



CONSEIL CONSULTATIF POUR
LES EAUX OCCIDENTALES
SEPTENTRIONALES

NORTH WESTERN
WATERS
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA
LAS AGUAS
NOROCCIDENTALES

EU Transparency Register Id. No: 8900132344-29

COMMENTS

On the proposed amendments to Delegated Regulation 2015/242

7 June 2016

Delegated Regulation 2015/242 proposed amendments:

(1) In Article 2, paragraph 2 is replaced by the following:

"2. Sector organisations" means organisations representing the fisheries (including employed fishermen) and, where appropriate, aquaculture operators, and representatives of the processing and marketing sectors."

The NWWAC considers that a qualification of "processing and marketing sectors" is required similar to that provided for fisheries organisations.

(1) Article 4 is amended as follows:

(a) in paragraph 2, the following point (c) is added:

"(c) decide on the classification of the members of the Advisory Councils under the categories "sector organisations" or "other interest groups". That decision shall be based on objective and verifiable criteria, such as the provisions of the statutes, the list of the members and the nature of the activities of the organisation concerned."

The NWWAC considers that this amendment contains latitude for subjective interpretation of "objective and verifiable criteria", and although the basis for the decision on the categorisation of organisations, is clear, there may be a need for an independent adjudicator in cases where there is a difference of opinion.

The NWWAC considers that the EU transparency register could serve a useful purpose in this regard and recommends reference to this register in the “such as” list.

The NWWAC currently uses the transparency register for this and broader communication purposes.

(b) paragraph 3 is replaced by the following:

"3. Based on designations from the sector organisations and from the other interest groups for the seats allotted to them respectively, the general assembly appoints an executive committee of up to 25 members. After consultation of the Commission, the general assembly may decide to appoint an executive committee of up to 30 members to ensure appropriate representation of small scale fleets."

The NWWAC understands that this amendment establishes two electoral colleges of organisations (i.e. Sector organisations and Other interest groups) within the General Assembly, who are asked to make nominations for the seats of their electoral college in the Executive Committee. It will then be the General Assembly that appoints these nominees.

Since the use of the word ‘designations’ may confuse matters, the NWWAC suggests that this is changed to ‘nominations’.

As drafted, the interpretation of the NWWAC of this text is that it solves problems in cases where the categorisation decisions by the General Assembly (under Article 4.2.c) do not agree with the majority within an electoral college. The NWWAC notes that this problem would not arise if there was a clear definition for categorising organisations, but recognises that it would be difficult to establish a system where classification is unambiguous.

The NWWAC notes however that the potential exists for such a process to prevent a member organisation having an unbiased chance of appointment to the Executive Committee within an electoral college.