

EUROPEAN FISHERIES CONTROL AGENCY

CONSOLIDATED VERSION OF THE RULES OF PROCEDURE OF THE ADMINISTRATIVE BOARD OF THE EUROPEAN FISHERIES CONTROL AGENCY

**(including the amendments adopted at the 6th, 17th and 22nd meeting of the
Administrative Board on 17 October 2007, 10 October 2012 and 5 March 2015
respectively)**

Having regard to Council Regulation (EC) No 768/2005¹ of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy, hereafter called “the Regulation”; and in particular its article 23.2.g

In order for the Administrative Board, hereafter called the “Board”, to ensure that the Agency carries out its mission and performs the task assigned to it under the conditions laid down in the Regulation, the following rules of procedure are adopted.

Article 1 **Membership**

1. The duration of the term of office for each member, as set by article 24.3 of the Regulation, is 5 years. This term of office may be renewed.
2. Each Member shall have an alternate member nominated by the Member State or the European Commission, as appropriate, in accordance with Article 24.1 of the Regulation.

Article 2 **Chairmanship**

1. In line with article 25 and 27 of the Regulation, the Board shall elect a Chairperson and a Deputy-Chairperson from among its Members. The Chairperson shall be elected from among the Commission representatives. The term of office of the Chairperson and the Deputy Chairperson will be of three years and shall expire when they cease to be members of the Board. The terms of office shall be renewable once.
2. The Deputy Chairperson shall automatically take the place of the Chairperson if he/she is prevented from attending to his/her duties.

¹ Official Journal L 128/1 of 21.5.2005

3. The first election of the Chairperson shall take place after the Board adopts its Rules of Procedure. The election of his/her successor shall take place at a meeting of the Board convened by the outgoing Chairperson at least two months before the end of his or her term.
4. If the office of Chairperson or Deputy Chairperson falls vacant, a new Chairperson or Deputy Chairperson shall be elected at the next available ordinary meeting of the Administrative Board and in no case later than six months after the vacancy occurred. The member then elected shall serve as Chairperson or Deputy Chairperson for the remainder of his predecessor's term or until the end of his membership of the Administrative Board, whichever is the earlier.
5. The Chairperson shall be the spokesperson of the Board, and may delegate some of his/her tasks to the Deputy Chairperson.
6. The terms of office of Chairpersons and Deputy Chairpersons shall begin on the first day after their predecessors' terms of office.
7. If both the Chairperson and the Deputy Chairperson are absent or unable to attend a meeting, the meeting shall be chaired by the longest serving member or, in the event of equal length of service, the oldest of the longest serving members.

Article 3
Election of the Chair

Election shall take place in accordance with the following procedure :

- Where there is a single candidate or where the other candidates withdraw, leaving a single candidate, that candidate shall be elected provided that he or she receives a majority of the members with the right to vote.
- Where there are only two candidates, the candidate that receives a majority of the members with the right to vote is elected. If both candidates receive the same number of votes, the person chairing the election process shall invite additional new names to stand as candidates and move to the next election round. If there are no additional names, the person chairing the election process shall repeat a vote until a candidate is elected.
- Where there are three or more candidates, the candidate who receives a majority of the members with the right to vote shall be elected. If none of the candidates receive a majority of the members with the right to vote, the candidate who obtained the lowest number of votes is eliminated and the others go forward to another ballot. The process is repeated until the two candidates who obtain the highest number of votes are selected. The procedure described in para II. shall then apply.

After having elected the Chairperson, the Board shall elect a Deputy Chairperson following the same procedure.

Article 4
Attendance of Meetings

1. Members should attend all meetings of the Board and when this is not possible, alternates should attend in their stead. Both members and alternates may participate together at meetings, but, in these cases, only members have the right to vote.
2. Each member might be represented at the meetings by another member, provided that written authorisation from the absent member is submitted to the Chairperson. A Member may represent a maximum of one other Member.
3. The Board, acting on a proposal from the Executive Director, may authorise experts and persons whose opinion can be of interest, to attend Board meetings as observers without any voting rights for the item or items for which their presence is required. The members of the Board will be informed of the names and qualifications of observers through the agenda of the meeting.
4. Representatives of third countries may be invited by the Board to attend Board Meetings under the terms and conditions specified by the Board.
5. Any one member present at a meeting or the Executive Director may request that the Chairperson shall restrict the meeting to a closed session by requiring all persons to leave the meeting with the exception of the members of the Board. Following an explanation by the member requesting the closed session, the Board shall decide whether:
 - To consider the matter in closed session;
 - To consider the matter in an extended closed session with the inclusion of such additional persons as the Board may decide; or
 - To consider the matter under normal meeting arrangements.
6. The Executive Director and the representative appointed by the Advisory Board shall take part in the deliberations without the right to vote.

Article 5
The convening of meetings

1. In accordance with Article 26 of the Regulation, meetings of the Board shall be convened by its chairperson, and the board shall hold an ordinary meeting at least once a year. It shall also hold meetings at the instance of the Chairperson, or at the request of at least a third of the members with right to vote, or at the request of the Commission.
2. Subject to paragraphs 3 and 4, the notice of convocation of a meeting of the Board, signed by the Chairperson, shall be transmitted no later than two weeks before the date of the meeting. The draft Agenda shall simultaneously be sent to all members together with relevant material for decision making.

3. When the Board is to meet at the request of at least one third of the members, the Chairperson shall convene a meeting to take place within six weeks of receipt of the request, or two weeks in urgent cases.
4. When the Board is convened to deliberate on a matter of urgency, the notice of convocation and the provisional agenda signed by the Chairperson shall be transmitted to members no later than one week before the date of the meeting.
5. If working documents are transmitted to the members outside the time-limits specified in points 2 and 4, no decision shall be taken on the question to which it relates, unless the Board decides otherwise.
6. The ordinary Board meetings shall normally be held at the Agency's premises, or at another venue in Vigo. However, whenever circumstances require, and provided no more than one third of the members object, the Chairperson may change the date and/or the agreed place of a meeting of the Board. Notification of such change or changes shall be given to members no later than three weeks before the original or revised date of the start of the meeting, whichever is the earlier.

Article 6
Agenda

1. A provisional agenda shall be drawn up by the Chairperson. It shall contain, in addition to those items whose inclusion is requested by a member, any item whose inclusion is requested by the Executive Director.
2. Without prejudice to paragraph 4 of Article 5 of these Rules, items to be addressed on the provisional agenda shall be submitted to the Chairperson not less than six weeks before the date of the start of the meeting.
3. Any request by one or more members for inclusion, deletion or substitution of an item on the agenda shall state the reasons on which it is based. The Chair shall bring any such request to the notice of the other members.
4. The agenda shall be adopted at the beginning of each meeting.
5. If the Board so decides, urgent questions may be added to the agenda at any time prior to the end of the meeting, and item on the agenda may be deleted or carried over to a subsequent meeting.

Article 7
Quorum

At least two thirds of all members of the Board with the right to vote shall constitute the necessary quorum for the meeting to be valid. For purposes of achieving the quorum, alternates or proxy holders are considered as members having the right to vote on behalf of the member they represent.

Article 8
Voting procedures

1. Unless otherwise provided, the Board shall take its decisions by a majority of Members with the right to vote. A two-thirds majority of members with the right to vote is required for:
 - Adoption of the Internal Rules of Procedure of the Administrative Board;
 - Appointment and the removal of the Executive Director.
2. For voting purposes the number of Members of the Board is that of the members entitled to cast a vote, present or not.
3. In addition to his/her own vote, each voting member may cast one vote that he/she has received by proxy. The proxy shall be notified to the Chairperson at the beginning of the meeting.
4. Unless a secret ballot is requested by at least one-third of the members with the right to vote, votes shall be taken by show of hands.
5. Unless the Board unanimously decides differently, the Chairperson, the Deputy Chairperson and the Executive Director shall be respectively elected and appointed or removed by secret ballot.
6. For each and every decision adopted by the Board, the result, along with the numbers of votes cast, shall be recorded. A statement of the views of the minority may be entered in the minutes along with the decision, if the minority so requests.
7. The Chairperson may authorise a member to speak briefly in explanation of a vote he or she has cast.

Article 9
Decisions by written procedures

1. Without prejudice to Articles 3, 7 and 8 of these Rules, decisions of the Board may be taken by written procedure, on a proposal from the Chairperson, provided that no more than one third of the members with the right to vote object.
2. A proposal for a decision taken by written procedure shall not be subject to amendment; it shall be approved or rejected in its entirety. A proposal is adopted when it has gathered an absolute majority of votes.
3. Notwithstanding the provisions in paragraphs 1 and 2 of this article, in exceptional cases, where a decision of the Board is needed in an emergency situation, documents and information may be transmitted and votes cast by the quickest available means which are acceptable to members.
4. The result of a written procedure will be notified without delay to the Board Members.

Article 10
Appointment and removal of the Executive Director

1. In accordance with Article 30 of the Regulation, the Board shall appoint the Executive Director and shall have the power to remove him or her from office.
2. The selection of the Executive Director out of the list of candidates proposed by the Commission shall take place in accordance with the following procedure:
 - 2.1. Where there are only two candidates, the candidate that receives a two thirds majority of the members with the right to vote is selected. If none of the candidates receives the required majority of votes, the chairperson will invite the members to participate in up to a maximum of three additional ballots.
 - 2.2. If, as a result of the last ballot, one of the candidates receives the required majority, he or she shall be elected. Otherwise, the Board shall immediately decide on the measures to be taken to overcome this situation, including the possibility of republishing the open competition for the post.
 - 2.3. Where there are more than two candidates, in each and every ballot, the candidate who receives the required majority of the votes shall be elected. If none of the candidates receive the majority of the votes, the candidate who obtained the lowest number of votes is eliminated and the others go forward to another ballot. The process is repeated until the two candidates who obtain the highest number of votes are selected. The procedure described in sub-paragraph 2.1 shall then apply.

Article 11
Transmission of documents

1. Regarding public access to documents and minutes of the Board meetings, the provisions laid down by the Regulation (EC) n° 1049/2001 concerning the public access to European Parliament, Council and Commission documents, shall apply.
2. Minutes of the Board meetings shall include the list of participants and an abstract of the proceedings.
3. On request of a member or his or her alternate, the numbers of votes cast at each decision as well as associated vote-statements shall be recorded.
4. The chairperson shall make use of the quickest available means, which are acceptable to members, to circulate the draft minutes and an abstract of proceedings. Members of the board are then requested to reply within a maximum of two weeks.
5. Once approved, the minutes shall be signed by the Chairperson and the signed copy of the minutes shall be kept in the archives of the Agency. Whenever applicable, records of number of votes and related statements shall also be kept together with the relevant minutes in the archives of the Agency.

6. In accordance with the practical arrangements set out in the Agency's rules of operation to implement Article 32 of the Regulation and after being approved by the Board, the abstract of the proceedings of the Board meetings shall be made public notably through the website of the Agency.

Article 12
Confidentiality

In accordance with practical arrangements set out in the Agency's rules of operation, the members of the Administrative Board shall sign a written declaration of compliance with the rules of confidentiality set out in Article 33 of the Regulation.

Article 13
Language regime

The Board shall decide the working language at meetings, for the minutes and for the correspondence with the members of the Board.

Article 14
Reimbursement of expenses

1. All travel and subsistence expenses incurred by the Board members and the representative appointed by the Advisory Board in connection with meetings relating to Board business and activities shall be paid by the Agency in accordance with Annex VII of the Staff Regulations of Officials and the conditions of employment of other servants of the European Communities.

If stated in the invitation, all travel and subsistence expenses incurred by observers and experts in connection with meetings relating to Board business and activities shall be paid by the Agency in accordance with Annex VII of the Staff Regulations of Officials and the conditions of employment of other servants of the European Communities.

2. Expenses incurred by alternate members relating to Board meetings shall be paid by the Agency in accordance with paragraph 1, only in the case where the substitute replaces the Board member for whom he/she has been appointed as alternate.

Article 15
Correspondence

All correspondence with the Board shall be addressed to the Agency at its Headquarters location. However, until the official opening of the seat, correspondence shall be forwarded to the Chairperson at his/her address.

Article 16
Secretariat

In accordance with Article 26(7) of the Regulation, the Executive Director shall provide the Secretariat to the meetings and the appropriate administrative support to enable the Board to carry out its work.

Article 17
Amendment of the rules of procedure

1. The Board may amend these Rules of Procedure by a two-third majority.
2. Amendments to the Rules of Procedure shall enter into force on the date decided by the Board.

Article 18
Entry into force

These Rules shall enter into force as soon as they are adopted.