

▼B**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.

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2. ‘Sector organisations’ means organisations representing the fisheries (including employed fishermen) and, where appropriate, aquaculture operators, and representatives of the processing and marketing sectors.

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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;

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(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.

▼ M2*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 Regulation (EU) No 1380/2013, the Advisory Councils' structure and organisation shall comply with paragraphs 2 to 7 of this Article.

2. The Advisory Council shall designate, by consensus, a chairperson and at least one vice-chairperson. The chairperson may originate from outside the membership of the Advisory Council. In case the chairperson is designated amongst representatives of member organisations, at least one of the vice-chairpersons shall be designated amongst members of the category of sector organisations and other interest groups referred to in Article 2 to which the chairperson does not belong. This principle shall also apply, where possible, to working groups' chairpersons.

3. 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;

(c) decide on the classification of the members of the Advisory Council under the categories 'sector organisations' or 'other interest groups' using the criteria laid down in Annex I and based on objective and verifiable information, such as the provisions of the statutes, the list of the members and the nature of the activities of the organisation concerned.

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4. 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.
5. The general assembly shall ensure equitable membership fees, which enable balanced and wide representation of all stakeholders taking into account their financial capacity.
6. 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.
7. The general assembly and the executive committee shall ensure a balanced and wide representation of all stakeholders, with emphasis on other interest groups and, where appropriate, small-scale fleets. 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**

1. The Advisory Council shall ensure that the recommendations and suggestions issued:
 - (a) comply with the rules and objectives of the Common Fisheries Policy as set out in Article 2 of Regulation (EU) No 1380/2013;
 - (b) are developed along strict principles of transparency, balanced representation and respect of all opinions expressed;
 - (c) are adopted, where possible, 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.
2. When deciding on its working methods, the 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.

▼ B*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.

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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.

▼ M2*Article 7a***Performance reviews**

The Advisory Council shall subject itself at least once every five years to an independent performance review. This review shall aim to identify best practices and shortcomings, list recommendations aiming at improving the functioning of the Advisory Council and assess its overall contribution to the objectives of the Common Fisheries Policy as set out in Regulation (EU) No 1380/2013. The results of these reviews shall be made public and, where shortcomings in the functioning of the Advisory Council are identified, shall be accompanied by an action plan setting out concrete actions and a clear timeframe for their implementation.

▼ B*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.

▼ M2*ANNEX***Criteria for classifying members of the Advisory Councils under the categories ‘sector organisations’ or ‘other interest groups’**

1. An organisation shall be classified ‘sector organisation’ when at least one of the following criteria is met:
 - (a) the organisation represents or has direct or indirect economic interests in the sectors of commercial fishing, aquaculture, processing, marketing, distribution or retail of seafood;
 - (b) a majority of the members of the organisation, either natural or legal persons, represent or have direct or indirect economic interests in the sectors of commercial fishing, aquaculture, processing, marketing, distribution or retail of seafood;
 - (c) the organisation represents employees in the sectors related to commercial fishing, aquaculture, processing, marketing, distribution or retail of seafood;
 - (d) at least 50 % of the organisation’s funding originates from undertakings active in the field of commercial fishing, aquaculture, processing, marketing, distribution or retail of seafood.
 - (e) the organisation fulfils at least one of the criteria listed in point 1(a) to 1(d) and is active in the field of environment, consumers and human rights, health, promotion of equality or animal health or welfare.
2. An organisation shall be classified ‘other interest group’ when it does not meet any of the criteria laid down in paragraph 1 and:
 - (a) is primarily active in the field of environment, consumers and human rights, health, promotion of equality, animal health or welfare or recreational or sport fishing; or
 - (b) represents or has direct or indirect economic interests linked to the use of the marine environment or maritime space other than commercial fishing, aquaculture or the processing, marketing, distribution and retail of seafood.