

Statutes for the Baltic Sea Regional Advisory Council

Name and remit

1. The Baltic Sea Regional Advisory Council (BS RAC)
2. For the purposes of the BS RAC the Baltic Sea shall consist of the ICES areas IIIb, IIIc and III d (the Baltic Sea). When considering stocks which migrate between the Baltic Sea and adjacent areas, the BS RAC's interests shall also extend to other areas adjacent to the Baltic Sea and shall involve liaison with RACs and other similar partnerships for these adjacent areas in accordance with Article 8 of Council Decision 2004/585/EC.

Statement of Objectives

3. The Baltic Sea Regional Advisory Council shall contribute to the achievement of the objectives of Article 2(1) in EC Regulation 2371/2002 concerning the EU Common Fisheries Policy:
 - ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions;
 - apply the precautionary approach in taking measures designed to protect and conserve living aquatic resources, to provide for their sustainable exploitation and to minimise the impact of fishing activities on marine eco-systems;
 - aim at a progressive implementation of an ecosystem-based approach to fisheries management; and
 - aim to contribute to efficient fishing activities within an economically viable and competitive fisheries and aquaculture industry, providing a fair standard of living for those who depend on fishing activities and taking into account the interests of consumers.
4. The objective of BS RAC is to prepare and provide advice on the management of the fisheries of the Baltic Sea on behalf of the fisheries sector and other interest groups in order to achieve a successful CFP. That advice shall be forwarded to the Fisheries Council of the European Community, the European Commission, individual Member States of the European Community, the European Parliament, the Commission's Advisory Committee on Fisheries and Aquaculture (ACFA), the International Council for Exploration of the Sea (ICES), the Helsinki Commission (HELCOM), and other bodies as decided by the BS RAC.
5. The BS RAC shall fulfil the role of a Regional Advisory Council (RAC) as described in Council Regulation (EC) No. 2371/2002 of the 20th December 2002, and Council Decision (EC) No. 585 of 19th July 2004, establishing Regional Advisory Councils under the Common Fisheries Policy.
6. The activities of the BS RAC shall be open and transparent. The BS RAC shall disseminate full and timely reports on all its activities to its members and others. Reports of each meeting of the General Assembly and Executive Committee will be placed on the BS RAC's website within 1 month of the meeting taking place. The General Assembly shall be open to the public. 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.

7. The BS RAC shall be an equal opportunities organization and shall not discriminate against membership on the grounds of race, gender or disability.

Operating principles

Powers

8. The BS RAC shall have powers to do all things necessary for the fulfilment of its objectives.
9. The BS RAC shall be established as a legal entity, in a form fully acceptable to the European Commission and Member States for fulfilling the role of a Regional Advisory Council and for receiving funding for that purpose.

Organization and Structure

10. The BS RAC shall consist of members, attending a General Assembly, which shall meet annually or more frequently as required, and an Executive Committee.
11. The General Assembly and the Executive Committee shall have separate Chairpersons.
12. In both the General Assembly and the Executive Committee two thirds of the seats shall be allotted to representatives of the fisheries sector and one third to representatives of the other interest groups affected by the Common Fisheries Policy.
13. The Executive Committee shall consist of up to 24 members, at least two thirds of which must be present for the Executive Committee to perform its full functions.
14. The General Assembly shall appoint the Executive Committee. Members of the Executive Committee of the Advisory Council shall consist of:
 - a. At least one representative of the catching sub-sector (ship-owners, small-scale fishermen, employed fishermen and producer organizations) from each of the concerned Member States.
 - b. Other representatives of the Baltic Sea fisheries sector (including shipowners, small-scale fishermen, employed fishermen, producer organisations as well as, amongst others, processors, traders and other market organisations and women's networks).
 - c. Representatives of other interest groups (including environmental organisations and groups, aquaculture producers, consumers and recreational or sport fishermen) affected by the Common Fisheries Policy.
15. Members of the Executive Committee shall be appointed by the organizations which they represent, which themselves will have been appointed for a three year period by the General Assembly. Any changes to the persons nominated as members by their

organization shall be made in advance of any meeting of the Executive Committee, in writing (letter, fax or e-mail), to the Secretariat and the Chairperson of the BS RAC.

16. Members of the Executive Committee shall behave in the best interests of the BS RAC to further the aims and objectives laid down in this document and shall be accountable to the General Assembly. They shall also have responsibilities to the organizations which nominated them and which they represent.
17. The Executive Committee shall exercise the powers of the BS RAC, decide upon general policy, direct its affairs, and be responsible for the preparation and forwarding of advice on Baltic Sea fisheries to the bodies defined in paragraph 4. The Executive Committee shall meet as appropriate, revolving its meetings between the concerned Member States.
18. The members of the Executive Committee shall, where possible, adopt recommendations by consensus. To take decisions, more than two thirds of the members shall be present. If consensus cannot be reached, dissenting opinions expressed by members shall be recorded in the recommendations adopted by the majority of the members present and voting. Upon receipt in writing of the recommendations the Commission and, where relevant, the concerned Member States shall reply precisely to them within a reasonable time period and, at the latest, within three months, as specified by the Council Decision 2004/585. If a vote is taken at Executive Committee Meetings, only members of the Executive Committee (excluding the Chairperson and Secretary) shall be entitled to vote.
19. In the event that rapid consultation of the BS RAC is required by the European Commission or another body then it shall be the responsibility of the Chairperson to establish quickly, by electronic or other means, the opinion of members of the Executive Committee and communicate these to the Commission.
20. Recommendations adopted by the Executive Committee shall be made available immediately to the members of the RAC, the Commission, concerned Member States, the European Parliament, ACFA, and, upon request, to any member of the public.
21. An annual General Assembly shall be organized by the Executive Committee and the Secretariat on behalf of the BS RAC.
22. Written notification shall be sent to all members and observers no later than five weeks before the annual General Assembly meeting or an Extraordinary General Assembly Meeting. No later than three weeks before the General Assembly meeting, an agenda, listing the business to be considered at the meeting, and relevant background documents shall be sent to all members and observers.
23. The Executive Committee shall prepare an annual report, an annual strategic plan and an annual budget to be approved by the members of the BS RAC at the General Assembly and forwarded to the Commission, Member States and the Advisory Committee on Fisheries and Aquaculture (ACFA). At the annual General Assembly, the Chairperson and the Secretary shall report to the BS RAC on the year's activities and present the annual accounts on behalf of the Executive Committee.

24. Decisions by the General Assembly shall in principle be decided by consensus, or if this cannot be achieved by a simple majority vote. If consensus cannot be reached, dissenting opinions can be noted to the minutes by request.
25. The BS RAC may establish advisory Working Groups, to assist the Executive Committee in its task of preparing advice. Working Groups must be appointed for a specific purpose and can be permanent or of a limited duration. Members of the Working Groups shall be appointed by the Executive Committee.

Members

26. Membership of the General Assembly of the Advisory Council shall be open to representatives from the fisheries sector and other interest groups, from the concerned Member States, which are affected by the Common Fisheries Policy in the Baltic Sea, as outlined in article 5 of the Council decision 2004/585 EC, and who support the objectives of the Advisory Council as set out in these rules of procedure and who are admitted to membership in accordance with paragraph 27 below.
27. European and national organisations, as well as regional and local organisations, representing the fisheries sector and other interest groups may propose members of the BS RAC to the concerned Member States. Initially, the concerned Member States shall agree on the members of the BS RAC. Subsequent applications for membership shall be made in writing to the Secretariat of the BS RAC. The final decision on membership shall be decided by common agreement between the concerned Member States.
28. Members of the BS RAC shall have the right to attend the General Assembly, nominate and appoint an Honorary Chairperson for the General Assembly, appoint for a three year period the Executive Committee and the Chairperson of the BS RAC.
29. Members of the General Assembly may comment upon the activities of the Executive Committee and raise issues of relevance to the BS RAC at the General Assembly or at any time through the Secretariat. Members shall also be able to express their views on relevant topics to the Executive Committee at the annual General Assembly.
30. If an organization terminates its membership of the General Assembly or Executive Committee, or does not pay its membership fee, then its nominated representative on either the General Assembly or Executive Committee loses the mandate to attend further meetings.
31. The Executive Committee of the BS RAC, in common agreement with the concerned Member States, may terminate the membership of any person or organization which in their opinion is no longer affected by the Common Fisheries Policy in the Baltic Sea or does not support the objectives of the BS RAC as laid out in these rules of procedure. The Commission shall be informed.

Invited participants and observers

32. At their meetings, members of the Executive Committee and the General Assembly may be assisted 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.
33. The Executive Committee has the right to invite representatives of the fisheries sector and other interest groups from third countries, including representatives from Regional Fisheries Organisations that have a fishing interest in the area or fisheries covered by BS RAC to participate in the BS RAC as active observers when issues which affect them are discussed.
34. Additional representatives of member organizations of the Executive Committee, representatives of each concerned Member State, the European Commission and the Advisory Committee on Fisheries and Aquaculture shall be permitted to attend Executive Committee meetings, as well as the General Assembly, as observers.
35. Active observers may be representatives of concerned Member States, the Commission, ACFA, IGOs such as HELCOM , as well as invited representatives of 3rd countries.
36. Active observers shall be allowed to speak and participate fully in discussions.
37. The RAC shall not be responsible for meeting the costs of attendance of observers. Observers shall not be entitled to vote.

The Office Bearers

38. The Office Bearers of the Advisory Council shall be:

The Honorary Chairperson of the General Assembly

To be nominated and elected by consensus amongst members of the General Assembly for a term of three years. The Chairperson of the General Assembly shall play an impartial role.

The Chairperson of the Baltic Sea RAC

To be appointed by consensus for a term of three years by members of the General Assembly amongst the membership of the General Assembly. The Chairperson shall play an impartial role, independent of the different interests represented in the Baltic Sea RAC. 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 organization which the Chairperson formerly represented. The Chairperson shall not have a vote.

The Vice Chairperson of the Baltic Sea RAC

To be appointed annually by members of the Executive Committee. The Vice-Chairperson shall be a member of the Executive Committee and shall have a vote.

The Secretary of the BS RAC

To be appointed by the Executive Committee to lead the Secretariat, with the annual approval of the Executive Committee, in the first instance for three years. The Secretary shall not have a vote.

The Secretariat

39. 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 BS RAC.
40. The Secretariat, guided by the Chairperson shall consolidate the principles for the operation of the BS RAC, and for resolving disputes.
41. The Secretariat, guided by the Chairperson of the BS RAC, may receive nominations for new members of the General Assembly. Final decision on membership shall be taken by the Member States concerned in accordance with point 27.
42. The Secretariat shall keep the accounts of the BS RAC 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 providers of funds. The Secretariat shall liaise with potential and actual funding sources to achieve funding of the BS RAC.
43. The Secretariat shall arrange meetings of the General Assembly, Executive Committee and Working Groups, and pay expenses, and make travel and accommodation arrangements where appropriate.
44. The Secretariat shall liaise with the Chairperson of the BS RAC, and the Chairmen of Working groups to produce timely and accurate reports on the BS RAC's activities.
45. To further the objects of the BS RAC, the Secretariat shall maintain a register of members.

Amendments to the Statutes

46. These Statutes shall be agreed between the BS RAC General Assembly and the concerned Member States. 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 General Assembly and must have the consent of the European Commission and concerned Member States. Any changes to the objectives and aims of the Baltic Sea RAC should also have the consent of the European Commission.

Dissolution

47. Dissolution of the BS RAC shall require a two-thirds majority of the members of the General Assembly.
48. After all debts and liabilities have been met and funding conditions satisfied any remaining assets shall be passed to an organization having similar objectives.

Initial rules of procedure

The rules of procedure contain instructions on the workings of the Executive Committee and the Secretariat, as well as a clarification of responsibilities shared between the Secretariat, the Chair of the BS RAC and the Executive Committee.

The Executive Committee shall have the power to change the rules of procedure as appropriate with the consent of the concerned Member States and of the European Commission.

Executive Committee

1. The Executive Committee shall be responsible for the organisation and management of the Secretariat. It shall also ensure that the accounting is conducted in a responsible manner and that the activities of the BS RAC are consistent with its purpose and statutes, as well as the decisions of the General Assembly.
2. Directly after the General Assembly, the Executive Committee shall meet to:
 - a) elect a Vice Chair
 - b) decide on the authorization to sign for the BS RAC (?)
3. The Executive Committee shall consider:
 - a) the annual report
 - b) the auditors report
 - c) the budget for next year
 - d) the strategic plan for next year
4. Invitation to meetings including a proposed agenda shall be sent out at least 4 weeks in advance.
5. The agenda, listing the business to be considered at the meeting and relevant documentation shall be sent out at least two weeks ahead of the meeting.
6. Meeting notes shall be prepared and circulated as soon as possible, and members shall have a chance to comment on the minutes.
7. On short-notice, rapid requests from the EU and others, members of the Executive Committee shall be notified by e-mail by the Secretariat and shall have a minimum of 3 days to respond.

Secretariat

1. The Secretariat shall maintain a website for the BS RAC.
2. The Secretariat may, with the approval of the Executive Committee:
 - a. employ and pay any person to supervise, organize and carry out the work of the BS RAC;
 - b. engage and pay fees to professional and technical advisors or consultants to assist in the work of the BS RAC;
 - c. bring together in conference and work in liaison with representatives of other organizations, concerned Member States, the European Commission, the European Parliament and other statutory authorities and individuals including the Advisory Committee on Fisheries and Aquaculture (ACFA);
 - d. promote and carry out or assist in promoting or carrying out research, surveys and investigations and where appropriate publish or disseminate the results;
 - e. arrange and provide for or join in arranging and providing for the holding of exhibitions, seminars and meetings;
 - f. 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 BS RAC;
 - g. purchase, take on lease, hire, or otherwise acquire any equipment or apparatus considered appropriate for the work of the BS RAC;
 - h. seek funds to pursue the objects of the BS RAC, and
 - i. do all other such lawful things as are incidental or conducive to the attainment of the objects of the BS RAC.

Division of responsibilities between the Executive Committee, the Chair and the Secretariat

1. The Executive Committee shall:
 - a) ensure that the Secretariat is run in accordance with the statutes of the BS RAC
 - b) ensure that decisions made at the General Assembly are realised
 - c) set up the Secretariat
 - d) appoint and dismiss the Secretary
 - e) follow the financial developments and make sure that the assets are used in an appropriate manner
2. All members of the Executive Committee bear equal responsibility for its work, unless otherwise decided.

3. If the Chair is unable to attend, the Vice Chair will step into his/her place. If neither the Chair nor the Vice Chair is able to attend, the meeting will be opened by a person appointed by the Chair and/or Vice Chair, and this person will carry out an election of Chair for that meeting.
4. The Chair shall:
 - a) lead the work of the Executive Committee and prepare for its meetings together with the Secretary
 - b) ensure that the members of the Executive Committee, through the Secretariat, continuously receives the information they need to be able to follow the work of the BS RAC, as well as its financial situation
 - c) deal with recruitment or dismissal of Secretariat staff, salaries and terms of employment
 - d) be responsible for the proper management of the BS RAC assets, as well as ensure that the accounting is done in accordance with appropriate rules and regulations
5. The Secretary shall:
 - a) be responsible for and lead the daily work of the BS RAC
 - b) lead the work of other staff in the Secretariat
 - c) be held responsible to the Executive Committee and, on request by the Chair, draft agendas for its meeting. The Secretary shall also ensure that meeting notes are taken and distributed after each meeting
 - d) draft budget proposals and be responsible for the financial accounting of the BS RAC and for arranging that the RAC appoints a certified auditor for the period during which it benefits from Community funds
 - e) ensure that any obligations, agreements, contracts or other legal obligations that the Secretariat makes are appropriate and fulfilled
 - f) supervise that the objectives, policies and strategies agreed by the General Assembly or the Executive Committee are followed and, if needed, propose updating and revision