

Statutes for the Market Advisory Council

Name and remit

1. Name: Market Advisory Council (MAC)

2. This MAC is established under Regulation 1380/2013, Article 43 and Annex III.

3. The MAC statutes complement the provisions in Regulation 1380/2013 as regards tasks, composition, functioning and funding of ACs, as well as the rules laid down in Commission Delegated Regulation 2015/242. All provisions included in these statutes are bound to these Regulations and must therefore be interpreted without prejudice thereof.

4. The market of fishery and aquaculture products comprises the whole value chain (primary producers [catching, aquaculture], traders, exporters, importers to/from third countries, processors, wholesalers, distributors, retailers), and consumers as well as other interest groups affected by the CFP (environmental or development non-governmental organisations, consumer organisations, etc.).

5. The MAC is a stakeholders' organisation promoting balanced representation of all interests in accordance with article 45(2) of Regulation 1380/2013. In particular,

(a) it will submit recommendations and suggestions on matters related to the market of fishery and aquaculture products on behalf of the whole value chain (primary producers - catching, aquaculture-, traders, exporters, importers to/from third countries, processors, wholesalers, distributors, retailers), and consumers as well as other interest groups affected by the CFP and CMO (environmental or development non-governmental organisations, consumer organisations, etc.);

(b) it will inform the Commission and Member States of problems in its field of competence and propose solutions to overcome those problems;

(c) it will contribute, in close cooperation with scientists, to the collection, supply and analysis of data necessary for the development of conservation measures;

(d) more generally, it will provide input (including knowledge and experience of all stakeholders) with the aim to contribute to the objectives set out in Article 2 of Regulation 1380/2013 and to the CMO objectives laid down in Article 35 of Regulation 1380/2013.

6. The MAC may provide its advice to the European Commission, the European Parliament, the Committee of the Regions, the European Economic and Social Committee, one or several European Union Member States and any other relevant stakeholder whenever it is relevant for the EU market of fishery and aquaculture products and within the tasks defined in Article 44 of Regulation (EU) No 1380/2013.

Operating principles

Organization and Structure

7. The MAC shall consist of members of the General Assembly that will meet annually, an Executive Committee, working groups and focus groups, as appropriate, and shall be supported by a Secretariat.

General Assembly

8. The General Assembly shall:

- a) approve the annual report, including the financial statements, the annual strategic plan and the budget for the next year;
- b) establish fees to be paid by members as proposed by the Executive Committee;
- c) elect the chair of the MAC and the members of the Executive Committee;
- d) approve sale or disposal of assets of the MAC;
- e) approve changes of Statutes and amendments Rules of Procedure;
- f) approve dissolution of the MAC;
- g) at proposal of the Executive Committee launch the procedure for loss of membership as defined in Article 14 of the Statutes of the MAC.

9. Decisions of the General Assembly are valid when at least 50% of the members are present or represented by proxy as defined in Article 20 of these Statutes.

Executive Committee

10. Members of the Executive Committee will 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 20, for the Executive Committee to perform its full function.

11. The Executive Committee shall exercise the powers of the MAC, decide upon general policy, direct its affairs and be responsible for the preparation and forwarding of advice on markets to the appropriate bodies.

12. The Executive Committee shall be responsible for the organisation and management of the Secretariat, except those responsibilities resting with the General Assembly exclusively. It shall also ensure that the accounting is conducted in a responsible manner and that the activities of the MAC are consistent with its purpose and statutes, as well as the decisions of the General Assembly.

13. The Executive Committee shall prepare:

- a) the annual report;
- b) the budget for the next year;
- c) the strategic plan for the next year.

14. The Executive Committee shall consider the auditors' report.

15. The Executive Committee shall:
- a) ensure that decisions made at the General Assembly are realised;
 - b) set up the Secretariat;
 - c) ensure that the Secretariat is run in accordance with the statutes of the MAC;
 - d) appoint and dismiss the Secretariat, and approve the salaries of its members;
 - e) follow financial developments and ensure that assets are used in an appropriate manner;
 - f) decide on budgetary arrangements, reimbursements, etc.;
 - g) adopt formal recommendations / proposed expulsion of Members / changes in headquarters.
16. All members of the Executive Committee bear equal responsibility for its work.

Members

17. Members of the MAC shall have the right to attend the General Assembly, make nominations and appointments of chairmanship.
18. Members of the General Assembly may comment upon the activities of the Executive Committee and raise issues of relevance to the MAC at the General Assembly or at any time through the Secretariat.
19. Each member may freely delegate its representation at the General Assembly, but if more than one person attends for the member, only one of them will be allowed to vote.
20. 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 the meeting.
21. The Executive Committee may propose to the General Assembly, in agreement with the Member States, to terminate the membership of any person or organization if they are not contributing to the objectives of the MAC or comply with its obligations. The Commission shall be informed. The Executive Committee will propose to the General Assembly to launch the procedure to expel a member. The procedure shall involve a hearing with the organization concerned and obtaining the consent of the Member States concerned.
22. If an organization terminates its membership of the General Assembly or Executive Committee, or its membership is terminated according to Article 28, then its nominated representative on either the General Assembly or Executive Committee loses the mandate to attend further meetings of that body.

Office Bearers

23. Decision on chairmanship shall be taken by the General Assembly.
24. Chairmanship of both the General Assembly and Executive Committee of the MAC: 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 MAC. 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 European organisation which the Chairperson formerly represented. The Chairperson shall not have a vote except in budgetary matters.

25. Vice-Chairmanship of both the General Assembly and Executive Committee of the MAC: 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.

26. Secretariat of the MAC: The Secretariat shall be appointed for an agreed term, in the first instance for three years, by the Executive Committee and shall act impartially and without bias in furthering the objectives of the MAC.

27. The Secretariat shall be responsible for and lead the daily work of the MAC.

28. The Secretariat, guided by the Chairperson of the MAC, receives nominations for new members of the General Assembly. The Executive Committee shall endorse any such nominations and present them to the General Assembly and to the Member States concerned in line with the article 2(h) of Annex III of regulation 1380/2013.

29. The Secretariat shall keep the accounts of the MAC 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 factual funding sources to achieve funding of the MAC.

Working Groups

30. The Executive Committee may establish Working Groups or Focus Groups in order to facilitate its work. The creation of each Working Group or Focus Group shall be decided by resolution of the Executive Committee.

Invited participants and observers

31. The Executive Committee has the right to invite representatives of the fisheries sector and other interest groups from within the European Union or from third countries to participate in the MAC as “observers” or “active observers”, as appropriate, when issues that affect them are discussed. Representatives so invited will be advised of their status prior to the meeting.

Amendments to the Statutes

32. 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 have to be consulted with the European Commission.

Dissolution

33. Dissolution of the MAC shall require a two-thirds majority of the members of the General Assembly and shall be treated according to national law.