

Guidelines on the Participation of Observers in Meetings

Brussels, 27 January 2023

Introduction

In line with the Rules of Procedure of the Market Advisory Council (MAC), the Secretariat arranges the meetings of the General Assembly, Executive Committee and Working Groups, which are attended by the members. As outlined by Article 2 of Annex III of the CFP Regulation¹, Advisory Council meetings might include the participation of active observers.

I – Public access (passive observers)

1. The meetings of the General Assembly shall be open to the public, as determined by Article 2 (g) of Annex III of the CFP Regulation.
2. The meetings of the Executive Committee shall be open to the public unless, in exceptional cases, decided otherwise by a majority of the Executive Committee, as determined by Article 2 (g) of Annex III of the CFP Regulation.
3. If the participating members of the public do not fall under the foreseen categories of active observers, they will be deemed to be attending as passive observers without the possibility to intervene in the discussions.
4. Meetings of Working Groups and Focus Groups shall not be open to the public.

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC

II – Active observers without invitation requirement

1. In accordance with points (i) and (j) of paragraph 2 of Annex III of the CFP Regulation², the participation in meetings as active observers of the following individuals shall be allowed:
 - (a) Representatives of national administrations that have fisheries interests in the MAC's areas of competence
 - (b) Representatives of regional administrations that have fisheries interests in the MAC's areas of competence
 - (c) Researchers from the Member State's scientific and fisheries research institutes
 - (d) Researchers from the international scientific institutions that advise the European Commission
 - (e) Representatives of the European Parliament
 - (f) Representatives of the European Commission
2. Following their communication of intention to actively observe a specific meeting, access to the meeting will be provided by the Secretariat.
3. The Chair of the meeting will ensure that the attending active observers have the possibility to appropriately participate, including through oral interventions.

III – Active observers with invitation requirement

1. In accordance with points (i) and (k) of paragraph 2 of Annex III of the CFP Regulation³, the following individuals may be invited to participate as active observers:
 - (a) Qualified scientists

² Points (i) and (j) of paragraph 2 of Annex III of the CFP Regulation only explicitly mention “a fishing interest”. Taking into account the areas of competence of the MAC, these dispositions will be interpreted to cover also other interests of the supply chain, including aquaculture, processing, trading, supplying, and retailing.

³ Idem.

- (b) Representatives of the fisheries sector and other interest groups from third countries, including representatives from RFMOs, that have a fishing interest in the MAC's areas of competence
2. Other individuals with specific knowledge or with interests affected by scheduled agenda items may be invited.
 3. Invitation and access to the meeting shall be sent by the Secretariat on behalf and with the accord of the Chair of the meeting.
 4. When inviting representatives of the fisheries sector and other interest groups from third countries, the Chair of the meeting should especially take into consideration potential conflicts of interest in relation to the relevant agenda item.
 5. Invited representatives will be advised of their status prior to the meeting, in accordance with paragraph 31 of the Statutes.
 6. According to paragraph 2 of Article 6 of the Commission Delegated Regulation (EC) 2015/242, when inviting observers from third countries as referred to in point (k) of paragraph 2 of Annex III of the CFP Regulation, the Advisory Councils may contribute to the travel and accommodation expenses of those observers under the same conditions that they apply for their members. In the case of the MAC, contributions will only be provided in exceptional cases, for example if the Chair of the meeting believes, in consultation with the Secretariat, that the participation of the observer is crucial for an informed discussion of an agenda item.
 7. Five days prior to the meeting, the Secretariat shall inform registered members of the attendance of the invited active observer and the registered members may express their explicit opposition to the participation of the invited active observer. If that opposition is explicitly expressed by the majority of the registered members, the invited individual shall not be allowed to participate.



8. If the abovementioned opposition does not occur, the Chair of the meeting shall ensure that the attending active observers have the possibility to appropriately participate, including through oral interventions.