



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/D3/PCO/Ares (2021)

Subject: NSAC-NWWAC advice 16-2021 on the draft Delegated Regulation on the functioning of the Advisory Councils (ACs)

Dear Mr Skau Fisher and Mr Emile Brouckaert,

Let me thank you for your positive feedback on our approach to the amendment of the delegated regulation on the functioning of the ACs and for your joint advice on our draft proposal. You will find below our answers to your comments.

As you know, the functioning of the ACs is very different from one to another. I am pleased to see that the sharing of chairs and vice-chairs position between the two categories has been a long-standing practice. As far as the question of having a Chair or a vice-Chair coming from outside the AC, please note that we included the possibility of having a chairperson originating from outside the membership of the AC, as this might be a solution when there is no AC member applying for such a position or no candidate able to be elected via consensus. Such a solution was already suggested in the past. Its inclusion in the ACs' functioning rules will make its use possible, should an AC desire it. It will however not make the provision mandatory and it will remain for each AC to decide what works best in their specific situation.

As far as our support to promote the ACs is concerned, I can assure you that my services have been and will be making efforts to attend meetings where possible and at the appropriate level and give feedback on your recommendations. During the last 3 years, we have also included an overview of the follow up of ACs recommendations in the Annual Communication on Fishing Opportunities. We agree that Member States Regional Groups are also of relevance in this regard and hope that the study we are currently carrying out on the regionalisation of the CFP might bring some ideas on how to address this in the context of the upcoming 2022 report on the implementation of the CFP.

Regarding the information to be provided on funding of ACs members, this is part of the basic set of information that an organisation within ACs should provide, in line with the

Mr Ken Skau Fisher
Chairman
North Sea Advisory Council
ksf@dkfisk.dk
Louis Braillelaan 80
NL-2719 EK ZOETERMEER
THE NETHERLANDS

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111
Office: J-99 05/014 - Tel. direct line +32 229-50483

charlina.vitcheva@ec.europa.eu

transparency principle enshrined in the CFP Regulation and in a context where all the ACs receive an EU grant covering up to 90% of their operational costs. This will have to be checked by each secretariat. Member organisations should be encouraged in the future, by ACs as well as by Member States, to register in the EU transparency register¹ and to provide their financial information therein, as this will help ACs implement the associated criteria and facilitate the implementation of the delegated act. As data to be provided are only related to the source of funding and are not personal data, there is no risk to breach GDPR rules.

On your comment related to stakeholders competing for different uses of the sea, it is important to clarify that the reference to “organisations representing or having direct or indirect interests linked to the use of the marine environment or maritime space” in the criteria is not at all a proposal to engage with certain stakeholders, neither a will to set rules on which organisations are eligible to join ACs. The purpose of the criteria set in Annex I and the reference to such organisations is only to set guidance on how ACs should decide on the classification of organisations whose applications have already been approved. This does not entail the possibility left to the ACs to have “other maritime users” attending ACs’ meetings as observers, as you are already doing. In the event however where an organisation representing or having economic interests linked to the use of the sea other than commercial fishing or aquaculture joins an AC, it is important that our criteria cater for such possibility and provide clear guidance on how it should be classified. We wanted the categories of stakeholders mentioned in the draft delegated act to be as close as possible to the current reality to help ACs in the classification of any new organisation. This does not mean that we establish the need to engage with any stakeholder of any kind. The Commission does not seek to encourage or refrain the participation of any new kinds of organisations within ACs, as the responsibility of approving applications to ACs membership lies in the hands of the Member States.

I am pleased to learn that Small-Scale Fleet is well represented in your AC and that you agree with performance reviews. While we should not have to agree on the terms of reference of these performance reviews, we are always ready to support you and provide help where needed. A coordination within the ACs on these terms of reference might indeed be useful, provided it is not too standardised, as each review should correspond to the specific situation of each AC.

As far as our participation to ACs’ meetings is concerned, let me confirm you that the Commission is keen to participate to ACs meetings, provided meetings are planned well in advance and priorities for Commission participation are well established within each AC. My services have recently sent you a letter on that topic, and I am confident that we will be able to improve the planning and prioritisation bringing benefits for all.

Let me finish by announcing that the delegated act on the functioning of the ACs was adopted by the Commission on 8 December 2021. It is currently under scrutiny by the EP and the Council, and should enter into force in the first Quarter of 2022.

I thank you once again for your commitment and look forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Pascale COLSON, coordinator of the Advisory Councils (Pascale.COLSON@ec.europa.eu; +32.2.295.62.73).

¹ [Transparency Register \(europa.eu\)](https://ec.europa.eu/transparency-register/)

Yours sincerely,

Charlina VITCHEVA

c.c.: Tamara Talevska tamarat@nsrac.org
admin@nsrac.org