the Pelagic AC;
- e) Promote and support the carrying out of research, surveys and investigations and where appropriate publish or disseminate the results;
- f) Arrange and provide for, or join in arranging and providing for, the holding of exhibitions, seminars and meetings;
- g) 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 objectives of the Pelagic AC;
- h) Purchase, take on lease, hire, or otherwise acquire any equipment or apparatus considered appropriate for the work of the Pelagic AC;
- i) Seek funds to pursue the objectives of the Pelagic AC;
- j) Do all other such lawful things as are incidental or conducive to the attainment of the objectives of the Pelagic AC.

### *2.9 Advice drafting procedure*

1. In addition to requests for advice from the European Commission and/or the relevant Member States group, members of the Pelagic AC can propose a topic for consideration through the most appropriate Working Group.
2. The Pelagic AC will strive to reach consensus in all drafts.
3. To draft advice on a specific topic a Focus Group may be set up in accordance with Paragraph 2.4 (1).
4. After a Focus Group meeting, a draft advice is distributed to the participants for finalisation via electronic procedure. If new topics are added that were not discussed at the meeting, these must be agreed by all members of the respective group and an additional meeting may be held if needed.
5. Participants are invited to send their comments by a given deadline as agreed with the members of the relevant group. These comments have to be presented as alternative text with changes tracked as appropriate. If a comment simply states that the participant disagrees with a section, without providing alternative text, the text will not be changed.
6. In cases where significant change is proposed, time permitting, a follow-up online meeting may be organised with the main contributors, following which a further draft may be issued.
7. Once a draft is agreed within the relevant Focus Group, it is subsequently sent to the relevant Working Group prior to a Working Group meeting for consideration, where the draft will be discussed and proposed for adoption. When issues arise that cannot be put on hold to await approval during the next Working Group meeting, the draft will be sent to the Working Group for written comment within 7 natural days. Comments received after the deadline will not be accepted. Under exceptional circumstances and given the urgency of the issue, the response period may be shortened as deemed appropriate by the relevant Chairperson.
8. In cases where significant change is proposed, time permitting, a follow-up online meeting may be organised with the main contributors, following which a further draft is issued to the relevant Working Group for comment. The deadline for comments on a reissued draft is 48 hours.
9. Guided by the relevant Chairperson, the Secretariat will draft a Pelagic AC recommendation/opinion trying to accommodate all points of view. In case no





consensus can be found, dissenting opinions shall be recorded. If a minority opinion is supported by one organisation, it will be recorded as a foot note. If it is supported by more than one organisation, it will be added on the text of the advice. If the minority opinion requests further explanation, it can be added as an annex no longer than one page.

10. Once a draft has been approved by the relevant Working Group, it will be submitted to the Executive Committee for approval, preferably prior to an Executive Committee meeting where the draft advice can be discussed and approved.
11. When issues arise that cannot be put on hold to await approval during the next Executive Committee meeting, approval will be asked by means of written procedure. The draft advice with accompanying information will be provided to all members of the Executive Committee via electronic mail. For an orderly and speedy process within the Executive Committee, it is recommended that only Executive Committee members that are not represented in the relevant Working Group may propose edits within 7 natural days on the draft using track changes. In exceptional circumstances, the Chairperson may decide to reduce the response period. If Executive Committee members wish to propose text edits, they should be minimal. Executive Committee members must submit their request early in the process and should not leave it until the deadline, to provide enough time for further negotiation and discussion with other parties. Comments received after the deadline will not be accepted.
12. Unless otherwise indicated via written procedure, Executive Committee members will receive, where needed, an updated draft version of the advice for final approval. The deadline for approval of re-issued drafts is 48 hours. Finally, the Executive Committee has to approve or reject the advice.
13. Pelagic AC advice will be based, where available, on reliable technical and scientific information.
14. If the Pelagic AC is required to meet tight timelines, the Secretariat can launch a fast-track procedure at the request of the Management Team. The Secretariat informs the members and prepares a draft advice on the urgent topic. Members of AC shall have a minimum of 3 working days to provide input for the draft. Subsequently, the draft advice is presented to the Executive Committee and the members of the Executive Committee shall have a minimum of 2 working days to approve or reject the draft. If rejected, the party requesting advice shall be informed about the AC's impossibility to accommodate.
15. Recommendations adopted by the Executive Committee shall be made available immediately to the General Assembly, the Commission, Member States concerned and, upon request, to any member of the public ((EU) 1380/2013 Annex III, Art. 2(f)).

#### *2.10 Representation Pelagic AC in external meetings*

1. In accordance with paragraph (4) of section 2.6 high level Member State group meetings shall be attended by a member of the Management Team. Where possible, such meetings will be attended by one representative of each stakeholder category.
2. In the event that an Executive Committee member of the Pelagic AC is requested by the Secretariat to represent the Pelagic AC at high level external meetings, no other person other than the permanent representative can attend such meeting on behalf of the Pelagic AC.
3. In high level external meetings, Management Team or Executive Committee members attending on behalf of the Pelagic AC, can only express opinions on the items on the agenda that are agreed positions adopted by the Pelagic AC and shall not express personal views. Full reports on such meetings shall





subsequently be provided by the representative to the Secretariat for relevant publication.

4. Any person attending meetings on behalf of the Pelagic AC will speak in the interest of the Pelagic AC and express agreed Pelagic AC positions only.

### *2.11 Working Languages and Interpretation arrangements*

1. The official working language for the Pelagic AC is English.
2. All Working Groups and Executive Committee meetings will offer the possibility for simultaneous interpretation in three languages, where necessary: English, French and Spanish.
3. The Secretariat will make arrangements for interpretation services only if this is specifically requested by a member participant at least two weeks in advance of the meeting.
4. If interpretation has been required by a member, but this member does not participate in the meeting, the costs will be borne by that member. Exceptions to this rule apply in case of *force majeure*<sup>4</sup>.
5. Simultaneous interpretation will not be available during Focus Group meetings.
6. Meeting documents will be made available in English, and when available in French and Spanish as well.

## **3. External relations**

The Pelagic AC shall collaborate with any party it deems necessary for the proper functioning of the Pelagic AC.

### *3.1 Participation by non-members*

#### 3.1.1. Scientific Community

1. In order to facilitate good quality advice (e.g. to ensure conformity with the precautionary principle) the Pelagic AC shall seek input from and co-operation with scientists and experts on different areas (e.g. from national and regional institutes or international bodies and other qualified scientists, academics or economists).
2. At the discretion of the Chairperson, and where the budget allows, the Pelagic AC may invite to its meetings scientists and/or technical experts to participate in the work of the AC. These participants shall be invited as experts and shall not be entitled to vote.
3. Collaboration with scientific experts generally takes place at the level of Working Groups or Focus Groups, and can take a number of forms. Scientists may be invited to:
  - Present and explain certain technical issues, to
  - Support the debate by answering factual questions and to
  - Provide their opinion or through submission of proposals and asking a research institute to review them.

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<sup>4</sup> Confirmed during ExCom 5 October 2012.







### 3.1.2. Fishery Managers

1. Representatives of the European Commission, the European Parliament and other European agencies, bodies or organisations shall be able to attend any meeting of the Pelagic AC as active observers in accordance with ((EU) 1380/2013 Annex III, Art. 2(j)).
2. Representatives of national and regional administrations that have fisheries interests in the area may also be invited as active observers.

### 3.1.3. Third country stakeholders

1. Representatives of stakeholders from third countries, including representatives from Regional Fisheries Organisations that have a fishing interest covered by the Pelagic AC, may be invited to participate in Pelagic AC Focus Group and/or Working Group meetings, as well as conferences or workshops, as active observers when issues which affect them are discussed.
2. The Pelagic AC shall not be responsible for reimbursing the costs of attendance of observers. Observers shall have the right to speak at the discretion of the Chairperson and shall not be entitled to vote.
3. At the discretion of the Chairperson, and where the budget allows, representatives of third country stakeholders with an interest relevant to the Pelagic AC may be invited to Pelagic AC Focus Group or Working Group meetings as invited experts, and thus be entitled to reimbursement.<sup>5</sup>
4. Meetings of the Executive Committee shall not be open to non-member third country stakeholders.<sup>6</sup>

### 3.2 Co-ordination with other ACs

1. The Secretariat, and a member of the Management Team where appropriate, shall participate in all formal Inter-AC meetings organised by the European Commission.
2. Any Pelagic AC member may volunteer to participate in Inter-AC Focus Groups or conferences dealing with horizontal issues.

### 3.3 Involvement in research projects

1. Participation of the Pelagic AC in research projects (e.g. up-coming Horizon 2020 research programme) must be agreed upon by a majority of the Executive Committee.
2. The objectives of the research project shall be explained to the Executive Committee in the form of an oral presentation by a researcher involved in drafting the specific research proposal. During this presentation, participation conditions and obligations shall be clearly stipulated.
3. If an oral presentation is not possible due to time constraints a proposal summary shall be circulated to the Executive Committee for approval by written procedure or to provide the Management Team with a mandate to make a final decision on whether to participate or not.
4. The Pelagic AC shall participate in research projects on the condition that the work will be in support of the Working Groups and/or be relevant for the Executive Committee in making decisions and recommendations.

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<sup>5</sup> Confirmed during GA 7 October 2021.

<sup>6</sup> Confirmed during GA 7 October 2021.





5. All expenses related to involvement such as travel and subsistence costs, as well as labour costs shall be covered through project funding.
6. In case involvement in a research project requires more work than Pelagic AC members are able to deliver, resources must be provided by the project funding for hiring a qualified assistant to be guided by the Pelagic AC.

#### **4. Financial provisions and membership**

1. The Secretariat will ensure sound financial management, ensuring compliance with the financial contractual provisions of the Framework Agreement and the Specific Agreement.
2. Finances for the Pelagic AC are provided annually by the Commission, the Member States concerned and the Pelagic AC members.
3. Member contributions must be supported by written documents confirming the proposed contributions, annexed to the grant application.
4. The Secretariat shall make the arrangements for annual renewal of the Grant Agreement with the Commission, and renewal of the Framework Agreement every four years.

##### *4.1 Membership*

1. Application for membership of any group shall be made in writing to the Secretariat by electronic means.
2. Members shall pay their membership fee(s) annually.
3. Any new membership will come into effect at the start of the financial year of the Pelagic AC (17 August), provided that all the relevant conditions as outlined in these rules of procedure have been followed.
4. The Secretariat shall send invoices for membership fees in advance to the end of the Pelagic AC financial year (16 August), on the 1<sup>st</sup> of May at the latest.
5. Membership will be formalised when the payment is made by the member before the 1<sup>st</sup> of July. Non-payment of the fee(s) will lead to termination of the membership, and consequently, the member forfeits the right to vote or claim reimbursement of travel costs.

##### *4.2 Membership and Member State fees*

1. The membership fees have been fixed to the following annual amounts:
  - General Assembly: EUR 300.00
  - Working Group I: EUR 250.00
  - Working Group II: EUR 250.00
  - Working Group III: EUR 250.00
  - Executive Committee: EUR 100.00
2. The Member State fees have been fixed to the following annual amount:
  - EUR 3,500.00
3. Any changes to these amounts must be agreed by a two-third majority of the Executive Committee at least one year prior to the changes taking effect.





#### 4.3 Reimbursement rules

1. The Secretariat will facilitate the process of reimbursing members and invited experts with their travel costs, following the rules laid down in the rules of procedure.
2. Observers do not have the right to reimbursements, unless specifically agreed upon with the Secretariat in advance to the meeting (applicable to e.g. invited experts).
3. Reimbursement rates (e.g. for car mileage and per diem) have been set by the General Assembly and can be adjusted annually by a majority vote of the General Assembly, but will in no case exceed the rates as determined in the Commission's regulations.
4. When planning their travels, members can only claim economy fare airplane tickets up to EUR 700<sup>7</sup>, first and second class train tickets, car mileage as well as costs for buses or trains between the home location and the airport. These costs shall be reimbursed upon presentation of the receipt. Travel by taxi cannot be claimed for reimbursement.
5. A standard reimbursement sheet is available on the Pelagic AC website and must be sent to the Secretariat with original travel receipts attached, within one month following the meeting date at the latest.
6. With the reimbursement sheet, members can claim a per diem for subsistence costs at the location of the meeting independent of the travel expenses and for which no receipts need to be provided.
7. Reimbursement for (travel) costs for a specific meeting will be afforded to:
  - the Chairperson plus to one representative per member organisation.
  - one representative per General Assembly member organisation
  - one representative per Working Group member organisation
  - all members of the Executive Committee (or their alternates)
8. Membership of one Working Group does not give the organisation the right to claim reimbursement of costs for attending a meeting of the other Working Group.

#### **5. Amendments to the rules of procedure**

These Rules of Procedure shall be agreed by the Pelagic AC General Assembly. Any amendments to these Rules of Procedure 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.

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<sup>7</sup> Confirmed during ExCom 5 October 2012.





**Annex 1: Pelagic AC organisational structure**

