

TO:

European Parliament Fisheries Committee

Member States

DRAFT INTER-AC LETTER

Dublin / Rome, November 2014

Subject: Comments from Advisory Councils to the EC delegated act on the functioning of the Advisory Councils

Dear Sir/Madam,

We would like to bring to your attention a number of comments that were made by the AC Secretariats during the last coordination meeting with the Commission held in Brussels on 30 October 2014, in relation to the adoption of the EC delegated act on the functioning of the Advisory Councils.

General comment:

The change of name from Regional Advisory Councils to ACs has supposed a significant burden in terms of administration (e.g. amendment of internal rules of procedure) and related costs (e.g. change of logos, website domains, stationery, corporate identity) that could have been avoided for certain ACs that still have a true regional dimension, such as the North Sea, the Baltic Sea, the Mediterranean Sea, the South Western or North Western Waters.

Specific comments:

- Explanatory Memorandum – Consultations prior to the adoption of the Act

It is not entirely accurate to affirm that the ACs were involved in a formal consultation procedure. A consultation paper was never launched and the ACs were never given the opportunity to see a draft version of this act and formulate comments. Many ACs worked at their own initiative and agreed to make some formal statements and submit advice regarding the composition and the number of seats for the Executive Committee or representation of Small Scale Fisheries (frequently quoted in the text).

The affirmation that the topic was thoroughly discussed during an Inter-AC coordination meeting is not also very fortunate. The March meeting was basically a presentation from the Commission and there were not enough elements for analysis other than the 60:40 composition expressed in the CFP regulation and the need to be proactive in the way of looking for additional funding and flexible in optimising the use of the budget.

- Whereas considerations

Point (6) – We propose removing the last paragraph which reads: *“It is therefore necessary to ensure their efficient participation in the work of the ACs, including by contributing to the costs and loss of income that such participation may entail”*. This is unclear wording and open to different interpretations; what does it exactly mean ensure the efficient participation of work of small-scale fisheries? This should be only a statement or declaration of principles of the important role played by the small scale fisheries.

In Point (7) – Similar to point 6, this point could bring financial uncertainty for budget planning purposes. Again, we recommend that this is drafted more as a statement of principles and not actions.

- Article 2 - Definitions

There is a clear need in our view to be more precise in the classification of two of the three categories provided.

2. (Fishing) sector organisations – we assume the word “fishermen” includes individual fishermen, skippers, POs and fishermen federations composed. We also understand that by fishermen it refers to both commercial (small scale and industrial) and recreational (which would be a change) but this is not stated there; When mentioning representatives of the processing and marketing sectors it seems that they can only belong to the Aquaculture AC although it is the case that they are part of most ACs? Finally, it is does not precise if it includes here Trade Unions or Women Networks as well?

3. Other Interest Groups – Are anglers classified here or under the fishing sector organisations?

- Article 4 – Structure and organisation of the Advisory Councils

Point 3 relates to the composition and number of seats of the Executive Committee. We would like to know the exact procedure and rules required for increasing the number of seats from 25 to a number up to 30. How will be the consultation phase with the Commission?

Point 4 is an open concept subject to multiple interpretations and will bring a considerable administrative burden to the Secretariats.

We perceive a contradiction between two terms: one is the concept of “*equitable*” membership fees which comes from equal treatment and non-discrimination among members, and the mention to take into account their relative financial capacities.

We are wondering if the Commission has any objective criteria so the ACs are able to assess the financial capacity of each organisation without leading to preferential treatment for some in detriment of others. Furthermore, this is sensitive information that the ACs don't necessarily have.

Perhaps it would be a good idea as suggestion that the Commission develops some objective criteria or indicators such as turnover, number of employees, etc. so we have a clear categorisation. The Commission has access to this information through the EC Transparency of Register which would be a good reference database in order to decide different levels of membership fees. There is also the question about which is the competent body to decide on the fees - will be the Member States and the Commission or the General Assemblies of the ACs?

Point 6. Not a real issue in the NWWAC and in the MEDAC, where most organisations represent small scale fleets. Wondering also how to reflect accurately the share of small scale fleets within the fishing sector of the Member States concerned where there is not an unambiguous definition of small scale fisheries (e.g. boat length? duration of trips? tonnage? volumes of landings? number of employees per vessel?)

There are also some doubts about the weight/degree of representation from several SSF organisations.

We hope that you find these comments helpful in your decision making.

Yours sincerely,

AC Secretariats / Chairs