

COMMISSION DECISION
of 25 February 2016
setting up a Scientific, Technical and Economic Committee for Fisheries
(2016/C 74/05)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC⁽¹⁾, and in particular Article 26 thereof,

Whereas:

- (1) Article 43 of the Treaty assigned to the European Union and Member States the task of establishing the provisions necessary for the pursuit of the objectives of the Common Fisheries Policy (CFP).
- (2) With a view to implement Union policy in the area of fisheries and aquaculture, the assistance of highly qualified scientific experts is required, particularly in the application of marine and fisheries biology, fishing gear technology, fisheries economics, fisheries governance, ecosystem effects of fisheries, aquaculture or similar disciplines, or in the field of collection, management and use of fisheries and aquaculture data.
- (3) It is therefore necessary to set up a group of experts in the field of fisheries and aquaculture and to define its tasks and its structure. This assistance should be provided by a permanent Scientific, Technical and Economic Committee for Fisheries (STECF) set up by the Commission.
- (4) The Commission should consult the STECF group in order to develop the CFP policy, where appropriate, on matters pertaining to the conservation and management of living marine resources, including biological, economic, environmental, social and technical considerations, in accordance with Article 26 of Regulation (EU) No 1380/2013. The advice of this group should be based on the principles of excellence, independence, impartiality and transparency.
- (5) The STECF group should be composed of an appropriate number of members to perform the required tasks. Members of the group should be highly qualified, specialised, independent experts selected on the basis of objective criteria and through a public call for applications. They are appointed in their personal capacity and provide the Commission with opinions that are necessary for the implementation of the Common Fisheries Policy. It is essential that the group makes best use of external expertise from within and outside the Union as necessary to answer specific questions.
- (6) The Commission could not reach fully Union policy objectives for conservation and sustainable exploitation of fisheries resources without the specific STECF group's substantial contributions. The Common Fisheries Policy requires that the decision-making is based on the best available scientific advice. In order to fulfil this requirement, the Commission policy proposals must be based on the best available science. The STECF group evaluates and provides the latest available scientific data to provide the Commission with sound and timely evidence-based scientific advice for the implementation and monitoring of the EU Common Fisheries Policy. The STECF advice is explicitly required among others pursuant to Articles 2(5a); 3(c), 6(2), 9(1 and 5), 10(2a and 3), 11(3), 15 (4(b) and 5(c)) 18(2, 3 and 5), 28 (2a), 29(2 and 4), 31(4) of Regulation (EU) No 1380/2013. STECF advice is also provided for in multi-annual management plans, measures relating to landing obligations, mixed fisheries management, the position of the Union at international fisheries organisations as well as sustainable fisheries partnership agreements with third countries. Therefore, these independent experts should receive special allowances beyond reimbursement of expenses, which is proportionate to the particular tasks attributed to them and in line with international standards.

⁽¹⁾ OJ L 354, 28.12.2013, p. 22.

- (7) The requirement for the provision of the best available scientific advice also applies to the responsibilities of the members of the STECF group supporting Commission services by providing scientific input at meetings in regional as well as international context that are part of the legislative process pursuant to Article 18 of Regulation (EU) No 1380/2013, whereby on the basis of the outcomes of such meetings the Member States provide to the Commission joint recommendations based on the best available scientific advice serving as the base for adoption of delegated or implementing acts. The Commission is responsible for facilitating the cooperation between Member States and relevant scientific bodies, among which STECF plays a predominant role. Therefore, the work of the STECF group effectively contributes to attainment of the objectives of the Common Fisheries Policy.
- (8) Rules on disclosure of information by members of the group should be laid down.
- (9) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾.
- (10) Members of the group previously appointed should continue to stay in office until the new members are appointed.
- (11) Commission Decision 2005/629/EC ⁽²⁾ should be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The Scientific, Technical and Economic Committee for Fisheries, hereinafter referred to as 'the group', or the 'STECF group' is hereby set up.

Article 2

Tasks

In the field of conservation and management of living marine resources, including biological, economic, environmental, social and technical considerations, the group's task shall be:

- (a) to assist the Commission in the preparation of legislative proposals, delegated acts or policy initiatives.
- (b) to monitor the evolution of policy and bring about an exchange of experience and good practise.

Article 3

Consultation

1. The Commission may consult the group on any matter relating to marine and fisheries biology, fishing gear technology, fisheries economics, fisheries governance, ecosystem effects of fisheries, aquaculture or similar disciplines. The Commission may require the adoption of such an opinion within a defined period. In agreement with the Commission services the group may also provide opinions on its own initiative to the Commission on such matters.

2. The chair of the group may advise the Commission to consult the group on a specific question.

Article 4

Membership-Appointment

1. The group shall be composed of not less than 30 members and not more than 35 members.
2. Members shall be individuals appointed in a personal capacity. They shall act independently and in the public interest.

⁽¹⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

⁽²⁾ Commission Decision 2005/629/EC of 26 August 2005 relating to establishing a Scientific, Technical and Economic Committee for Fisheries (OJ L 225, 31.8.2005, p. 18).

3. Members shall be appointed by the Director-General of DG Maritime Affairs and Fisheries from experts with competence in the areas referred to in Article 2 and Article 3(1), and who have responded to the call for applications. The appointment shall include the date when members shall start their term of office. When defining the composition of the group, the Commission shall aim at ensuring, as far as possible, gender balance and a balanced geographical distribution which reflects the diversity of fisheries and aquaculture within the Union, taking into account the outcome of the selection procedure.
4. Members are appointed for three years. They shall remain in office until the end of their term of office, unless they are replaced in accordance with paragraph 6. Their term of office may be renewed. In case the replacement or renewal of the group members has not taken place on the date of the expiry of the three-year period, the members of the group shall remain in office until their replacement or the renewal.
5. Suitable candidates who are not appointed may be included on a reserve list established by the Commission. The reserve list may be used by the Commission for replacement of members who leave the group in accordance with paragraph 6 of this Article. The Commission shall ask applicants for their consent before including their names on the list. Such replacements shall be appointed in accordance with the same conditions as members.
6. Members who are no longer capable of contributing effectively to the group's deliberations, who resign or who do not comply with the conditions set out in paragraph 3 of this Article, or Article 339 of the Treaty, may be replaced for the remainder of their term of office.
7. The names of members shall be published in the Register of Commission expert groups and other similar entities ('the Register')⁽¹⁾.
8. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Article 5

Independence

1. Experts applying to be appointed as members of the STECF group must disclose any circumstances that may compromise or be reasonably perceived to compromise the expert's capacity to act independently and in the public interest when providing advice to the Commission, including any relevant circumstances relating to their family members. In particular, the Commission services shall require those experts to submit a declaration of interests ('DOI form') and a curriculum vitae, as part of the application procedure. The DOI form shall consist of a series of questions requesting experts to disclose any interest relevant to the subject of the work to be performed. Submission of a duly completed DOI form shall be necessary in order for an individual to be appointed as a member of the group. The declarations of interests shall be made publicly available, as long as the experts in question are members of the group.
2. If the responsible Commission service concludes that, in light of the assessment of DOIs, no conflict of interest exists, the expert in question may be appointed in a personal capacity, provided he/she possesses the expertise required.
3. Members shall be required to inform the competent Commission services as soon as there is any change in the information previously provided, in which case they would be required to submit immediately a newly completed DOI form describing relevant changes.

Article 6

Operation

1. The STECF group shall elect a chair and two vice-chairs from amongst its members by a simple majority for a period of three years. The chair and the vice-chairs of the group may not be elected for the same position for more than two consecutive periods.
2. The chair of the group may appoint rapporteurs from among group members. For particularly complex questions of a multidisciplinary nature, more than one rapporteur may be appointed.
3. The Commission services may invite experts from outside the group with specific competence in a subject on the agenda to take part in the work of the group or the sub-group on an ad hoc basis (external experts).

⁽¹⁾ Members who do not wish to have their names disclosed may apply for derogation from this rule. The request not to disclose the name of a member of an expert group shall be considered justified whenever publication could endanger his or her security or unduly prejudice his or her privacy.

4. In agreement with the Commission services, the STECF group may set up sub-groups to examine specific questions on the basis of the terms of reference defined by the Commission. The sub-groups shall consist of at least two group members and external experts. Sub-groups shall report to the group within a given time frame in accordance with those terms of reference. Such sub-groups shall be disbanded as soon as their mandate is fulfilled.
5. The Commission shall provide the secretariat for the group and its sub-groups. The secretariat shall be responsible for providing technical and administrative support and coordination to facilitate the efficient functioning of the group and to organise meetings for its sub-groups. Where necessary, the secretariat shall coordinate activities of the group and its sub-groups with those of other European Union and international bodies. Commission representatives with an interest in the proceedings may attend meetings of the group and its sub-groups. Meetings of the expert group and the sub-groups shall, in principle, be held on Commission premises.
6. All relevant documents such as agendas, minutes and participants submissions shall be made available either in the Register or *via* a link from the Register to a dedicated website, where information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. Exceptions to publication shall be foreseen where disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council ⁽¹⁾.
7. The group shall adopt its rules of procedure on the basis of the standard rules of procedure for expert groups.

Article 7

Confidentiality

1. Members of the STECF group and external experts shall comply with the obligations of professional secrecy laid down by the Treaties and their implementing rules, as well as with the Commission's rules on security regarding the protection of EU classified information, laid down in the Annex to Commission Decisions (EU, Euratom) 2015/443 ⁽²⁾ and 2015/444 ⁽³⁾. Should they fail to respect these obligations, the Commission may take all appropriate measures.
2. The deliberations of the group shall be confidential. In agreement with the Commission's services, the group may, by a simple majority of its members, decide to open its deliberations to the public.

Article 8

Reimbursements and special allowances

1. Members of the STECF group and the external experts shall be entitled to a special allowances for their preparatory work and/or participation in the activities of the group and related external meetings, as set out in the Annex.
2. Travel and subsistence expenses incurred by group members and external experts through participation in the meetings of the group or sub-groups and related external meetings shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.
3. Those expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

Article 9

Transitional provisions

Members of the STECF group, appointed in accordance with Article 4 of Decision 2005/629/EC shall remain in office as members of the Committee established by the present Decision until the new members of the group are appointed in accordance with Article 4 of the present Decision. The provisions of this Decision shall apply to them.

⁽¹⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.

⁽²⁾ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁽³⁾ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

*Article 10***Repeal**

Decision 2005/629/EC is repealed.

Done at Brussels, 25 February 2016.

For the Commission

Karmenu VELLA

Member of the Commission

ANNEX

Special allowances

- (1) The members of the group and external experts are entitled to a special allowance which compensates them for their participation in person or by distance (written procedure) in the meetings of the group. The special allowance consists of a maximum of EUR 450 in the form of a daily unit cost for each full working day as specified in the table below. The total allowance shall be calculated and rounded upwards to the amount corresponding to the nearest half working day.

EUR per full day ⁽¹⁾	Group plenary meetings	Sub-groups
Chair	450	450
Vice Chair	450	450
Group Members	300	300
External expert	300	300

⁽¹⁾ Should the participation only take place in a morning or in an afternoon, the allowance should be of 50 % of the full day allowance.

- (2) The members of the group are entitled to a special allowance for acting as rapporteur to compensate them for the work performed for activities such as preparation and finalisation of the input to the report of the group or sub-group meeting outside of the meeting. This special allowance is equivalent to one full working day and consists of EUR 450.
- (3) The members of the group and external experts are entitled to a special allowance for acting as rapporteur to provide scientific reports (summaries, inquiries and background information) in preparation of group or sub-group meetings; or to write the report of the group or sub-group meetings following the meetings.
- (4) The Chair is entitled to a special allowance for the scientific supervision and organisation of group work outside group plenary.

When requesting preparatory work, consisting in particular of writing of the group or sub-group reports or opinions, analysis to substantiate impact assessment, or scientific supervision, the Commission will specify the tasks to be carried out as well as their timeframe. The calculation of the number of the working days depends in particular on the workload related to the complexity of the matter, the length of the period needed to complete the tasks due to the amount and accessibility of data and scientific literature and information to be collected and processed. The indicative number of working days provided below can therefore be departed from only in duly substantiated and exceptional cases:

Indicative number of working days	Type of tasks requested
1-10 days	Preparatory work (scientific reports, research, analysis to substantiate impact assessment)
4-6 days	Report following the group or sub-group meeting, STECF opinion
10-30 days	Scientific supervision and organisation of group work outside group plenary meetings, in particular to advise Commission on general scientific planning, on mobilizing external experts, on definition of terms of references for the scientific reports as well as sub-group and group meetings, on ensuring availabilities of existing data and scientific research, to prepare and coordinate the setup and meetings of sub-groups, to liaise with other advisory bodies and stakeholders and with Commission services (both with DG MARE and other DGs and JRC)

Experts acting as rapporteur to provide scientific reports in preparation of group or sub-group meetings; or to write the report of the group or sub-group meetings following the meetings and the Chair for the scientific supervision and organisation of group work outside group plenary will be paid with the sum of EUR 450 in the form of a daily unit cost for each full working day.

- (5) In accordance with Article 18 of the Regulation of 1380/2013 on Common Fisheries Policy the group members can support the Commission services by participating in their group member capacity at meetings in regional as well as in international context. They are entitled to a special allowance of EUR 300 in the form of a daily unit cost for each full working day. The participation is subject to prior authorisation by the Commission services and disbursement is subject to *ex-post* verification of attendance by the Commission services.
 - (6) The total special allowance received by a member of the group or an external expert per day can never exceed EUR 450, in conformity with Commission Decision C(2014) 2220.
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