

To ExCom 14/5/19 for info Annex 6

(Document sent to the General Assembly for discussion, approval and/or adoption)

Draft Amended Rules of Procedure for the Baltic Sea Advisory Council

NOTE from the Chair of the Focus Group 24th April 2019

This draft document contains the work that we have achieved so far in producing amended BSAC rules of procedure. The work started in a Focus Group in Copenhagen on 28th March 2019 and continued after that by written procedure. The Focus Group has worked constructively and in a good spirit of cooperation. This draft is the closest that we could get by way of consensus. There is, however, not agreement on all points. I look forward to presenting this document at the General Assembly meeting on 15th May 2019 and there will be room for discussion on all points. / Esben Sverdrup-Jensen

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General

1. The Baltic Sea Advisory Council, henceforth the BSAC, covers ICES areas IIIb, IIIc and III d (the Baltic Sea).
2. The BSAC fulfils the role and functioning of an Advisory Council, as described in the current EU-legislation¹.
3. The BSAC prepares and provides advice on the management of fisheries and the socio-economic and conservation aspects of fisheries of the Baltic Sea on behalf of the fisheries sector and other interest groups in order to achieve a successful implementation of the Common Fisheries Policy (CFP). The BSAC advice is communicated to the Fisheries

¹ Basic Regulation (Regulation 1380/2013): http://www.bsac.dk/getattachment/BSAC/About-the-BSAC/BR1380_2013UK.pdf.aspx?lang=en-GB
Commission Delegated Regulation 2015/242: http://www.bsac.dk/getattachment/BSAC/About-the-BSAC/DelAct2015_242.pdf.aspx?lang=en-GB, later amended by Commission Delegated Regulation 2017/1575

Council of the European Union, the European Commission, Member States of the European Union (BALTFISH), the European Parliament, the International Council for Exploration of the Sea (ICES), the Helsinki Commission (HELCOM) and other bodies decided by the BSAC.

4. The activities of the BSAC are open and transparent. The BSAC disseminates full and timely reports on all its activities to its members and to others. Meeting reports and advice are placed on the BSAC's website as soon as possible.
5. The BSAC is an equal opportunities organisation and does not discriminate on the grounds of race, gender or disability.
6. The BSAC maintains a personal data policy which is available on the website.
7. The BSAC operates as a legal entity, in a form acceptable to the European Commission and BALTFISH.

Organisation and Structure

8. The BSAC consists of its members, a General Assembly and an Executive Committee. It is assisted by a Secretariat and a Management Team².
9. On the General Assembly and the Executive Committee 60% of the seats are allotted to representatives of the fisheries sector and 40% to representatives of the other interest groups affected by the Common Fisheries Policy.

² Terms of reference of the Management Team: <http://www.bsac.dk/getattachment/BSAC/About-the-BSAC/ToFRManagementTeamBSAC.pdf.aspx?lang=en-GB>

10. The Office Bearers of the BSAC

The Honorary Chair of the General Assembly

is nominated and elected by consensus amongst members of the General Assembly for a term of three years and plays an impartial role.

The Chair of the Executive Committee

is appointed by consensus for a term of three years by members of the General Assembly amongst the membership of the General Assembly and plays an impartial role. If the Chair is elected from the members of the Executive Committee, a substitute member is nominated in writing by the organisation which the Chairperson formerly represented. The Chair does not have a vote.

Together with the Secretary, the Chair leads the work of the Executive Committee and prepares for its meetings. The Chair ensures that the members of the Executive Committee, through the Secretariat, continuously receive the information they need to be able to follow the work of the BSAC, as well as its financial situation. The Chair, assisted by the Management Team, deals with recruitment or dismissal of Secretariat staff, salaries and terms of employment and is responsible for the proper management of the BSAC assets and ensures that the accounting is done in accordance with appropriate rules and regulations.

The Vice Chair of the Executive Committee

is appointed by members of the Executive Committee for a term of three years. The Vice Chair is a member of the Executive Committee and has a vote.

The Secretary

is appointed by the Executive Committee to lead the Secretariat, with the annual approval of the Executive Committee, in the first instance for three years, and does not have a vote.

Under the guidance of the Executive Committee, the chair, vice chair and Management Team, the Secretary carries out the work necessary to ensure the efficient functioning of the BSAC.

The General Assembly

11. Membership of the General Assembly is open to representatives from the fisheries sector and other interest groups, from the Baltic Sea Member States, and who support the objectives of the BSAC.
12. European and national organisations, as well as regional and local organisations, representing the fisheries sector and other interest groups can propose members to the BSAC. Applications for membership must be made in writing to the Secretariat of the BSAC. Final decision on membership is decided by BALTFISH.
13. If an organisation ends its membership of the General Assembly or Executive Committee or does not pay its membership fee by the time the application for grant funding has been sent to the Commission, its nominated representative on the General Assembly and/or Executive Committee is given observer status.
14. Members of the BSAC attend the General Assembly, nominate and appoint an Honorary Chair for the General Assembly, and appoint for a three-year period the Executive Committee and the Chair of the Executive Committee.
15. Members comment on and approve the activities of the Executive Committee and raise issues of relevance to the BSAC.
16. An annual General Assembly is organised by the Executive Committee and the Secretariat on behalf of the BSAC. The General Assembly is open to the public.
17. Written notification is sent to all members and observers no later than five weeks before the annual General Assembly meeting or an Extraordinary General Assembly Meeting with an invitation to propose items to the agenda. 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 are sent to all members and observers. If interpreting is to be provided, a request from members must be given to the Secretary by a deadline set by the Secretariat. Web conference link will be provided where possible.

18. Decisions by the General Assembly are taken by consensus, or if this cannot be achieved, by a simple majority vote. Written mandates can be given to members taking part. The presence, including written mandates, of a majority of the members is required for any decision to be taken. Dissenting opinions will be noted in the minutes on request.

The Executive Committee

19. The Executive Committee members are appointed for a three-year period by the organisations which they represent on the General Assembly. The Secretariat must be informed of any changes to those nominated as members by their organisation.

20. The Executive Committee members must behave in the best interests of the BSAC to further the aims and objectives in this document and are accountable to the General Assembly.

21. The Executive Committee meets as appropriate. The meetings are open to the public unless, in exceptional cases, decided otherwise by a majority of the Executive Committee.

22. The Executive Committee is responsible for, amongst other things:

- general policy
- the advice and recommendations
- the annual financial statement and report
- the auditor's report
- the draft estimated expenditure for next year
- the draft work programme for next year
- the organisation and management of the Secretariat
- that the BSAC activities conform to the rules of procedure

23. The Executive Committee adopts, where possible, recommendations by consensus. Written mandates can be given to members taking part. The presence, including written mandates, of a majority of the members is required for any decision to be taken.

24. If consensus cannot be reached, dissenting opinions expressed by members are recorded in the recommendations adopted. The European Commission and BALTFISH reply to recommendations within a reasonable time period and, at the latest, within two months. If a vote is taken, only members of the Executive Committee are entitled to vote.

25. If decisions cannot be taken at Executive Committee meetings, they can be taken by email. Members of the Executive Committee will be informed by email and given a maximum of 10 working days to provide input on or give approval to the draft advice.

26. If rapid consultation of the BSAC is required by the European Commission, BALTFISH or another body of similar standing, the Chair and Vice Chair will decide whether to adopt a fast track process. If so, the Chair and Vice Chair will carry this out in co-ordination with the Secretariat.

27. The Executive Committee can establish Working Groups or Focus Groups to assist the Executive Committee in its task of preparing advice. They must be appointed for a specific purpose and can be permanent or of a limited duration. The Chair of each Working Group is appointed by the Executive Committee for a renewable term of 3 years, but not for more than 3 terms.

28. The Executive Committee, in agreement with BALTFISH, can terminate the membership of any person or organisation which is no longer affected by the Common Fisheries Policy in the Baltic Sea or does not support the objectives of the BSAC. The Commission will be informed.

29. Invitation to meetings, including a proposed agenda and opportunity to give input, are sent out at least four weeks in advance. The agenda, listing the business to be considered at the meeting and relevant documentation are sent out at least two weeks ahead of the meeting. If interpreting is to be provided, a request from members must be given to the Secretary by a deadline set by the Secretariat. Web conference link will be provided where possible.

30. Meeting notes will be prepared and circulated as soon as possible, and members will have a chance to comment with a deadline of a week.

31. If the Chair is unable to attend, the Vice Chair will deputise. 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 he/she will carry out an election of Chair for that meeting.

Invited participants and observers

32. The BSAC can be assisted by scientists from institutes of the Member States concerned or international bodies and other qualified scientists, invited to provide scientific, technical, economic, legal or other relevant advice. Experts do not vote.

33. The Executive Committee can 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 BSAC to participate in the BSAC as active observers when issues which affect them are discussed.

34. Representatives of member organizations of the Executive Committee, representatives of BALTFISH, the European Commission and HELCOM can attend Executive Committee meetings, as well as the General Assembly, as active observers.

35. Active observers can speak and participate fully in discussions.

36. The BSAC is not responsible for meeting the costs of observers. Observers do not vote.

Amendments to the Rules of Procedure

37. These Rules of Procedure are agreed by the BSAC General Assembly. Any amendments must be presented to members for comment at the Annual General Assembly and agreed by a two-thirds majority. They must have the consent of the European Commission.

Dissolution

38. Dissolution of the BSAC requires a two-thirds majority of the members of the General Assembly.

39. After all debts are paid, remaining assets will be distributed amongst the members of BALTFISH and the members of the BSAC.

DRAFT

Note: This section was added on 7th May 2019, for information, since this Annex 5 REV for the General Assembly was sent after all the documents were sent out.

To General Assembly Annex 5 REV

Note from Secretariat 7.5.19: Meeting documents were sent to the General Assembly on 24th April 2019. As for the document Annex 5, the Honorary chair and ExCom chair have gone through it found some mistakes or inconsistencies. Below, they propose some amendments. These are in the following Articles:

12, 14, 18, 23, 27, 28, 34 and 39.

The General Assembly is invited to review this REV version and the chairs will present the corrections at the meeting. Proposed amended wording is in **red**.

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Organisation and Structure

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25. The BSAC consists of its members, a General Assembly and an Executive Committee. It is assisted by a Secretariat and a Management Team⁴.

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Proposed amendment: replace **BALTFISH** by **the Baltic Member States**.

30. If an organisation ends its membership of the General Assembly or Executive Committee or does not pay its membership fee by the time the application for grant funding has been sent to the Commission, its nominated representative on the General Assembly and/or Executive Committee is given observer status.

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Proposed amendment: and appoint for a three-year period the Executive Committee, the Chair of the Executive Committee and the Honorary chair of the General Assembly.

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Proposed additional sentence number four: Written mandates can be given to members taking part and submitted to the Secretariat at least one week before the meeting.

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Proposed additional sentence: Written mandates can be given to members taking part and submitted to the Secretariat at least one week before the meeting.

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Correction: remove **but not for more than 3 terms** [Background: this proposal was made at the Extraordinary General Assembly on 6th November and it was rejected]

28. The Executive Committee, in agreement with BALTFISH, can terminate the membership of any person or organisation which is no longer affected by the Common Fisheries Policy in the Baltic Sea or does not support the objectives of the BSAC. The Commission will be informed.

Proposed amendment: replace **BALTFISH** by **the Baltic Member States**.

Proposed amendment: add **propose to the General Assembly to**

Thus: proposed fully corrected Article 28: **The Executive Committee, in agreement with the Baltic Member States, can propose to the General Assembly to terminate the membership of any person or organisation which is no longer affected by the Common Fisheries Policy in the Baltic Sea or does not support the objectives of the BSAC. The Commission will be informed.**

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Proposed amendment: Representatives of member organizations of the Executive Committee, representatives of BALTFISH, the European Commission, the European Parliament and other relevant bodies rest of sentence continued

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