EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

THE DIRECTOR-GENERAL

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North Western Waters RAC
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Subject: **FINAL Minutes of the inter-RACs meeting held on 28 September**

Our reference: Letter from L. Evans dated 17 October (Ares(2012)1226587)

Dear Mr Armstrong,

Please find attached the final minutes of the inter-RACs meeting held on 28 September. All comments received have been included.

Yours sincerely,

Lowri Evans

Enclosures: Final Minutes of the inter-RACs meeting held on 28 September in Brussels; Attendance list

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Copies: All RACs, Secretariat of ACFA

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
Directorate A
POLICY DEVELOPMENT AND CO-ORDINATION

INTER-RAC MEETING - 28.09. 2012

MINUTES (FINAL)

The 2nd Inter-RAC meeting after the one in February this year was entirely dedicated to the consultation on the future role and function of Advisory Councils (AC), based on the questionnaire sent out on 4 September to all RACs and to EU aquaculture stakeholders (group 2 of ACFA); agenda, list of participants and the questionnaire are annexed to these minutes.

All 7 RACs (2-4 members per RAC) and 4 aquaculture stakeholders (representatives of ACFA group II) attended the meeting. Member States' fisheries attachés (HU, UK, DK), MEP Assistants (Lövin, Stevenson) and EP PECH secretariat attended as observers.

Debates took place in a constructive and positive atmosphere; all RAC's welcomed this long-awaited opportunity to discuss about the future of stakeholder consultation and the consultation paper. MEDRAC supported by others asked for more time for consultation, to which COM replied positively (up to mid- November).

Director-General Lowri EVANS welcomed participants and introduced the consultation process, underlining the Commission's clear intention to decentralise the CFP and the new, enhanced role for stakeholders in policy design and implementation, a proposal shared both by Council in its general Approach of June 2012 and by the EP in its various draft reports and debates so far. She pointed in particular to the role of MS in a regionalised framework, meaning that they will become a new "client" for Advisory Councils' input and advice, and listed some of the key points for debate: the creation of an AC for Aquaculture as proposed by COM and widely supported by the co-legislators, the issue of representation of all interests in future ACs including for example small-scale coastal fisheries, the international dimension in many fisheries and sea regions, and the question of future financing of ACs.

The debates in more detail:

1. **Role of ACs in Regionalisation:** RACs agreed in general that they will need to improve their working methods and focus on priorities and better planning, to be able to play a meaningful role both upstream, i.e. advising the Commission in preparing proposals for Long-term management plans (LTMP), and downstream, i.e. advising Member States under regionalised implementation of the plans; several speakers pointed to the need to better define regionalisation, as the exact role and action by ACs will depend on the design of regionalisation; LTMP should contain only general framework and objectives, and leave sufficient room for ACs to propose options for reaching the objectives; MEDRAC underlined that the ACs will have an interest in

being consulted upstream by the EC is in the process of defining technical measures; some fears were expressed that Member States would not sufficiently listen to ACs, and that regionalisation as proposed could lead to different national approaches; general feeling that ACs need to step up working capacity, improve organisation and programming, as their enhanced role and activity; this requires smooth and timely access to scientific information; a proposal to hold a workshop RACs-MS was supported by many participants (*to be organised in Spring 2013*); RACs are worried and frustrated about the EP-Council stalemate on LTMPs; Aquaculture stakeholders, Pelagic AC and LDAC said that regionalised approach was not appropriate for them;

2. **AC's - Role and Tasks:** RACs highlighted some good examples of their cooperation with science but requested more involvement in definition of research preparation and priorities; their important role in dissemination of science and research results is to be stepped up in the future; dialogue exists as well as numerous contacts with science and scientists / bodies (ICES), but these could be more formalised – some suggested that the MoU Commission-ICES includes the possibility for ACs to file requests for advice through the Commission; the support to science-fishermen partnership proposed in the EMFF is not deemed adequate because funds are 'national' whereas ACs supra-national (see also below); for the LDRAC it is important to establish and to formalise cooperation with RFMO scientific bodies; however, there is a lack of information ("we don't get the protocols, even when adopted"); LDRAC gave an example where ACs take initiative and achieve results without additional money: they organised a meeting on FADs, to which then scientists came 'for free', it resulted in a useful brochure and recommendations taken up by IUCN, Pew; other possible for support for scientific projects sources in the international field are World Bank, development funds (DEVCO) etc. BSRAC is in favour of cooperation / involvement in control issues, ACs have a lot of knowledge that can be better used; there is already good and useful cooperation with CFCA; other RACs were more reluctant; again the need for good planning to get more and better science input to ACs was mentioned;

3. **Funding:** RACs reported some problems with funding, MS are more and more reluctant to contribute; most RACs said they didn't ask for *more money*, but more recognition of their work's value, and access to projects (EMFF, problem with eligibility rules) and to other funds such as Research, ESF should be explored, but ACs need some guidance how to access these; RACs are in favour to maintain 3 pillars of financing (EU grant, membership fees, MS' contributions) and underlined that regionalisation has a cost that should be catered for, MS need to recognise ACs and their new role and give a more realistic contribution; most participants spoke against differentiated fees for members according to organisation's size or financial capacity, fees should remain for ACs to define; some warned that other funding sources would go against the independence of ACs; some said that COM should differentiate funding according to AC characteristics (number of members, geographical differences, number of languages), SWWRAC made a suggestion to ask industry to pay (a small share of their increased revenue due to sustainably managed stocks); in BSRAC's view some common rules on fees and membership are needed; COM will look into EMFF and current institutional debate, research and other funds.

4. **Composition, Voting:** most speakers felt that small-scale interests were sufficiently represented in current RACs, some reported difficulties for small-scale interests to be adequately represented and taken into account (SWWRAC representative); several speakers supported the view (NSRAC) that, due to policy changes (new species of

particular interest for coastal fishing such as sea bass under TACs, more legislation affecting coastal fishing such as the MSFD), more small-scale interests will probably ask to join ACs in future; no solution how to deal with that was proposed, several participants spoke against 'positive discrimination'; NSRAC thinks that the issue should be addressed by MS (to ensure representation of all parts of their sector); some advocated a wider definition of small-scale fisheries; most agreed to keep current rule to adopt recommendations by consensus as much as possible, but without making it an obligation.

5. **International Dimension:** several speakers asked for AC observer status in international negotiations and complained about lack of information during and after the process; willingness to involve stakeholders from outside the EU in AC discussions, but it is a challenge and not always easy – sometimes the problem is to find the right people; also in RFMO context, there are problem of timing and resources (too many meetings, things going on), stakeholders / RACs are informed too late or not at all; a network with RFMOs stakeholders could be established; maybe DEVCO funds can be used to ensure cooperation with third country stakeholders, or neighbourhood policy funds in the Mediterranean and Black Sea; COM pointed to the need for ACs to be able to work autonomously, and warned that COM will not always be able to attend every meeting in future.

6. **Aquaculture:** speakers said there is no need for cumbersome, bureaucratic structure, General Assembly and Excom etc.. Working groups can be set up, but their recommendations would directly be considered the AC's position, i.e. there is no need for a superstructure ("plenary" etc.); all 3 EU aquaculture organisations have a common vision; don't need a strong role for MS in aquaculture AC (cannot have 27 MS in every meeting!); there seemed to be a lack of clarity as to the future role and scope of this AC, so a subsequent meeting between COM and aquaculture stakeholders should be planned.

Enclosures: Agenda, Consultation paper

AGENDA

8.45 **Coffee and welcome**

I. Consultation on Advisory Councils (ACs)

9.00 **Presentation of the Consultation paper by DG MARE**

9.30 **Regionalisation (Questions 1 / 2)**

10.15 **Role and tasks of Advisory Councils (Questions 3 / 4 / 5)**

11.00 - 11.15 **Coffee**

11.15 **Funding (Questions 6 / 7)**

12.30 - 14.00 LUNCH

14.00 **Composition and functioning (Questions 8 / 9 / 10)**

14.45 **International dimension (Questions 11 / 12 / 13)**

15.20 - 15.30 Coffee

15.30 **Aquaculture (Questions 14 / 15)**

II. Other points

16.15 **Any Other Business** (Points suggested by RACs)

17.15 **Close of meeting**

Consultation on Future Role & Composition of Advisory Councils (ACs)

1. Introduction

This consultation aims to collect the views and ideas of the RACs on their future role under a regionalised policy framework, as well as on the required changes in working methods, composition and functioning of the proposed Advisory Councils. The outcome of this consultation and subsequent debate will feed into the elaboration of the detailed rules on role, composition and functioning that will be defined after adoption of the reform package.

2. Regionalisation

With regionalisation the role of ACs will change in a number of ways. The ACs would play a role in two instances of policy-making:

- Consultation in *the preparatory phase* of developing and preparing the Commission proposal for multiannual plans. This work will not differ significantly from current practices, but the thrust of the advice will take different forms: the plans to be adopted by Council and the Parliament will not contain detailed measures, they will rather set the objectives, targets, timeframes for reaching the targets

- After the negotiation and adoption of the multiannual plan by the legislators, the ACs will play a primary role in proactively advising the Commission and Member States concerned on the implementation of the plan: which technical measures are best suitable, which instruments are the most effective to achieve the objectives and to reach the targets. ACs will be issuing their recommendations to the Member States that will have to agree on common measures.

As a consequence, the ACs will need to develop enhanced planning modalities and prioritise their work around the expected timing and adoption of EU multiannual plans. ACs will also have to assess the required input for the development of their contributions, such as, for example, scientific information and data or management advice.

Question 1: What are the implications deriving from regionalisation for ACs?

Question 2: How can duplication of AC consultation (by MS and the Commission) be avoided?

3. Role and tasks

In addition to submitting recommendations and suggestions on specific implementing measures in the framework of the plans as described in the previous chapter, new tasks (e.g. contribution to data collection, in cooperation with science, science-fishermen partnerships) would become important. RACs are already participating as observers in scientific Working Groups of both STECF and ICES. Some would like to be involved also in suggesting research priorities, and further reinforce their links with the STECF and ICES.

Question 3: Should ACs have a say in the identification of research priorities?

Question 4: How could cooperation between ACs and scientists be further strengthened, in the most cost-effective way?

Question5: Should ACs become involved in design of control measures?

4. Funding

RACs have own resources (mostly from an EU grant, and very limited membership fees and MS contributions), which amounts to an annual 250.000€ per RAC. Although there have been voices asking for more EU funding, there are significant constraints on EU funds, and it is important to find ways to broaden the funding base. ACs will have to adjust their patterns of expenditures under the reformed CFP to respond to the changed role.

Levels of the membership fee vary substantially between RACs, and in some cases the fee levels seem to make participation for smaller entities difficult. Other sources of funding need to be identified as well.

As regionalisation will take time and additional workload of the ACs will be dependent on the development of multiannual plans, it might seem premature to suggest changes in EU funding at this stage.

Question 6: How can ACs adapt their membership fees to the size and financial capacity of the member organisations?

Question 7: What other sources of funding could ACs identify and draw from?

5. Composition of future ACs, adoption of advice, follow-up of advice

Membership is open to the fisheries sector and other interest groups affected by the CFP, like environmental NGOs, or recreational fishermen. The Commission, Member States and scientists may participate as observers (non-members), as well as representatives of third countries, upon invitation, where appropriate. In RAC decision-making bodies (Executive Committee and Plenary), two thirds of the seats are reserved for fisheries interests and one third for other interests.

There have been concerns on representation from different stakeholder groups (e.g. small-scale fisheries), the rules on composition have been questioned and there is a clear need for ensuring a balanced composition that allows for representation of all legitimate interest.

In adopting advice, should ACs seek consensus or majority voting (with dissenting votes being recorded in minutes)? Practice has grown towards consensus-seeking, but sometimes split advice has been given. This issue needs reconsidering since the aim under regionalization is to reach agreement on the type of management measures that should be applied under the plans.

Another important issue is the follow-up to AC advice by Member States and the Commission. The Commission always considers the advice takes it into account as much as possible, in particular when the advice is aligned to the related policy objectives and targets. But the Commission cannot be obliged to automatically transpose the view of an AC into proposals or legislation, even if it is adopted by consensus.

Question 8: How could adequate participation/representation of certain, legitimate interests, such as small-scale fisheries be ensured?

Question 9: Should there be a differentiation concerning the composition rules for decision-making bodies or should the same rule apply to all ACs?

Question 10: Should the rule that ACs adopt recommendations by consensus (and record dissenting voices where no consensus was found) be maintained?

6. International dimension

The EU is party to many international and regional organisations, in particular RFMOs. The Long Distance RAC has been set up specifically to advise the Commission in the context of international negotiations.

Additionally in several regions the fisheries and stocks covered by ACs are shared with third countries. This is the case for the Mediterranean and the Black Sea (for the latter, the creation of a new AC is intended), but also for important stocks in the North Sea, and for many pelagic stocks. There is a need to further develop and ensure sufficient stakeholder consultation in areas with a strong international dimension. Currently, RACs can invite representatives from 3rd countries to participate as observers.

Question 11: In view of the intense external agenda how can provision of comprehensive advice from stakeholders in preparation of international meetings be ensured?

Question 12: How can AC with an international dimension take into consideration the views of stakeholders of third countries?

Question 13: Is the participation of third country stakeholders in ACs as observers sufficient or should the EU, in addition to that, promote stakeholder consultation by RFMOs?

7. Creation of a new AC on Aquaculture

The new Aquaculture AC will develop the advisory tasks in aquaculture. For cost-efficiency reasons this is envisaged as a single AC for all types of aquaculture. This AC could set up specific Working Groups (similar to what other existing RAC have done), for example on marine fish aquaculture, shellfish aquaculture and freshwater aquaculture.

Question 14: Should there be specific rules on the AC for aquaculture, for example on the composition of decision making bodies or should the same rules apply as for other ACs?

Question 15: How can appropriate participation and representation of all types of aquaculture be best ensured?