

April, 2010



منظمة الأغذية  
والزراعة  
للأمم المتحدة

联合国  
粮食及  
农业组织

Food  
and  
Agriculture  
Organization  
of  
the  
United  
Nations

Organisation  
des  
Nations  
Unies  
pour  
l'alimentation  
et  
l'agriculture

Продовольственная и  
сельскохозяйственная  
организация  
Объединенных  
Наций

Organización  
de las  
Naciones  
Unidas  
para la  
Agricultura  
y la  
Alimentación

**E****EUROPEAN INLAND FISHERIES ADVISORY COMMISSION****Twenty-sixth Session****Zagreb, Croatia, 17–20 May 2010****DECISION PAPER****OPTIONS FOR THE LONG-TERM IMPROVEMENT OF EIFAC**

THE TWENTY-FIFTH SESSION OF EIFAC ACKNOWLEDGED THAT MEMBERS MUST TAKE A CLEAR DECISION ON THE LONG-TERM IMPROVEMENT OF EIFAC AND MOVE FORWARD SWIFTLY AND EFFECTIVELY. THIS PAPER PRESENTS OPTIONS FOR SUCH LONG-TERM IMPROVEMENT OF EIFAC, AND FOCUSES ON CONTINUING AS A FAO ARTICLE VI BODY BUT WITH AN IMPROVED STRUCTURE OR CONVERTING INTO A FAO ARTICLE XIV BODY WITH AN AUTONOMOUS BUDGET, OR ABOLISHING THE COMMISSION.

IN EACH OF THE FIRST TWO OPTIONS, IT IS PROPOSED TO CONVERT THE PRESENT STRUCTURE OF EIFAC INTO A PROJECT-BASED ORGANIZATION OPERATING THROUGH A MANAGEMENT COMMITTEE AND A TECHNICAL COMMITTEE. THE LEGAL BASES AND FINANCIAL IMPLICATIONS ARE DESCRIBED, AND CONSIDERATIONS FOR EIFAC OBJECTIVES, MISSION STATEMENT AND MANDATE ARE PROVIDED. INDICATIVE DRAFT SUPPORTING DOCUMENTATION FOR OPTIONS TO REFORM THE EIFAC INSTITUTIONAL STRUCTURE IS GIVEN, INCLUDING A COUNCIL RESOLUTION FOR AN ARTICLE VI BODY, AN AGREEMENT FOR AN ARTICLE XIV BODY AND RULES OF PROCEDURE FOR EACH. A PRIORITIZED LIST OF ISSUES OF IMPORTANCE SUBMITTED BY MEMBERS WHERE EIFAC COULD MAKE A VALUABLE CONTRIBUTION TO OVERCOME EXISTING OR ANTICIPATED PROBLEMS OR CHALLENGES IS PROVIDED.

THE COMMISSION IS INVITED TO CONSIDER AND DECIDE ON THE FUTURE LEGAL STATUS OF EIFAC AND THE APPROPRIATE FINANCIAL, STRUCTURAL, PROCEDURAL AND OTHER NECESSARY REQUIREMENTS TO SUPPORT THEIR DECISION.

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## ACRONYMS

APFIC	Asia-Pacific Fishery Commission
CECAF	Fishery Committee for the Eastern Central Atlantic
EIFAC	European Inland Fisheries Advisory Commission
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FI	Fisheries and Aquaculture Department of FAO
GDP	Gross Domestic Product
GFCM	General Fisheries Commission for the Mediterranean
IOTC	Indian Ocean Tuna Commission
IPA	Immediate Plan of Action
RECOFI	Regional Commission for Fisheries
RFB	Regional Fishery Body
TORs	Terms of Reference
WECAF	Western Central Atlantic Fishery Commission

## INTRODUCTION

1. The European Inland Fisheries Advisory Commission (EIFAC) was established in 1957 under Article VI(1) of the FAO Constitution by Council Resolution 2/26. Since its establishment, there has been no change in the mandate of the Commission and only marginal alternations to its institutional structure and processes, although external political, social, economic, financial and environmental factors have undergone significant transformation. These conditions led to the consideration by every EIFAC Session since 1992 of the restructuring and strengthening of EIFAC. Throughout this process, spanning nearly twenty years, no significant reforms have been agreed but the recognized need for long-term improvement has broadened and deepened.

2. At the Twenty-fifth Session of EIFAC in 2008 it was agreed to initiate a project to review the functioning of EIFAC. This process included an Expert Workshop on strengthening the role and functioning of EIFAC held in The Hague, the Netherlands, in March 2009, and a Workshop in Mainz, Germany, in January 2010 where a paper entitled “A review of the functioning of EIFAC and options for long-term improvement”(the “Options Paper”, available as EIFAC/XXVI/2010/Inf.4) was presented. The latter addressed potential options for the future structure of EIFAC and was attended by National Correspondents and/or other officials from sixteen EIFAC Members, i.e. Austria, Belgium, Croatia, Estonia, Finland, France, Germany, Ireland, Italy, the Netherlands, Norway, Poland, Sweden, Switzerland, Turkey and United Kingdom.

3. The Mainz Workshop reviewed six options for the legal basis for EIFAC, the financial implications, objectives, institutional structure, and Rules of Procedure. It identified those that, in the view of the Workshop participants, would be most usefully addressed at the 26<sup>th</sup> Session of EIFAC. The conclusions of the Workshop served as technical guidance in preparing for the 26<sup>th</sup> Session. The options are described below.

4. The participants of the Mainz Workshop also took note of the February 2009 Position Statement of the FAO Fisheries and Aquaculture Department (FAO/FI) regarding its continuing financial support to EIFAC,<sup>1</sup> and its fundamental bearing on the consideration of options for institutional strengthening. It was clear that while FAO fully supports the reviewing process which could lead to a restructuring of the Commission, any new mandate and structure would have to clearly reflect the commitment by the members of EIFAC and would need to have appropriate funding available, made available by countries or donors, to function in a sustainable way. After reviewing the results of the review process, FAO/FI will make a decision on how much Regular Programme support for EIFAC is needed and appropriated, on the basis of the availability of resources, including human resources. It was also clear that funding support from FAO, in view of the present situation of the Organization and the great constraints it is facing, would not increase and could possibly decrease.

## OPTIONS FOR THE LEGAL BASIS OF EIFAC

5. The Mainz Workshop considered six options for the legal basis of EIFAC. It was recognized that the following three of the six options would be somewhat counterproductive and offer little or no likelihood of long-term improvement for EIFAC for reasons stated below.

- **Convert EIFAC into a FAO Article XIV body with a “0” growth non autonomous budget scenario.** This would entail complicated procedures to abolish EIFAC and develop a new establishing agreement with no financial advantages. An Article XIV body with no independent budget, and possibly a greater administrative burden, was considered to be a bird without wings.
- **Convert EIFAC into a FAO Article XV body.** The FAO Legal Office has advised that this option would not be viable. The process would require approval by the FAO Conference twice, create a greater administrative burden and has no benefits compared to an Article XIV body.

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<sup>1</sup> The full FAO/FI Position Statement is in Appendix F of the Options Paper.

- **Establish an intergovernmental organization outside of the FAO framework.** This option was considered to be time-consuming and expensive, and it was felt that it would not have the advantages offered by FAO to its family of regional fishery bodies (RFBs). The preference of the participants to the Mainz Workshop was to keep the existing link with FAO.

6. Consequently, the Mainz Workshop concluded that the following three options for the legal basis of EIFAC would most usefully be considered at the 26<sup>th</sup> Session of EIFAC. In considering the first two options below, participants underlined the need for EIFAC to be converted into a lean, fast-moving organization of practical value for its Members. In this regard, it was agreed that both options should abolish the existing structure and processes of EIFAC and adopt instead a project approach, where the activities of the Commission would be carried out under specific projects that are developed, monitored and implemented according to agreed procedures and criteria.

**Continue as a FAO Article VI body but with improved structure and Rules of Procedure, taking into account a “0” growth budget scenario (compared to the present status)**

7. This option would allow for effective restructuring to streamline operations and introduce accountable procedures while fostering existing strengths and outputs. The restructuring would include abolishing the Sub-Commissions, Working Parties and Liaison Groups, and implementing a project approach instead. As an Article VI body, EIFAC would continue to receive financial support from FAO for operational tasks, e.g. provision of the Secretariat, technical backstopping and holding of sessions.

8. However, in this regard, the FAO/FI Position statement made it clear that in future FAO – if at all – can make available to EIFAC only limited resources (both funding and human resources) and that any support will have to be adjusted taking into account the true capacity of the Department in terms of availability of these resources. This implies that the Commission will have to rely heavily on other funding sources. In future, in addition to continuing to pay for the participation of delegations in meetings and sessions, Members will have to fund the implementation of the Work Programme. To do so they might wish to seek donor support.

9. EIFAC would continue to be subject to FAO rules (such as those for meetings and budgetary matters) and benefit from FAO technical backstopping and programmes.

10. If this option were chosen, consideration should be given to reviewing and updating FAO Council Resolution 2/26 which established EIFAC in 1957, in order to reflect current standards and practice of FAO and EIFAC, and agreement on the objective, functions and structure of EIFAC. FAO Council Resolution 2/26 and an indicative draft revised Resolution are in Appendix 1.

**Convert EIFAC into a FAO Article XIV body with an independent budget provided by the Members of EIFAC for operations and staffing**

11. This option would require the FAO governing bodies to dissolve EIFAC as an Article VI body and re-establish it as an Article XIV body by approving an Agreement developed in technical meetings or consultations between the potential Members. It would provide sustainable funding for operations and staffing through an autonomous budget, without relinquishing the benefit of being a member of the FAO family of RFBs, including support for administration and technical backstopping.

12. FAO Article XIV bodies must be established by a separate agreement among members that is approved by Conference or Council and enters into force on the deposit of the required number of acceptances in accordance with the agreed provisions. Once established, an Article XIV body may undertake partnership arrangements and liaison with other organizations and seek additional financial support under an autonomous budget.

13. Article XIV bodies may have functional autonomy from FAO, where the bodies approve their budget and programme of work and the secretaries are accountable to the Members for the execution of the budget and the work programme. Financial commitment toward their budgets by Members is an integral part of this process.

14. On the other hand, the agreement establishing an Article XIV body is placed under the framework of FAO and retains very close links with the Organization, even in situations where the bodies which they establish enjoy considerable autonomy. The bodies may adopt and amend their own Financial Regulations provided that these are consistent with the principles embodied in the Financial Regulations of FAO. Contributions, either to the budget or for any other activities, are to be paid into a trust fund managed by the Organization in accordance with the financial procedures of the Organization.

15. This is the option that FAO is encouraging the Members to adopt. It is consistent with the FAO/FI Position Statement that any new structure and mandate would have to clearly reflect the commitment by the members of EIFAC and would need to have appropriate funding available to function in a sustainable way. On a broader level, it also conforms with the November 2009 endorsement by the Thirty-sixth Session of the FAO Conference in Resolution 4/2009 relating to ongoing follow-up work in the FAO Immediate Plan of Action (IPA), including Action 3.17: “Review treaties, conventions, agreements and similar bodies and instruments established under articles VI, XIV and XV of the FAO Constitution with a view to their developing a greater degree of self-funding from their members”.<sup>2</sup>

16. Moreover, both the FAO/FI position statement and the IPA follow on from the Resolution 13/97 adopted by the FAO Conference at its twenty-ninth Session in November 1997, “Review of FAO Statutory Bodies”. It required a systematic and specific review of each FAO statutory body, which in turn could promote the restructuring of the bodies, revision of the mandate and undertaking of more financial responsibilities by member countries. The Conference encouraged bodies to seek extra-budgetary funding – financial support not included in the Members’ contributions to the FAO Regular Programme – or to provide their own financial resources. The process and outcomes involved strengthening or establishment of Article XIV bodies<sup>3</sup> and restructuring or simplification of Article VI bodies.<sup>4</sup>

17. If this option were chosen Members would need to develop an Agreement to establish EIFAC as an Article XIV body. An indicative draft Agreement for EIFAC as an Article XIV body is in Appendix 2.

### **Abolish EIFAC**

18. This option is self-explanatory. It would require the FAO Council to dissolve EIFAC.

19. Independently from the options presented above, it must be recalled that the Twenty-fifth Session of EIFAC in 2008 agreed that the name of the Commission be changed to the European Inland Fisheries and Aquaculture Advisory Commission (EIFAAC). The requisite process has been initiated in FAO, but is not yet completed. Should EIFAC remain as an Article VI body, this process

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<sup>2</sup> <http://www.fao.org/docrep/meeting/018/k6821E02.pdf>.

<sup>3</sup> The General Fisheries Commission for the Mediterranean adopted an autonomous budget and the Asia-Pacific Fisheries Commission (APFIC) adopted amendments to its Agreement and Rules of Procedure. The Indian Ocean Fishery Commission was dissolved in 1999, and Article XIV organizations that were established to take its place included the Indian Ocean Tuna Commission (IOTC) and the Regional Commission for Fisheries (RECOFI).

<sup>4</sup> The Fishery Committee for the Eastern Central Atlantic (CECAF) and the Western Central Atlantic Fishery Commission (WECAFC) both agreed to have a simpler structure.



will be completed. Should EIFAC change to an Article XIV body, the new Commission's name will be EIFAAC in the corresponding Agreement. This change of name is reflected in the Appendixes to the present document.

20. The financial implications, objectives, mission statement and institutional structure – together with relevant rules of procedure and terms of reference – in relation to the respective status of Article VI and Article XIV bodies are elaborated in the following sections for consideration and decision by EIFAC Members.

## FINANCIAL IMPLICATIONS

21. The financial implications for EIFAC both as an Article VI and Article XIV body are shown in indicative budgets in Appendix 3, taking into account the limited and potentially decreasing funding support by FAO/FL. They are based on the estimated current costs of EIFAC to FAO, and generally reflect the budget structure of other FAO RFBs.

22. EIFAC does not currently have a budget. The current levels of time allocated by the Secretariat (i.e. one Secretary, three Technical Secretaries, a meetings officer, secretarial assistance and IT assistance) for EIFAC work and other assistance is around six months' time. The estimated annual combined in-kind staff costs to FAO are approximately USD 95,000. An additional estimated amount of USD 30,000 is provided in-kind for travel, interpretation and the publication of session reports and USD 35,000 for operating costs, totalling 160,000.

23. If EIFAC operates as a project-based FAO Article VI body, along the lines described below in section 5 of this paper, the contributions from the FAO Regular Programme described in paragraph 22 cannot be increased and financial contributions by Members or donors would be needed for carrying out projects based on a prioritized Work Programme developed by the Commission. Sustainable funding additional to that provided by FAO at current levels would be needed from a minimum of USD 353,000 to an optimum of USD 1,005,000, as shown in Appendix 3.

24. If an autonomous budget were adopted under an Article XIV body with an autonomous budget, contributions from Members would need to be a minimum of USD 889,875 or an optimum of USD 1,364,475, as shown in Appendix 3.

25. An Article XIV body would also need to develop a financial strategy and agree on an equitable formula for contributions (e.g. consisting of wealth, a production component and a membership taking into account the UN scale of contributions). Furthermore, financial regulations would need to be adopted. The formulae for the calculation of contributions in other FAO RFBs include the following considerations:

- *membership*: a fixed proportion of the budget equally shared amongst members, usually set at around 10%.
- *wealth component*: the wealth of the Member;<sup>5</sup> usually set at a level of 35 to 40 per cent.
- *catch or production component*: the total inland fishery and aquaculture production of the Member.<sup>6</sup>

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<sup>5</sup> For example, the General Fisheries Commission for the Mediterranean (GFCM) uses the following basis to determine wealth component. According to per caput Gross Domestic Product GDP (measured in US \$ as published by the World Bank); members falling into four categories: below US\$ 1 000; between US\$ 1 000 and US\$ 9 999; between US\$ 10 000 and US\$ 29 999 and US\$ 30 000 and above. The first category is exempt from the wealth component. The second pays one share; the third pays 10 shares, and the fourth category pays 20 shares. Exceptions are made for countries with a total GDP below US\$ 5 thousand million (1997) to which a GDP category one step below is applied. Some countries are brought down to the first category and, as a result, are exempt from the wealth component (as long as their annual GDP remains below US\$ 5 thousand million).

26. Financial regulations for FAO Article XIV bodies are generally similar and provide, in relation to expenses, that:

- the expenses of the Secretariat, when performing Commission duties between Sessions, are paid from the Commission's budget;
- research and development projects undertaken by individual Members of the Commission are paid by Members concerned;
- expenses incurred in connection with cooperative research or development projects are paid by Members in the form to which they mutually agree, and contributions for such projects are paid into a FAO trust fund;
- the Commission pays the expenses of experts invited to attend meetings of the Commission, committees or working parties in their individual capacity;
- the Commission may accept voluntary contributions to be paid into a FAO trust fund and administered in accordance with FAO Financial Regulations and Rules.

27. Article XIV bodies have administrative budgets, which refer to the regular contribution of Members of the Commission, and may have special budgets relating to funds made available from donation and other forms of assistance. For the administrative budget, FAO Article XIV bodies take slightly different approaches. Generally, estimates for expenditures are submitted to the Commission for approval and then to the FAO Director-General for approval by Conference. Budgets for the proposed expenses of the Secretariat include publications, communications and travel of specified officers (being FAO staff) of the Commission.

28. Contributions can be made to the work of the Commission through *ad hoc* extra budgetary funding for an Article VI or Article XIV body. Trust funds are established for this purpose, and FAO charges a standard project servicing cost of 13%, but this percentage may be subject to adjustments depending on an agreement with FAO.

29. For amounts not exceeding US\$200 000, a Letter of Agreement with a simplified project document annexed is required. Depending on the donor requirements financial reporting will also be needed. Any number of donors can contribute to such funds, but expenditure of individual contributions is not reported.

30. For an Article VI or Article XIV body, the Work Programme could be composed of priority projects to be decided by the members upon restructuring. Funding of projects would help to solve one of the main perceived problems of EIFAC, i.e. that experts give a low priority to EIFAC activities because there is little or no financial incentive.

31. Indicative draft financial regulations for EIFAC as an Article XIV body, referring to both administrative and special budgets, are in Appendix 4. FAO Article VI bodies do not require separate financial regulations.

## **PROPOSED EIFAC OBJECTIVES, MISSION STATEMENT AND MANDATE**

32. Importantly, a modern focus that can serve as a foundation for EIFAC's activities is missing, for example a reference to areas of common focus, such as generally indicated in other RFBs, such as approaches to fisheries management, social, economic, legal and policy aspects of inland fisheries and management.

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<sup>6</sup> For example, GFCM uses the following basis to determine the catch/production component. The catch/production figures to be used are those published by FAO in STATLANT 37A DATABASE. A three-year average is calculated using the period ending two years prior to that for which the budget will apply. Due to different values of small pelagic and other species, the "GFCM catch" for the purpose of determining the scale of contribution is calculated by applying a factor of 4 to all fish produced by Members in the Mediterranean and in the Black Sea and its adjacent waters, except for small pelagics.

Identification of shared objectives and a mission statement for an improved EIFAC, be it an Article VI or XIV body, would clarify and enhance the goals and identity of the Commission. The Mainz Workshop strongly endorsed the adoption of objectives and a mission statement, and developed the following possible draft objectives for consideration at the 26<sup>th</sup> Session of EIFAC. A draft mission statement is also provided for consideration.

### **Draft EIFAC objectives**

33. The draft objectives of EIFAC for consideration by the Session are to:

- promote the sustainable utilization, management, protection and restoration of European inland fisheries resources based on the best available scientific advice and the application of an ecosystem approach, the precautionary approach and the need to safeguard biodiversity;
- identify and address strategic issues for European inland fisheries and aquaculture and provide advice and recommendations on future policies, measures and related actions needed to address the issues in a rapid and accountable manner as requested by Members;
- provide advice to managers/decision makers of inland fisheries and aquaculture as requested based on scientific, social, economic, legal and other factors; and
- serve as a forward-looking, proactive international platform for the collection, dissemination and consideration of information on common challenges to European inland fisheries and aquaculture, and to this end, *inter alia*, proactively identify:
  - relevant scientific, social, economic, legal and other information and make recommendations for decision makers taking into account the degradation of the aquatic ecosystems; and
  - common problems and solutions, and harmonized approaches as appropriate.

### **Draft EIFAC mission statement**

34. The draft EIFAC mission statement for consideration by the Session is shown below.

- The mission of EIFAC is to promote the long-term sustainable development, utilization, restoration and responsible management of European inland fisheries and aquaculture, consistent with the objectives and principles of the FAO Code of Conduct for Responsible Fisheries, and to support sustainable economic, social, and recreational activities towards these goals through:
  - providing advice, information and coordination;
  - encouraging enhanced stakeholder participation and communication; and
  - the delivery of effective research.

35. The objectives, mission statement and activities of EIFAC encompass commercial and recreational fisheries and aquaculture at national and regional levels. They emphasize the importance of responding to requests and looking proactively to the future. In this way, they recognize the growing importance and power of a wide range of stakeholders and representative bodies, including civil society organizations, and provide opportunities for enhancing their direct participation, consultation and communication with the focal points and the Commission.

36. When a legal basis for EIFAC is identified, the mandate of EIFAC should be reviewed in order to ensure it is aligned with the agreed objectives and mission statement.

## **OPTIONS FOR REFORM OF THE EIFAC INSTITUTIONAL STRUCTURE**

37. Agreement on the legal and financial bases of EIFAC, as well as its objectives, will have implications for its institutional structure. It has generally remained the same over the years, as have the Rules of Procedure and applicable Terms of Reference. The Options Paper addresses the strengths, weaknesses and options for reform of each component of the EIFAC institutional structure. It served as the basis for review by the Mainz Workshop, which identified areas for the 26<sup>th</sup> Session to consider and decide on reforms that would contribute to the long-term improvement of EIFAC. The key considerations and outcomes of the Workshop are included in the options for the reform of the EIFAC institutional structure that appear below.

### **The Commission**

38. The Commission is open to all European Members of FAO, and currently comprises 34 Members. Because of changes in global fisheries, European governance and the needs and priorities of Members, it was considered by the Mainz Workshop that the Commission would benefit from modernization in line with the objectives, a Mission Statement and possibly an updated mandate to be agreed, as noted above. The Rules of Procedure would also need to be modernized and adapted to the agreed legal basis for the Commission.

39. The Commission meets biennially, but depending on the agreed structure and objectives of EIFAC it may be appropriate to consider annual meetings. There could be a reduced need for more frequent meetings if EIFAC remains an Article VI body and a Management Committee is established with appropriate authorities to conduct business between sessions. The convening of annual meetings may become more important if EIFAC is transformed into an Article XIV body with an autonomous budget.

### **Members**

40. The inactivity and lack of participation of some Members was recognized by the Mainz Workshop, which noted that this occurred for different reasons. Some members are not actively contributing to the proceedings of EIFAC, and in recent years attendance at biennial meetings has averaged just above or, in 2004, just below the required quorum. To address this, Rules of Procedure could be adopted that govern the status of inactive members.

41. For the European countries which are not yet members of EIFAC, the Secretariat could continue to invite these countries to consider their membership in EIFAC.

### **The Secretariat**

42. The Secretariat is based at FAO which provides a Secretary and three Technical Secretaries for technical backstopping support, as well as a Meetings Officer and secretarial and IT services. The combined inputs total approximately six months' time per annum.

43. Some participants at the Mainz Workshop requested augmented staffing for the Secretariat regardless of the type of organization agreed for EIFAC, including additional time for a Secretary (full-time if possible), a full-time technical officer and secretarial support. This would be necessary for the effective administration of a strengthened organization, particularly one based on the development and implementation of projects as described below. It must be strongly stressed that any additional costs for this will have to come from sources other than the FAO Regular Programme budget.

## **Conversion into a Project-Based Organization (replacing the Executive Committee, Sub-Commissions, Working Parties, Liaison Groups) with priority issues**

44. Although some of the EIFAC working parties have produced successful and robust outcomes, there are significant weaknesses and uneven performance in others, as described in the Options Paper. Some of the major problems resulted from lack of or insufficient financial support, terms of reference, rules of procedure, strategies/priorities, oversight and the decreasing availability of technical support by the Secretariat.

45. There was broad support at the Mainz Workshop for abolishing the Sub-Commissions, Working Parties and Liaison Groups and transforming it into a project-based organization. It was acknowledged that, originally, EIFAC and much of the relevant science focused on a very investigative approach to natural history and biology, but that demands now are very different, driven by emerging issues in policies, conservation, management, regulations and directives. A different approach will therefore be necessary.

46. The project approach would, of course, require the work to fall within the mandate of EIFAC and be relevant to EIFAC Members. It would be based on a Work Programme, including priorities identified by Members.

47. There was consensus at the Mainz Workshop that projects would need to be approved and closely monitored according to new criteria and Rules of Procedure, in order that outcomes would be prompt, reliable and of a high professional quality. In this regard, some options for a new structure were considered as follows:

- a. **Establishment of a Management Committee** This Committee would replace the present Executive Committee and existing Rules of Procedure, and be given a stronger, wide-ranging mandate as well as new Rules of Procedure to enable it to conduct business and monitor implementation of the Work Programme between Sessions of the Commission. An indicative draft structure, functions and procedures are in Annex C of Appendix 6.
- b. **Establishment of a “Technical Committee”** The designation and constitution of the Committee is to be agreed. It could be interdisciplinary, including professionals with managerial, scientific, administrative and related expertise that contribute to EIFAC work). The functions of a “Technical Committee” would include making and evaluating project proposals, developing terms of reference (ToRs) for projects and monitoring implementation against the ToRs. Working Parties that are currently active would be converted into projects and fall under the auspices of this Committee. An indicative draft structure and functions are in Annex D of Appendix 6.
- c. **Establishment of Project Criteria and Rules of Procedure.** This would guide the considerations and process for project formulation, approval, implementation monitoring, reporting and evaluation. Indicative draft project criteria and rules of procedure are in Annex D of Appendix 6.

48. To establish such a project approach, active working parties could be converted to projects and terms of reference – where not yet available – would have to be elaborated within a specified time period. New projects could be agreed upon by the Members based on the Members’ priorities. Comprehensive terms of reference will have to be developed for each new project. A budget would be required and participants would be nominated to work on the project.

49. The projects would reflect the priorities of EIFAC Members for inland fisheries and aquaculture. At the suggestion of the Mainz Workshop, Members were requested to identify a prioritized list of issues of importance where EIFAC could make a valuable contribution to overcome

existing or anticipated problems or challenges. Seventeen Members had provided a total of over one hundred issues as at 30 March 2010, covering a wide range of areas relating to inland fisheries and aquaculture. The issues most often cited appear below. This is a somewhat subjective listing as some issues, being cross-cutting, could also fall under different headings.

**50. Management-related issues and principles for inland fisheries and aquaculture** These issues are described as “management-related”, acknowledging that EIFAC does not have a management mandate but may provide management advice. Many suggestions focused on advancing modern management principles such as sustainability and biodiversity and ecosystem management, and included providing assessments and advice on the following issues.

- facilitating a wider introduction of principles of sustainable and rational development in all freshwater fishing activities and aquaculture;
- the potential role of inland fisheries and aquaculture in the protection of aquatic resources;
- contributing to a management plan for Europe on piscivorous predators, especially cormorants;
- the use of alternative energy resources in closed aquaculture systems;
- the application of applicable management principles and legal implications in private and public waters for recreational and commercial fisheries to facilitate better use of the resources;
- strengthening management plans, identify scenarios for sustainable inland fisheries and aquaculture;
- the conservation and management of species of “conservation” interest as defined by the Habitat Directive;
- fish stocking, including general principles, best practice, interaction with natural stocks and safeguarding biodiversity;
- the impact of inland fisheries and aquaculture on the ecosystem; and
- developing new and updating existing codes of practices on different topics, e.g. fish genetics and biodiversity in inland fish stock preservation and enhancement, fish stocking, fish farming for stocking purposes and inland fish stock management.

**51. Interactions and avoidance or resolution of conflicts in inland fisheries and aquaculture** The interactions within inland fisheries and aquaculture, and between inland fisheries and aquaculture and other sectors were approached from different perspectives. These included recognition of the need to identify and evaluate the interactions, and where there is potential conflict developing good management or other practices. Some examples of issues raised in this context are:

- competitive management issues between recreational and commercial fisheries;
- interactions between: inland fisheries and aquaculture; recreational fishing and tourism; fisheries and other users of inland waters, including territorial and spatial planning issues; and between fisheries/aquaculture and other interest issues/groups;
- the role of inland fisheries and aquaculture within rural development;
- competition for the water;
- land use management; and
- recovery of local and traditional knowledge to improve interactions between fisheries and other users of the aquatic environment.

**52. Harmonization of cross-border and cross-sectoral governance and legal aspects of inland fisheries and aquaculture** The harmonization of governance and legal aspects of inland fisheries and aquaculture figured prominently in the responses. They suggested a number of cross-border and cross-sectoral considerations, including the:

- implementation of relevant international agreements and guidelines;
- cross-sectoral approach to the development of a legal framework, including interactions between inland fisheries and aquaculture and relevant European Union (EU) Directives, including the Water Quality Directive and the Habitats Directive;

- harmonization or coordination of management, including on transboundary rivers;
- development of integrated methods for monitoring, control and surveillance (e.g. water inspection, fisheries inspection and nature protection);
- an analysis of social, environmental and economic factors to sharpen policy making
- harmonization of the legal framework in freshwater aquaculture, especially standards and practices for:
  - health issues (water usage fees, concession mechanisms, food safety, and hygiene);
  - environmental licensing; and
  - predator control; and
- adjustment of the legal framework towards priority goals.

53. **Protection and restoration of the environment and species** Protection and restoration of the habitat environment and certain species was a strong theme throughout many of the responses. A number of specific suggestions were made in this regard, including:

- habitat protection and restoration;
- dismantling of barriers;
- identification and avoidance of environmental poisons and contaminants and chemicals in water and in fish;
- the impact of hydroelectricity on fisheries; and
- activities in relation to certain species including eels, crayfish, invasive, exotic and alien/non-native species.

54. **Trade and economic aspects of inland fisheries and aquaculture** Although EIFAC is not an organization focused on trade, some Members suggested that its priorities could include playing a supportive role in issues relating to trade and economic aspects of inland fisheries and aquaculture. In this context, some priorities were suggested, including providing advice on:

- the adaptation of freshwater aquaculture production to market requirements, in particular the development of new products (value adding), labelling, certification schemes and the possibilities of marketing (niche-market or wide-consumer market);
- social and economic surveys of recreational and commercial fisheries, including evaluation of gains and benefits from licensed angling activities;
- threats to the future of commercial inland fisheries, and the economic consequences for different countries;
- determination of economic, cultural and social values of inland fisheries and aquaculture; and transnational promotion of inland fisheries and aquaculture in Europe to increase the market knowledge of designated species at European level.

55. **Development of databases on inland fisheries and aquaculture** The development of databases was encouraged by Members as a priority activity, and suggestions were made on the type of information that could be maintained, including:

- develop inland fisheries and aquaculture statistical digital databases and data collection methods;
- develop adequate manuals and procedures for data gathering as well as adequate monitoring and control measures, particularly relating to food safety, nature protection and market mechanisms, with a wider participation and stronger inclusion of scientific and research institutions;
- include socio-economic data into regular production data; and
- develop new approaches in the measurement of the importance of inland fisheries, such as crayfish, which values production as a price per weight and takes into account the recreational, economic, social and cultural values.

56. **Climate change** Assessing and preparing for the impact of climate change on inland fisheries and aquaculture was considered by some Members to be a necessary and proactive priority. Some specific priorities suggested included the following:

- the problems and challenges of climate change, and its impact on aquatic flora and fauna and mitigation strategies;
- developing models for climate change and fisheries, including fish species distribution and an international genetic fish map; and
- reduction of the potential impact of climate change on the inland fisheries and aquaculture sector.

### **Rules of Procedure**

57. The Rules of Procedure of the Commission provide a basic framework of procedures, including those related to officers, the Management Committee, Sessions, the agenda, voting and procedures, records and reports, subsidiary bodies, expenses, languages and amendment and suspension of the Rules.

58. Revised Rules of Procedure, criteria and other standards for the Commission as project-based organization, including a Management Committee and a Technical Committee, are in Appendix 5 for an Article VI body and Appendix 6 for an Article XIV body. They are consistent with current Rules of Procedure of similar FAO bodies.

### **Symposia**

There was general consensus at the Mainz Workshop that in the past symposia were an important part of the profile of EIFAC, but it was acknowledged that they were also labour-intensive and costly. Options for cost-recovery were discussed and supported. It was felt that it should be left to the organizing country to decide whether or not to ask for symposium fees. If the Members consider that symposia remain important vehicles for advancing knowledge and awareness of European inland fisheries and aquaculture, the Members may opt to organize them in future by themselves. Any additional costs for this will have to come from sources other than the FAO Regular Programme budget.

### **National Correspondents**

59. Focal points, not necessarily called “national correspondents”, would have an important role to play in a restructured EIFAC, and their role should be formalized and their functions recognized by the ministries. Work for EIFAC should be seen and understood as integral part of the normal duties of the focal point. An indicative outline of the functions of national correspondents under a new structure is in Annex B of Appendix 6.

### **SUGGESTED ACTIONS BY THE COMMISSION**

60. Taking into consideration the acknowledged critical need for Members to take a clear decision at the 26<sup>th</sup> Session on the long-term improvement of EIFAC and to move forward swiftly and effectively, the Commission is invited to consider and decide on the following:

- the future legal basis of EIFAC, including advising or deciding on the content of the relevant supporting legal documentation;
- the reform of the EIFAC institutional structure to a project-based organization;
- the relevant financial considerations; and
- any other necessary process or requirements that may be needed to support the decisions taken.



FAO COUNCIL RESOLUTION NO. 2/26, 1957

EUROPEAN INLAND FISHERIES ADVISORY COMMISSION

THE COUNCIL

**Having considered** the resolution of the International Inland Fisheries Meeting held at Helsinki, under the auspices of the Organization, from 24 to 26 July 1956 and the proposal of the Director-General concerning the establishment of a regional commission to advise him and Member Governments concerned on matters relating to inland fisheries in Europe;

**Believing** that it is desirable to develop further the Organization's program concerning inland fisheries; and

**Endorsing** the view that such development can be assisted by improved international exchanges;

**Hereby establishes** under Article VI, Paragraph 1 of the Constitution of the Organization a regional Commission to be known as the European Inland Fisheries Advisory Commission, of which the membership, objectives, purposes, functions and reporting procedures shall be as follows:

1. Membership in the Commission shall be open to all European Member Nations of the Organization;
2. The objectives and purposes of the Commission shall be to promote improvements in inland fisheries and to advise Member Governments and FAO on inland fishery matters;
3. The functions of the Commission shall be:
  - a. to assist in the collection and dissemination of pertinent information;
  - b. to propose and assist in the organization of appropriate symposia;
  - c. to promote liaison and cooperation among governmental organizations;
  - d. to advise on the evolution of an organized approach among interested governments of this region toward the development of inland fisheries as may seem desirable and feasible; and
  - e. to advise on any other matters appropriate to the promotion of the development and utilization of the inland fisheries within the competence of the Organization;
4. The Commission shall submit at appropriate intervals reports on its activities to the Director-General of the Organization;
5. The Commission may adopt its own rules of procedure which shall come into force upon approval by the Director-General subject to confirmation by the Council of the Organization.

**INDICATIVE DRAFT FAO COUNCIL RESOLUTION  
TO REVISE THE STATUTES OF  
THE EUROPEAN INLAND FISHERIES ADVISORY COMMISSION  
AS A FAO ARTICLE VI BODY**

**THE COUNCIL**

**Recalling** Resolution 2/26 of 1957 by which it established the European Inland Fisheries Advisory Commission (EIFAC) under Article VI-I of the FAO Constitution and promulgated its Statutes,

**Taking into consideration** that the European Inland Fisheries Advisory Commission at its Twenty-Sixth Session (Zagreb, Croatia, May 2010) unanimously agreed on a revised text of its Statutes and invited the Council to approve it with a view to strengthening EIFAC to promote the effective long-term sustainable development, utilization, restoration and responsible management of European inland fisheries and aquaculture,

**Decides** to approve the revised Statutes of the European Inland Fisheries Advisory Commission as follows:

**1. General objective of the Commission**

Without prejudice to the sovereignty of its members, the Commission shall promote the effective long-term sustainable development, utilization, restoration and responsible management of European inland fisheries and aquaculture through providing advice, information, coordination and the delivery of effective research.

**2. General principles**

The Commission shall have due regard for and promote the application of the objectives and principles stated in the 1995 FAO Code of Conduct for Responsible Fisheries, including the precautionary and ecosystem approaches, and in its related technical guidelines on inland fisheries and aquaculture development.

**3. Area of competence**

The area of competence of the Commission shall extend to the inland waters and areas within the territorial boundaries of its Members [and transboundary water basins bordering those areas].

**4. Species**

The mandate of the Commission shall extend to all species of aquatic fish and plants that occur in the inland waters and inland aquaculture of its Members.

**5. Members**

Membership in the Commission shall be open to all European Members of the Organization.

**6. Functions of the Commission**

The functions of the Commission shall be to:

- a. promote and advise its Members and FAO on the sustainable utilization, management, protection and restoration of European inland fisheries and aquaculture resources based on the best available scientific advice and the application of an ecosystem approach, the precautionary approach and the need to safeguard biodiversity;

- b. identify and address strategic issues for European inland fisheries and aquaculture and provide advice and recommendations on future policies, measures and related actions needed to address the issues as requested by Members and FAO;
- c. promote, coordinate and, as appropriate, undertake the collection, exchange and dissemination of scientific, biological, socio-economic, legal and, environmental data and information, including information on common challenges and solutions to European inland fisheries and aquaculture, as well as their analysis or study;
- d. initiate and carry out programmes or projects to:
  - i increase the efficiency and sustainable productivity of fisheries and aquaculture;
  - ii advise on the conservation and management of inland fisheries and aquaculture resources;
  - iii protect resources from pollution and habitat degradation;
- e. keep under review the state of the inland fisheries and aquaculture resources of its Members;
- f. promote the enhancement of inland fisheries and aquaculture production;
- g. encourage education and training including as appropriate by the promotion and the organization of seminars, workshops and other fora;
- h. promote liaison and cooperation among its Members;
- i. enhance communication and consultation with civil society organizations concerned with inland commercial and recreational fisheries and aquaculture;
- j. seek funds and other resources to ensure the long-term operations of the Commission and establish, as appropriate, a trust fund for voluntary contributions to this end;
- k. draw up a plan of work; and
- l. carry out such other activities as may be necessary for the Commission to achieve its objectives and functions.

## **7. Institutions**

1. Meetings of the Commission shall be held at least once every [one/two year(s)].
2. The Commission shall establish the following Committees:
  - a. a Management Committee with authority to address organizational, financial, administrative and strategic issues, approve project proposals and initiate and monitor the implementation of a long-term strategy; and
  - b. a Technical Committee with authority to make, evaluate and recommend project proposals to the Management Committee, develop terms of reference for projects and monitor project implementation against the terms of reference,

which shall have such membership, additional functions and Rules of Procedure that the Commission may define.

3. The establishment of any subsidiary body shall be subject to the determination by the Director-General that the necessary funds are available in the relevant chapter of the budget of the

Organization. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies the Commission must have before it a report from the Director-General on the administrative and financial implications thereof.

4. The Secretary of the Commission shall be appointed by the Director-General and shall be administratively responsible to him.

## **8. Reporting**

The Commission shall submit to the Director-General reports on its activities and recommendations at such appropriate intervals as to enable the Director-General to take them into consideration when preparing the draft Programme of Work and Budget of the Organization and other submissions to the Conference, Council or Committees of the Council. The Director-General shall bring to the attention of the Conference through the Council recommendations adopted by the Commission which have policy implications or which affect the programme or finances of the Organization. Copies of each report of the Commission shall be circulated to Members of the Commission and to other Member Nations and Associate Members of the Organization and international organizations for their information, as soon as they become available.

## **9. Observers**

1. Any Member Nation or Associate Member of the Organization that is not a member of the Commission may, upon its request, be represented in an observer capacity at meetings of the Commission.

2. States which, while not Members of the Organization, are members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon their request, and with the approval of the Commission be represented in an observer capacity in accordance with the provisions adopted by the Conference of the Organization relating to the granting of observer status to Nations.

3. The Commission shall provide for the participation of intergovernmental and, on request, international non-governmental organizations having special competence in the field of activity of the Commission in its meetings as observers in accordance with its Rules of Procedure.

4. Participation of international organizations in the work of the Commission and relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and General Rules of the Organization as well as the rules on relations with international organizations adopted by the Conference and Council of the Organization.

## **10. Rules of Procedure**

The Commission may adopt and amend its own rules of procedure which shall be in conformity with the Constitution and General Rules of the Organization and with the Statement of Principles Governing Commissions and Committees adopted by the Conference. The rules of procedure and amendments thereto shall come into force upon approval by the Director-General.

## **11. Cooperation with International Organizations**

The Commission shall coordinate and cooperate closely with other relevant international organizations on matters of common interest, and such Coordination and cooperation shall be carried out in accordance with relevant rules and procedures of the Organization.

**INDICATIVE DRAFT AGREEMENT TO ESTABLISH THE  
EUROPEAN INLAND FISHERIES AND AQUACULTURE ADVISORY COMMISSION  
AS A FAO ARTICLE XIV BODY**

**PREAMBLE**

The Parties to this Agreement:

**Noting** the objectives and purposes stated in Chapter 17 of Agenda 21 adopted by the United Nations Conference on Environment and Development in 1992 and the Code of Conduct for Responsible Fisheries adopted by the FAO Conference in 1995,

**Conscious** of the importance of sustainable inland fisheries and aquaculture and their contribution to food security, social and economic well being and biodiversity in the European region,

**Committed** to ensuring the long-term conservation and sustainable use of living aquatic resources in inland waters through responsible fisheries and aquaculture and to safeguarding their biodiversity and the environment and ecosystems in which the resources occur,

**Considering** that co-operation and coordination through a regional fishery body can make a significant contribution to the knowledge of inland fisheries and aquaculture in the region and to an improved understanding of forward-looking solutions and thereby contribute to the effective management of inland fisheries and aquaculture,

**Convinced** that the aforementioned objectives could best be achieved through the establishment of a Commission set up under Article XIV of the Constitution of the Food and Agriculture Organization of the United Nations,

**Agree as follows:**

**Article 1**

**ESTABLISHMENT**

The Parties hereby establish within the framework of the Food and Agriculture Organization of the United Nations ("the Organization") a Commission to be known as "The European Inland Fisheries and Aquaculture Advisory Commission" ("the Commission").

**Article 2**

**OBJECTIVES, PRINCIPLES AND FUNCTIONS**

1. The objectives of the Commission shall be, without prejudice to the sovereignty of its members, to promote the effective long-term sustainable development, utilization, restoration and responsible management of European inland fisheries and aquaculture through providing advice, information, coordination and the delivery of effective research.

2. The Commission shall have due regard for and promote the application of the principles stated in the 1995 FAO Code of Conduct for Responsible Fisheries, including the precautionary and ecosystem approaches, and in its related technical guidelines on inland fisheries and aquaculture development.

3. The Commission shall in pursuance of its objectives and principles have the following functions and responsibilities:
- a. promote and advise its Members and FAO on the sustainable utilization, management, protection and restoration of European inland fisheries and aquaculture resources based on the best available scientific advice and the application of an ecosystem approach, the precautionary approach and the need to safeguard biodiversity;
  - b. identify and address strategic issues for European inland fisheries and aquaculture and provide advice and recommendations on future policies, measures and related actions needed to address the issues as requested by Members and FAO;
  - c. promote, coordinate and, as appropriate, undertake the collection, exchange and dissemination of scientific, biological, socio-economic, legal and, environmental data and information, including information on common challenges and solutions to European inland fisheries and aquaculture, as well as their analysis or study;
  - d. initiate and carry out programmes or projects to:
    - a. increase the efficiency and sustainable productivity of fisheries and aquaculture;
    - b. advise on the conservation and management of inland fisheries and aquaculture resources;
    - c. protect resources from pollution and habitat degradation;
  - e. keep under review the state of the inland fisheries and aquaculture resources of its Members;
  - f. promote the enhancement of fisheries and aquaculture production;
  - g. encourage education and training including as appropriate by the promotion and the organization of seminars, workshops and other fora;
  - h. promote liaison and cooperation among its Members;
  - i. enhance communication and consultation of civil society organizations concerned with inland commercial and recreational fisheries and aquaculture.
  - j. seek funds and other resources to ensure the long-term operations of the Commission and establish, as appropriate, a trust fund for voluntary contributions to this end;
  - k. draw up a plan of work; and
  - l. carry out such other activities as may be necessary for the Commission to achieve its objectives and functions.

### **Article 3**

#### **AREA OF COMPETENCE**

The Commission's area of competence shall extend to all species of aquatic fish and plants that occur in the inland waters and aquaculture within the territorial boundaries of the Members [and transboundary water basins bordering those areas].

## **Article 4**

### **MEMBERSHIP**

1. Membership in the Commission shall be open to all European Members of the Organization and such European non-member State of the Organization that is a Member of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, provided that such Member accepts this Agreement in accordance with the provisions of Article 12.
2. Members of the Organization and such non-member State of the Organization that is a Member of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon its request made to and granted by the Commission, be represented as an observer at sessions of the Commission or meetings of the Management Committee, Technical Committee and other subsidiary bodies of the Commission provided for in Article 7 of this Agreement, in accordance with the terms and conditions established by the Commission.

## **Article 5**

### **ORGANIZATION**

1. Each Member shall designate one representative and one alternate to represent that Member in the sessions of the Commission. They may be accompanied by experts and advisers. Alternates, experts, and advisers may take part in the proceedings of the Commission but shall not have the right to vote except in the case of an alternate who is duly authorized to act in the place of the representative during his or her absence.
2. Each Member shall have one vote. Decisions of the Commission shall be taken by a majority of the votes cast, except as otherwise provided by this Agreement. A majority of the total membership of the Commission shall constitute a quorum.
3. The Commission shall elect a Chairperson and two Vice-Chairpersons, each of whom shall serve a term of [two] years and shall be eligible for re-election but shall not serve for more than [six] years in succession. In electing the Chairperson and the Vice-Chairpersons the Commission shall pay due regard to the need for an equitable representation from among the Members.
4. The Organization shall provide the Secretariat of the Commission and the Director-General shall appoint a Secretary ("the Secretary of the Commission"), who shall be administratively responsible to him.
5. The Chairperson of the Commission shall normally convene a session of the Commission every [year] [two years] unless otherwise directed by a majority of the Members. The site and date of all sessions shall be determined by the Commission in consultation with the Director-General of the Organization.
6. Special sessions of the Commission may be convened by the Chairperson of the Commission at the request of at least one-third of its Members.
7. [The seat of the Commission shall be at \*\* ] [The headquarters of the Organization in Rome, Italy.] However, the Commission, after consultation with the Director-General of the Organization, may decide to choose, at its own expense, another location within the Area defined in Article 2.
8. The Commission may, by a two-thirds majority of its membership, adopt and amend its own Rules of Procedure provided that such Rules of Procedure or the amendments thereto are not inconsistent with this Agreement or with the Constitution of the Organization.

9. The Commission may, by a two-thirds majority of its membership, adopt and amend its own Financial Regulations, provided that such Regulations shall be consistent with the principles in the General Rules and Financial Regulations of the Organization. Such Regulations shall be reported to the Finance Committee of the Organization which shall have the power to disallow such Financial Regulations or amendment if it finds that they are inconsistent with the principles embodied in the General Rules and Financial Regulations of the Organization.

## **Article 6**

### **REPORTS**

The Commission shall transmit, after each session, to the Director-General of the Organization, a written report embodying its views, recommendations and decisions, and make such other reports to the Director-General of the Organization as it may deem necessary or desirable. Reports of the subsidiary bodies of the Commission provided for in Article 7 of the Agreement shall be transmitted to the Director-General of the Organization through the Commission.

## **Article 7**

### **COMMITTEES AND SPECIALISTS**

1. The Commission shall establish the following Committees:
  - a. a Management Committee with authority to address organizational, financial, administrative and strategic issues, approve project proposals and initiate and monitor the implementation of a long-term strategy; and
  - b. a Technical Committee with authority to make, evaluate and recommend project proposals to the Management Committee, develop terms of reference for projects and monitor project implementation against the terms of reference,

which shall have such membership, other functions and Rules of Procedure that the Commission may define.

2. The recruitment or appointment of specialists shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Commission. Before taking any decision involving expenditures in connection with the recruitment or appointment of specialists, the Commission shall take into account a report from the Secretary of the Commission on the administrative and financial implications thereof.

## **Article 8**

### **COOPERATION WITH INTERNATIONAL ORGANIZATIONS**

The Commission shall cooperate closely with other international organizations in matters of mutual interest. On the proposal of the Secretary of the Commission, observers of these organizations may be invited by the Commission to attend sessions of the Commission or meetings of its subsidiary bodies.

## **Article 9**

### **FINANCES**

1. Each Member of the Commission undertakes to pay annual contributions to the budget of the Commission, in accordance with a scale of contributions to be adopted by the Commission.



2. At each session, the Commission shall adopt its budget by consensus of its Members, provided however that if, after every effort has been made, a consensus cannot be reached in the course of that session, the matter will be put to a vote and the budget shall be adopted by a two-thirds majority of the Members.
3.
  - (a) The amount of the contribution of each Member shall be determined in accordance with a scheme which the Commission shall adopt and amend by consensus.
  - (b) In adopting the scheme, due consideration shall be given to each Member being assessed an equal basic fee and a variable fee based on equitable principles.
  - (c) The scheme adopted or amended by the Commission shall be set out in the Financial Regulations of the Commission.
4. Contributions shall be payable in freely convertible currencies unless otherwise determined by the Commission in consultation with the Director-General of the Organization.
5. The Commission may also accept donations and other forms of assistance from organizations, individuals and other sources for purposes connected with the fulfilment of any of its functions.
6. Contributions and donations and other forms of assistance received shall be placed in a Trust Fund administered by the Director-General of the Organization in conformity with the General Rules and Financial Regulations of the Organization.
7. A Member of the Commission which is in arrears in the payment of its financial contributions to the Commission shall have no vote in the Commission if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding calendar years. The Commission may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay was due to conditions beyond the control of the Member but in no case shall it extend the right to vote beyond a further two calendar years.

## **Article 10**

### **EXPENSES**

1. Expenses of delegates, their alternates, experts and advisers when attending, as government representatives, sessions of the Commission and meetings of its subsidiary bodies, as well as the expenses incurred by observers when attending such sessions and meetings, shall be borne by the respective governments or organizations. The expenses of experts invited by the Commission to attend, in their individual capacity, sessions of the Commission and meetings of its subsidiary bodies shall be borne by the budget of the Commission.
2. The expenses for publications and communications and the expenses incurred by the Chairperson and Vice-Chairpersons of the Commission, when performing duties on behalf of the Commission between Commission sessions, shall be determined and paid from the budget of the Commission.
3. The expenses of projects independently undertaken by any individual Member within its territory shall be determined and paid by the Member concerned.
4. The expenses incurred in projects undertaken in accordance with this Agreement shall, unless otherwise available, be determined and paid in accordance with the budget approved in accordance with this Agreement. Contributions for projects shall be paid into a Trust Fund which shall be

established by the Organization and shall be administered by the Organization in accordance with its General Rules and Financial Regulations.

5. The Commission may accept voluntary contributions generally or in connection with specific projects or activities of the Commission. Such contributions shall be paid into a Trust Fund to be established by the Organization. The acceptance of such voluntary contributions and the administration of the Trust Fund shall be in accordance with the Financial Regulations of the Organization.

## **Article 11**

### **ADMINISTRATION**

1. The Secretary of the Commission shall be responsible for implementing the decisions and recommendations of the Commission and shall report thereon to the Commission. The Secretary of the Commission shall also act as secretary to other subsidiary bodies established under Article VII, as may be required by the Commission.

2. The expenses of the Commission shall be paid out of its autonomous budget except those relating to such staff and facilities as can be made available by the Organization. The expenses to be borne by the Organization shall be determined and paid within the limits of the biennial budget prepared by the Director-General and approved by the Conference of the Organization in accordance with the General Rules and the Financial Regulations of the Organization.

## **Article 12**

### **ACCEPTANCE**

1. In accordance with Article 4, this Agreement shall be open to all European Members of the Organization and such European non-member State of the Organization that is a Member of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency.

2. Acceptance of this Agreement by any Member of the Organization or State referred to in paragraph 1 shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization, and shall take effect on receipt of such instrument by the Director-General.

3. The Director-General of the Organization shall immediately inform all Members of the Commission, all Members of the Organization and the Secretary-General of the United Nations of all acceptances that have become effective.

## **Article 13**

### **RESERVATIONS**

Acceptance of this Agreement may [not] be made subject to reservations [in accordance with the general rules of public international law as reflected in the provisions of Part II, Section 2 of the Vienna Convention on the Law of Treaties of 1969].

## **Article 14**

### **ENTRY INTO FORCE**

This Agreement shall enter into force upon the date of receipt by the Director-General of the [tenth] instrument of acceptance. Thereafter, with respect to each Member or Associate Member of FAO or State referred to in paragraph 1 of Article 4 which subsequently deposits an instrument of

acceptance, this Agreement shall enter into force on the date on which such acceptance takes effect in accordance with Article 12.

## **Article 15**

### **AMENDMENTS**

1. This Agreement may be amended by a three-quarters majority of the Members of the Commission.
2. Proposals for amendments may be made by any Member of the Commission or by the Director-General. Proposals made by a Member of the Commission shall be addressed to both the Chairperson of the Commission and the Director-General and those made by the Director-General shall be addressed to the Chairperson of the Commission, not later than 120 days before the Session of the Commission at which the proposal is to be considered. The Director-General shall immediately inform all Members of the Commission of all proposals for amendments.
3. Any amendment to this Agreement shall be reported to the Council of FAO which may disallow an amendment which is clearly inconsistent with the objectives and purposes of FAO or the provisions of the Constitution of FAO.
4. Amendments not involving new obligations for Members of the Commission shall take effect for all Members from the date of their adoption by the Commission, subject to paragraph 3 above.
5. Amendments involving new obligations for Members of the Commission shall, after adoption by the Commission, subject to paragraph 3 above, come into force in respect of each Member only upon its acceptance thereof. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General. The Director-General shall inform all Members of the Commission and the Secretary-General of the United Nations of such acceptance. The rights and obligations of any Member of the Commission that has not accepted an amendment involving new obligations shall continue to be governed by the provisions of this Agreement in force prior to the Amendment.
6. The Director-General shall inform all Members of the Commission, all Members and Associate Members of FAO and the Secretary-General of the United Nations of the entry into force of any amendment.
7. The rights and obligations of any Member that has not accepted an amendment involving additional obligations shall continue to be governed by the provisions of this Agreement as they stood prior to the amendment.

## **Article 16**

### **WITHDRAWAL**

1. Any Member may withdraw from this Agreement at any time after the expiration of two years from the date upon which the Agreement entered into force with respect to that Member, by giving written notice of such withdrawal to the Director-General of the Organization who shall immediately inform all the Members of the Commission and the Members of the Organization of such withdrawal. The withdrawal shall become effective three months from the date of its receipt by the Director-General of the Organization.
2. Any Member that gives notice of withdrawal from the Organization shall be deemed to have simultaneously withdrawn from this Agreement.

## **Article 17**

### **INTERPRETATION AND SETTLEMENT OF DISPUTES**

Any dispute regarding the interpretation or application of this Agreement, if not settled by the Commission, shall be referred to a committee composed of one Member appointed by each of the parties to the dispute, and in addition an independent chairperson appointed by the members of the committee. The recommendations of such a committee, while not binding in character, shall become the basis for renewed consideration by the parties concerned of the matter out of which the disagreement arose. If, as the result of this procedure, the dispute is not settled, it shall be referred to the International Court of Justice in accordance with the Statute of the Court, unless the parties to the dispute agree to another method of settlement.

## **Article 18**

### **TERMINATION**

This Agreement shall be automatically terminated if, as the result of withdrawals, the number of Parties to the Agreement drops below [ten], unless the remaining Members of the Commission unanimously decide otherwise.

## **Article 19**

### **DEPOSITARY**

The Director-General shall be the Depositary of this Agreement. The Depositary shall:

- a. send certified copies of this Agreement to each Member and Associate Member of FAO and to such non-Member States as may become party to this Agreement;
- b. arrange for the registration of this Agreement, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations;
- c. inform each Member and Associate Member of FAO which has accepted this Agreement and any non-Member State which has been admitted to membership in the Commission of:
  - (i) the application of a non-Member State to be admitted to membership in the Commission; and
  - (ii) proposals for the amendment of this Agreement; and
- d. inform each Member and Associate Member of FAO and any non-Member States as may become party to this Agreement and the Secretary-General of the United Nations of:
  - (i) the deposit of instruments of acceptance in accordance with Article 12;
  - [(ii) reservations made to this Agreement in accordance with Article 13;]
  - (iii) the date of entry into force of this Agreement in accordance with Article 14;
  - (iv) the entry into force of amendments to this Agreement in accordance with Article 15;
  - (v) withdrawals from this Agreement pursuant to Article 16; and
  - (vi) termination of this Agreement in accordance with Article 18.

## **Article 20**

### **CERTIFICATION AND REGISTRATION**

1. This Agreement shall be in the English language. This Agreement shall be certified by and deposited with the Director-General of the Organization. A certified copy will be transmitted to the Secretary-General of the United Nations for registration. Copies of the certified agreement shall be transmitted to each Member.
2. Amendments to this Agreement in the English language are certified by the

Chairperson of the Commission and the Director-General of the Organization and deposited in the archives of the Organization. A certified copy of the amendments will be transmitted to the Secretary-General of the United Nations for registration. Copies of the amendments in the English language as certified by the Chairperson of the Commission and the Director-General of the Organization shall be transmitted to each Member.

**INDICATIVE DRAFT ANNUAL BUDGET FOR A RENEWED EIFAC AS AN ARTICLE VI BODY**

The estimated need for sustainable funding shows the estimated costs that exceed the current FAO in kind contribution. Minimum refers to six months of staff time per year and USD 100,000 for work programme implementation, optimum refers to twelve months of staff time and USD 500,000 for work programme implementation.

	Estimated costs (USD)		Estimated current FAO in kind contribution	Estimated need for additional funding (Non-FAO) (USD)	
	Minimum	Optimum		Minimum	Optimum
<b>ADMINISTRATION - STAFF COSTS<sup>7</sup></b>					
Secretary (P-5)	108,000	216,000	35,000 <sup>8</sup>	73,000	181,000
Technical Assistant (P-3) <sup>9</sup>	84,000	168,000	50,000	34,000	118,000
Bilingual secretary (G-5/6)	60,000	120,000	10,000	50,000	110,000
Technical support services (other professional and general staff) <sup>10</sup>	96,000	96,000		96,000	96,000
<b>ACTIVITIES</b>					
Work Programme implementation <sup>11</sup>	100,000	500,000		100,000	500,000
Travel <sup>12</sup>	10,000	10,000	10,000		
Interpretation and translation <sup>13</sup>	15,000	15,000	15,000		
Publication of session report	5,000	5,000	5,000		
<b>OPERATING EXPENSES</b>					
General operating expenses (premises, upkeep, electricity, telephone, insurance etc)	20,000	20,000	20,000		
General overhead expenses (IT services, office supplies, equipment, etc.)	15,000	15,000	15,000		
<b>TOTAL</b>	<b>513,000</b>	<b>1,165,000</b>	<b>160,000</b>	<b>353,000</b>	<b>1,005,000</b>

<sup>7</sup> Based on FAO standard rates for 2010-11, at a minimum of six months and an optimum of 12 months.

<sup>8</sup> This is currently a P-4 level and calculated on that basis.

<sup>9</sup> Estimates for a total of six months of technical backstopping, 75% at P-4 level and 25% at P-3 level, including technical experts, a meetings officer, secretarial support, IT support and other

<sup>10</sup> The current FAO in kind contribution is included under the contribution to the Technical Assistant.

<sup>11</sup> Project-funded activities including consultants and contracts. Where FAO trust funds are involved, there would be an associated servicing cost.

<sup>12</sup> Current contribution includes travel to biennial sessions by Secretary, FAO Technical Secretaries, Meetings Officer and secretarial support, and other minimal travel by Secretary. Under a project-oriented organization, Technical Secretaries would not be calculated.

<sup>13</sup> There will be no costs if there is one official language of the restructured EIFAC.

**INDICATIVE DRAFT ANNUAL BUDGET FOR A RENEWED EIFAC AS AN ARTICLE XIV  
BODY WITH AN AUTONOMOUS BUDGET**

**The only differences in the estimated costs in the two columns below relate to the costs for the  
Work Programme implementation and consequently the contingency**

	Estimated costs (USD)	
	Work Programme at 100,000	Work Programme at 500,000
<b>ADMINISTRATION - STAFF COSTS</b>		
Secretary (P-5)	216,000	216,000
Technical Assistant (P-3)	168,000	168,000
Bilingual secretary (G-5/6)	120,000	120,000
Technical support services (other professional and general staff) <sup>14</sup>	96,000	96,000
<b>ACTIVITIES</b>		
Work Programme implementation <sup>15</sup>	100,000	500,000
Travel <sup>16</sup>	10,000	10,000
Publication of session report	5,000	5,000
<b>OPERATING EXPENSES</b>		
General operating expenses (premises, upkeep, electricity, telephone, insurance etc)	20,000	20,000
General overhead expenses (IT services, office supplies, equipment, etc.)	15,000	15,000
FAO project support costs @13%	97,500	149,500
Contingencies @ 5%	42,375	64,975
<b>TOTAL</b>	<b>889,875</b>	<b>1,364,475</b>

<sup>14</sup> Estimates for a total of six months of technical backstopping, 75% at P-4 level and 25% at P-3 level, including technical experts, a meetings officer, secretarial support, IT support and other

<sup>15</sup> Project-funded activities including consultants and contracts. Where FAO trust funds are involved, there will be an associated servicing cost.

<sup>16</sup> Based on travel by staff to biennial sessions, and other minimal travel by Secretary.

**INDICATIVE FINANCIAL REGULATIONS FOR EIFAC AS A FAO ARTICLE XIV BODY**

**Regulation I - Applicability**

1. These regulations shall govern the financial administration of the European Inland Fisheries and Aquaculture Advisory Commission.
2. The financial rules and procedures of FAO shall apply to the activities of the Commission for matters not covered by these Regulations.

**Regulation II - The Financial Period**

The financial period shall be one calendar year.

**Regulation III - The Budget**

1. The Budget Estimates shall be prepared by the Secretary of the Commission and shall be circulated to all Members of the Commission not less than 60 days before each regular session.
2. The Budget Estimates shall cover income and expenditures for the financial period to which they relate, and shall be presented in United States dollars.
3. The Budget Estimates shall reflect the programme of work for the financial period elaborated by appropriate information and data, and shall include the programme of work and such other information, annexes or explanatory statements as may be requested by the Commission.
4. The Budget shall comprise:
  - a. The Administrative Budget referred to in paragraph 5 relating to the regular contributions of Members of the Commission payable under Article 9(1) of the Agreement for the Establishment of the European Inland Fisheries and Aquaculture Advisory Commission and expenditures chargeable to the budget of the Commission under Articles 10(1) and 11(2). The Administrative Budget shall reflect in an appropriate manner the expenses to be borne by FAO under Article 11 (2).
  - b. The Special Budgets relating to funds made available during the financial period from donations and other forms of assistance received from organizations, individuals and other sources under Article 9 (5).
5. The Administrative Budget for the financial period shall consist of provisions for:
  - a. Administrative Expenditures, including an amount to cover the Organization's costs equal to 13% of the total Budget of the Commission.
  - b. Expenditure for the activities of the Commission. Estimates under this chapter may be presented in a single total only but detailed estimates for each particular project will be prepared and approved as "supplementary details" of the Administrative Budget.
  - c. Contingencies.
6. The Administrative Budget shall be adopted by the Commission with such amendments as the Commission may deem necessary.



7. Special Budgets may be adopted by the Commission in exceptional circumstances as appropriate.

8. The Administrative Budget of the Commission shall be submitted to the Finance Committee of the Organization for its information.

#### **Regulation IV - Appropriations**

1. After the budgets have been adopted the appropriations therein shall constitute be the authority for the Commission to incur obligations and make payments for the purposes for which the appropriations were voted and up to the amounts so voted.

2. In cases of emergency, the Commission is authorized to accept additional contributions from a Member or Members of the Commission or grants from other sources and incur expenditure against them for emergency action for which the said contributions or grants were specifically provided. Such contributions or grants and expenditure relating thereto will be reported in detail to the next session of the Commission.

3. Any unliquidated prior year obligation shall be cancelled or where an obligation remains a valid charge, transferred against current appropriations.

4. Transfers between provisions as per Regulation 3.5 may be effected by the Commission on the recommendation of the Secretary of the Commission.

#### **Regulation V - Provision of Funds**

1. The appropriations of the Administrative Budget shall be financed by contributions from Members of the Commission determined and payable in accordance with Article 9 paragraphs 1, 3(a) and 3 (b) of the Agreement. Pending receipt of annual contributions, the Commission is authorized to finance budgeted expenditure from the uncommitted balance of the Administrative Budget.

2. Before the beginning of each calendar year the Secretary shall inform the Commission's Members of their obligations in respect of annual contributions to the budget.

3. Contributions shall be due and payable in full within 30 days of the receipt of the communication of the Secretary referred to in Regulation V.2 above, or as of the first days of the calendar year to which they relate, whichever is later. As of 1 January of the following calendar year, the unpaid balance of such contributions shall be considered to be one year in arrears.

4. The annual contributions to the Administrative Budget shall be assessed in United States dollars and shall be calculated in accordance with the scheme annexed to these Regulations and forming an integral part thereof. The contributions shall be paid in US dollars unless otherwise determined by the Commission.

5. Any new Member of the Commission shall pay a contribution to the budget in accordance with the provisions of Article 9(3)(a) of the Agreement for the financial period in which the membership becomes effective, such contribution beginning with the quarter in which membership is acquired.

#### **Regulation VI - Funds**

1. All contributions, donations and other forms of assistance received shall be placed in a Trust Fund administered by the Director-General in conformity with the Financial Regulations of FAO.

2. With respect to the Trust Fund referred to in Regulation VI.1, the Organization shall maintain accounts as follows:

- a. A General Account to which shall be credited receipts of all contributions paid under Article 9(1) of the Agreement and from which shall be met all expenditure chargeable against the sums allocated to the annual Administrative Budget.
- b. Such additional accounts as may be necessary to which shall be credited the additional contributions under Regulation IV.2 and from which shall be met all expenditures relating thereto.

### **Regulation VII - Amendment**

These Regulations may be amended by the Commission in accordance with Article 5, paragraph 9 of the Agreement.

### **Scheme for Calculation of Contributions to the Administrative Budget of the Commission**

[As agreed by Members]

**INDICATIVE DRAFT RULES OF PROCEDURE OF  
THE EUROPEAN INLAND FISHERIES ADVISORY COMMISSION  
AS AN ARTICLE VI BODY**

**Rule I  
Membership**

1. Membership in the European Inland Fisheries Advisory Commission is open to European Member Nations of the Food and Agriculture Organization in accordance with the provisions of Article VI, paragraph 1 of the Constitution of the Organization. Membership shall comprise such eligible Nations as have notified in writing the Director-General of their interest in becoming a member of the Commission.
2. Each Member Nation of the Commission shall, before the opening of each session, communicate to the Director-General the name of its representative who should, as far as possible, have responsibilities related to inland fisheries.

**Rule II  
Officers**

1. The Commission shall elect, at the end of each session, a Chairperson, a first Vice-Chairperson and a second Vice-Chairperson from among the representatives to the Commission who shall remain in office until the election of the new Chairperson and new Vice-Chairpersons at the next session. The outgoing Chairperson and Vice-Chairpersons shall be eligible for re-election for a maximum of [three] terms.
2. The Chairperson, or in his absence a Vice-Chairperson, shall preside at meetings of the Commission and exercise such other functions as may be required to facilitate the work of the Commission. The Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.
3. In the event that both the Chairperson and the Vice-Chairpersons are unable to serve, the Director-General or his or her representative shall act as Chairperson, until an *ad hoc* Chairperson is elected.
4. The Director-General shall appoint from among the staff of the Organization a Secretary of the Commission who shall be responsible to him or her.
5. The Commission may appoint one or more rapporteurs.

**Rule III  
Management Committee**

1. There shall be a Management Committee consisting of the Chairperson, the Vice-Chairpersons, the Chairperson of the Technical Committee and [five] members elected by the Commission for a term of two years. The Secretary shall be an ex-officio member without vote. The Chairperson of the Management Committee shall be the Chairperson of the Commission.
2. The functions of the Management Committee shall be to:

- (a) direct the conduct of the business and affairs of the Commission between its sessions, including financial, administrative, policy and strategic issues except that issues of policy, unless previously decided by the Commission, shall be formulated by the Management Committee as a motion and referred to the Members;
- (b) propose a strategy and work plan with the assistance of the Secretariat for review and consideration by the Commission, and monitor its implementation;
- (c) review and decide upon recommendations of the Technical Committee;
- (d) prepare estimates of expenses for the next succeeding two years for presentation to the Commission for submission to the Organization, in accordance with the Statutes of the Commission;
- (e) ensure that policies and decisions of the Commission are operationalized; and
- (f) coordinate and monitor the work of the Technical Committee and other subsidiary bodies of the Commission;

3. The Management Committee shall meet at least once a year between regular sessions, and the quorum for each meeting shall be [five] persons. In the unavoidable absence of up to three members of the Executive Committee from a Committee session, the Chairperson shall have the power to co-opt such alternate as may be proposed by the government or institution of the relevant member or such other person that may be involved in relevant intersessional work, programmes or projects of EIFAC.

4. When the Management Committee deals with special problems, the Chairperson of the Management Committee may, in consultation with the Vice-Chairpersons, invite not more than two additional members of the Commission to attend in an advisory capacity the meetings of the Management Committee at which such problems are considered.

5. The Management Committee shall periodically inform all Members of the Commission, through the Secretariat, of any action taken. Such action shall be subject to confirmation at the next session of the Commission.

#### **Rule IV Sessions**

1. The Commission shall hold regular sessions at least once every two years.

2. Extraordinary sessions of the Commission shall be held at such other times as the Commission may decide, or at the request of the Management Committee, provided that adequate funds are available for such extraordinary sessions in the Programme of Work and Budget of the Organization, or from extra-budgetary funds.

3. The sessions of the Commission shall be convened by the Director-General, who shall decide on the place where they are to be held, in consultation with the Chairperson and the competent authorities of the host country, taking into account the views expressed by the Commission.

4. Notice of the date and place of each session of the Commission shall be communicated at least two months before the session to all the Members of the Commission, to such Member Nations and Associate Members of the Organization that are not Members of the Commission and to such non-Member Nations of the Organization and international organizations as may have been invited to attend the session.

5. Each Member of the Commission shall have one representative who may be accompanied by an alternate and advisers. An alternate or adviser shall not have the right to vote except when substituting for the representative.

6. Meetings of the Commission shall be held in [public] [private] unless the Commission decides otherwise.

7. A majority of the Members of the Commission shall constitute a quorum.

## **Rule V Agenda**

1. The Director-General shall, in consultation with the Chairperson, prepare a provisional agenda for each session of the Commission.

2. The first item on the provisional agenda shall be the adoption of the agenda. No matter referred to the Commission by the Conference or Council of the Organization may be omitted from the agenda.

3. Any Member of the Commission may request the Director-General to include specific items in the provisional agenda.

4. The provisional agenda shall be circulated by the Director-General at least two months before the date on which the opening of the session is scheduled to take place, to all Members of the Commission, to such Member Nations and Associate Members of the Organization that are not Members of the Commission and to such non-Member Nations of the Organization and international organizations as may have been invited to attend the session.

5. Any Member of the Commission and the Director-General may, after the dispatch of the provisional agenda, but not later than one month before the date on which the opening of the session is scheduled to take place, propose the inclusion of specific items in the agenda. Such proposals shall be accompanied by a written explanation of the reasons why the inclusion of the items in the agenda is considered desirable. These items shall be placed on a supplementary list, which shall be dispatched by the Director-General to all Members of the Commission, other Member Nations and Associate Members of the Organization attending the session and to such non-Member Nations and international organizations invited to the session, failing which the items shall be communicated to the Chairperson for submission to the Commission.

6. Documents to be submitted to the Commission at any session shall be furnished by the Director-General to the Members of the Commission, the other Members of the Organization attending the session and to the non-Member Nations and international organizations invited to the session, at the time the agenda is dispatched, or as soon as possible thereafter.

7. Subject to paragraph 2 of this Rule, the Commission may, at any session, decide by a two-thirds majority to amend the agenda by the deletion, addition or modification of any item.

## **Rule VI Voting and Procedures**

1. Subject to paragraph 2 of this Rule, each Member of the Commission shall have one vote.

2. Voting by Member Organizations of the Organization that are Members of the Commission shall be governed by the provisions of Article II.10 of the Constitution of the Organization.

3. Decisions of the Commission shall be taken by a majority of the votes cast, unless otherwise provided in these Rules.
4. Upon the request of any Member of the Commission, voting shall be by roll-call, in which case the vote of each Member shall be recorded.
5. When the Commission so decides, voting shall be by secret ballot.
6. Voting in the Commission shall be carried out *mutatis mutandis* in accordance with the pertinent provisions of Rule XII of the General Rules of the Organization.

## **Rule VII**

### **Observers**

1. Any Member or Associate Member of the Organization that is not a Member of the Commission may, upon request communicated to the Director-General, attend sessions of the Commission, its subsidiary bodies or ad hoc meetings, in an observer capacity. Such Members of the Organization or Associate Members may submit memoranda and participate without vote in the discussions.
2. States which, while not Members of the Organization, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon their request and with the approval of the Commission, attend sessions of the Commission, its subsidiary bodies, and ad hoc meetings in an observer capacity. The status of States invited to such sessions or meetings shall be governed by the relevant provisions adopted by the Conference of the Organization.
3. Intergovernmental organizations having an interest in the work of the Commission shall be invited to attend sessions of the Commission, its subsidiary bodies and ad hoc meetings, in an observer capacity.
4. International non-governmental organizations having special competence in the field of activity of the Commission shall, upon request communicated to the Director-General, be invited to attend sessions of the Commission, its subsidiary bodies or ad hoc meetings, in an observer capacity.
5. Participation of international organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization as well as by the rules on relations with international organizations adopted by the Conference and Council of the Organization. All such relations shall be dealt with by the Director-General.

## **Rule VIII**

### **Records and Reports**

1. At each session, the Commission shall approve a report embodying its views, recommendations and decisions, including when requested a statement of minority views. Such other records for its own use as the Commission may on occasion decide, shall also be maintained.
2. The conclusions and recommendations of the Commission shall be transmitted to the Director-General at the close of each session, who shall circulate them to Members of the Commission and to nations and international organizations that were represented at the session and, upon request, to other Member Nations of the Organization for their information.
3. Recommendations having policy, program or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference through the Council.

4. The Director-General may request Members of the Commission to supply information in order to keep the Commission informed on action taken on the basis of its recommendations.

## **Rule IX**

### **Technical Committee**

1. There shall be a Technical Committee consisting of [five] experts in European inland fisheries and aquaculture.

2. Members of the Technical Committee shall be [elected by the Commission for a renewable term of two years] [open to all Members of the Commission, and each Member shall designate a representative]. The Secretary shall be an *ex-officio* member without vote. The Chairperson shall be elected by the Commission for a renewable term of [two] years, but not exceeding [six] consecutive years.

3. The functions of the Technical Committee shall be to:

- a) make, review, evaluate and as appropriate recommend to the Management Committee proposals for programmes or projects to be carried out by the Commission in accordance with these Rules and Criteria;
- b) develop terms of reference for programmes/projects and monitor project implementation against the terms of reference;
- c) provide technical oversight, monitoring and evaluation of projects and related programme of work activities;
- d) function as an editorial and publications committee.

4. Proposals for programmes or projects to be implemented wholly or partly by the Commission may be developed and submitted by the Technical Committee, [a Member through its National Correspondent or other official channel] [donor or partner organization] [independent institution] to the Secretariat.

5. Each project proposal shall specify the following:

- a) purpose of the proposal;
- b) expected outcome;
- c) benefits of outcome;
- d) funding source(s) and budget;
- e) terms of reference of the proposal;
- f) time frame and benchmarks;
- g) methodology;
- h) project manager;
- i) administrative arrangements;
- j) partners; and
- k) such other requirements that may be recommended by the Technical Committee and agreed by the Commission.

6. The Secretary shall review each proposal submitted by [a Member through its National Correspondent or other official channel] [donor or partner organization] [independent institution] to ensure it fulfils the requirements in these Rules or as may be otherwise agreed by the Technical Committee in accordance with these Rules, and where such requirements:

- a) are not fulfilled shall return the proposal with an explanation and request the originator to re-submit as appropriate;
- b) are fulfilled shall forward the proposal for the consideration of the Technical Committee;

7. The Technical Committee shall review and evaluate each project proposal, taking into account the following criteria:

- a) the project proposal is consistent with the objectives and functions of the Commission and with the terms of its Agreement;
- b) the project outcomes shall have relevance to one or more Members of the Commission;
- c) to the extent possible, the project proposal is forward-looking, proactive and results-oriented;
- d) the total financial and other support for the project is identified and shall not require any contributions or additional resources from EIFAC.

8. The Technical Committee may recommend a project to the Management Committee or, where a project proposal does not meet the criteria and other requirements of these Rules, reject the project proposal or request further information or modifications.

9. The Technical Committee shall review each EIFAC Working Party in existence at the time these Rules are adopted, and recommend to the Management Committee the continuation as projects under the Agreement of those that are active and meet the requirements of these Rules.

10. Where it has been agreed to recommend a project proposal or continuation of an EIFAC Working Party as a project under this Agreement pursuant to Rule 8 or 9 above, the Technical Committee shall identify the terms of reference of the project for recommendation to the Management Committee, including the following:

- a) objective and expected outcome;
- b) programme/project management;
- c) budget;
- d) administrative requirements;
- e) reporting to the Committee at regular intervals, including on the implementation of benchmarks and on completion of the programme/project; and
- f) follow up as appropriate.

11. The Technical Committee shall require each project manager to report through the Secretariat on the implementation of the approved terms of reference no less than twice a year, and shall monitor the implementation of approved programmes/projects no less frequently based on such reports.

12. The Technical Committee may, where it considers that the terms of reference and other conditions of the programme/project are not being fulfilled, recommend to the [Management Committee] the imposition of conditions for reform on the programme/project, or suspension or termination.

13. The Technical Committee shall meet at least [once] each year between regular sessions, but shall hold meetings more frequently where the Chairperson of the Committee in consultation with the Secretary deem it necessary to effectively carry out the mandate and functions of the Committee.



## **Rule IX**

### **Subsidiary Bodies**

1. The Commission may, on an *ad hoc* basis, establish such other subsidiary bodies as it deems necessary for the accomplishment of its objectives.
2. Membership in such other subsidiary bodies may be made up of all or selected Members of the Commission or of individuals appointed in their personal capacity.
3. The Commission may recommend to the Director-General the convening of *ad hoc* meetings, either of representatives of members of the Commission or of experts serving in an individual capacity, in order to study problems that because of their specialized nature could not fruitfully be discussed during the normal sessions of the Commission.
4. Experts who are to serve in their personal capacity as members of any subsidiary body or who are to be invited to attend *ad hoc* meetings shall be chosen by the Commission unless the Commission decides otherwise, and shall be appointed by the Director-General in accordance with established procedures.
5. The terms of reference of the subsidiary bodies and the questions to be discussed by *ad hoc* meetings shall be determined by the Commission.
6. The establishment of subsidiary bodies and the convening of *ad hoc* meetings shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Organization, or to the availability of extra-budgetary funds. The determination of such availability shall be made by the Director-General.
7. Before taking any decision involving expenditures in connection with the establishment of subsidiary bodies or the convening of an *ad hoc* meeting, the Commission shall have before it a report from the Director-General on the administrative and financial implications thereof.
8. Each subsidiary body and *ad hoc* meeting shall elect its own officers.
9. The Rules of Procedure of the Commission shall apply *mutatis mutandis* to its subsidiary bodies and *ad hoc* meetings.

## **Rule X**

### **Trust Fund**

All voluntary contributions, donations and other forms of assistance, in particular those referred to in Article 6 (i) of the Statutes, shall be placed in a Trust Fund administered by the Director-General in conformity with the Financial Regulation of FAO.

## **Rule XI**

### **Expenses**

1. Expenses incurred by representatives of Members of the Commission, their alternates and advisers, when attending sessions of the Commission, Management Committee, Technical Committee, subsidiary bodies or *ad hoc* meetings as well as the expenses incurred by observers at sessions, shall be borne by the respective governments or organizations.
2. Expenses of experts invited by the Director-General to attend sessions or meetings in their individual capacity shall be borne by the Organization.

3. Any financial operations relating to the Commission and its subsidiary bodies shall be governed by the appropriate provisions of the Financial Regulations of the Organization.

**Rule XII**  
**Language**

English shall be the official language of the Commission.

**Rule XII**  
**Amendment and Suspension of Rules**

1. Amendment of, or additions to these Rules may be adopted by a two-thirds majority of the membership of the Commission provided that 24 hours' notice of the proposal for the amendment or addition has been given. Amendments or additions to these Rules shall come into force upon approval by the Director-General, subject to confirmation by the Council of the Organization, as appropriate.

2. Any of the above Rules of the Commission, other than Rules I-1; II-4; IV-1, 2, 3, 5 and 7; V-2; VI- 1, 2 and 3; VII, VIII-3 and 4; IX-5 and 6; X; and XII-1, may be suspended by the Commission by a two-thirds majority of the votes cast, provided that 24 hours' notice of the proposal for the suspension has been given. Such notice may be waived if no Member of the Commission objects.

**INDICATIVE DRAFT RULES OF PROCEDURE FOR  
THE EUROPEAN INLAND FISHERIES AND AQUACULTURE ADVISORY COMMISSION  
AS A FAO ARTICLE XIV BODY**

**RULE I****Definitions and application**

1. For the purpose of these Rules, the following definitions apply:

Agreement:	The Agreement for the Establishment of the European Inland Fisheries and Aquaculture Advisory Commission adopted by the Council of FAO on **;
Commission:	The European Inland Fisheries and Aquaculture Advisory Commission;
Chairperson:	The Chairperson of the Commission elected in accordance with Article ** of the Agreement;
Technical Committee	The Committee established under paragraph 1 of Article VII of the Agreement;
Delegation:	The representative and his/her alternate designated by a Member of the Commission in accordance with Article ** of the Agreement and the experts, and advisers accompanying them;
Secretary:	The Secretary of the Commission appointed in accordance with Article ** of the Agreement;
Organization:	The Food and Agriculture Organization of the United Nations.
Conference:	The Conference of the Organization;
Council:	The Council of the Organization;
Director-General:	The Director-General of the Organization;
Member	A Party to the Agreement /Member of the Commission;
Observer Nation, or Organization:	A nation that is a non Party or not a Member of the Organization, or an international organization, governmental or non governmental, invited to attend a session of the Commission in accordance with Article ** of the Agreement;
Observer:	The representative of an observer nation or organization;
Representative:	The representative of a Member of the Commission as designated in accordance with Article ** of the Agreement;
Management Committee:	The Committee established under Article ** of the Agreement;
Subsidiary bodies:	Committees established in accordance with Article ** of the Agreement; and

Vice-Chairpersons: The Vice-Chairpersons of the Commission elected in accordance with Article \*\* of the Agreement.

2. Unless expressly stated otherwise, these Rules shall apply, *mutatis mutandis*, to the inaugural regular session of the Commission.

## **RULE II**

### **Sessions of the Commission**

1. Pursuant to Article \*\* of the Agreement, the Commission, in consultation with the Director-General, shall at each session consider and agree on the time and place for the next session in accordance with the requirements of the Commission's programmes. The Chairperson, accordingly, shall issue the announcement of the session.

2. Where the Commission, at a regular session is unable to agree on a time and place for the next session in accordance with paragraph 1 of this Rule, it shall nevertheless, in consultation with the Director-General, take a decision as to the calendar year in which the next session is to be held. The Chairperson, in consultation with the Director-General, is then authorized to decide on the time and place of the session subject to the approval of a majority of the Members of the Commission.

3. The Chairperson, in consultation with the Director-General, may call a special session of the Commission at the request of any Member, and with the approval of the majority of the Members of the Commission, and decide the time and place of such a session.

4. Invitations to a regular session of the Commission shall be issued by the Secretary, on behalf of the Chairperson, not less than sixty days in advance of the date fixed for the opening of the session. Invitations to special sessions shall be issued not less than forty days in advance of the date fixed for the opening of the session.

## **RULE III**

### **Representation, Credentials**

1. Each Member of the Commission shall appoint one representative and one alternate to represent it in the sessions of the Commission in accordance with Article \*\* of the Agreement.

2. At each session of the Commission, the Secretary shall receive the credentials of delegations and observers. Such credentials shall conform to the standard form set by the Secretariat. Upon examination thereof the Secretariat shall report to the Commission for necessary action including for the Commission to decide, consistent with the Agreement, on the right of the delegation to participate in the session of the Commission and in the adoption of decisions as appropriate.

3. Each Member of the Commission shall notify the Secretary as far as possible in advance of the session of the Commission of the names of its representative, alternate, experts and advisors who will attend.

## **RULE IV**

### **Agenda**

1. The agenda of each regular session shall include:
  - a. election, as appropriate, of the Chairperson and two Vice-Chairpersons as provided under Article II, paragraph 3 of the Agreement;
  - b. adoption of the agenda;
  - c. a report by the Secretary on the financial and administrative affairs of the Commission;
  - d. consideration of the proposed budget;
  - e. reports of the Management Committee and Technical Committee;

- f. consideration of management measures and decisions as appropriate;
  - g. programme of work;
  - h. consideration of the time and place of the next session;
  - i. proposals for amendments to the Agreement and the Rules of Procedure as appropriate;
  - j. items referred to the Commission by the Conference, the Council or the Director-General of the Organization.
2. The agenda shall also include, upon approval by the Commission:
    - a. items that were not fully discussed at the previous session;
    - b. items proposed by a Member of the Commission, the Chairperson or the Secretary.
  3. The provisional agenda, following approval by the Chairperson, shall be prepared and sent by the Secretary to Members of the Commission and observers not less than sixty days before the date of the session, together with reports and documents available in connection therewith.
  4. The agenda of a special session shall consist only of items relating to the purpose for which the session was called.

## **RULE V**

### **The Secretariat**

1. The Secretariat shall consist of the Secretary and such staff responsible to him/her as may be determined by the Director-General.
2. The Secretary shall be appointed for a term of three years renewable for two further terms of three years each.
3. The Secretary shall continue to perform the functions of the office of the Secretary until a successor has taken up duties.
4. The Secretary shall be responsible for implementing the policies and activities of the Commission and for carrying out the duties and perform the functions and responsibilities of the Secretary described in Annex A of these Rules and shall report thereon to the Commission.
5. In the exercise of his/her functions, the Secretary shall have direct working relations and communication with all Members of the Commission as well as with the FAO Secretariat at all levels as appropriate.
6. Communication between the Secretary and the Members of the Commission for liaison purposes and concerning the affairs of the Commission shall be channelled, as far as possible through the National Correspondents designated in accordance with Rule VI. To facilitate effective communication, the Secretary may communicate with the Members of the Commission through Permanent Representations of the Members of the Commission in Rome and FAO Representations of the Members of the Commission concerned.
7. Copies of all communications concerning the affairs of the Commission shall be sent to the Secretary for purposes of information and record.
8. The Organization may, with the approval of the Commission, provide technical support and services to the Secretariat and the work of the Commission, the TAC and other subsidiary bodies. The costs of providing technical support and services in accordance with this Rule shall be borne by the budget of the Commission.

**RULE VI**  
**National Correspondents**

1. Each Member of the Commission shall designate a National Correspondent who shall facilitate communication between the Member of the Commission and the Secretariat. The National Correspondent shall be a high level, experienced fishery manager or scientist who has access to his/her country's main fishery information. The National Correspondent shall normally be the Representative of the Member of the Commission at the Commission sessions or any other person so designated. The name of the National Correspondent shall be communicated to the Chairperson and Secretariat of the Commission, as shall any change in that designation.
2. The National Correspondent shall perform the duties and responsibilities in the Terms of Reference described in Annex B which may be reviewed and revised from time to time by the Commission.

**RULE VII**  
**Plenary Sessions and meetings**

1. Subject to Rule XIII and in accordance with Article \*\* of the Agreement, sessions of the Commission shall be open to observers. When the Commission decides to hold a private meeting, it shall at the same time determine the scope of such a decision with respect to observers.
2. Subject to Rule XIII, the meetings of the Management Committee, Technical Committee and other subsidiary bodies which may be established shall be open only to Delegations unless otherwise decided by the Commission.

**RULE VIII**  
**Election of Chairperson and Vice-Chairpersons**

1. Subject to paragraph 4, the Commission shall, during each regular session, or sooner where an office becomes vacant, elect the Chairperson and two Vice-Chairpersons of the Commission pursuant to Article \*\* of the Agreement, who shall assume office immediately following the regular session at which they were elected.
2. Nominees for the Chairperson or Vice-Chairpersons must be delegates or alternates attending the session.
3. The Chairperson and Vice-Chairpersons shall serve for a term of [two] years. The Chairperson and Vice Chair-persons shall be eligible for re-election but they may not be elected to serve for more than [three] consecutive terms.
4. Notwithstanding paragraph 1, the Chairperson and Vice-Chairpersons of Commission appointed at its inaugural Regular session shall assume their roles immediately upon their election.

**RULE IX**  
**Functions of the Chairperson and Vice-Chairpersons**

1. The Chairperson shall exercise the functions conferred on him by the Agreement and in these Rules and, in particular, shall:
  - a. declare the opening and closing of each plenary meeting of the Commission;
  - b. direct the discussions at such meetings and ensure observance of these Rules, accord the right to speak, put questions and announce decisions;
  - c. rule on points of order;
  - d. subject to these Rules, have complete control over the proceedings of the session;

- e. appoint such ad hoc, temporary, special and standing committees of the session as the Commission may direct;
  - f. call for votes and to announce results of the votes;
  - g. sign on behalf of the Commission a report of the proceedings of each session of the Commission for transmission to the Director General and the Members of the Commission; and
  - h. perform any function as may be decided by the Commission.
2. In the absence of the Chairperson, or at his request, his functions shall be exercised by the first Vice-Chairperson or, in the absence of the latter, by the second Vice-Chairperson.
  3. The Chairperson or Vice-Chairpersons, when acting as Chairperson shall not vote and another member of their delegations shall represent their governments.
  4. The Chairperson or the Vice-Chairperson acting as Chairperson has a right to vote if he is acting as only representative of his country.
  5. In the interval between sessions of the Commission, the Chairperson shall exercise the functions assigned to him/her by the Agreement.
  6. The Secretary shall temporarily exercise the functions of the Chairperson in the event the Chairperson and Vice-Chairpersons are unable to serve.

## **RULE X**

### **Quorum, Decisions, Voting and Procedures**

1. A majority of the total membership of the Commission shall constitute a quorum at any session of the Commission.
2. In accordance with paragraph 2 of Article II of the Agreement, each Member of the Commission shall have one vote.
3. Except as otherwise expressly provided for in the Agreement, all decisions of the Commission shall be taken by a majority of the votes cast.
4. The Commission shall endeavour to reach its decisions by consensus without having to resort to formal voting.
5. Decisions of the Commission on the matters described in Articles \*\* and \*\* of the Agreement shall be taken in accordance with the terms of those Articles.
6. Except as provided in paragraph 4 of this Rule, voting in plenary meetings shall be oral or by show of hands, except that a vote by roll call shall be taken if a specified majority is required by the Agreement or these Rules, or if a request for a vote by roll call is made by any delegation.
7. A vote by roll call shall be conducted by calling upon delegations in the English alphabetical order.
8. The record of any roll call vote shall show the votes cast by each delegate and any abstention.
9. Voting on matters relating to individuals, including the election of officers of the Commission, its Management Committee, Technical Committee and other subsidiary bodies, shall be by secret ballot, unless the Commission or the concerned committee or working group decides otherwise.

10. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to the two candidates obtaining the largest number of votes. If, on the second ballot, the votes are equally divided, the Chairperson shall decide between the candidates by drawing lots.

11. If the Commission is equally divided when a vote is taken on a question other than an election, a second vote shall be taken at the next meeting of the current session. If the Commission is then again equally divided, the proposal shall be regarded as rejected.

12. Voting arrangements and other related matters not specifically provided for by the Agreement, or by these Rules, shall be governed *mutatis mutandis* by the provisions of the General Rules of the Organization.

13. The right to vote of a Member of the Commission who is in arrears shall be subject to Article \*\* of the Agreement.

## **RULE XI**

### **The Management Committee, Technical Committee and other subsidiary bodies**

1. The Management Committee shall have the structure, functions and procedures described in the Terms of Reference in Annex C of these Rules.

2. The Technical Committee shall have the structure, functions and procedures described in Annex D of these Rules.

3. The establishment of subsidiary bodies shall be subject to the provisions of Article \*\* of the Agreement, and any other body so established shall report to the Commission through the Management Committee at each regular session, and the Commission shall then decide whether or not they shall continue to operate during the ensuing period.

4. The procedures of the Management Committee, the Technical Committee and other subsidiary bodies shall be governed *mutatis mutandis* by the Rules of Procedure of the Commission, except that they may adopt and amend their own rules of procedure as may be necessary, which shall be consistent with the Rules of Procedure of the European Inland Fisheries and Aquaculture Advisory Commission and the General Rules of the Organization. Such rules of procedure shall come into force upon approval by the Commission.

## **RULE XII**

### **Budget and Finance**

1. The Commission shall administer its budget and other funds pursuant to its Financial Regulations adopted in accordance with Article \*\* of the Agreement.

2. The Financial Regulations of the Organization, as implemented by the Administrative Manual and memoranda and the procedures based thereon, shall, apply to the Commission until such time the Commission adopts its financial regulations in accordance with Article \*\* of the Agreement.

## **RULE XIII**

### **Participation by Observers and Others**

1. The Director-General or a representative designated by him or her shall have the right to participate without vote in all meetings of the Commission, of the Management Committee, the Technical Committee and of other subsidiary bodies of the Commission.



2. Members of the Organization that are non-Members of the Commission may, upon their request, be invited to be represented by an observer at sessions of the Commission in accordance with the terms and conditions established by the Commission.

3. Non-Members of the Commission and non-Members of the Organization that are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, may, upon request made to and granted by the Commission in accordance with Article \*\* of the Agreement and the principles relating to the granting of observer status to Nations adopted by the Conference as well as the terms and conditions established by the Commission, be invited to attend sessions of the Commission and its subsidiary bodies in an observer capacity.

4. The Commission may invite any international organization, governmental or non governmental having special competence in the field of activity of the Commission, at their request or on the proposal of the Secretary pursuant to Article \*\* of the Agreement, to attend such of its meetings as the Commission may specify and in accordance with the terms and conditions established by the Commission. The list of the non governmental organizations wishing to be invited in accordance with this Rule shall be submitted beforehand by the Secretary to the Members of the Commission. If one of the Members of the Commission objects giving in writing its reasons within 30 days of such submission by the Secretary, the matter will then be subject to decision by the Commission prior to the session by written procedure.

6. Participation of regional economic integration organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization, as well as by the rules on the relations with international regional economic integration organizations adopted by the Conference or the Council.

7. Unless the Commission expressly determines otherwise, observers may attend the plenary meetings of the Commission. Observer members of the Organization may submit memoranda and participate in the discussions. Observer Non-Members of the Organization as well as Observer intergovernmental organizations may be invited by the Commission to submit memoranda and deliver oral statements.

8. The Commission may invite consultants or experts, in their individual capacity, to attend the meetings or participate in the work of the Commission as well as the Management Committee, Technical Committee and the other subsidiary bodies of the Commission in accordance with the terms and conditions established by the Commission.

9. In no case will observers and persons invited to attend the meetings or participate in the discussions of the Commission be entitled to vote.

10. In accordance with Article \*\* of the Agreement, the Commission may enter into agreements with other intergovernmental organizations and institutions, especially those active in the fisheries sector.

#### **RULE XIV**

##### **Records, Reports and Recommendations**

1. A written report shall be adopted at the end of each session of the Commission. The report shall be published together with such technical papers and other documents as the Commission may wish to publish.

2. The report, adopted pursuant to paragraph 1 of this Rule shall, in accordance with Article \*\* of the Agreement, embody the Commission's views, recommendations and decisions, including, when requested, a statement of minority views. Such report, together with the schedule for implementation

of decisions and recommendations by the Members of the Commission as appropriate, shall be transmitted to the Director-General.

3. The Secretary shall circulate the report as well as such technical papers and other documents as appropriate, to the Members of the Commission and other States and international organizations that were represented at the session or that have cooperative arrangements with the Commission. These documents may be made available to other Members and Associate Members of the Organization for their information, as appropriate.

4. Decisions and recommendations which might have policy, programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference through the Council for action.

5. The Chairperson may request each Member of the Commission to provide information to the Commission or the Director-General on actions it has taken and where such actions are based on or related to the decisions and recommendations of the Commission.

#### **RULE XV**

##### **Amendments to the Agreement**

1. Proposals for the amendment of the Agreement, as provided by Article \*\* of the Agreement, shall be communicated in writing to the Secretary. The Secretary shall transmit to all Members of the Commission and to the Director-General a copy of such proposals immediately upon their receipt.

2. No action on a proposal for the amendment of the Agreement shall be taken by the Commission at any session, unless it has been included in the provisional agenda of the session. Decisions on amendments shall be made in accordance with Article \*\* of the Agreement,

#### **RULE XVI**

##### **Suspension and Amendment of Rules**

1. Subject to the provisions of the Agreement, any of the foregoing Rules, other than Rules IV, V, X paragraph 2, XI, XII, XIV paragraph 4 and XVI, may be suspended by a two-thirds majority of the votes cast at any plenary meeting of the Commission, provided that announcement is made at a plenary meeting of the Commission and copies of the proposal for suspension have been distributed to the delegations not less than forty-eight hours before the meeting at which action is to be taken.

2. Amendments of, or addition to, these Rules may be adopted by a two-thirds majority of the Members of the Commission, at any plenary meeting of the Commission, provided an announcement is made at a plenary meeting and copies of the proposal for the amendment or addition have been distributed to delegations not less than twenty-four hours before the meeting at which action is to be taken.

3. Any amendment to Rule XVI which may be adopted in accordance with the provisions of paragraph 2 of this Rule, shall not become effective until the next session of the Commission.

#### **RULE XVII**

##### **Language of the Commission**

1. The official languages of the Commission shall be English. The delegations may use this language at sessions and for their reports and communications. A delegation using a non-official language shall provide for interpretation, translation and publication as appropriate into the official language.

2. Official publications or reports and communications shall be in the English language.

**FUNCTIONS AND RESPONSIBILITIES OF THE SECRETARY**

In addition to the functions and responsibilities assigned to the Secretary by the Agreement and these Rules of Procedures, the duties of the Secretary shall include:

- a) communication of information received from Members of the Commission;
- b) receipt, collection, circulation, drafting and presentation of documents, reports, papers and resolutions for the sessions of the Commission, the Management Committee and the Technical Committee;
- c) maintaining records of the proceedings of sessions of the Commission, the Management Committee, Technical Committee and other subsidiary bodies;
- d) facilitating the collection of data necessary to accomplish the objectives of the Commission;
- e) administering and reporting to the Commission on the financial and staffing resources of the Commission, including the certification of expenditures and financial commitments; and
- f) performance of such other duties as may be decided by the Commission.

**TERMS OF REFERENCE FOR NATIONAL CORRESPONDENTS**

The National Correspondent designated in accordance with Rule VI shall facilitate liaison and communication between the Commission and its Members. He/She shall:

- a) keep in direct contact with the Secretariat of the Commission;
- b) receive information from the Secretariat of the Commission on activities planned and implemented at the regional level and ensure the effective flow of communications regarding the Commission's activities to and from national management, scientific, policy, legal, institutional and other relevant counterparts and stakeholders;
- c) inform the Secretariat on all the activities carried out at national level relating to the work of the Commission;
- d) coordinate, at the national level, specific activities and initiatives of the Commission, and provide all the necessary support in the acquisition of information and data;
- e) proactively advise the Secretariat on emerging national, sub-regional or regional issues of relevance to the Commission and its work programme;
- f) advise the Secretariat on relevant proposals for appropriate programmes or projects that fall within the mandate of the Commission and a relevant work programme;
- g) monitor and provide input to relevant programmes or projects implemented by the Commission; and
- h) support liaison and coordination on management, scientific, technical and other matters with relevant fisheries organizations or related projects and with appropriate institutions and interested experts within the jurisdiction of the Members of the Commission or in the region.

**STRUCTURE, FUNCTIONS AND PROCEDURES OF THE MANAGEMENT COMMITTEE**

1. There shall be a Management Committee consisting of the Chairperson, the Vice-Chairpersons, the Chairperson of the Technical Committee and [three] members elected by the Commission for a term of two years. The Secretary shall be an ex-officio member without vote. The Chairperson of the Management Committee shall be the Chairperson of the Commission.
2. The functions of the Management Committee shall be to:
  - (a) direct the conduct of the business and affairs of the Commission between its sessions, including financial, administrative, policy and strategic issues except that issues of policy, unless previously decided by the Commission, shall be formulated by the Executive Committee as a motion and referred to the Members;
  - (b) propose a strategy and work plan with the assistance of the Secretariat for review and consideration by the Commission, and monitor its implementation;
  - (c) review and decide upon recommendations of the Technical Committee;
  - (d) prepare estimates of expenses for the next succeeding two years for presentation to the Commission for submission to the Organization, in accordance with the provisions of Article \*\* of the Agreement;
  - (e) ensure that policies and decisions of the Commission are operationalized; and
  - (f) coordinate and monitor the work of the Technical Committee and other subsidiary bodies of the Commission;
3. The Management Committee shall meet at least once a year between regular sessions, and the quorum for each meeting shall be [five] persons. In the unavoidable absence of up to three members of the Executive Committee from a Committee session, the Chairperson shall have the power to co-opt such alternate as may be proposed by the government or institution of the relevant member or such other person that may be involved in relevant intersessional work, programmes or projects of EIFAAC.
4. When the Management Committee deals with special problems, the Chairperson of the Management Committee may, in consultation with the Vice-Chairpersons, invite not more than two additional members of the Commission to attend in an advisory capacity the meetings of the Management Committee at which such problems are considered.
5. The Management Committee shall periodically inform all Members of the Commission, through the Secretariat, of any action taken. Such action shall be subject to confirmation at the next session of the Commission.

**STRUCTURE, FUNCTIONS AND PROCEDURES OF THE TECHNICAL COMMITTEE**

1. There shall be a Technical Committee consisting of [five] experts in European inland fisheries and aquaculture.
2. Members of the Technical Committee shall be [elected by the Commission for a renewable term of two years] [open to all Members of the Commission, and each Member shall designate a representative]. The Secretary shall be an ex-officio member without vote. The Chairperson shall be elected by the Commission for a renewable term of two years, but not exceeding [six] consecutive years.
3. The functions of the Technical Committee shall be to:
  - a) make, review, evaluate and as appropriate recommend to the Management Committee proposals for programmes or projects to be carried out by the Commission in accordance with these Rules and Criteria;
  - b) develop terms of reference for programmes/projects and monitor project implementation against the terms of reference;
  - c) provide technical oversight, monitoring and evaluation of projects and related programme of work activities;
  - d) function as an editorial and publications committee.
4. Proposals for programmes or projects to be implemented wholly or partly by the Commission may be developed and submitted by the Technical Committee, [a Member through its National Correspondent or other official channel] [donor or partner organization] [independent institution] to the Secretariat.
5. Each project proposal shall specify the following:
  - a) purpose of the proposal;
  - b) expected outcome;
  - c) benefits of outcome;
  - d) funding source(s) and budget;
  - e) terms of reference of the proposal;
  - f) time frame and benchmarks;
  - g) methodology;
  - h) project manager;
  - i) administrative arrangements;
  - j) partners; and
  - k) such other requirements that may be recommended by the Technical Committee and agreed by the Commission.
6. The Secretary shall review each proposal submitted by [a Member through its National Correspondent or other official channel] [donor or partner organization] [independent institution] to ensure it fulfils the requirements in these Rules or as may be otherwise agreed by the Technical Committee in accordance with these Rules, and where such requirements:

- a) are not fulfilled shall return the proposal with an explanation and request the originator to re-submit as appropriate;
  - b) are fulfilled shall forward the proposal for the consideration of the Technical Committee;
7. The Technical Committee shall review and evaluate each project proposal, taking into account the following criteria:
- a) the project proposal is consistent with the objectives and functions of the Commission and with the terms of its Agreement;
  - b) the project outcomes shall have relevance to one or more Members of the Commission;
  - c) to the extent possible, the project proposal is forward-looking, proactive and results-oriented;
  - d) the total financial and other support for the project is identified and shall not require any contributions or additional resources from EIFAAC.
8. The Technical Committee may recommend a project to the Management Committee or, where a project proposal does not meet the criteria and other requirements of these Rules, reject the project proposal or request further information or modifications.
9. The Technical Committee shall review each EIFAC Working Party in existence at the time these Rules are adopted, and recommend to the Management Committee the continuation as projects under the Agreement of those that are active and meet the requirements of these Rules.
10. Where it has been agreed to recommend a project proposal or continuation of an EIFAC Working Party as a project under this Agreement pursuant to Rule 8 or 9 above, the Technical Committee shall identify the terms of reference of the project for recommendation to the Management Committee, including the following.
- a) objective and expected outcome;
  - b) programme/project management;
  - c) budget;
  - d) administrative requirements;
  - e) reporting to the Committee at regular intervals, including on the implementation of benchmarks and on completion of the programme/project; and
  - f) follow up as appropriate.
10. The Technical Committee shall require each project manager to report through the Secretariat on the implementation of the approved terms of reference no less than twice a year, and shall monitor the implementation of approved programmes/projects no less frequently based on such reports.
11. The Technical Committee may, where it considers that the terms of reference and other conditions of the programme/project are not being fulfilled, recommend to the [Management Committee] the imposition of conditions for reform on the programme/project, or suspension or termination.
12. The Technical Committee shall meet at least [once] each year between regular sessions, but shall hold meetings more frequently where the Chairperson of the Committee in consultation with the Secretary deem it necessary to effectively carry out the mandate and functions of the Committee.

