



Statutes for the North Western Waters Advisory Council 2021

Table of Contents

Legal Basis.....	1
Objective	3
Operating Principles.....	3
Organisation and Structure	3
General Assembly	3
Executive Committee.....	4
Working Groups.....	5
Ad hoc Groups.....	5
Members.....	5
Observers	6
Experts.....	6
Chairperson of the NWWAC.....	6
Vice Chairperson(s) of the Executive Committee.....	7
NWWAC Management Team.....	7
Secretariat of the NWWAC.....	7
Amendments of the Statutes.....	8
Dissolution.....	8

Legal Basis

- 1 The North Western Waters Advisory Council (NWWAC) was established in 2005 under the Common Fisheries Policy as the North Western Waters Regional Advisory Council as provided for in Articles 31 and 32 of European Council Regulation (EC) No. 2371/2002 of the 20th December 2002, *on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy* and subsequently implemented in Council Decision (EC) No. 585/2004 of 19 July 2004, *establishing Regional Advisory Councils under the CFP*. Further development of ACs took place in Regulation (EC) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, Part XI and Annex III. Implementation was laid down in the Commission Delegated Regulation (EC) 2015/242 of



- 9 October 2014, laying down detailed rules on the functioning of the Advisory Councils under the Common Fisheries Policy, amended by Commission Delegated Regulation 2017/1575.
- 2 The NWWAC statutes complement the provisions in Regulation 1380/2013 regarding tasks, composition, functioning and funding of the Advisory Councils, as well as the rules laid down in Commission Delegated Regulations 2015/242 and 2017/1575. All provisions included in these statutes are bound to these Regulations and must therefore be interpreted without prejudice thereof.
 - 3 The NWWAC is established as a legal entity in Ireland as North Western Waters Advisory Council Company Limited by Guarantee (NWWAC CLG) under Section 1190 of the Companies Act 2014, Ireland (Company Number 403877), in order to fulfil its role as an Advisory Council and for receiving funding for that purpose.
 - 4 The NWWAC is a stakeholder's organisation and in accordance with Article 45(1) of Regulation 1380/2013 composed of
 - (a) organisations representing the fisheries and, where appropriate, aquaculture operators, and representatives of the processing and marketing sectors;
 - (b) other interest groups (OIGs) affected by the CFP (e.g., environmental organisations and consumer groups).
 - 5 On behalf of its members the NWWAC may:
 - i. Submit recommendations and suggestions of their own accord or at the request of the Commission or Member States, on matters relating to fisheries management to the Commission or the Member States concerned;
 - ii. Give an opinion on Commission or Member State proposals on conservation and management dealing with a fishery relevant to the region concerned;
 - iii. Inform the Commission or the Member State concerned of problems relating to the implementation of Community rules and submit recommendations and suggestions, addressing such problems, to the Commission or the Member State concerned;
 - iv. Conduct any other activities necessary to fulfil their functions.
 - 6 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 NWWAC. Recommendations and suggestions shall also be made available on the NWWAC website and forwarded to any other bodies as decided by the NWWAC.
 - 7 The NWWAAC will operate within the context of the Common Fisheries Policy. The AC may also concern itself with wider activities in the marine environment, including marine spatial planning, dumping and dredging, oil and gas exploration and development, offshore wind



farms, conservation activities, marine protected areas and other factors, which might have impacts upon the fisheries and their management.

- 8 The NWWAC shall be an equal opportunities organisation and shall not discriminate against membership on the grounds of race, gender or disability.

Objective

- 9 The principal objective of the NWWAC is the contribution 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 and in particular to advise the Commission and the Member States on matters of fisheries management in respect of the North Western Waters. This advice (recommendations and suggestions) will incorporate the social, economic and environmental dimensions of fisheries as well as the Ecosystem Based Approach and Precautionary Approach to management and will be prepared with the general aim of attaining sustainable fisheries management.

Operating Principles

- 10 As prescribed in (EU) 1380/2013 Art. 45.2, the Advisory Council consists of a General Assembly and an Executive Committee, including, as appropriate, a Secretariat and Working Groups to deal with issues of regional cooperation pursuant to Article 18 of the CFP, and shall adopt the measures necessary for its functioning.

Organisation and Structure

General Assembly

- 11 The General Assembly is composed of all the members of the NWWAC.
- 12 60% of the seats of the General Assembly shall be allotted to representatives of the fisheries sector and 40% to representatives of the other interest groups affected by the Common Fisheries Policy, as defined in Article 1 of Council Decision 585/2004/EC.

The General Assembly shall:



- i. Approve the annual report, including the financial statements, the annual work programme and the budget for the next year
 - ii. Establish fees to be paid by members as proposed by the Executive Committee
 - iii. Approve the chair of the NWWAC and the members of the Executive Committee
 - iv. Approve changes of Statutes and amendments Rules of Procedure
 - v. Approve the dissolution of the NWWAC
- 13 Decisions of the General Assembly are valid when at least 50% of the members are present or represented by proxy as defined in Article 19 of these Statutes.
- 14 The members of the NWWAC General Assembly are the shareholders of the NWWAC CLG and responsible for appointing the company directors in accordance with the Irish Companies Act 2014.

Executive Committee

- 15 Members of the Executive Committee shall be appointed for a three-year period by the General Assembly. At least two thirds of the members must be present or represented by proxy as defined in Article 29, for the Executive Committee to perform its full function.
- 16 The Executive Committee shall exercise the powers of the NWWAC, decide upon general policy, direct its affairs and be responsible for the preparation and forwarding of advice to the appropriate bodies. All members of the Executive Committee bear equal responsibility for its work.
- 17 The Executive Committee of the NWWAC shall coordinate the day-to-day activities of the NWWAC and its Working Groups and shall be the final arbitrator of all advice and opinion issued by the NWWAC.
- 18 In the Executive Committee 60% of the seats shall be allotted to representatives of the fisheries sector and 40% to representatives of the other interest groups affected by the Common Fisheries Policy and in accordance with Commission Delegated Regulation (EU) 2017/1575. The Executive Committee is restricted in size to a maximum of 25 members.
- 19 The Executive Committee shall:
- i. Prepare the annual report
 - ii. Prepare the budget for the next financial year
 - iii. Prepare the work programme for the next year



- iv. Follow financial developments and ensure that assets are used in an appropriate manner
- v. Decide on budgetary arrangements
- vi. Launch the procedure for loss of membership as defined in Article 21 of the Rules of Procedure of the NWWAC.

Working Groups

- 20 The work of the North Western Waters Advisory Council is organised on the basis of one horizontal working group addressing issues and topics common to all fisheries in its remit area, and three, clearly defined, geographical sub-areas:
- Working Group 1 Irish Sea (ICES area 7a)
 - Working Group 2 Celtic Sea & West of Scotland (ICES areas 6 and 7 (except a, d and e))
 - Working Group 3 English Channel (ICES areas 7d and 7e)
- 21 These arrangements shall not preclude any changes to the areas coverage of the working groups, the establishment of additional single or multiple issues focus groups, or any other sub-groups, as determined by the Executive Committee.
- 22 Working Groups established by the NWWAC General Assembly will report directly to the Executive Committee.

Ad hoc Groups

- 23 The Executive Committee may decide to establish Ad Hoc Groups (such as Focus Groups and Advice Drafting Groups) to assist the Working Groups in preparing recommendations and suggestions. Ad Hoc Groups may be appointed for a specific purpose for a limited duration or may have a permanent character.

Members

- 24 Membership of the General Assembly of the NWWAC shall be open to organisations from the fisheries sector and other interest groups (OIG) affected by the Common Fisheries Policy in the North Western Waters, as outlined in article 45.1 of Regulation (EU) No 1380/2013 and who support the objectives of the NWWAC.



- 25 Member organisations are hereafter referred to as “members” of the NWWAC.
- 26 Members of the NWWAC shall have the right to attend the General Assembly, make nominations for membership of the Executive Committee and approve the AC chairmanship.
- 27 Members of the NWWAC may comment upon the activities of the Executive Committee and raise issues of relevance to the NWWAC at the General Assembly or at any time through the Secretariat.
- 28 A proxy shall be the authorisation from one member to another to represent their voting rights at a meeting. The member appointed must be physically present. Proxies are limited to one per member and need to be submitted to the Secretariat in writing prior to the start of a General Assembly or Working Group meeting, and 48 hours prior to a meeting of the Executive Committee.

Observers

- 29 Observers may attend NWWAC meetings in accordance with the provisions of the NWWAC Rules of Procedure.

Experts

- 30 At the discretion of the Chairperson, and where the budget allows, the NWWAC may invite to its meetings scientists and/or technical experts from national and regional institutes or international bodies and other qualified scientists, academics or economists to assist in the work of the AC.

Chairperson of the NWWAC

- 31 The Chairperson of the NWAAC shall be selected by the NWWAC Executive Committee and approved by the General Assembly for a (renewable) term of three years. The Chairperson shall play an impartial role, independent of the different interests represented in the NWWAC
- i. The Chairperson of the NWWAC will chair meetings of the Executive Committee and of the annual General Assembly.



- ii. The Chairperson of the NWWAC will speak for the NWWAC and will be responsible for liaison with Member States, the European Commission, and the wider public and media (alone or with the assistance of the NWWAC Vice-Chairs and the Secretariat) on all matters pertaining to the day-to-day workings of the NWWAC, its Executive Committee and Working Groups.
 - iii. The Chairperson of the NWWAC will be responsible for liaison with the Secretariat on all matters of governance and all matters pertaining to the day-to-day services to the NWWAC, its Executive Committee and Working Groups.
 - iv. The Chairperson of the NWWAC will report annually to the General Assembly of the NWWAC.
- 32 If the case arises that the members of the General Assembly do not approve the candidate selected by the Executive Committee, the members of the General Assembly must agree on and put forward another suitable candidate within two weeks of this decision.

Vice Chairperson(s) of the Executive Committee

- 33 Three members, two nominated from within the industry college and one nominated from within the OIG college, shall be appointed by the members of the Executive Committee for a (renewable) term of three years.

NWWAC Management Team

- 34 The NWWAC Management Team consists of:
- i. Chairperson of the Executive Committee
 - ii. Three Vice-Chairs of the Executive Committee
 - iii. Executive Secretary and Deputy Executive Secretary of the NWWAC
- 35 The NWWAC Management Team shall only deal with administrative, management and operational matters as outlined in the NWWAC Rules of Procedure.

Secretariat of the NWWAC

- 36 The Secretariat of the NWWAC shall be established as part of the NWWAC CLG and employ the team in accordance with Irish employment law as long as the NWWAC is established in Ireland.



- 37 The Secretariat shall act impartially and without bias in furthering the objectives of the NWWAC.
- 38 Guided by the NWWAC Management Team, the Secretariat shall be responsible for and lead the daily work of the NWWAC as outlined in the NWWAC Rules of Procedure.

Amendments of the Statutes

- 39 These Statutes were updated and approved by the General Assembly on 01 July 2021. Any amendments must be presented to the members at the Annual General Assembly for comment and agreed by simple majority.

Dissolution

- 40 Dissolution of the NWWAC shall require a two-thirds majority of the members of the General Assembly.
- 41 After all debts and liabilities have been met and funding conditions satisfied any remaining assets shall be passed to an organisation having similar objectives.