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REPORT

on the proposal for a Council decision establishing Regional Advisory Councils under the Common Fisheries Policy
(COM(2003) 607 – C5-0504/2003 – 2003/0238(CNS))

Committee on Fisheries

Rapporteur: Seán Ó Neachtain

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 28 October 2003 the Council consulted Parliament, pursuant to Article 37 of the EC Treaty, on the proposal for a Council decision establishing Regional Advisory Councils under the Common Fisheries Policy (COM(2003) 607 – 2003/0238(CNS)).

At the sitting of 5 November 2003 the President of Parliament announced that he had referred the proposal to the Committee on Fisheries as the committee responsible and the Committee on Budgets for its opinion (C5-0504/2003).

The Committee on Fisheries appointed Seán Ó Neachtain rapporteur at its meeting of 25 November 2003.

The committee considered the Commission proposal and draft report at its meetings of 25 November and 4 December 2003 and 16 February and 16 March 2004.

At the last meeting it adopted the draft legislative resolution by 18 votes to 2, with 0 abstentions.

The following were present for the vote: Struan Stevenson (chairman), Rosa Miguélez Ramos (vice-chairwoman), Seán Ó Neachtain (rapporteur), Elspeth Attwooll, Niels Busk, Nigel Paul Farage, Giovanni Claudio Fava (for Bernard Poignant), Ilda Figueiredo (for Salvador Jové Peres), Ian Stewart Hudghton, Liam Hyland (for Nello Musumeci pursuant to Rule 153(2)), Heinz Kindermann, Carlos Lage, Giorgio Lisi, Albert Jan Maat (for Ioannis Marinos), Patricia McKenna, Neil Parish (for Hugues Martin), Manuel Pérez Álvarez, Joaquim Piscarreta, Dominique F.C. Souchet, Catherine Stihler and Daniel Varela Suanzes-Carpegna.

The opinion of the Committee on Budgets is attached.

The report was tabled on 19 March 2004.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council decision establishing Regional Advisory Councils under the Common Fisheries Policy
(COM(2003) 607 – C5-0504/2003 – 2003/0238(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2003) 607)¹,
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0504/2003),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on Budgets (A5-0167/2004),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

_____ Text proposed by the Commission

_____ Amendments by Parliament

Amendment 1
Recital -1 (new)

(-1) Applying the concept of good governance to the common fisheries policy requires proper involvement of all the fishing industry's professionals in the decision-making process for framing and managing the policy. That involvement should occur as near as possible to the start of the process.

¹ Not yet published in OJ.

Justification

The Green Paper on the CFP highlighted the feeling of the parties concerned that they were not sufficiently involved in framing a policy that is jeopardising the survival of entire branches of the industry. In the name of good governance, early and genuine involvement of those affected will ensure the effectiveness of, better understanding for and hence better compliance with the management policies that are put in place.

Amendment 2
Recital 1

(1) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy and in particular Articles 31 and 32 thereof, provides for new forms of participation by stakeholders in the Common Fisheries Policy through the establishment of Regional Advisory Councils.

(1) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the *common fisheries policy*, and in particular Articles 31 and 32 thereof, provides for new forms of participation by stakeholders in the *common fisheries policy* through the establishment of Regional Advisory Councils, ***with in particular an opportunity for consultation by the Commission on the proposed measures, such as multiannual reconstitution or management plans.***

Justification

The reason for setting up regional advisory councils is precisely the opportunity to consult them on any measures with significant social and economic implications for them, so that such measures are better accepted.

Amendment 3
Recital 1 a (new)

(1a) The primacy of the role and economic and social interests of commercial fishing in the sustainable management of fisheries resources must be recognised.

Amendment 4
Recital 1^oa (new)

(1a) The Regional Advisory Councils are an effective way of taking advantage of fishermen's know-how at a relevant stage in the framing and management of the

common fisheries policy. The effectiveness of Regional Advisory Councils is directly related to the degree of participation and involvement of the people concerned.

Justification

The Regional Advisory Councils clearly raise the issue of how to facilitate the dialogue, transparency and consultation that are the only way of giving some legitimacy to the new common fisheries policy.

Amendment 5
Recital 1 b (new)

(1b) Credible Community wide industry bodies, such as those of Producer Organisations, already play an important role in dialogue regarding fisheries policy and measures.

Amendment 6
Recital 1 c (new)

(1c) Trends in the operation of scientific advice to the EU are to include increased participation by industry interests.

Amendment 7
Recital 2

(2) A consistent approach to the establishment of Regional Advisory Councils requires that they correspond to management units based on biological criteria and that they are limited in number ***in order to offer meaningful advice.***

(2) A consistent approach to the establishment of Regional Advisory Councils requires that they correspond to management units based on biological criteria and that they are limited in number ***for practical reasons.***

Amendment 8
Recital 2 a (new)

(2a) The Regional Advisory Councils will be supported by subcommittees corresponding to the geographical sub-units whose role will be to propose technical recommendations to the Regional Advisory Councils and which

will have to have the necessary resources to perform this role. These subcommittees will be placed under the authority of the Regional Advisory Councils.

Justification

These subcommittees correspond to technical consultation and proposal units set up at the appropriate level for involving those concerned. These permanent bodies will be the first stage of a process culminating with the Commission via the Regional Advisory Councils to which they are attached. They will be based on geographical multi-specific activity zones. The level of consultation chosen makes it possible to argue in terms of multipurpose sectors at the outset of the decision-making process.

The aim is to involve the fishing industry professionals at a functional level of participation, when measures taken to implement the new common fisheries policy are increasingly related to technical measures. The subcommittees should in fact be seen as the place for formulating technical recommendations.

These geographical sub-units will be an extra instrument for the Regional Advisory Councils to use for the management of resources. Through these intermediate structures the people concerned can be directly involved and the social and economic dimension of the common fisheries policy will be better taken into account.

Of course these geographical sub-units will, like the Regional Advisory Councils, need to count on sufficient funds of Community origin, to enable them to fulfil their role of proposing technical measures effectively.

Amendment 9

Recital 4

(4) In the interests of efficiency, it is necessary to limit the size of Regional Advisory Councils whilst ensuring that they include all the interests affected by the Common Fisheries Policy.

(4) In the interests of efficiency, it is necessary to limit the size of Regional Advisory Councils whilst ensuring that they include all the interests affected by the Common Fisheries Policy ***and while recognising the primacy of fishing interests given the effects on them of management decisions and policies.***

Amendment 10

Recital 5

(5) In order to avoid ***overlapping*** on issues of common interest to more than one Regional Advisory Council, it is essential to establish links between the different Regional Advisory Councils.

(5) In order to avoid ***unnecessary duplication*** on issues of common interest to more than one Regional Advisory Council, it is essential to establish links

between the different Regional Advisory Councils.

Amendment 11
Recital 5 a (new)

(5a) In view of the overlapping interests of inshore fisheries and fisheries beyond the 6-12 mile limit, it is essential to provide for a channel of communication between RACs and relevant inshore fisheries organisations.

Justification

Some issues under discussion by Regional Advisory Councils are likely to be pertinent to inshore fisheries. Within the spirit of Integrated Coastal Zone Management, inshore fisheries organisations must be involved in RACs if appropriate.

Amendment 12
Recital 6

(6) In view of the tasks of the Advisory Committee on Fisheries and Aquaculture renewed by Commission Decision 1999/478/EC 4 , which is composed of representatives of a wide range of European organisations and interests, the work of the Regional Advisory Councils should be coordinated with that of the Advisory Committee on Fisheries and Aquaculture.

(6) In view of the tasks of the Advisory Committee on Fisheries and Aquaculture renewed by Commission Decision 1999/478/EC 4 , which is composed of representatives of a wide range of European organisations and interests, the work of the Regional Advisory Councils should be coordinated with that of the Advisory Committee on Fisheries and Aquaculture, ***to which it should also send its reports; furthermore there should be a regular exchange of information between RACS and national bodies as well as with ICES.***

Amendment 13
Recital 6 a (new)

(6a) Since Regional Advisory Councils have been established in particular to advise the Commission on matters of fisheries management in respect of certain sea areas or fishing zones, the Commission's attendance at meetings of

the RACs should be mandatory, apart from in exceptional circumstances.

Justification

Article 32 of Regulation 2371/2002 states that RACs shall be established in particular to advise the Commission on matters of fisheries management in respect of certain sea areas or fishing zones. It seems only logical that the Commission be obliged to attend the meetings rather than relying on written Minutes. The possibility of holding a meeting in closed session, in exceptional circumstances, should be provided for.

Amendment 14
Recital 7

(7) In order to ensure the effective establishment of the Regional Advisory Councils, it is essential that public funds contribute to their costs in the start-up phase.

(7) Given their significance for the fisheries management process in future, it is essential that public funds be available for the effective operation of Regional Advisory Councils, to allow dialogue, research and analysis, as required.

Amendment 15
Recital 7 a (new)

(7a) Council Regulation (EC) 2371/2002 lays down a number of principles of good governance, principles which should be applicable to the Regional Advisory Councils as an integral part of the Common Fisheries Policy, seeking, too, to work as transparently as possible.

Justification

Article 2(2) of Regulation 2371/2002 stipulates that the CFP shall be guided by several principles of good governance. It is important that the RACs, as part of the CFP, are guided by the same principles, as applicable to them. Essential, too, is that they aim for full transparency, working in public as a rule unless an exceptional decision to the contrary is taken.

Amendment 16
Recital 7 b (new)

(7b) Since Regional Advisory Councils should be given a significant management role once their effectiveness has been established, it is important that the Commission's review of their functioning

include an assessment of the extent to which, and the means by which, this can be achieved.

Justification

The RACs have a potentially critical role in the sustainable management of EU fisheries. When assessing their implementation, the Commission should examine increasing their advisory role to a management one.

Amendment 17
Article 1, paragraph 1

(1) “Member State concerned” means a Member State having fishing rights for regulated species in the area or fisheries covered by a Regional Advisory Council;

(1) “Member State concerned” means a Member State having fishing rights for regulated species, ***or a Member State that declares and proves it has a legitimate fishing interest*** in the area or fisheries covered by a Regional Advisory Council;

Justification

In accordance with the principle of equal treatment and no discrimination, all Member States must have the right to participate in the procedure for constituting any Regional Advisory Council provided that they declare and prove their reasons for and interest in doing so.

Amendment 18
Article 1, paragraph 2

(2) “Fisheries sector” means ***shipowners***, small-scale fishermen, employed fishermen, producer organisations, processors, traders and other market organisations and women’s networks;

(2) “Fisheries sector” means ***fishing vessel owners***, small-scale fishermen, employed fishermen, ***share fishermen***, producer organisations, ***regional and national committees, shellfish farmers***, processors, traders and other market organisations and women’s networks;

Justification

“Fishing vessel owner” defines precisely the type of “shipowner” intended to be included within this definition. Share fishermen are a clear omission in the original definition of this sector.

The proposed list needs to include these professional bodies whose function of representing the professionals in the fishing industry is essential and the shellfish farming industry, which is particularly important in some geographical areas.

Amendment 19
Article 1, paragraph 3

(3) “Other interest groups” means environmental organisations and groups, aquaculture producers, consumers **and** recreational or sport fishermen;

(3) “Other interest groups” means environmental organisations and groups, aquaculture producers, consumers, recreational or sport fishermen **and women's networks, through their recognised associations**;

Amendment 20
Article 1, paragraph 4

(4) “Catching sector” means **shipowners**, small-scale fishermen, employed fishermen and producer organisations.

(4) “Catching sector” means **fishing vessel owners**, small-scale fishermen, employed fishermen, **share fishermen** and producer organisations.

Justification

“Fishing vessel owner” defines precisely the type of “shipowner” intended to be included within this definition. Share fishermen are a clear omission in the original definition of this sector.

Amendment 21
Article 2, paragraph 1, point (f a) (new)

(fa) Stocks of tunas and other large migratory species

Justification

Tuna and other large migratory species are of great commercial value and their globalised market has the largest social and economic impact of all fishing products. At the same time they represent about 60 % of Community fish canning production and the Community tuna fishing fleet is one of the world’s largest in absolute catch terms (350 000 tonnes/year). All of which justifies the establishment of a Regional Advisory Council for these stocks.

Amendment 22
Article 2, paragraph 1, point (f b) (new)

(fb) Distant waters

Justification

To take account of the interests of the EU fleet fishing in distant waters, whether in the Community (the EU’s outermost regions and islands) or outside it (international waters and international fishing agreements). More than half of the EU’s catch is obtained in

international and third country waters. Creating a Regional Advisory Council (RAC) for distant waters will enable regional fishing organisations and the third countries concerned to base their decisions and management and conservation measures on the RAC's opinions.

Amendment 23
Article 2, paragraph 3

Each Regional Advisory Council *may* create subdivisions to deal with issues that cover specific fisheries and biological regions.

Each Regional Advisory Council *shall, where it considers appropriate*, create subdivisions to deal with issues that cover specific fisheries and biological regions.

Amendment 24
Article 2, paragraph 4 (new)

A Regional Advisory Council shall be a legally incorporated non-commercial body, registered in an EU member state.

Amendment 25
Article 2 a (new)

Article 2a. The purpose of the subcommittees is to support the advisory councils to which they are attached on the technical aspects of the common fisheries policy. The composition of the subcommittees shall be determined in accordance with the model for composition of the Advisory Councils.

Justification

We need to spell out the powers of the subcommittees, which are bodies for making technical proposals operating at the level of multi-specific activities, and based on socio-economic criteria, while the Advisory Councils are rather management bodies, based on biological criteria.

Amendment 26
Article 3, paragraph 1, introductory part

1. Representatives of the fisheries sector ***and other*** interest groups with an interest in one of the Regional Advisory Councils shall submit a request concerning the operation of that Regional Advisory Council to the Member States concerned

1. Representatives of the fisheries sector, ***with the participation of*** interest groups with an interest in one of the Regional Advisory Councils, shall submit a request concerning the operation of that Regional Advisory Council to the Member States

and to the Commission. The request shall include:

concerned and to the Commission. The request shall include:

Amendment 27
Article 3, paragraph 2

2. The Member States concerned shall **check** whether the **request** is in accordance with the provisions laid down in this Decision and shall transmit a recommendation to the Commission on that Regional Advisory Council.

2. The Member States concerned shall **determine** whether the **application** is **representative and** in accordance with the provisions laid down in this Decision, **if necessary following discussions with stakeholder interests** and shall transmit a recommendation to the Commission on that Regional Advisory Council.

Amendment 28
Article 4, paragraph 3

3. The general assembly shall appoint an executive committee of between twelve and **eighteen** members. The executive committee shall manage the work of the Regional Advisory Council and adopt its recommendations and suggestions.

3. The general assembly shall appoint an executive committee of between twelve and **twenty-four** members. The executive committee shall manage the work of the Regional Advisory Council and adopt its recommendations and suggestions.

Justification

It is important to ensure a reasonable level of flexibility regarding the size of the executive committee.

Amendment 29
Article 5, paragraph 1

1. The Regional Advisory Councils shall be composed of representatives from the fisheries sector and other interest groups affected by the Common Fisheries Policy.

1. The Regional Advisory Councils shall be composed of representatives from the fisheries sector and **shall include the participation as observers of** other interest groups affected by the Common Fisheries Policy, **notably those with legitimate interests and involvement in sustainable fisheries management.**

Amendment 30
Article 5, paragraph 2

2. Members of the general assembly shall be appointed by **common agreement**

2. Members of the general assembly shall be appointed **from persons and**

between the Member States concerned. European and national organisations representing the fisheries sector and other interest groups may propose members to the *Member States concerned*.

organisations agreed with the Member States concerned. European and national organisations representing the fisheries sector and other interest groups may propose members to the *Regional Advisory Councils*.

Amendment 31
Article 5, paragraph 3

3. In the general assembly and executive committee two thirds of the seats shall be allotted to representatives of the fisheries sector and one third to representatives of the other interest groups affected by the Common Fisheries Policy.

3. In the general assembly and executive committee *at least* two thirds of the seats shall be allotted to representatives of the fisheries sector and one third to representatives of the other interest groups affected by the Common Fisheries Policy.

Justification

The fishing industry is the main body concerned, so there needs to be provision to increase its representation.

Amendment 32
Article 6, paragraph 1

1. Scientists from institutes of the Member States concerned or international bodies shall be invited to participate as *experts* in the work of the Regional Advisory Councils.

1. Scientists from institutes of the Member States concerned or international bodies *or other experts* shall be invited to participate as *advisors* in the work of the Regional Advisory Councils.

Amendment 33
Article 6, paragraph 2, subparagraph 2 a (new)

2. National and regional administrations of the Member States concerned may be present at meetings as observers to express their views on the recommendations or suggestions to be adopted by a Regional Advisory Council.

The Member States not having fishing rights for regulated species in the area or fisheries covered by the Regional Advisory Council which declare a fishing interest may also participate as observers.

2. National and regional administrations of the Member States concerned may be present at meetings as observers to express their views on the recommendations or suggestions to be adopted by a Regional Advisory Council.

The Member States not having fishing rights for regulated species in the area or fisheries covered by the Regional Advisory Council which declare a fishing interest may also participate as observers.

Organisations representing inshore fisheries may participate as observers regarding issues which may affect them.

Justification

Some issues under discussion by Regional Advisory Councils are likely to be pertinent to inshore fisheries. Within the spirit of Integrated Coastal Zone Management, inshore fisheries organisations must be involved in RACs if appropriate.

Amendment 34
Article 6, paragraph 3

3. The Commission **may** be present at any meeting of a Regional Advisory Council.

3. The Commission **shall** be present at any meeting of a Regional Advisory Council.

Justification

The Commission must be present at all meetings of Regional Advisory Councils to ensure optimum consistency in the decisions taken.

Amendment 35
Article 6, paragraph 4

4. A representative of the Advisory Committee on Fisheries and Aquaculture may participate as an observer in the Regional Advisory Councils.

4. A representative of the Advisory Committee on Fisheries and Aquaculture may participate as an observer in the Regional Advisory Councils, ***except where meetings are explicitly held in private by decision of the voting members.***

Amendment 36
Article 6, paragraph 6

6. The meetings of the general assembly and executive committee shall be open to the public.

6. The meetings of the general assembly and executive committee shall be open to the public, ***except where a decision to the contrary is taken by the voting members.***

Amendment 37
Article 7, paragraph 1

1. Regional Advisory Councils shall adopt the measures necessary for their organisation.

1. Regional Advisory Councils shall adopt the measures necessary for their organisation ***based on the Common Fisheries Policy principles of good governance.***

Justification

Article 2(2) of Regulation 2371/2002 stipulates that the CFP shall be guided by several principles of good governance. It is important that the RACs, as part of the CFP, are guided by the same principles, as applicable to them.

Amendment 38
Article 7, paragraph 2

2. The members of the executive committee shall, ***where possible***, adopt recommendations and suggestions by consensus. ***If no consensus can be reached, dissenting opinions expressed by members shall be recorded in the recommendations and suggestions adopted by the majority of the members present and voting.***

2. The members of the executive committee shall adopt recommendations and suggestions by consensus.

Amendment 39
Article 7, paragraph 4

4. The Member States concerned shall provide the necessary support, including logistical help, to facilitate the functioning of a Regional Advisory Council.

4. The Member States concerned shall provide the necessary support, including logistical help, ***information on the fisheries, and scientific data*** to facilitate the functioning of a Regional Advisory Council. ***Where information and data have already been collated at public expense by the Member States or the Commission or already made available to the Commission and international organisations, they shall be provided to the Regional Advisory Council timeously and without charge.***

Amendment 40
Article 7, paragraph 4 a (new)

4a. The Regional Advisory Councils shall be permitted to send observers to meetings of organisations which have been commissioned by the Member States or the Commission to provide scientific advice on fisheries for the area concerned. These organisations would include the Advisory Committee on Fisheries Management, the International

*Council for Exploration of the Sea and
the Commission's own Scientific
Technical and Economic Committee on
Fisheries.*

Amendment 41
Article 7 a (new)

Article 7a

Consultations

*In accordance with Article 31(4) of
Regulation (EC) No 2371/2002, the
Commission shall undertake to consult
the Regional Advisory Councils in
advance on all measures with an impact
on fisheries.*

*In particular, it shall consult the Regional
Advisory Councils affected by the
proposals for multiannual reconstitution
or management plans that it intends to put
in place and to do so when the plans are
being drawn up, in view of the sometimes
drastic social and economic consequences
for the fisheries concerned.*

Justification

The reason for setting up regional advisory councils is precisely the opportunity to consult them on any measures with significant social and economic implications for them, so that such measures are better accepted.

Amendment 42
Article 8

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

If an issue is of common interest to two or more Regional Advisory Councils, they **may, if considered appropriate by both RACS**, coordinate their positions with a view to adopting joint recommendations on that issue.

Amendment 43
Article 8, paragraph 1 a (new)

If an issue is of common interest to two or more Regional Advisory Councils, they

If an issue is of common interest to two or more Regional Advisory Councils, they

shall coordinate their positions with a view to adopting joint recommendations on that issue.

shall coordinate their positions with a view to adopting joint recommendations on that issue.

An Annual Conference shall be held in which representatives from all RACs shall participate and which observers from the European Parliament and the European Commission shall attend.

Justification

It is essential that RACs coordinate their activities to ensure the optimum benefits of their activities are shared across the Community.

Amendment 44
Article 8 a (new)

Article 8a

Coordination between Regional Advisory Councils and inshore fisheries organisations

If an issue under discussion in a Regional Advisory Council may affect fisheries within the 6-12 mile zone, the positions of Regional Advisory Councils shall be adopted in consultation with legitimately interested inshore fisheries organisations. Such consultations shall be referred to in any recommendations adopted by the Regional Advisory Council.

Justification

Some issues under discussion by Regional Advisory Councils are likely to be pertinent to inshore fisheries. Within the spirit of Integrated Coastal Zone Management, inshore fisheries organisations must be involved in RACs if appropriate.

Amendment 45
Article 9, paragraph 1

1. A Regional Advisory Council which has acquired a legal personality may apply for Community financial aid.

1. A Regional Advisory Council which has acquired a legal personality ***as set out in article 2***, may apply for Community financial aid.

Amendment 46
Article 9, paragraph 2

2 Community start-up aid may be granted for the operating expenditure of a Regional Advisory Council during its first three years in accordance with the conditions set out in Annex II, Part 1.

2. Community aid shall be provided to enable the operation of Regional Advisory Councils to provide for a Secretariat for each, to meet meeting costs, research costs, interpretation and translation, dissemination of information and to cover the costs of scientific personnel and working missions. A portion of travel costs for members attending meetings shall be provided, depending on the geographic distribution of participants and the area covered by any Regional advisory Council.

Funds for the above operating expenditure will be granted during the first three years on a sliding scale, in accordance with the conditions set out in Annex II, Part 1.

Amendment 47
Article 9, paragraph 3

3. Community aid may be granted for the interpretation and translation costs of the meetings of the Regional Advisory Councils as set out in Annex II Part 2.

deleted

Amendment 48
Article 9, paragraph 3a (new)

3a. The annual appropriations shall be authorised by the budgetary authority within the annual procedure.

Amendment 49
Article 9, paragraph 3b (new)

3b. The appropriations for commitment scheduled for the years 2007-2009 are subject to an agreement of the Budgetary Authority on Financial Perspectives beyond 2006.

Amendment 50
Article 10, paragraph 3

3. Each Regional Advisory Council shall appoint a certified auditor ***for the period during which it benefits from Community funds.***

3. Each Regional Advisory Council shall appoint a certified auditor.

Amendment 51
Annex II

Part 1. ***Contribution towards the start-up costs*** of the Regional Advisory Councils (RACs)

The Community ***will contribute part of the operating costs from the year of their establishment for a maximum of three years.***

The amount allocated to each RAC for operating costs ***will not exceed 85% of its operating budget*** in the first year ***and*** may not exceed ***€100 000***. In the two following years, the financial contribution will be degressive ***and depend on the budget available. The Commission will conclude with each RAC and for each year an "operating grant agreement" which will set the precise terms and conditions and the procedure for the grant of financing.***

The eligible costs will consist of the costs necessary to ensure the normal operation of the RACs and enable them to pursue their aims.

The following direct costs will be eligible:

- personnel expenses (cost of personnel per day of work on the project);***
- new or used equipment;***

Part 1. ***Community aid to enable the operation*** of the Regional Advisory Councils (RACs)

The Community will ***provide*** operating costs ***for the operating expenditure of a Regional Advisory Council during its first three years on the basis of the following sliding scale.***

Year 1 90% EU 10%
Member State 0% Other Members

Year 2 80% EU 20%
Member State 0% Other Members

Year 3 70% EU 25%
Member State 5% Other Members

The amount allocated to each RAC for operating costs in the first year may not exceed ***€500 000, including a reserve of €100 000 for RAC commissioned scientific research.*** In the two following years, the financial contribution will be degressive ***as set out in the present annex.***

The eligible costs will consist of the costs necessary to ensure the normal operation of the RACs and enable them to pursue their aims.

The following direct costs will be eligible:

- *materials and supplies;*
- *dissemination of information to members;*
- *travel and accommodation expenses of scientific experts attending Committee meetings (based on scales or rules laid down by the Commission departments);*
- *audits;*
- *a contingency reserve of not more than 5% of eligible direct costs.*

Secretariat

Coordinator

Administrative assistant

Chairman

Rapporteur

Scientific Consultants

Equipment

Non capital equipment & supplies

Dissemination of information

Audits

Translation & interpretation

General Assembly (one/year)

Hire of meeting room

Travel & accommodation (experts & Executive Committee)

Executive Committee Meetings (three/year)

Hire of meeting rooms

Travel & accommodation (experts & Executive Committee)

Working Group Meetings (four/year)

Hire of meeting rooms

Travel & accommodation (experts)

Miscellaneous

Reserve for RAC commissioned scientific research

***Part 2. Interpretation and translation
costs***

***The Commission will conclude with each
RAC and for each year an action grant
agreement which will set the precise terms
and conditions and the procedure for the
grant of financing.***

EXPLANATORY STATEMENT

Your rapporteur believes that there is no bureaucratic replacement for the knowledge and experience of fishermen, and for this reason welcomes the proposal to create Regional Advisory Councils (RACs).

The primacy of the economic and social interests and the role of commercial fishing and fishermen, in the sustainable management of fisheries resources cannot be stressed enough and must be recognised. We must not forget that they are the most seriously affected, on a daily basis, by fisheries management decisions and policies.

We must not forget that the reason for having RACs in the first place is to increase the involvement of fishermen and their organisations in the decision making process of the CFP, for the first time. It is therefore essential that the fishermen's participation is taken seriously in the start-up and subsequent phases, when the legal framework for their proper functioning is laid down, and that adequate financial support is made available.

The concept of Regional Advisory Councils was introduced by the European Commission in its Communication on the reform of the Common Fisheries Policy ("Roadmap", Communication No 181/2002). The Commission proposes to make decision making more effective and participative by the establishment of RACs, to ensure greater stakeholder involvement, in fisheries management, at the regional and local level.

The primary aim of the RACs is to strengthen the democratic control of the CFP by involving the representatives of the fisheries sector and other interest groups, with legitimate interests and involvement in sustainable fisheries management, in the development of effective management of fisheries resources in the EU and decision making process. In the Commission's own words RACs are meant to "enhance the dialogue between the different legitimate interests concerned with the CFP", as well as "to build mutual trust between scientists and fishermen".

The principal objective of RACs will be to prepare and provide advice on fisheries management in the areas concerned on behalf of stakeholders in order to achieve a successful CFP. This will be done within the general aim of attaining sustainable fisheries management of fish stocks, based on the precautionary principle. The precautionary approach, however, has become a decisive consideration in fisheries management. In view of the somewhat inadequate level of scientific knowledge available for several commercially important stocks there is a risk of management decisions being taken based on inadequate data.

It would be possible for shadow RACs to moderate that risk by contributing to improvements in the quality and timeliness of scientific knowledge through the introduction of practical information from stakeholders or simply through its own scientific surveys and research. It is also important that where information and data have already been collated at public expense by the Member States or the Commission or already made available to the Commission and international organisations, it must be provided to the Regional Advisory Councils, in good time and without charge.

Your rapporteur underlines that the scientists participating in the work of the RACs should not be limited to national scientific institutes or international bodies such as ICES, but must include independent scientists from other institutions and experts from other relevant fields,

designated by the RACs. In order to guarantee that the RACs will be able to fulfil this advisory function as independent information providers, it is essential to provide them with a sufficient research budget.

The Legal Basis for the Commission's Proposal

The RACs have been provided for in Council Regulation No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the CFP (the Framework Regulation). Article 31(1) of the Framework Regulation defines the competence and tasks of the RACs: they shall be established, in particular, to advise the Commission on matters of fisheries management and to contribute to the objectives of the Framework Regulation, as defined in its Article 2(1). The general aim of the Framework Regulation is to ensure the exploitation of living aquatic resources in a way that provides sustainable economic, environmental and social conditions.

According to Article 31(2) of the Framework Regulation, the RACs shall be composed principally of fishermen and other representatives of interests affected by the CFP, such as representatives of the fisheries and aquaculture sectors, environment and consumer interests and scientific experts from all Member States having fisheries interests in the sea area or fishing zone concerned.

As to the subjects of consultation, the Framework Regulation refers to measures to be adopted under Article 37 of the Treaty that relate specifically to fisheries in the area concerned, and it specially mentions the multi-annual recovery and management plans. Consultation can also cover other subjects. RACs may give own initiative recommendations and suggestions of their own accord.

Note on the Amendments to the Commission's Proposal on establishing RACs

Establishment of the RACs

The number and definition of the areas covered by each RAC as proposed by the Commission are acceptable. However, each RAC, where it considers it appropriate, must be able to create subdivisions to deal with issues that cover specific fisheries and biological regions.

To guarantee the transparency of the governance of the RACs, each RAC shall be a legally incorporated non-commercial body, registered in a Member State.

Structure

Regarding the executive committee, a sufficient number of members should be nominated by the general assembly. The rapporteur agrees with the minimum figure of 12 as proposed by the Commission, but believes that in order to guarantee the efficiency of the work of the executive committee, the maximum number of members should be increased, but must not exceed twenty.

Membership

The criteria for the Membership in the RACs are defined in Article 5 of the proposal. The rapporteur proposes limiting the Membership to the representatives of the fisheries sector and

other interest groups with legitimate interests and involvement in sustainable fisheries management. In the general assembly and executive committee two thirds of the seats shall be allotted to representatives of the fisheries sector and one third to representatives of those other interest groups affected by the CFP. In order to contribute to the leading role of fishermen's organisations in the RACs, the Members of the general assembly should be appointed from persons and organisations agreed with the Member States concerned.

Participation and Functioning

In the 'Roadmap', the Commission based the setting up of the RACs on the need to adapt and improve the governance of the CFP through opening up the policy-making process to interested parties.

Openness is an essential element of good governance, and your rapporteur is of the opinion that the meetings of the general assembly and the executive committee shall be open to the Commission and to the public, except where a decision to the contrary is taken by the voting members.

Scientists from institutes of the Member States concerned or international bodies or other experts should be invited to participate as advisors in the work of the RACs. It is essential not to limit this scientific or other expertise to State institutes or ICES, but also to include independent researchers and expertise.

It must be underlined that it is an operational priority to involve stakeholders directly in the work of the RACs, and to make every effort to ensure that the "own initiative" policies which will be developed address the concerns of stakeholders.

Further, as RACs provide a counterbalance to the Commission's and the Member States' other sources of information, the openness should be reciprocal: the rapporteur believes that RACs should be permitted to send observers to meetings of organisations which have been commissioned by the Member States or the Commission to provide scientific advice on fisheries for the area concerned. These Organisations would include the Advisory Committee on Fisheries Management, the International Council for the Exploration of the Sea and the Commission's Scientific Technical and Economic Committee on Fisheries.

Financing

The financial aspect of the Commission's proposal is derisory and indicates a potential lack of seriousness about and commitment to this whole proposal. Your rapporteur believes that if RACS are to be useful at all, they must be substantially funded on a continuing basis. The scale of funding must be appropriate to their potential contribution.

Your rapporteur believes that the Commission's idea that RACs should become self-financing is not acceptable. If interpreted strictly, RACs will be non-profit making organisations, which means that due to the lack of own resources, public financing must be continuous.

In view of the duties and tasks they are provided for in the Framework Regulation, the Commission's proposed amount of €100 000 per year for each RAC is completely derisory.

21 January 2004

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Fisheries

on the proposal for a Council decision establishing Regional Advisory Councils under the Common Fisheries Policy
(COM(2003) 607 – C5-0504/2003 – 2003/0238(CNS))

Draftswoman: Bárbara Dührkop Dührkop

PROCEDURE

The Committee on Budgets appointed Bárbara Dührkop Dührkop draftswoman at its meeting of 26 November 2003.

It considered the draft opinion at its meeting of 21 January 2004.

At this meeting it adopted the following amendments unanimously.

The following were present for the vote: Terence Wynn (chairman), Reimer Böge, Franz Turchi and Anne Elisabet Jensen (vice-chairmen), Bárbara Dührkop Dührkop (draftswoman), Ioannis Averoff, Kathalijne Maria Buitenweg, Joan Colom i Naval, Gianfranco Dell'Alba (for Wolfgang Ilgenfritz), Den Dover, Markus Ferber, Catherine Guy-Quint, Wilfried Kuckelkorn, Edward H.C. McMillan-Scott, Juan Andrés Naranjo Escobar, Guido Podestà, Per Stenmarck and Ralf Walter.

BACKGROUND/GENERAL COMMENTS

1. The proposed Council Decision follows from Council Regulation (EC) No 2371/2002¹ on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (CFP), whose Art. 31 and 32 provide new forms of participation by stakeholders in the CFP through the establishment of Regional Advisory Councils (RACs).
2. These new bodies are meant to contribute to the achievement of the above Regulation's objectives (ensuring exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions) and to advise the Commission on matters of fisheries management in certain sea areas or fishing zones. Moreover, they should also enhance dialogue between different interests groups concerned by the CFP, in particular between scientists and fishermen, in view of improving the transparency of scientific advice.
3. The proposal identifies six RACs to be established for, respectively, the Baltic Sea, the Mediterranean Sea, the North Sea, the North Western waters, the South Western waters and the Pelagic stocks. This geographical/species typology implies that several Member States will be involved in each RAC.
4. With regard to their internal structure, RACs should be composed of representatives from the fisheries and aquaculture sectors and other interest groups directly or indirectly affected by the CFP (environmental organisations and groups, aquaculture producers, consumers, etc.). Each RAC shall consist of a general assembly and an executive committee of between twelve and eighteen members, which will manage the work of the RAC and adopt its recommendations and suggestions. Members of the general assembly will be appointed by common agreement by the Member States concerned, which will also appoint members proposed by European and national organisations representing the fisheries sector and other interest groups. In both the general assembly and the executive committee, two thirds of the seats will be allotted to representatives of the fisheries sector and one third to representatives of other interest groups affected by the CFP.
5. The proposal foresees that Community financial assistance may be granted to a RAC, once it has acquired a legal personality :
 - for the operating expenditure of a RAC, on a temporary and degressive basis, during its first three years of existence (start-up costs);
 - and for interpretation and translation costs of the meetings.
6. With regard to the designation of the persons or entities in charge of the operations of the RACs, the proposal foresees the following procedure:
 - representatives of the fisheries sector and other interest groups with an interest in a RAC submit a request to the Member States concerned and to the Commission;
 - the Member States concerned check the request and transmit a recommendation to the Commission;
 - the Commission adopts a decision specifying the date from which the RAC shall become operational.

¹ OJ L 358, 31.12.2002, p.59

Financial and budgetary aspects

7. The estimate expenditure foreseen for the period 2004-2009 amounts to € 2 278 000, as detailed in table 1 below.

Table 1 - Estimated expenditure of the RACs - Period 2004-2009 - € million

	2004		2005		2006		2007		2008		2009		TOTAL	
	CA	PA	CA	PA	CA	PA	CA	PA	CA	PA	CA	PA	CA	PA
Operations	0.3	0.3	0.37	0.37	0.348	0.348	0.148	0.148	0.045	0.045	-	-	1.211	1.211
Translation/ Interpretation	0.1	0.1	0.167	0.167	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	1.067	1.067
TOTAL	0.4	0.4	0.537	0.537	0.548	0.548	0.348	0.348	0.245	0.245	0.2	0.2	2.278	2.278

In addition, the proposal estimates at € 164 000 per year the impact on staff and administrative expenditure of the envisaged action, totalling € 984 000 over the six-year period.

CONCLUSIONS

1. Your Rapporteur always welcomes initiatives which contribute to better governance within the CFP and to a sounder and more sustainable exploitation of living aquatic resources. However, in the present case, RACs only duplicate work already undertaken by other bodies such as the Advisory Committee on Fisheries and Aquaculture, the Economic and Social Committee and the Committee of Regions, which all offer ample opportunity for stakeholders to be closely involved in the development of the CFP. From this point of view, the establishment of RACs largely appears as a useless and costly initiative, out of proportion with the envisaged purpose.
2. With regard to the financial and budgetary aspects of the proposal, your Rapporteur notes that:
 - no technical/administrative assistance is foreseen under the proposal;
 - the so-called "operational costs" actually represent mostly administrative expenditures, such as missions fees or travel and accomodation expenses;
 - from the year 2009 and in subsequent years, the yearly cost will total € 0,36 million, including the impact on staff and administrative expenditure;
 - the financial framework of the proposal is compatible with the ceiling of heading 3 of the Financial Perspective without restricting existing policies.

AMENDMENTS

The Committee on Budgets calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1
Article 9, paragraph 3a (new)

3a. The annual appropriations shall be authorised by the budgetary authority within the annual procedure.

Amendment 2
Article 9, paragraph 3b (new)

3b. The appropriations for commitment scheduled for the years 2007-2009 are subject to an agreement of the Budgetary Authority on Financial Perspectives beyond 2006.

¹ Not yet published in OJ.