COMMISSION OF THE EUROPEAN COMMUNITIES



Brussels, 27.11.2006 COM(2006) 732 final

2006/0240 (CNS)

Proposal for a

COUNCIL DECISION

amending Decision 2004/585/EC establishing Regional Advisory Councils under the Common Fisheries Policy

(presented by the Commission)

EN EN

EXPLANATORY MEMORANDUM

The Regional Advisory Councils (RACs) were established as a result of the reform of the Common Fisheries Policy (CFP), adopted in 2002. Council Decision 2004/585/EC defines a general framework for the functioning of the Regional Advisory Councils to ensure a consistent and balanced approach amongst them. The possibility of granting Community financial aid to RACs is one of the aspects included in this Decision.

Regional Advisory Councils aim at involving stakeholders at an early stage in the decision-making process of the Common Fisheries Policy. Stakeholders' involvement is an essential pillar of the CFP reform and is key for its successful implementation. Reinforcing good governance in fisheries will result in greater compliance by fishermen of the CFP rules. Taking into account that RACs have been created by Council Regulation 2371/2002¹ and that the experience of the RACs proves that these new bodies are contributing positively to the development of the CFP (since their establishment, the Commission has received more than forty recommendations from RACs), they should be considered as bodies pursuing an aim of general European interest in the meaning of Article 162(b) of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities².

Defining RACs as bodies pursuing an aim of European general interest would provide them with a stable financial framework enhancing their capacity to operate effectively. Furthermore, experience has shown that the existing Regional Advisory Councils have difficulties with the current decreasing financial framework which will seriously hinder their ability to meet their objectives in the near future. The new financial modalities will also simplify the management of the grants by merging the current two grants into a single grant for each Regional Advisory Council.

Council Decision 2004/585/EC would need to be amended accordingly by declaring them as bodies pursuing an aim of European general interest, with the result that Regional Advisory Councils would receive a fixed financial contribution from the Community budget.

Council regulation 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the CFP - OJ L 358, 31.12.2002, p. 59.

OJ L 357, 31.12.2002, p. 1, as last amended by Regulation (EC, EURATOM) No 1248/2006 of 7.08.2006 (OJ L 227, 19.08.2006, p. 3)

Proposal for a

COUNCIL DECISION

amending Decision 2004/585/EC establishing Regional Advisory Councils under the Common Fisheries Policy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission³,

Having regard to the opinion of the European Parliament⁴,

Whereas:

- (1) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy⁵ 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.
- (2) Council Decision 2004/585/EC of 19 July 2004 establishing Regional Advisory Councils under the Common Fisheries Policy defines a common framework to be complied with by each of the Regional Advisory Councils.
- (3) Article 9 of Council Decision 2004/585/EC provides for Community financial aid to be granted to the Regional Advisory Councils to ensure their effective functioning, as well as to cover their interpretation and translation costs.
- (4) Regional Advisory Councils offer advice on the Common Fisheries Policy to the European Commission and Member States and ensure effective involvement of stakeholders which is one of the essential pillars of the reformed Common Fisheries Policy and a prerequisite of good governance;
- (5) Regional Advisory Councils should, therefore, be considered, as bodies pursuing an aim of general European interest in the meaning of Article 162(b) of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on

OJ C,, p...

⁴ OJ C,, p. .

⁵ OJ L 358, 31.12.2002, p. 59.

- the Financial Regulation applicable to the general budget of the European Communities⁶.
- (5) Regional Advisory Councils need to be granted financial stability by providing them with sufficient and permanent funding in order to continue to effectively pursue their advisory role within the Common Fisheries Policy..
- (6) In order to simplify the management of the Community funding received by the Regional Advisory Councils, it would be necessary to use a single financial instrument to cover all costs
- (7) In view of the Community financial aid allocated to the Regional Advisory Councils, it is important that the Commission, in addition to the audit controls, can check at any moment that Regional Advisory Councils are operating in conformity with the tasks assigned to them.
- (8) Council Decision 2004/585/EC should, therefore, be amended accordingly.

HAS DECIDED AS FOLLOWS:

Article 1

Council Decision 2004/585/EC is amended as follows:

(1) Article 9 is replaced by the following:

"Article 9 Financing

- 1. A Regional Advisory Council which has acquired legal personality may apply for Community financial aid as a body pursuing an aim of general European interest in the meaning of Article 162(b) of Regulation (EC, Euratom) No 2342/2002.
- 2. The Commission shall sign a grant agreement with each Regional Advisory Council to cover their operational costs, including translation and interpretation costs in accordance with Annex II "
- (2) the following Article 9a is inserted:

"Article 9a Commission verifications

The Commission may carry out all verifications it considers necessary to ensure compliance with the tasks assigned by Council Regulation (EC) No 2371/2002 and Council Decision 2004/585/EC to the Regional Advisory Councils."

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⁶ OJ L 357, 31.12.2002, p. 1, as last amended by Regulation (EC, EURATOM) No 1248/2006 of 7.08.2006 (OJ L 227, 19.08.2006, p. 3

Article 2

This Decision shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

For the Council
The President

ANNEX

Annex II to Decision 2004/585/EC is replaced by the following:

"ANNEX II

Community contribution towards the costs incurred by the Regional Advisory Councils

The Community shall contribute to part of the operating costs of the Regional Advisory Councils as bodies pursuing an aim of general European interest. The grant allocated by the Community to each Regional Advisory Council for its operating costs shall not exceed 90% of the operating budget of the Regional Advisory Council. In the following years, the financial contribution shall be permanent and depend on the budget available. Each year, the Commission shall conclude with each RAC an "operating grant agreement" setting the precise terms and conditions and the procedure for the grant allocation.

The eligible costs shall consist of the costs necessary to ensure the normal operation of the RACs and enable them to pursue their aims. Only the actual expenses will be subject to the Community contribution, which will be granted on condition that the other sources of financing have been allocated.

The following direct costs shall be eligible:

- personnel expenses (cost of personnel per day of work on the project);
- meeting room facilities;
- new or used equipment;
- materials and supplies;
- dissemination of information to members;
- travel and accommodation expenses of experts attending Committee meetings (based on scales or rules laid down by the Commission departments);
- audits;
- interpretation and translation costs;
- a contingency reserve of not more than 5% of eligible direct costs.

LEGISLATIVE FINANCIAL STATEMENT

1. NAME OF THE PROPOSAL

Proposals for a Council Decision amending Decision 2004/585/EC establishing Regional Advisory Councils under the Common Fisheries Policy.

2. ABM / ABB FRAMEWORK

1104 : Governance of the Common Fisheries Policy

3. BUDGET LINES

3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B..A lines) including headings:

11.0401 : Closer dialogue with the fishing industry and those affected by the common fisheries policy.

11.010402 : Closer dialogue with the fishing industry and those affected by the common fisheries policy – administrative assistance

3.2. Duration of the action and of the financial impact:

2007-2013

3.3. Budgetary characteristics :

Budget line	Type of ex	penditure	New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective	
110401	CD^7	DNO ⁸	No	No	No	2	
11010402	CND ⁹	CND ⁹ DNO		No	No	2	

Differentiated Credit.

Non-compulsory expenditure.

⁹ Non-Differentiated Credit.

4. **SUMMARY OF RESOURCES**

4.1. **Financial Resources**

Summary of commitment appropriations (CA) and payment appropriations (PA) 4.1.1.

Expenditure type	Section no.		Year 2007	2008	2009	2010	2011	2012 and 2013	Total				
Operational expend	iture ¹⁰												
Commitment Appropriations (CA)	8.1	a	1.500.00 0	1.750.00 0	1.750.00 0	1.750.00 0	1.750.00 0	3.500.00	12.000.000				
Payment Appropriations (PA)		b	1.500.0 00	1.750.00 0	1.750.00 0	1.750.00 0	1.750.00 0	3.500.00 0	12.000.000				
Administrative expe	enditure	with	in refere	nce amou	ınt ¹¹								
Technical & administrative assistance (NDA)	8.2.4	c	0	150.000	0	0	0	150.000	300.000				
TOTAL REFERENCE AMOUNT													
Commitment Appropriations		a+ c	1.500.00 0	1.900.00 0	1.750.00 0	1.750.00 0	1.750.00 0	3.650.00 0	12.300.000				
Payment Appropriations		b+ c	1.500.0 00	1.900.00	1.750.00 0	1.750.00 0	1.750.00 0	3.650.00 0	12.300.000				
Administrative expe	enditure	not i	included	in refere	nce amou	nt ¹²							
Human resources and associated expenditure (NDA)	8.2.5	d	324.000	324.000	324.000	324.000	324.000	648.000	2.268.000				
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6	e	20.000	20.000	20.000	20.000	20.000	40.000	140.000				
Total indicative fina	ncial co	st of	interven	tion									
TOTAL CA including cost of Human Resources		a+ c+ d+ e	1.844.00	2.244.00	2.094.00	2.094.00	2.094.00	4.338.00	14.708.000				

¹⁰ Expenditure that does not fall under Chapter $xx\ 01$ of the Title xx concerned. Expenditure within article $xx\ 01$ 04 of Title xx.

¹¹

¹² Expenditure within chapter xx 01 other than articles xx 01 04 or xx 01 05.

TOTAL PA including cost of Human Resources	b+ c+ d+ e	1.844.00	2.244.00	2.094.00	2.094.00	2.094.00	4.338.00	14.708.000
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4.1.2. Compatibility with Financial Programming

- X Proposal is compatible with existing financial programming.
- Proposal will entail reprogramming of the relevant heading in the financial perspective.
- Proposal may require application of the provisions of the Interinstitutional Agreement¹³ (i.e. flexibility instrument or revision of the financial perspective).

4.1.3. Financial impact on Revenue

- X Proposal has no financial implications on revenue
- ☐ Proposal has financial impact the effect on revenue is as follows:

EUR million (to one decimal place)

		Prior to action		Situation following action								
Budget line	Revenue	[Year n-1]	2007	[n+1]	[n+2]	[n+3]	[n+4]	[n+5]				
	a) Revenue in absolute terms											
	b) Change in revenue	Δ										

4.2. Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.

Annual requirements	Year 2007	n + 1	n + 2	n + 3	n + 4	n + 5 and later
Total number of human resources	3	3	3	3	3	3

See points 19 and 24 of the Interinstitutional agreement.

Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years

5. CHARACTERISTICS AND OBJECTIVES

5.1. Need to be met in the short or long term

The Regional Advisory Councils (RACs) have been established as a result of the 2002 reform of the Common Fisheries Policy. Council Decision 2004/585/EC defines a general framework for the functioning of the RACs to ensure a consistent and balanced approach amongst them. The possibility of granting Community financial aid to RACs is one of the aspects included in this Decision.

On the basis of the current experience of the RACs already established, the financial provisions included in Council Decision 2004/585/EC do not fully meet their needs. The existing RACs are having difficulties in operating effectively within the financial framework which provides for a EU financial contribution limited to a five year-period and whose amount decreases from one year to the other.

Given the importance of the RACs in ensuring the effective involvement of the stakeholders in the Common Fisheries Policy, they meet the criteria for consideration as bodies pursuing an aim of general European interest in the meaning of Article 162(b) of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities¹⁵.

5.2. Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

So far, four Regional Advisory Councils have been established and three others are in process of creation. RACs are a key element of good governance of the Common Fisheries Policy.

On the issue of cost/effectiveness, and on the basis of the Council Decision 2004//585/EC, RACs have signed a Framework Contract for a duration of 5 years with the European Commission, with a view to establish a long term cooperation, and two specific grants: a grant for an Action to cover the translation and interpretation costs (50.000 € per year) and an Operating grant to provide support to the functioning of the RACs subject to the degressivity rule as follows:

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Year 1 - € 200.000 (90 %); Year 2 - € 165.000 (75 %); Year 3 - € 132.000 (60%); Year 4 - € 121.000 (55 %); Year 5 - € 110.000 (50%)).
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On the basis of the experience with the four RACs that are already operational, and in order to effectively pursue their advisory role within the Common Fisheries Policy, RACs would need to be granted financial stability. To meet this objective the Commission could sign a grant agreement with each RAC to cover their operational costs, including translation and interpretation costs. The Commission could start funding the RACs with a yearly amount of €250.000, i.e.:

OJ L 357, 31.12.2002, p. 1, as last amended by Regulation (EC, EURATOM) No 1248/2006 of 7.08.2006 (OJ L 227, 19.08.2006, p. 3.

€ 200.000 for operational costs PLUS

€ 50.000 for translation and interpretation costs

RACs would still need to find other sources of financing according to the cofinancing principle (activities cannot be financed entirely out of Community funds). Furthermore, if at the end of the year, the budget of the RAC was lower than originally estimated, the Community contribution would be decreased accordingly (not allowing the RAC to transfer any surplus from one year to the other).

5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework

Thanks to the more favourable, simplified and stable financial framework proposed, RACs should be able to function properly and contribute to a sustainable management of fish stocks, incorporating an eco-system-based approach and the precautionary principle and contributing to improved transparency of scientific advice by promoting dialogue between scientific experts and fishermen.

Thus far, four RACs have been established and they are representative of all the parties concerned. The RACs are being asked to deliver opinions following a consultation by the Commission or on their own initiative. The Commission examines their advice and either takes it into account in the drafting of proposals or where appropriate, it will give reasons for its refusal to take account of the RACs opinions.

A number of indicators linked to the above objectives have been identified:

- the number of fishing zones in the European Union covered by operational RACs;
- their composition in relation to their geographical and sectoral representativeness;
- the rate of participation of stakeholders, and also of scientists, in the RAC working groups;
- the percentage of opinions obtained compared with the proposals presented for consultation, a rate of around 80% being satisfactory; the number of recommendations and suggestions, if any, made of their own accord;
- the number of meetings each year, with three at least appearing to be essential;
- the quality of the opinions presented;
- the total operating costs eligible per year in the three years following their establishment.

5.4. Method of Implementation (indicative)

X Centralised Management

X directly by the Commission

ш	man	ectly by delegation to.
		executive Agencies
		bodies set up by the Communities as referred to in art. 185 of the Financial Regulation
		national public-sector bodies/bodies with public-service mission
Shar	ed or	decentralised management
	with	Member States
	with	Third countries
Joint	mana	agement with international organisations (please specify)

6. MONITORING AND EVALUATION

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6.1. Monitoring system

The Commission departments ensure that the operating grant agreements stipulate that an annual report is required for each RAC, which will be essential for the final annual payment and the renewal of the grant for the following year. The report will include a model table determined in advance by the Commission containing some of the indicators listed under 5.3.

External Auditing Reports are also required of each Advisory Regional Council at the end of the annual period.

The quality of the opinions issued by the RACs and the participation of officials from DG FISH – as observers - at the meetings of the RACs will attest to the satisfactory operation and the quality of the Councils.

In addition, an implementation report to the European Parliament and the Council will be submitted at the latest by end June 2007, and two external evaluations will be undertaken in 2008 and 2012.

6.2. Evaluation

6.2.1. Ex-ante evaluation

RACs have highlighted that the degressivity rule hinders their capacity to operate effectively. Furthermore, signing two different grant agreements makes it more complicated for RACs as it does not allow for any flexibility for the translation/interpretation costs. These costs are very important in view of the translational make-up of the RACs, whose members are from different Member States and whose work will be, thus, multi-lingual. An exception to the degressivity rule would be applied to RACs if they are considered as bodies pursuing an aim of general European interest through an amendment to the Council Decision 2004/585/EC. In the case of the RACs, the following definition provided for in the

Implementing Regulation would apply: "(...) a European network representing non-profit bodies active in the Member States or in the candidate countries and promoting the principles and policies consistent with the objectives of the Treaties".

This would provide RACs with stability in their operation, no specific time limit to the grants, and, it would also simplify the procedures and administrative burden as the two specific grants could be merged into one.

Furthermore, this would also increase flexibility to transfer funds from the operational part of the budget to cover interpretation and translation costs when they are higher than initially estimated

6.2.2. Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)

NA

6.2.3. Terms and frequency of future evaluation

The Commission will report to the European Parliament and the Council on the implementation of Council Decision 2004/585/EC and the functioning of the RACs at the latest by 30 of June 2007 (art. 11 of the Decision).

An evaluation report will be completed every 6 years in terms of art. 27(4) of the Financial Regulation and art. 21 of the Implementing Rules: "(..) activities financed on an annual basis must be evaluated at least every 6 year (..)". (intermediate and/or ex post evaluation)

Any future proposal to continue or review the RAC regime will be evaluated before its implementation (ex-ante evaluation).

The sequence of the intermediate/ex post evaluation and ex ante evaluation should be organised efficiently. A possible solution would be to combine both dimensions in only one evaluation exercise ("omnibus" evaluation)

7. ANTI-FRAUD MEASURES

The Commission procedures for the award of contracts will be applied, ensuring compliance with Community law on public contracts.

8. **DETAILS OF RESOURCES**

8.1. Objectives of the proposal in terms of their financial cost

Commitment appropriations in EUR

(Headings of Objectives, actions and outputs	Type of output	Av.	,	Year 2007	1	Year 2008	7	ear 2009	7	Year 2010	7	Year 2011	,	Year 2012	Y	Year 2013	TOTAL
should be provided)			N	Total costs	Total costs												
Action 1 Functioning of the NORTH SEA RAC	Operating Grant Agreeme nt		1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1.750.000
Action 2 Functioning of the NORTH WESTERN WATERS RAC	Operating Grant Agreeme nt		1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1.750.000
Action 3 Functioning of the PELAGIC RAC	Operating Grant Agreeme nt		1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1.750.000
Action 4 Functioning of the BALTIC RAC	Operating Grant Agreement		1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1.750.000
Action 5 Establishment of the LONG DISTANCE	Operating Grant Agreement		1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1.750.000

RAC																
Action 6 Establishment of the SOUTH WESTERN WATERS RAC	Operating Grant Agreement	1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1.750.000
Action 7 Establishment of the MEDITERRANEAN RAC	Operating Grant Agreement	1		1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1	250.000	1.500.000
TOTAL COST		7	1.500.000	7	1.750.000	7	1.750.000	7	1.750.000	7	1.750.000	7	1.750.000	7	1.750.000	12.000.000

8.2. Administrative Expenditure

The human resource and administrative needs will be covered within the allocation granted to the responsible DG in the framework of the annual allocation procedure.

8.2.1. Number and type of human resources

Types of post			Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs)										
		Year 2007	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5	Year n+6					
Officials or	A*/AD	1	1	1	1	1	1	1					
staff ¹⁶ (XX 01 01)	B*, C*/AST	2	2	2	2	2	2	2					
Staff financed XX 01 02	⁷ by art.												
Other staff ¹⁸ financed by art. XX 01 04/05													
TOTAL		3	3	3	3	3	3	3					

8.2.2. Description of tasks deriving from the action

Participation in the set-up of RACs.

Participation in the meetings organised by the different RACs, as Commission's representatives.

Follow-up of the Opinions, Recommendations or/and other documents produced by the RACs and their distribution to the Commission's responsible services.

Organisation of Coordination meetings with the RACs.

Financial and Administrative Help-Desk (management and control of the commitments and Grant Agreements, revision of the final financial statement, establishment of the new Agreements).

Links with the Advisory Committee on Fisheries and Aquaculture.

8.2.3. Sources of human resources (statutory)

Posts currently allocated to the management of the programme to be replaced X or extended

¹⁶ Cost of which is NOT covered by the reference amount

¹⁷ Cost of which is NOT covered by the reference amount 18

Cost of which is included within the reference amount

Ц	Posts pre-allocated within the APS/PDB exercise for year n
	Posts to be requested in the next APS/PDB procedure
	Posts to be redeployed using existing resources within the managing service (internal redeployment)
	Posts required for year n although not foreseen in the APS/PDB exercise of the year in question

8.2.4. Other Administrative expenditure included in reference amount (11010402 – Expenditure on administrative management)

Budget line (number and heading) 11010402 - Evaluation	Year 2007	Year 2008	2009	2010	2011	Year 2012	TOTAL
1 Technical and administrative assistance (including related staff costs)							
Executive agencies ¹⁹							
Other technical and administrative assistance							
- intra muros							
- extra muros		150.0 00				150.0 00	300.000
Total Technical and administrative assistance		150.0 00				150.0 00	300.000

8.2.5. Financial cost of human resources and associated costs <u>not</u> included in the reference amount

Type of human resources	Year 2007	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later
Officials and temporary staff (XX 01 01)	324.000	324.000	324.000	324.000	324.000	324.000
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.)						
(specify budget line)						
Total cost of Human Resources and associated costs (NOT in reference amount)	324.000	324.000	324.000	324.000	324.000	324.000

Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

Calculation – Officials and Temporary agents

8.2.6. Other administrative expenditure <u>not</u> included in reference amount

	Year 2007	Year n+1	Year n+2	Year n+3	Year n+4	Years n+5 and n+6	TOTAL
XX 01 02 11 01 – Missions	20.000	20.000	20.000	20.000	20.000	40.000	140.000
XX 01 02 11 02 – Meetings & Conferences	0	0	0	0	0	0	0
XX 01 02 11 03 – Committees ²⁰ (SIS II /VIS Committee)	0	0	0	0	0	0	0
XX 01 02 11 04 – Studies & consultations	0	0	0	0	0	0	0
XX 01 02 11 05 - Information systems	0	0	0	0	0	0	0
2 Total Other Management Expenditure (XX 01 02 11)	20.000	20.000	20.00	20.000	20.00	20.00	140.000
3 Other expenditure of an administrative nature (specify including reference to budget line)	0	0	0	0	0	0	0
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)	20.000	20.000	20.000	20.000	20.000	40.000	140.000

Calculation - Other administrative expenditure <u>not</u> included in reference amount

Specify the type of committee and the group to which it belongs.