

# **STATUTE OF THE MEDITERRANEAN ADVISORY COUNCIL (MEDAC)**

## **Article 1 – Name, registered office, and duration**

- 1.1 The non-profit Association, established pursuant to Commission Regulation (EU) No. 1380/2013 of the European Parliament and Council of 11 December 2013 on the Common Fisheries Policy, amending Regulations (EC) No. 1954/2003 and (EC) No. 1224/2009 of the Council and repealing Regulations (EC) No. 2371/2002 and (EC) No. 639/2004 of the Council, and Decision 2004/585/EC, is called: the Mediterranean Advisory Council (hereinafter MEDAC). The MEDAC is a body which pursues an aim of general European interest.
- 1.2 The Association has its registered office in Rome, Italy, and is therefore governed by Italian law; Constitution Articles 18, 39 and 49; Civil Code Articles 14, 16, 18, 36, 37, 38, 1332, 1393 and 1398; and related regulations on the functioning of associations.
- 1.3 The MEDAC has been established with an indefinite duration.

## **Article 2 – Objectives**

- 2.1 The MEDAC may:
  - a) submit recommendations and suggestions on matters concerning the management of fisheries and the socioeconomic and conservation aspects of fisheries and aquaculture to the Commission and to the Member State concerned, and, in particular, recommendations on how to simplify rules on fisheries management;
  - b) inform the Commission and Member States of problems relating to the management and the socioeconomic and conservation aspects of fisheries and, as necessary, of aquaculture in their geographical areas or fields of competence, and propose solutions to overcome those problems;
  - c) contribute, in close cooperation with scientists, to the collection, supply, and analysis of the data necessary for supporting decisions on conservation measures and drafting management plans.
- 2.2 When consulted on joint recommendations, under Article 18 (“regionalization”) of Basic Regulation No.1380/2013, the MEDAC may draft recommendations and suggestions aimed at improving the implementation of the European legislation in the Mediterranean for the relevant fishery undertakings and any other activity necessary for carrying out and achieving their objectives.
- 2.3 For the purposes of and in accordance with the MEDAC, the Mediterranean encompasses those waters of the Mediterranean Sea situated east of 5°36’ west longitude.
- 2.4 The MEDAC also has the authority to discuss the sustainable management of species shared with third countries, including the highly migratory species present in the Mediterranean Sea.

- 2.5 When issues are of common interest to other Advisory Councils, the MEDAC and the other Advisory Councils involved may coordinate their positions for the purpose of drafting joint recommendations.

### **Article 3 – Members**

- 3.1. European and national organizations representing the fisheries sector and any other stakeholder groups involved with the Common Fisheries Policy in the zone of interest may request to become members of the MEDAC. Applications for membership shall be sent in writing to the Secretariat of the MEDAC. The membership applications will then be transmitted to the relevant Member States for confirmation of the applicants' representativeness in compliance with Article 2, letter h) of Annex III of Basic Regulation No.1380/2013.
- 3.2. The member organizations shall comply with the Statute provisions, Internal Rules of Procedure, and any other provisions adopted by the MEDAC. In particular, member organizations shall punctually pay their respective membership fees by the established deadlines.
- 3.3 The MEDAC Executive Committee may, subject to consultation with the Member States concerned, terminate the membership of any organization that does not comply with the provisions stipulated in this Statute, or which acts in a manner contrary to the objectives of the MEDAC. Any member organization accused of breaching the Statute will have the right to express its opinion, defend its position, and be heard by the General Assembly. The European Commission shall be kept up to date on the relevant proceedings.

### **Article 4 – Organization bodies**

- 4.1. The MEDAC is made up of a General Assembly, an Executive Committee, a Chairmanship, and a Chairman, who is its legal representative.
- 4.2 In the Executive Committee and, insofar as is possible, in the General Assembly, 60% of the seats shall be allocated to representatives from the fisheries sector and 40% to representatives of other stakeholder groups (e.g. environmental organizations, consumer groups, recreational fishing, etc.) affected by the Common Fisheries Policy.
- 4.3 The 60-40 proportions shall be fully maintained for the Executive Committee, while for the General Assembly they are to be considered the goal to be achieved, while not excluding any organization that wishes to apply for MEDAC membership.
- 4.4 The General Assembly and the Executive Committee shall have the same Chairman.

### **Article 5 – Election of offices**

- 5.1 Every four years the Assembly meets to elect the following Association offices:
- the Chairman;
  - the Executive Committee members.

- 5.2 The Chairman's term of office may be renewed just one time, unless there are no other alternative candidates.
- 5.3 For the election of the Chairman, each voting member may express just one preference.
- 5.4 Once elected, the Chairman proposes an Assembly vote on 3 Vice Chairmen, representing 60%, and 2 Vice Chairmen, representing 40%. Within the framework of each representational area, the Vice Chairmen must be of different nationalities. If a consensus is not reached, the Chairman-elect proposes other, alternative candidates, until the election is successful.
- 5.5 If the Chairman or Vice Chairmen are representatives of international bodies, their nationality is not important.
- 5.6 In order to be considered quorate, the Chairmanship must be represented by the totality of the Vice Chairmen. In the case of absence and/or impediment of one of the members, the member concerned may designate a substitute to stand in for him and thus render the Chairmanship meeting quorate.
- 5.7 The Executive Committee is made up of 25 members, maintaining the proportions of 60% and 40% (15 and 10). The delegates to the Executive Committee are elected by the voting Assembly broken down by interest group: the representatives of the 60% propose their delegates to the Executive Committee on the basis of the seats assignable to them, and the representatives of the 40% will do likewise. After consultation with the EC, the General Assembly may decide, at the Chairman's proposal, to appoint an Executive Committee of up to 30 members to ensure adequate representation of small-scale fisheries; the members shall include at least one representative of the catching sector from each Member State.
- 5.8 The Secretariat is responsible for all preparations for the elections, gathering the proposed candidatures for Chairman, handling the circulation of the names, and preparing the material necessary for voting, in accordance with the indications provided in this Statute.

## **Article 6 – Candidatures**

- 6.1 In order to be considered as a candidate for Chairman of the MEDAC, a formal candidature must be presented and undersigned by the candidate in question. In order to be admissible, the candidatures must be sent to the Secretariat in writing by the 20<sup>th</sup> day before the elective Assembly is due to be held. The list of the candidatures will be sent to all the General Assembly members within 15 days before the date of the elective Assembly. Candidates running for the office of Chairman shall include a copy of the programme they intend to carry out during their term of office if elected.
- 6.2 The admission or rejection of one or more candidatures for Chairman may be challenged by means of a written appeal that must be presented to the Secretariat by and no later than 10 days before the date of the elective Assembly.
- 6.3 Once the list of candidates for the office of Chairman has been decided, the Secretariat will prepare the voting slips with the names of the candidates, listed in alphabetical order and with indication of the names of the associations to which they belong.

- 6.4 The individual candidatures for the office of Vice Chairman and/or Executive Committee member may be presented once the outcome of the election of the Chairman is known.

#### **Article 7 – Announcement of election results**

- 7.1 Once all the votes have been counted and the relative checks have been made, the Elective Assembly Chairman announces those elected on the basis of the election results.

#### **Article 8 - Communication to the Authorities**

- 8.1 The makeup of the new MEDAC bodies, with the respective offices, must be communicated by the Chairman to the Authorities and organizations which require this information by law or to which such notification may be advisable.

#### **Article 9 – General Assembly**

- 9.1 The General Assembly is made up of all the member organizations belonging to the MEDAC.
- 9.2 It meets at least once a year within two months from the end of the year to approve the budget, whenever deemed necessary, or when a justified request is made by at least one third of the members.
- 9.3 The Chairman does not have the right to vote and shall carry out his/her mandate with complete impartiality. The General Assembly has the power to revoke the Chairman's and Vice Chairmen's mandate before its natural conclusion if he/she does not carry out his/her duties adequately as envisaged in this Statute.
- 9.4 The procedures to revoke the Chairman's and Vice Chairmen's mandate will begin if requested by at least one third of the MEDAC members to the General Assembly, which may decide on the possible revocation measure with the qualified majority of two thirds of the members present and voting, and afterwards convene the General Assembly once more to elect the new Chairman or Vice Chairmen.
- 9.5 The General Assembly examines and approves the Internal Rules of Procedure and examines and approves, after the Secretariat's presentation and the auditor's report on the previous year, the annual activity report and the financial statements of the MEDAC, as well as the annual strategic plan. It relieves the Secretariat of the responsibility for the accounting management.
- 9.6 The General Assembly supervises the functioning of the MEDAC and guides the Executive Committee's policies.
- 9.7 General Assembly members may delegate, in special cases, their voting rights to other members of the Assembly, provided they are from the same sector. A General Assembly member may not hold more than 2 voting proxies in addition to his/her own, with the exception of the Assembly held to amend the Association Statute, when they may hold up to 5 proxies.

- 9.8 Delegations of voting proxies will be communicated in writing to the Secretariat and Chairmanship at least three days prior to the voting date. The Secretariat will promptly inform the members of the General Assembly of said proxy delegations.

## **Article 10 – Executive Committee**

- 10.1 The Executive Committee carries on the work of the MEDAC in compliance with the guidelines established by the General Assembly, and adopts the final recommendations and suggestions drawn up by the working groups.
- 10.2 The Executive Committee members act in the best interests of the MEDAC to promote the interests and objectives as stated in this Statute, and are responsible for any single actions not agreed on before the General Assembly.
- 10.3 The Executive Committee members are elected by the General Assembly for a period of four years. Their term of office may be renewed. The delegates of the Executive Committee are designated by the organizations which they represent. Any replacements regarding the delegates to the Executive Committee designated by the member organizations, during their terms of office, shall be communicated in writing to the MEDAC Secretariat.
- 10.4 If an organization decides to withdraw from the General Assembly or from the Executive Committee, its representative to the General Assembly or Executive Committee shall also be considered withdrawn.
- 10.5 The meetings may take place alternatively in the different regions of the Member States represented in the MEDAC.
- 10.6 The Executive Committee shall appoint a certified auditor for the period during which the MEDAC receives EU financial assistance, as envisaged in item 2, letter q, of Annex III to Basic Regulation No. 1380/2013.
- 10.7 The members of the Executive Committee may, in exceptional circumstances, delegate their voting rights to other Executive Committee members, provided they are from the same sector. A member of the Executive Committee may not hold more than two voting proxies in addition to his/her own.

## **Article 11 – Working principles**

- 11.1 The meetings of the General Assembly and the Executive Committee are convened at least 15 days in advance – except for the elective General Assembly, which must be convened at least 60 days in advance – by a notice containing information on the agenda, place, date, and time of the first call; if the envisaged quorum is not reached for the first call, a second call must be scheduled for at least 24 (twenty-four) hours after the first. For the first call at least half plus one of the members with voting rights must be present, while for the second call a simple majority of those present and voting is sufficient to render the resolutions valid. The working documents to be approved shall be sent to the members of the General Assembly and the Executive Committee at least one week prior to the meeting, depending on length and complexity of said documents.

- 11.2 Insofar as is possible, the resolutions of the Executive Committee and the General Assembly are adopted by consensus. If a consensus is not possible, the dissenting opinions are recorded in the resolutions passed by the majority of the members present and voting.
- 11.3 The General Assembly and Executive Committee meetings are public. The meetings of the Executive Committee will be open to the public unless decided otherwise, in special cases, by a majority of the Executive Committee members.
- 11.4 All MEDAC meetings are recorded in a detailed report of proceedings to be distributed to all members well in advance of the following meetings.
- 11.5 Invitations to the meetings and agendas are sent to members and observers at least fifteen days prior to the date of the meeting.
- 11.6 MEDAC resolutions are passed with the maximum transparency. The recommendations and suggestions of the MEDAC are published on the MEDAC website and communicated immediately to the General Assembly, European institutions, Member States concerned, and any other party that requests them.
- 11.7 In the event the European Commission or any Member State presses, in cases of absolute urgency, for the MEDAC recommendation or suggestion, it is the responsibility of the Secretariat to inform the Executive Committee, initiating a written procedure to collect and formalize within at least 24 hours by any means, including electronic media, the recommendations and suggestions of the Executive Committee members, in order to communicate them to the European Commission.
- 11.8 The MEDAC shall take the necessary steps to keep in contact with the other Advisory Councils for any issue that may be identified as being of common interest. The MEDAC shall transmit a position previously agreed upon by the Executive Committee with the other Advisory Councils in order to adopt common recommendations on the issue in question.

## **Article 12 – Observers**

- 12.1 The meetings of the General Assembly, Executive Committee, and working groups may be attended, as active observers, by representatives from the European institutions, EFCA, STECF, and RFMOs (regional fisheries management organizations) for the region, from the national and regional governments of the Member States concerned, the fisheries sector, and other stakeholder groups from third countries.
- 12.2 Qualified scientists from national and international institutions may be invited to take part in the MEDAC proceedings.
- 12.3 The Advisory Council shall not bear any of the costs regarding the participation of the observers, unless decided otherwise by the Executive Committee.
- 12.4 Observers and outside experts have the right to speak and express opinions, but not to vote.

## **Article 13 – Secretariat**

- 13.1 The Secretariat, made up of an Executive Secretary and one or more Executive Assistants, appointed by the Executive Committee, carries out the instructions and orders of the Chairmanship and the Executive Committee; the functioning of the Secretariat is subject to their agreement, in order to facilitate the achievement of the MEDAC's objectives.
- 13.2 The Secretariat attends the meetings of the Executive Committee, the General Assembly, and the working groups, and reports on the activities of the MEDAC.
- 13.3 The Secretariat receives all membership applications sent by organizations to the General Assembly. It keeps an up-to-date official register of all MEDAC members.
- 13.4 The Secretariat, in agreement with the Chairmanship, calls and organizes the meetings of the General Assembly, the Executive Committee and the working groups; it is responsible for the financial management and logistical organization when necessary. It prepares the minutes and activity reports of the MEDAC and communicates its recommendations and suggestions to the bodies concerned.
- 13.5 The Secretariat manages the MEDAC accounts, while the Executive Committee prepares the accounting reports for the annual General Assembly. The Secretariat also sees to hiring, through a specific public selection process, a certified auditor (enrolled in the register of auditors); the Secretariat is also obliged to comply with the financial management conditions established by the financing parties and, in particular, by Council Regulation No. 966/2012 of 25 October 2012, which repeals Regulation No.1605/2002 (EC Euratom), and which establishes the finance regulation applicable for the EC general budget and by the grant agreement.
- 13.6 To facilitate achieving the MEDAC's objectives, the Secretariat may, subject to approval by the Executive Committee:
- hire and pay any kind of skilled personnel to coordinate, organize, and carry out the MEDAC's work;
  - hire and pay fees to professionals or technical consultants called to assist the MEDAC in its activities;
  - organize meetings and conferences and work in connection with representatives of other organizations, Member States concerned, European Commission, European Parliament, and other bodies with authority in the region, including the General Fisheries Commission for the Mediterranean (GFCM);
  - invite appropriate qualified experts to take part in the meetings that are of interest for the MEDAC and compatible with the MEDAC's objectives;
  - promote and conduct or collaborate in research, studies, and surveys and, where necessary, publish and distribute the results;
  - purchase, rent, lease, or obtain in any other way equipment or devices deemed useful for carrying on the MEDAC's activity;
  - seek financial aid in order to permit the MEDAC to pursue its objectives;
  - carry out any and all other activities, connected either directly or indirectly with the attainment of the MEDAC's objectives, or suitable for facilitating their achievement.
- 13.7 For every meeting, and in compliance with the decisions of the Executive Committee on the subject, the Secretariat has all the work-related documentation translated and organizes the interpreting service in the planned working languages.

## **Article 14 – Capital and finances**

- 14.1 The MEDAC is required to prepare the annual budget or financial statements referring to the calendar year (1<sup>st</sup> January – 31<sup>st</sup> December).
- 14.2 Financial resources consist of:
- a) the membership fund made up of fixed quotas among the participants, totalling € 20,000.00;
  - b) the membership fees determined annually by the Executive Committee;
  - c) the European Commission contribution, as envisaged in Art. 89 of EU Regulation No. 580/2014 on the European Maritime and Fisheries Fund;
  - d) contributions from the Member States;
  - e) donations.
- 14.3 The registered capital will only be returned after approval of the final financial statements for liquidation purposes, should there remain any surplus.
- 14.4 In the event of dissolution of the membership, limited to one member alone, the quota of capital will be returned only after approval of the financial statements for the year during which the withdrawal took place. During the same year, each of the remaining members will be requested to pay a proportional sum for the replenishment of the membership fund, amounting to a total of Euro 20,000.00.

## **Article 15 – Statute Amendments**

- 15.1 This Statute was agreed upon by the General Assembly, the European Commission, and the Member States concerned. Any amendments hereto shall be presented to the members of the Executive Committee for any comments and ratified by a two-thirds majority of the members present and voting at the General Assembly, and then approved by the European Commission and by the relevant Member States.

## **Article 16 – Dissolution**

- 16.1 The dissolution of the MEDAC shall be decided upon by a three-quarters majority of the members of the General Assembly.
- 16.2 After having honoured all outstanding debts, liabilities, and commitments, any remaining balance shall be transferred to an organization with similar purposes and objectives, after return of the capital to the members.

## **Article 17 – Reference Standards**

- 17.1 This Statute is completed with a set of Internal Rules of Procedure. For any matter not considered in this Statute and in the Internal Rules of Procedure, reference is to be made explicitly to the law provisions in effect and the EC regulations.