

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

PART XI: 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;
 - (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.
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