

Extracts from legislation relating to the Advisory Councils¹

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 (“Basic Regulation”)

ADVISORY COUNCILS

Article 43

Establishment of Advisory Councils

1. Advisory Councils shall be established for each of the geographical areas or fields of competence set out in Annex III, in order to promote a balanced representation of all stakeholders in accordance with Article 45(1) and to contribute to the achievement of the objectives set out in Article 2.
2. In particular, the following new Advisory Councils shall be established, in accordance with Annex III:
 - (a) an Advisory Council for the outermost regions, divided into three sections for each of the following sea basins: West Atlantic, East Atlantic and Indian Ocean;
 - (b) an Advisory Council for aquaculture;
 - (c) an Advisory Council for markets;
 - (d) an Advisory Council for the Black Sea.
3. Each Advisory Council shall establish its rules of procedure.

Article 44

Tasks of Advisory Councils

1. When applying this Regulation, the Commission shall, where relevant, consult the Advisory Councils.
2. Advisory Councils may:
 - (a) submit recommendations and suggestions on matters relating to the management of fisheries and the socio- economic and conservation aspects of fisheries and aquaculture to the Commission and to the Member State concerned, and, in particular, recommendations on how to simplify rules on fisheries management;

¹ Checked with DG Mare and with confirmation that this document covers what is relevant for the ACs.

(b) inform the Commission and Member States of problems relating to the management and the socio-economic and conservation aspects of fisheries and, where appropriate, of aquaculture in their geographical area or field of competence and propose solutions to overcome those problems;

(c) contribute, in close cooperation with scientists, to the collection, supply and analysis of data necessary for the development of conservation measures.

If an issue is of common interest to two or more Advisory Councils, they shall coordinate their positions with a view to adopting joint recommendations on that issue.

3. Advisory Councils shall be consulted on joint recommendations pursuant to Article 18. They may also be consulted by the Commission and by Member States in respect of other measures. Their advice shall be taken into account. Those consultations shall be without prejudice to the consultation of STECF or other scientific bodies. The opinions of the Advisory Councils may be submitted to all Member States concerned and to the Commission.

4. The Commission and, where relevant, the Member State concerned shall reply within two months to any recommendation, suggestion or information received pursuant to paragraph 1. Where the final measures that are adopted diverge from the Advisory Councils' opinions, recommendations and suggestions received pursuant to paragraph 1, the Commission or the Member State concerned shall state detailed reasons for the divergence.

Article 45

Composition, functioning and funding of Advisory Councils

1. Advisory Councils shall be composed of:

(a) organisations representing the fisheries and, where appropriate, aquaculture operators, and representatives of the processing and marketing sectors;

(b) other interest groups affected by the CFP (e.g. environmental organisations and consumer groups).

2. Each Advisory Council shall consist of a general assembly and an executive committee, including, as appropriate, a secretariat and working groups to deal with issues of regional cooperation pursuant to Article 18, and shall adopt the measures necessary for its functioning.

3. Advisory Councils shall function and receive financing as provided for in Annex III.

4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 46, laying down detailed rules on the functioning of Advisory Councils.

ANNEX III

ADVISORY COUNCILS

1. Name and area of competence of Advisory Councils

Name	Areas of competence
Baltic Sea	ICES zones IIIb, IIIc and IIId
Black Sea	GFCM geographical sub-area as defined in Resolution GFCM/33/2009/2
Mediterranean Sea	Maritime Waters of the Mediterranean of the East of line 5°36' West
North Sea	ICES zones IV and IIIa
North Western waters	ICES zones V (excluding Va and only Union waters of Vb), VI and VII
South Western waters	ICES zones VIII, IX and X (waters around Azores), and CECAF zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands)
Outermost regions	Union waters around the outermost regions as referred to in the first paragraph of Article 349 of the Treaty divided into three sea basins: West Atlantic, East Atlantic, Indian Ocean
Pelagic stocks (blue whiting, mackerel, horse mackerel, herring, boarfish)	All geographical areas excluding the Baltic Sea and the Mediterranean Sea
High seas/long distance fleet	All non-Union waters
Aquaculture	Aquaculture, as defined in Article 4
Markets	All market areas

2. Functioning and funding of Advisory Councils

- (a) In the general assembly and executive committee, 60 % of the seats shall be allotted to representatives of fishermen and for the Aquaculture Advisory Council, aquaculture operators, and representatives of the processing and marketing sectors, and 40 % to representatives of the other interest groups affected by the Common Fisheries Policy, for example environmental organisations and consumer groups.
- (b) Except for the Advisory Council for Aquaculture and for the Advisory Council for Markets, at least one representative of the catching subsector from each Member State concerned shall be member of the executive committee.
- (c) The members of the executive committee shall, where possible, adopt recommendations by consensus. If no consensus can be reached, dissenting opinions expressed by members shall be recorded in the recommendations adopted by the majority of the members present and voting.
- (d) Each Advisory Council shall designate a chairperson by consensus. The chairperson shall act impartially.
- (e) Each Advisory Council shall adopt the measures necessary to ensure transparency and the respect of all opinions expressed.
- (f) Recommendations adopted by the executive committee shall be made available immediately to the general assembly, the Commission, Member States concerned and, upon request, to any member of the public.
- (g) The meetings of the general assembly shall be open to the public. 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.
- (h) European and national organisations representing the fisheries sector and other interest groups may propose members to the Member States concerned. Those Member States shall agree on the members of the general assembly.
- (i) Representatives of national and regional administrations that have fisheries interests in the area concerned and researchers from the Member States' scientific and fisheries research institutes and from the international scientific institutions that advise the Commission shall be allowed to participate in Advisory Council meetings as active observers. Any other qualified scientist may also be invited.
- (j) Representatives of the European Parliament and of the Commission may take part as active observers in Advisory Council meetings.

(k) When issues that affect them are discussed, representatives of the fisheries sector and other interest groups from third countries, including representatives from RFMOs, that have a fishing interest in the area or fisheries covered by an Advisory Council, may be invited to participate as active observers.

(l) Advisory Councils may apply for Union financial assistance as bodies pursuing an aim of general European interest.

(m) The Commission shall sign a grant agreement with each Advisory Council to contribute to its operational costs, including translation and interpretation costs.

(n) The Commission may carry out all verifications it considers necessary to ensure compliance with the tasks assigned to the Advisory Councils.

(o) Each Advisory Council shall transmit annually its budget and a report of its activities to the Commission and to the Member States concerned.

(p) The Commission or the Court of Auditors may at any time arrange for an audit to be carried out either by an outside body of its choice or by the Commission or the Court of Auditors departments themselves.

(q) Each Advisory Council shall appoint a certified auditor for the period during which it benefits from Union funds.

+++++

**COMMISSION DELEGATED REGULATION (EU) 2015/242 of 9
October 2014 laying down detailed rules on the functioning of the
Advisory Councils under the Common Fisheries Policy**

Article 1

Scope

This Regulation lays down detailed rules on the functioning of Advisory Councils as referred to in Article 43 of Regulation (EU) No 1380/2013.

Article 2

Definitions

For the purposes of this Regulation the following definitions shall apply:

1. 'Member State concerned' means a Member State having a direct management interest in the sense of Article 4(1)(22) of Regulation (EU) No 1380/2013 in the area of competence of an Advisory Council as defined in Article 1 of Annex III to Regulation (EU) No 1380/2013. For the Advisory Council for aquaculture and Advisory Council for markets 'Member State concerned' shall mean all Member States of the Union. 2. 'Sector organisations' means organisations representing the fishermen and, for the aquaculture Advisory Council, aquaculture operators and

representatives of the processing and marketing sectors. 3. 'Other interest groups' means representatives of groups affected by the Common Fisheries Policy other than sector organisations, in particular environmental organisations and consumer groups.

Article 3

Start of the functioning of the new Advisory Councils

1. Sector organisations and other interest groups with an interest in one of the Advisory Councils referred to in Article 43(2) of the Regulation (EU) No 1380/2013 shall submit to the Commission a joint application concerning the start of the functioning of the respective Advisory Council. The joint application shall be compatible with the objectives and principles of the Common Fisheries Policy as set out in the Regulation (EU) No 1380/2013 and in particular Article 43(1) and Annex III and shall include: (a) a statement of objectives; (b) operating principles; (c) rules of procedure; (d) a list of the sector organisations and other interest groups.
2. After verifying that the joint application is compatible with the rules laid down in the Regulation (EU) No 1380/2013, in particular Annex III and with the rules laid down in this Regulation, the Commission shall transmit it to the Member States concerned, within two months after its receipt. The Commission may propose amendments to the joint application to ensure compliance with all requirements as referred to in this article.
3. The Member States concerned shall determine whether the application is signed by representative sector organisations and other interest groups and inform the Commission of their agreement within one month of receipt of the joint application. Based on the remarks of those Member States, the Commission may request further amendments or clarifications.
4. The Commission shall publish in the C series of the *Official Journal of the European Union* a communication regarding the start of functioning of each new Advisory Council. It shall not publish that information until all requirements referred to in paragraph 1 above are satisfied. The Advisory Council starts functioning on the date indicated in the communication, which may not be earlier than the date on which the communication is published.

Article 4

Structure and organisation of the Advisory Councils

1. In addition to the provisions of Article 43(1), Article 45(1) to (3) and Annex III of Regulations (EU) No 1380/2013, the Advisory Councils' structure and organisation shall comply with paragraphs 2 to 6 of this Article.

2. The general assembly of an Advisory Council shall: (a) adopt the rules of procedure of the Advisory Council; (b) meet at least once a year to approve the annual report, the annual strategic plan and the annual budget of the Advisory Council.

3. The general assembly shall appoint an executive committee of up to 25 members. After consultation of the Commission, the general assembly may decide to appoint an executive committee of up to 30 members to ensure appropriate representation of small-scale fleets.

4. The general assembly shall ensure equitable membership fees, which enable balanced and wide representation of all stakeholders taking into account their financial capacity.

5. The executive committee shall: (a) steer and manage the tasks of the Advisory Council in accordance with Article 44(2) and (3) of Regulation (EU) No 1380/2013; (b) prepare the annual report, the annual strategic plan and the annual budget; (c) adopt recommendations and suggestions as referred to in Article 44(2) of Regulation (EU) No 1380/2013.

6. The general assembly and the executive committee shall ensure a balanced and wide representation of all stakeholders, with emphasis on small-scale fleets, where appropriate. The number of representatives of small-scale fleets should reflect the share of small scale fleets within the fishing sector of the Member States concerned.

Article 5

Working methods

When deciding on its working methods, each Advisory Council shall seek to ensure the efficiency and full participation of all members through the use of modern IT communication means and the provision of interpretation and translation services.

Article 6

Financial contribution by Advisory Councils

1. Each Advisory Council shall offer additional compensation to fishermen representing small-scale fleet organisations for their efficient participation to its work on top of the reimbursement of their travel and accommodation expenses. Such compensation shall be duly justified for each case.

2. When inviting observers from third countries as referred to in point (k) of paragraph 2 of Annex III of Regulation (EC) No 1380/2013, Advisory Councils may contribute to the travel and accommodation expenses of those observers under the same conditions that they apply for their members.

Article 7

Support by Member States

Member States may provide appropriate technical, logistical and financial support to facilitate the functioning of Advisory Councils.

Article 8

Entry into force

This Regulation shall enter into force on the twentieth day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

+++++

COMMISSION DELEGATED REGULATION (EU) 2017/1575 of 23 June 2017 amending Delegated Regulation (EU) 2015/242 laying down detailed rules on the functioning of the Advisory Councils under the common fisheries policy

Article 1 Delegated Regulation (EU) 2015/242 is amended as follows:

(1) In Article 2, paragraph 2 is replaced by the following: ‘2. “Sector organisations” means organisations representing the fisheries (including employed fishermen) and, where appropriate, aquaculture operators, and representatives of the processing and marketing sectors.’. (2) Article 4 is amended as follows:

(a) in paragraph 2, the following point (c) is added: ‘(c) decide on the classification of the members of the Advisory Councils under the categories “sector organisations” or “other interest groups”. That decision shall be based on objective and verifiable criteria, such as the provisions of the statutes, the list of the members and the nature of the activities of the organisation concerned.’;

(b) paragraph 3 is replaced by the following: ‘3. Based on designations from the sector organisations and from the other interest groups for the seats allotted to them respectively, the general assembly appoints an executive committee of up to 25 members. After consultation of the Commission, the general assembly may decide to appoint an executive committee of up to 30 members to ensure appropriate representation of small scale fleets.’.

(2) *Article 2* This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

