

Standard Rules of Association for a Fisheries Local Action Group

NB: please note that this document is intended to serve as example and be used as reference only. Articles of association have to be adapted on a national basis according to each country's legal and institutional framework.

Statutes of ("action group name")

I. Name, location and purpose

§ 1 Name

Action group's name is XXX

§ 2 Location (Area)

Action group's location(XXX Municipality/ies)

§ 3 Mission

The association's mission is:

To promote local development in fisheries areas through collaboration with voluntary actors and organizations in the community, municipality and region in a way that is consistent with the Fisheries development program for 2007 - 2013, including implementation of priority projects funded under this program;

To participate actively in the development of/in the entire area; and

To take autonomous initiatives for projects and processes.

II. Members

§ 4 Members

Persons aged over 15 years old with permanent residence within the local action group's geographic area can be registered as members of the local action group. Members appointed by the municipal council, regional council and the regional growth forum are exempt from the residence requirement.

§ 5 Admission and resignation

1) Inclusion in the action group is requested at the founding meeting or via written (email or letter) notice to the Board of the local action group.

2) Withdrawal notice shall be given in writing to the Board of the local action group.

§ 6 Exclusion

The Board may immediately expel a member if it is the Board's view that the member's actions run counter to the association's purpose or deliberately bring discredit to the group. Any exclusion must be included in the Board / Chairman's report of the following General Assembly. If the excluded member wishes so, the exclusion can be brought before the General Assembly, which takes the final decision pursuant to § 18 paragraph. 3.

III. Management

§ 7 General Assembly

- 1) The General Assembly has the overall authority in all matters of the action group, within the limits of the law and of these statutes.
- 2) An Ordinary General Assembly (OGA) is held each year within 4 months of the end of the accounting year.
- 3) Extraordinary General Assemblies are held following a decision of a General Assembly or a request from a majority of Board members or 1/3 of the action group members. The request must be submitted in writing to the Board and provide an indication of the agenda. The Extraordinary General Assembly shall be convened within 14 days of receiving of the request.
- 4) General Assemblies shall be convened at the initiative of the Board of the local action group with a maximum of 4 and a minimum of 2 weeks notice by advertisement in local newspapers, covering at least the action group's geographic area. Notice shall include the agenda of the meeting and indicate the essence of any proposal.
- 5) Proposals to be considered at a General Assembly shall be sent to the Chairman or the Secretariat not later than 8 days prior to the meeting.
- 6) Agenda for the Ordinary General Assembly shall include:
 - a) Election of President.
 - b) Presentation of the Board's report on the local action group's activities in the past year concluded by a resolution approving it.
 - c) Presentation of financial statements and audit report for the past year, with a resolution approving the income statement and balance sheet.
 - d) Presentation of operating and cash budget for the coming year as well as decision approving it.
 - e) Proposals received from Board members.
 - f) Election of Board Members, substitutes and Chairman, see § 9
 - g) Appointment of Auditor
 - h) Any other business (AOB)
- 7) The General Assembly shall elect by simple majority, a President who directs the negotiations and settles all questions relating to proceedings and voting.
- 8) At the General Assembly, all members present may speak and vote. The coordinator of the group and auditor along with persons invited by the Board may also take part in the General Assemblies.
- 9) The General Assembly may decide to establish committees and working groups.

10) The General Assembly decides on issues through simple majority voting, subject to § 18. Voting cannot be done by proxy.

§ 8 Board

1) The General Assembly shall elect a Board to undertake the overall management of the action group and implement the General Assembly decisions.

2) The daily management is handled by the Board or a person employed by the Board.

3) The Board may establish committees and working groups to perform tasks for and with reference to the Board.

4) Any member of the association may be proposed to the Board.

§ 9 Board composition

1) Composition

a) The Board shall be composed of persons who can represent the interests of the following four socioeconomic groups:

1. Local citizens.
2. Local businesses and company federations.
3. Local nature, environmental, cultural, civic and recreational associations.
4. Public authorities, including the members designated in advance.

One should aim for an even gender, age and geographical distribution of the Board.

b) The Board consists of an odd number of members of at least 7. Representatives of public authorities, including members appointed by the municipal council, regional council and the regional growth forum may not represent more than 30% of the total number of Board members. These members should not be elected by the General Assembly.

c) The municipality may designate no more than 2 members and one substitute to the Board. The Regional Council and the Regional Growth Forum may jointly appoint one member and one substitute to the Board.

d) In cases where a local action group's geographical area spans over 2 or more regions or municipalities, the regions and Growth Fora concerned jointly designates one member and one substitute per region and the municipal councils two members and one substitute each.

e) The General Assembly shall elect the Chairman of the Board.

f) The General Assembly also appoints for 1 year at a time 1 or 2 Board member substitutes, indicating their order of precedence.

g) Board members and substitutes, elected by the General Assembly shall be a member of the local action group, be over 18 years, and the nominee must be present at the General Assembly. The candidate may submit a proxy, indicating expressly that he wishes to be elected to the Board.

h) Members of a local action group can only be elected to the Board of the local action group which covers the geographical area where they reside.

i) The Chairman shall be elected for 2 years at a time by the General Assembly and the other Board members are elected by the General Assembly for 2 years at a time, except for that half of the Board that departs at each ordinary General Assembly. *(FARNET SU note: the idea is here that only half of the Board will be changed at each election to ensure continuity of the Board's actions)*

j) The Board constitutes itself with a vice Chairman, a Secretary and a Treasurer. The Board shall adopt its own rules of procedure.

k) If a member of the Board resigns during its term, a substitute steps in for the period until the next Ordinary General Assembly (OGA). If the Chairman resigns the Vice Chairman takes over until the next OGA. If the number of Board members becomes less than 7 through multiple resignations, an extraordinary General Assembly will be convened to elect new a new Board that will be in place until the next OGA.

l) The Board may assign a member of the action group as an observer to the Board with partial or total participating and speaking rights, but without voting rights.

2) The Board has a quorum when at least half the members are present, including the Chairman or Vice Chairman.

3) The decisions are determined by a simple majority.

4) Meetings of the Board are closed unless the Board decides otherwise.

§ 10 Board duties

1) The Board shall undertake the overall management of the local action group's activities and oversees the group's daily operational management, including:

a) Discussion and adoption of the overarching vision, values and strategies.

b) Approval of projects for funding under the rural development program.

c) Presentation of the Board's report on the local action group's activities in the past year for approval at the OGA.

d) Presentation of the draft annual accounts and audit report for approval at the OGA.

e) Presentation of operating and cash budget for the coming year for approval at the OGA.

f) Exclusion of members.

g) Development of the association's activities.

h) Approval of targets.

i) The necessary monitoring and control of the association's activities.

2) The Board may, within the given economic framework, hire a coordinator to take care of

the association's affairs. The Board shall agree with the coordinator on his duties and powers.

3) There shall be no remuneration or other form of compensation for Board members, excluding reimbursement for documented expenses.

4) Changes in the composition of the Board shall be submitted to the Food Industry Agency approval within 14 days of the decision.

§ 11 Qualification Rules

1) Participation in the work of the Board is subject to disqualification rules in administrative law and the rules of confidentiality in public services.

2) All information, oral or written, including documentation, a Board member or any other participant in the work of the Board receives about individuals, private companies or economic associations, personal or domestic affairs, including information on technical instruments, the processes or the operating and/or business matters are confidential. In addition, members and other participants in the work of the Board operate with confidentiality with regard to information essential for public or private interests.

3) A Member of the Board is disqualified from the Board for the examination of applications where the Member has a particular personal or financial interest in the outcome, by for example, being closely related to the applicant, in his/her quality of representative or director of the applicant company, association, authority, trust or similar. As per § 6 of the Public Administration Law, the one that can be subject to disqualification has the duty to draw attention to the issue. Notification of disqualification is given as soon as possible, i.e. normally within the proceedings, and in general to the President and the Secretary. The Board Member under scrutiny cannot attend the Board meeting where the question of his disqualification is under consideration and decision.

4) *FARNET SU note: the art.4 refers here to other Danish legal text giving information on potential exceptions to the disqualification among other if there is a risk the Board might loose its quorum, etc...*

§ 12 The local action group Chairman

The Chairman is empowered to adjudicate in cases deemed urgent. The Board shall subsequently approve the Chairman's decision in such cases.

§ 13 The daily management

1) The daily management is handled by the Board or a coordinator, according to the responsibilities and competencies established by the Board within the framework of the local action group working plan and budget.

2) The Board is responsible for the keeping of records of minutes of the General Assembly and Board meetings. The minutes of the General Assemblies are signed by the President and the Chairman of the Board and minutes of Board meetings are signed by the Board.

3) The Board shall appoint and dismiss staff in the local action group's secretariat.

IV. Economic conditions

§ 14 The local action group's economic base

The funding for local action groups, including the Secretariat's operational costs, are obtained through grants and activities that are relevant to the local action group's purpose.

§ 15 Accounting

- 1) The local action group's financial year runs from 1st January to 31st December.
- 2) The local action group's audited financial statements shall be prepared in accordance with good accounting practice and signed by the Board.
- 3) The Board / coordinator / accountant prepare budgets for the coming year. The budgets are submitted to the Board and the General Assembly for approval.
- 4) Financial resources that are not spent must be used to promote the association's purpose in subsequent financial years.

§ 16 Audit

- 1) The General Assembly shall elect a registered or chartered accountant to audit the financial statements. The auditor must conduct the audit according to the protocol.
- 2) The audited, signed annual accounts along with proposals for operating and cash budget shall be distributed to the action group members along with the call for the OGA.

§ 17 Procurement

- 1) The local action group signs through the Chairman of the Board and two other Board members.
- 2) The Board may grant power of procurement.

V. Amendments to the Statutes and Termination

§ 18 Amendments to the Statutes and exclusion

- 1) Proposed changes to the statute and the termination of the local action can only be decided at a meeting where at least 2/3 of all members are represented, with a majority of at least 2/3 of yes or no votes. If 2/3 of all members were not present at the meeting, but a majority of 2/3 of yes and no votes was obtained for the proposal, another General Assembly may be convened, and this subsequent Assembly may adopt the proposal by a majority of at least 2/3 yes or no votes, regardless of how many members are represented.
- 2) Any statutory changes should be sent to and be approved by the Food Industry Agency before their entry into force.
- 3) If a member has asked a question of exclusion to be presented to the General Assembly, § 6 requires a minimum of 2/3 majority of those voting at a General Assembly for the proposed expulsion to be retained.

§ 19 Termination

- 1) Action Group will terminate automatically upon expiry of the Fisheries Development

Programme for 2007-2013.

2) Upon termination before the end of the programme period the Board can decide that the local action group activities should be transferred to (*FARNET SU note: transferred to other groups e.g.*) similar purposes after submission for approval by the General Assembly. Unused budget allocated to the Fisheries Development Programme will be returned to the Food Industry Agency.

3) The General Assembly adopted resolution shall be sent to the national supervisory body (Food Industry Agency), which will after the legal check approve or reject the decision.

As adopted at the founding General Assembly on dd / mm / yyyy.

The Board: (names and signatures).