



Ms Charlina Vitcheva
Director-General for Maritime Affairs and Fisheries
European Commission
Josef II-straat 99
1000 Brussel
Belgium

Dun Laoghaire, 28 May 2021

Dear Ms Vitcheva

Subject: Advice on the Commission proposals regarding an AC advice template and the criteria for classifying members of the ACs

At the last Inter-AC meeting on 05 May 2021 DG MARE presented two proposals with the purpose of providing clarity on some of the Advisory Councils' activities. The members of the North Western Waters Advisory Council would like to thank the Commission services for preparing these important suggestions and welcome the opportunity to provide their advice on these.

1. Advice template

While the attempt at providing guidance on the format and content of AC advice is cautiously welcomed, members feel that it is vital to not restrict the ACs by making a specific format compulsory for use. Members agree that it is useful to include a suite of identifiers common to all ACs in each advice document and suggest that the Commission develop a reference procedure for AC advice for use by all ACs, for example similar to the Official Journal referencing codes. This would facilitate specific follow up and tracing the advice through the Commission's review procedures.

Advice, because of its nature, should not be restricted into a limited format or become a tick-box exercise. Parts A and B of the template should rather be used as guidelines for advice preparation than compulsory sections. Moreover, the members of the NWWAC are considered to be all competent representatives of their organisations and their sectors with a high level of understanding for the objectives of the CFP, so as to be in a position to adopt advice which is drafted professionally while taking into account the necessary links with existing rules and legislation. Thus, the NWWAC recommends removing part C from the proposed template.

In relation to part D of the proposed template, members feel that this is contradictory to the objectives of the Advisory Councils as in Annex III Art. 2(c) of (EU) No 1380/2013 which states that "The members of the executive committee shall, where possible, adopt recommendations by consensus." Reaching consensus is the guiding principle for the work of the ACs, and members feel that providing a separate platform in an advice template for dissenting opinions could seriously hamper discussions and agreements of compromise positions. Annex III Art. 2(c) of (EU) No 1380/2013 also states that "If no consensus can be reached, dissenting opinions expressed by members shall be recorded in the recommendations adopted by the majority of the members present and voting." This will be clearly reflected in the updated NWWAC's Rules of Procedure due to be approved by the General Assembly in September 2021. Therefore, the NWWAC recommends removing part D from the proposed advice template.





2. Criteria for classifying members of the ACs

NWWAC members noticed that the proposed definition of “sector organisation” does not explicitly include organisations representing employed fishers, seafarers' unions or associations working for maritime safety or seafarers' well-being. Associations whose objective is the sustainable development of all maritime activities also do not seem to be considered in DG MARE's proposal. Thus, the NWWAC recommends that reference to these groups is clearly made in the text.

Members also suggest that more clarity should be provided around the concepts of “independency” and “economic interests” in relation to the proposed definition of “other interest group organisation”, to ensure no disputes can be raised in future discussions.

We trust this input can be helpful in the preparation of DG MARE's proposal to improve the functioning of the ACs, which we look forward to discussing with you and the other ACs' colleagues at the next Inter-ACs meeting in July 2021. We also take this opportunity to inform you that NWWAC members are currently discussing other relevant issues raised at the Inter-ACs meeting in May. In this respect we are grateful for your clarifying letter of 25 May on the areas of competence of the ACs.

Yours sincerely,

Emiel Brouckaert
Chairman Executive Committee

