



Rules of Procedure for the Market Advisory Council

1. The Rules of Procedure contain instructions on the workings of the General Assembly, the Executive Committee and the Secretariat, as well as a clarification of responsibilities shared between the Secretariat, the Chair of the MAC and the Executive Committee.

Bodies of the MAC

General Assembly

2. The General Assembly is composed of all the Members of the MAC, and shall meet at least once a year to examine at least the annual report, which includes the annual accounts for the preceding period, and the annual strategic plan.
3. 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.
4. Decisions of the General Assembly are valid when at least 50% of the members are present or represented by proxy as defined in Article 28 of these Rules of Procedure.

Executive Committee

5. 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.
6. The Executive Committee shall prepare:
 - a) the annual report;
 - b) the budget for the next year;



- c) the strategic plan for the next year.
7. The Executive Committee shall consider the auditors' report.
8. 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 member
 - 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
9. All members of the Executive Committee bear equal responsibility for its work.
10. The Executive Committee meets at least twice a year. Invitations to meetings shall normally be sent out at least four weeks and agendas at least three weeks ahead of the meetings.
11. Meeting minutes shall be prepared as a record of the discussions and circulated within four weeks of the meeting. Members shall have a chance to comment on the minutes and request material corrections within two weeks. If no comments are received, the minutes are adopted. If comments are received, these will be addressed through written procedure. Unsolved issues will be discussed at the next meeting.
12. When comments arise that cannot be put on hold to await approval during the next Executive Committee meeting, the chairperson may make quick consultations with all the members of the Executive Committee by electronic mail or similar, whose result shall have the same validity as a normal decision. The response time for such consultations shall be not less than eight days.
13. In the event of urgent requests from the European Commission or the Member States, or urgent requests from members of the MAC as agreed by the Chair of the MAC or the relevant Working Group, members of the Executive Committee shall be notified by e-mail by the Secretariat and shall have a minimum of 5 working days to respond.
14. An Extraordinary meeting of the Executive Committee can be called if at least one third of the members request it in writing and specify the topic(s) of discussion. In that event, the time limits may be derogated from.



15. If the Chair is unable to attend, the Vice Chair will step into his/her place. 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 this person will carry out an election of Chair for that meeting by simple majority.
16. The Chair shall:
 - a) lead the work of the Executive Committee and prepare for its meetings, together with the Secretariat;
 - b) ensure 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 MAC, as well as its financial situation;
 - c) take necessary action to organize the recruitment or dismissal of Secretariat staff, salaries and terms of employment. Results of negotiations should be approved by the Executive Committee;
 - d) be responsible for the proper management of the MAC assets, as well as ensure that the accounting is done in accordance with appropriate rules and regulations;
 - e) convene all meetings of the General Assembly.

Working Groups

17. 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 on the proposal of the chairperson. Working Groups may request the creation of a Focus Group with the aim of preparing a first draft. Should the Focus Group address a horizontal issue, the Executive Committee will decide which Working Group the Focus Group should report to.

Procedure of adoption of MAC drafts

18. Besides requests for advice from the relevant institutions, particularly European Commission, members of the MAC can propose a topic for consideration through the most appropriate Working Group. These proposals must be submitted to the Secretariat in the form of a document no later than 2 weeks prior to the meeting.
19. The proposal will be discussed in the next meeting if time permits. Otherwise, proposals will be deferred to the next meeting.



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20. The proposal will be distributed prior to the meeting for the consideration of members of the WG. The paper should make clear the presenting organisation and the intention of the proposed paper. At the meeting, members will either reject or accept the proposal for further development.
21. In the latter case, all members of the WG are invited to submit to the Secretariat any relevant information, document or position paper to be taken into account in the draft within 7 natural days following the meeting.
22. The MAC will strive to reach a consensus in all drafts.
23. Any dissenting opinion within Focus Groups or Working Groups should be registered as soon as possible. The Secretariat will draft a MAC opinion trying to accommodate all points of view. In case these dissenting opinions would not be solved, minority opinions will be recorded. If a minority opinion is supported by one organisation, it will be recorded as a foot note. If it is supported by more than one organisation, it will be added on the text of the advice. If the minority opinion requests further explanation, it can be added as an annex no longer than one page.
24. Members of the WG in question and the Executive Committee will have 15 natural days to comment on the draft using track changes. Any changes requested must offer an alternative text where appropriate. Dissenting comments with no alternative text or reasoning behind will not be taken into account. Comments arriving later than 15 natural days will not be taken into account.
25. The Executive Committee shall, where possible, adopt recommendations by consensus. Should the Executive Committee encounter dissenting opinions, these shall be recorded in the recommendations adopted by the majority of the members present and voting.
26. In order to facilitate discussion and debate of advice papers, the MAC will allow for initial presentation at a meeting, circulation of the paper for comments and final discussion at a meeting prior to being presented for final approval at an Executive Committee meeting.
27. If the proposed draft has not generated debate/comments, it can be put forward to the Executive Committee without further delay.
28. If the MAC has been required to meet tight timelines, an urgent procedure can be launched at the call of the Chair of the Working Group in question. Members of the Working Group shall have a minimum of 3 working days to respond. Members of the Executive Committee shall have a minimum of 2 working days to endorse the approved draft. If these requirements are not met, the MAC will not publish an opinion on the matter.



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29. The paper approved in a Working Group must be put forward to the Executive Committee for its endorsement. Members of the Executive Committee will receive together with the members of the Working Group in question the draft and must respect the deadlines given.
30. Ideally, all drafts will be discussed during a meeting of the Executive Committee. When the Executive Committee cannot meet, the approval of the draft must be made by ordinary written procedure. Following Rules of Procedure Article 12, the time for such consultations shall be no less than 8 days.

Organisation of the work

Secretariat

31. 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.
32. The Secretariat shall be responsible for and lead the daily work of the MAC.
33. 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.
34. 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.
35. The Secretariat shall arrange meetings of the General Assembly, Executive Committee and Working Groups. The Executive Committee shall decide on budgetary arrangements related to this.
36. The Secretariat shall liaise with the Chairperson of the MAC and the Chairpersons of Working Groups to produce timely and accurate reports on the MAC's activities.
37. To further the objectives of the MAC the Secretariat shall maintain a register of members.
38. The Secretariat shall maintain a website for the MAC.
39. The Secretariat may, with the approval of the Executive Committee:



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- a) employ and pay any person to supervise, organize and carry out the work of the MAC;
- b) engage and pay fees to professional and technical advisors or consultants to assist in the work of the MAC;
- c) bring together in conference and work in liaison with representatives of other organisations, Member States, the European Commission, the European Parliament, other statutory authorities and relevant experts;
- d) assist in promoting or carrying out, research, surveys and investigations and, where appropriate, publish or disseminate the results;
- e) arrange and provide for or join in arranging and providing for the holding of exhibitions, seminars and meetings;
- f) identify areas of potential focus for the MAC.

Structure

40. Written notification shall be sent to all members no later than three weeks before the annual General Assembly meeting or an Extraordinary General Assembly meeting, stating a date, place and time and shall be posted on the website. No later than two weeks before the General Assembly meeting, an agenda, listing the business to be considered at the meeting, and relevant background documents shall be sent to all members and observers and posted on the website for wider communication. The Extraordinary meeting can be organized at the initiative of the Executive Committee.
41. The Executive Committee shall prepare an annual report, an annual strategic plan and an annual budget to be approved by the members of the MAC at the General Assembly and forwarded to the Commission and Member States. At the annual General Assembly, the Chairperson and the Secretariat shall report to the MAC on the year's activities and present the annual accounts on behalf of the Executive Committee.
42. A proxy shall be the authorisation from one person to another to represent their voting rights at a meeting. The person appointed must be physically present. Proxies are limited to one per person and need to be submitted to the Secretariat in writing prior to the start of the meeting.
43. Cooperation with Scientific Community: In order to facilitate good quality advice, the MAC seeks input from and co-operation with scientists on different areas. Collaboration generally takes place at the level of Working Groups or ad hoc Groups, and can take a number of forms. Scientists may be invited to present and explain certain technical issues, to support the debate by answering factual questions and to provide their opinion or through submission of proposals and asking a research institute to review them.



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44. Involvement in research projects: Participation of the MAC in research projects must be agreed upon by a majority of the Executive Committee. Preferably the objectives of the research project shall be explained to the Executive Committee in the form of an oral presentation by a researcher involved in drafting the specific research proposal. If an oral presentation is not possible due to time constraints a proposal summary shall be circulated to the Executive Committee for them to make a decision by email or provide the Secretariat with a mandate to interact with the research consortium if needed to make a final decision on whether to join or not. Participation of the MAC in research projects is based on the condition that the work will be in support of the Working Groups and/or be relevant for the Executive Committee in making decisions and recommendations. Furthermore, all expenses related to involvement such as travel and subsistence costs, as well as labour costs shall be covered through project funding. In case involvement in a research project requires more work than Market AC members are able to deliver, resources must be provided by the project funding for hiring a qualified assistant to be guided by the MAC.

45. By consensus, the Executive Committee shall have the power to change the rules of procedure as appropriate with the consent of the General Assembly, Member States and of the European Commission. 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 must have the consent of the European Commission and Member States. At least 50% of the Members should be present or represented by proxy. Any changes to the objectives and aims of the MAC should also have the consent of the European Commission.

Date: 17 January 2019