



## COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

### Ninety-first Session

Rome, 20 – 22 September 2010

## AMENDMENTS TO THE STATUTES OF THE EUROPEAN INLAND FISHERIES ADVISORY COMMISSION (EIFAC)

### I. BACKGROUND

1. This document deals with a comprehensive set of amendments to the Statutes of the European Inland Fisheries Advisory Commission (EIFAC) which was established in 1957 by Council Resolution 2/26 under Article VI of the Constitution of FAO. Resolution 2/26 is set out in Appendix I to this document. The revision to the Statutes has been proposed by EIFAC, and is now presented for review by the CCLM and subsequent approval by the Council.

2. Since 1992, every EIFAC Session has been considering issues related to the need to restructure and strengthen EIFAC in view of changes which have occurred in global and European inland fisheries and aquaculture and in the needs and priorities of Members, as external political, social, economic, financial and environmental factors have undergone significant transformation.

### II. PROPOSED AMENDMENTS TO EIFAC

3. At the Twenty-fifth Session of EIFAC held in Antalya, Turkey, from 21 to 28 May 2008, it was agreed to review the functioning of the Commission. Two workshops were organized thereafter in order to review further options for restructuring and improving the efficiency of EIFAC. The conclusions and recommendations of these workshops were reviewed by the Commission at its Twenty-sixth Session, held in Zagreb from 17 to 20 May 2010.

4. At the Twenty-sixth Session of the Commission, a number of options were considered and, after an extensive debate, the Commission agreed that EIFAC should continue as an FAO body under Article VI of the Constitution, with revised objectives and an improved structure. It was considered that this new structure would allow for streamlining of operations and introduce

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accountability procedures, while fostering existing strengths and outputs<sup>1</sup>. The Commission proposed comprehensive changes to its objectives and terms of reference and adjustments to its working procedures which are reflected in the attached revised Statutes.

5. The Commission agreed that it should consist of the following Committees:

- a) a Management Committee which would replace the present Executive Committee. The Management Committee would be given a stronger, wide-ranging mandate to enable it to conduct business and monitor implementation of the work programme between Sessions of the Commission; and
- b) a Technical Committee which would be an interdisciplinary committee, including professionals with managerial, scientific, administrative and related expertise that could contribute to EIFAC work. Its functions would include making and evaluating project proposals, developing terms of reference for projects and monitoring their implementation. Working Parties that are currently active would be converted into projects under the purview of this Committee.

6. A provision has been included in the amended draft Council Resolution in order to reflect IPA action 2.56 and the new provisions of the Basic Texts regarding the reporting lines of the Technical Committees. These Committees now report to the Council on programme and budget matters and to the Conference on policy and regulatory matters. In addition, taking into account both an old practice whereby the activities of fisheries bodies under Article VI of the Constitution used to be reviewed by the Committee on Fisheries (COFI), as well as IPA actions regarding the new status of the Technical Committees, the work and recommendations of EIFAC would be reported to COFI as appropriate. Reporting to the Conference or the Council would also be made through COFI as appropriate.

7. New Statutes for the Commission reflecting the above are contained in the draft Council Resolution set out in Appendix II<sup>2</sup> and which would replace Council Resolution 2/26. The new Statutes reflect the “*Principles and Procedures which Should Govern Conventions and Agreements Concluded under Articles XIV and XV of the Constitution, Commissions and Committees Established under Article VI of the Constitution*” currently set out in Part O of the Basic Texts, with a few adjustments to reflect the particular situation of EIFAC, as well as some implications of the FAO reform process under way.

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<sup>1</sup> The Commission, at its Twenty-sixth Session examined a broad range of issues in relation to the new structure and *modus operandi* of EIFAC which are outside the purview of this document. It has been proposed, *inter alia*, that EIFAC should be a project-based organization concentrating on priority projects within the mandate of EIFAC, relevant to EIFAC Members. EIFAC would continue to receive financial support from FAO for operational tasks but would have to rely on other funding sources. At present EIFAC does not have a specific budget. The estimated annual combined in-kind staff costs to FAO are approximately USD 95,000, which together with USD 30,000 for travel, interpretation and publications and 35,000 for operating costs would be around USD 160,000. Restructuring would include abolishing the Sub-Commissions, Working Parties and Liaison Groups, and establishing a Management Committee and a Technical and Scientific Committee. Participation of stakeholders and representative bodies, including civil society organizations would be enhanced in the new objectives, mission statement and activities of EIFAC.

<sup>2</sup> Given the importance of the amendments, which amount to a “full replacement” of the old Resolution, it would not be practicable to present them in track mode, contrary to the practice generally followed by the CCLM.

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### **III. CHANGE IN THE NAME OF EIFAC**

8. The Twenty-fifth Session of EIFAC agreed that the name of the Commission be changed to the European Inland Fisheries and Aquaculture Advisory Commission (EIFAAC) so as to recognize the importance of the aquaculture to the countries in Europe and to properly reflect the activities of EIFAC. This is reflected in the attached draft Council Resolution.

### **IV. SUGGESTED ACTION BY THE COMMITTEE**

9. The CCLM is invited to review the proposed Council Resolution, set out in Appendix II hereto, and make such comments and observations thereon as appropriate. The amended Council Resolution would be referred to the Hundred and Fortieth Session of the Council for approval and, upon approval, replace Council Resolution 2/26.

10. The CCLM is, in particular, invited to endorse:

- a) the proposed change in the name of the European Inland Fisheries Advisory Commission; and
- b) the proposed revision of the Council Resolution for the European Inland Fisheries Advisory Commission (EIFAC).

**APPENDIX I****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.

**APPENDIX II****RESOLUTION .../..****EUROPEAN INLAND FISHERIES AND AQUACULTURE ADVISORY COMMISSION**  
**(EIFAAC)**

THE COUNCIL,

Recalling Resolution 2/26 of 1957 which established the European Inland Fisheries Advisory Commission (EIFAC) under Article VI-X of the FAO Constitution;

Recognizing that during more than half a century, the Commission has done a valuable work, being the only management-orientated, knowledge-based and officially recognized forum for European inland fisheries and aquaculture;

Recognizing the proven importance not only of inland fisheries but also of aquaculture for Europe and the need to continue activities for the further development of these sectors;

Bearing in mind that despite external political, social, economic, financial and environmental factors, no change has been introduced to the mandate of the Commission since its establishment and only marginal alterations to its institutional structure and processes have been performed;

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 constituent instrument 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;

Taking note that the Twenty Fifth Session of EIFAC, held in Antalya, Turkey, from 21 to 28 May 2008 had agreed to change the name of EIFAC, introducing aquaculture in order to recognize the importance of the aquaculture to the countries in Europe and to properly reflect the activities of EIFAC;

Decides to approve the revised Statutes of the European Inland Fisheries and Aquaculture Advisory Commission (EIFAAC) as follows:

1. General objective of the Commission

Without prejudice to the sovereignty of its members, the Commission shall:

- a) promote the sustainable development, utilization, conservation, management, protection and restoration of European inland fisheries and aquaculture resources, including commercial and recreational fisheries and aquaculture, 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 in a rapid and accountable manner as requested by Members;
- c) provide advice to managers/decision makers of inland fisheries and aquaculture as requested based on scientific, social, economic, legal and other factors;
- d) serve as a forward-looking international platform for the collation, validation, dissemination and consideration of information on common challenges and opportunities to European inland fisheries and aquaculture, and to this end, inter alia, proactively identify:
  - relevant scientific, social, economic, legal, statistical and other information and make recommendations for decision makers taking into account the need to protect and preserve the aquatic ecosystems; and
  - common problems and solutions, and harmonized approaches as appropriate.

## 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, and other relevant international instruments.

## 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. Focus of competence

The mandate of the Commission shall extend to all aquatic organisms and their related environment.

## 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, conservation, 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 collation, validation, 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/or carry out programmes or projects aimed at:
  - i) increasing the efficiency and sustainable productivity of fisheries and aquaculture;
  - ii) advising on the conservation and management of inland fisheries and aquaculture resources;
  - iii) protecting resources from pollution and habitat degradation;
  - iv) facilitating the restoration of degraded habitats and depleted resources;
- e) keep under review the state of the inland fisheries and aquaculture resources of its Members;
- f) encourage education and training including as appropriate by the promotion and the organization of seminars, workshops and other fora;
- g) promote liaison and cooperation among its Members;
- h) enhance communication and consultation with civil society organizations concerned with inland commercial and recreational fisheries and aquaculture;
- i) seek funds and other resources for possible projects outside the Organization's Regular budget and establish, as appropriate, a trust fund for voluntary contributions; and
- j) 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 two years. Intersessional decisions may be taken regarding specific projects through a written procedure.

2. The Commission shall consist of the following Committees:

- a) a Management Committee with authority to address organizational, financial, administrative and strategic issues, facilitate the approval of project proposals by the Commission and initiate and monitor the implementation of a long-term strategy; and
- b) a Technical and Scientific 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

Copies of reports 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. The activities of the Commission shall be reported to COFI as appropriate. 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 Programme of Work and Budget and other submissions to the Governing Bodies. Recommendations of the Commission having policy or programme and budgetary implications shall be reported to the Conference or Council, as the case may be, through COFI.

#### 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.

5. Rules for the participation of observers shall be established in the Rules of Procedure.

#### 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.



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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.

12. Performance assessment and review

Three years after the approval of this Resolution an evaluation shall be made of the work undertaken against the objectives and functions of EIFAAC, including appropriate recommendations.