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DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

THE DIRECTOR-GENERAL

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Subject: Consultation on future role and composition of Advisory Councils

Dear Chairman,

Negotiations on the reform of the Common Fisheries Policy are now well underway, and the Commission is in the process of beginning to reflect at operational level on the implementation of certain aspects of this reform. The future role and composition of the Advisory Councils (ACs) is one of the key elements for the future. We are seeking input in this preparatory work, and would appreciate your contributions in relation to the future role of the RACs. To facilitate and to focus the consultation, a questionnaire is attached to this letter.

There is a generalized view that the role of the ACs should be maintained and extended under the reformed Common Fisheries Policy, with possible implications for the role, working methods, composition and other relevant aspects for stakeholder consultation.

While the nature of the changes to be introduced in RACs remains to be decided, we believe that an effective and efficient stakeholder consultation for the future CFP would imply a number of challenges that future ACs should be prepared to face. For the Commission:

- ACs should be able to provide not only general advice prior to Commission initiatives as is currently the case, but they will need to adopt a specific, proactive role in advising on the implementation of a regionalized CFP. This will include detailed recommendations on technical solutions to achieve the objectives set out by the co-legislators.
- ACs should adopt working methods that allow for relatively autonomous ways of working with less supervision from the Commission.
- We have to bring about the necessary representativeness that ensures that all legitimate stakeholders have a fair opportunity to participate and express their views in the ACs.

- ACs should also have to develop a new relationship with national administrations. Whatever the regionalised CFP will look like, it seems clear already that future ACs will play a key role as advisors to Member States' cooperation at regional level.
- We have to face the challenge of the general financial limitations and a reduction of administrative costs. As is the case public administrations, we all have to do more with less.
- We also have to adapt the ACs to the increasing bilateral and multilateral cooperation between the Union and third parties in fisheries management; which calls for an increased presence of observers from these countries.

We would appreciate receiving your contribution at your earliest convenience, and by 20 October 2012 at the latest.

The future role and composition of the Advisory Councils will also be included on the agenda of the next inter-RAC coordination meeting, foreseen for the end of September. Your input in that discussion will also be highly appreciated.

We would like to thank you in advance for your contributions and look forward to discuss these issues with you at the interRAC meeting.



Lowri Evans

Consultation on future role and 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?

Question 5: 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?