

South West Aquaculture Network (SWAN) Terms of Reference

The South West Aquaculture Network (“SWAN”) is a network of marine stakeholders that aims to encourage cross sectoral working and technology transfer for the benefit of the aquaculture and wider Maritime industries.

The SWAN will:

- Promote the work of Maritime UK South West (MUKSW) and the South West Aquaculture Network
- Promote relevant funding opportunities to all stakeholders across the wider South West
- Make effective links with other key organisations across different maritime sectors
- Actively support the sustainable development of the mariculture sector in the South West
- Have non-discriminatory and transparent procedures and processes

Main Role of a SWAN Member

- Assist, where possible, with the development of initiatives and projects at a local level that are innovative, sustainable and environmentally sensitive
- Participate in networking opportunities with other groups and associated regulatory agencies.
- Promote the work of the Maritime UK and SWAN

Key Role and Responsibilities

- Regularly attend SWAN meetings.
- Act as a key link between the SWAN and the organisation/ group that you represent and provide regular feedback between the SWAN and your organisation.
- Generate ideas for a collaborative project pipeline to facilitate development of the aquaculture sector
- Submit nominations for chair and elect a chair on an annual basis
- Work towards the aims as set out in the MUKSW Aquaculture Position paper

SWAN Meetings

We will hold at least four SWAN meetings per annum. Agendas are circulated to members in advance of the meeting and include a note about this Policy. Attendees are required to confirm their agreement to abide by this Policy by signing the attendance sheet prior to the start of the meeting. Where a meeting is held in an online format, attendance of individual members will be noted by the secretariat, with their attendance confirming their agreement to these Terms. Minutes are produced as an official record of the meeting.

SWAN Membership

Election of the Chair and Secretariat support will be held annually alongside a review of MUKSW Aquaculture Position and an update of these Terms of Reference. Chair and Secretariat support are given by the elected members on a pro-bono basis.

Confidentiality

SWAN can discuss issues of general concern to its members, share non-sensitive (historical, aggregated and/or publicly available data) and report on current trends across the aquaculture sector. However, SWAN must not talk about commercially sensitive issues or current market information, or exchange data, which allows the practices of individual companies to be easily identified (other than information already in the public domain). It is not possible to provide an exhaustive list of objectionable discussion topics, as the competitive significance of many issues is dependent upon the context in which they are raised. These Terms prohibit any discussions or

exchange of information between members that might constitute or imply an agreement or concerted practice concerning:

- prices or price factors, including discounts, rebates, and reductions;
- costs and demand structure;
- profits and profit margins;
- output and sales;
- product data if it contains commercially sensitive information such as cost and supply elements;
- technical data that relates to current and future research and development into new products;
- production capacity and forecasts;
- market shares and sales territories;
- investments and marketing plans;
- credit conditions or any other terms or conditions of sale;
- exclusionary practices;
- selection, rejection, or termination of customers or suppliers.

Members are permitted to exchange opinions and experiences in relation to general industry studies/statistics/market research provided that confidential information relating to individual companies is not disclosed.

Anti-competitive behaviours

Meetings of competitors under the guidance of MUKSW or SWAN are not prevented by competition law. However, SWAN members must not use the forum provided to coordinate their commercial activities or to influence the conduct of a competitor. Each SWAN member must exercise its independent business judgment in pricing its products and services, dealing with its customers and suppliers, and choosing the markets in which it will compete. Our inclusiveness of non-private sector organisations such as engineering societies, universities and government organisations helps to ensure commercial agendas are not discussed at SWAN meetings. Any activity that could create even the appearance of a restriction or distortion of competition must be strictly avoided.

Individual Responsibility

Whilst SWAN expects all its members to comply with this Policy in the course of its dealings with SWAN and MUKSW, members must take individual responsibility for complying with competition law and are advised to seek legal advice if they are unsure about the application of these rules.

Discussion Topics

Members are permitted to exchange opinions and experiences in relation to general industry studies/statistics/market research provided that confidential information relating to individual companies is not disclosed.

The neutral SWAN chair is part of the overall governance of SWAN to ensure it focuses on:

- Bringing together the breadth of the aquaculture sector
- working in partnership to champion and grow the sector sustainably.

The MUKSW Coordinator will assist the chair in ensuring an equal treatment of all SWAN members at meetings and the Chair/Coordinator will ensure that meetings adhere to this policy and therefore remain compliant with the competition law.

Declaration of Interests at meetings

SWAN members who are directly involved or have a family member involved in a project or are a financial beneficiary of the project must declare an interest. When declaring an interest, you must specify the nature of the interest, and whether it is personal or prejudicial. The minutes of the meeting must record the fact that a declaration has been made and by whom. If you declare a prejudicial interest, you must be silent during the meeting while the matter concerned is under discussion. Personal interests include:

- An interest of yours, or
- An interest of your spouse or civil partner, or
- A person with whom you are living as husband or wife, or
- Person with whom you live with as if you are civil partners