

MINUTES OF THE INTER-RACs MEETING
held on 1st March 2013 in Brussels

RAC stands for Regional Advisory Council
AC stands for Advisory Council

This inter-RACs meeting was attended by all RACs and some representatives of Member States and of the European Parliament. The session on conservation measures (paragraph 1. of the minutes) was chaired by E. Penas Lado (Director) with the participation of regional units of DG Maritime Affairs and Fisheries. The session on the future role, composition and functioning of ACs (paragraph 2. of the minutes) was chaired by L. Evans (Director General).

1. INVOLVEMENT OF RACS IN CONSERVATION MEASURES

- The Commission explained that the **priorities** for the work on conservation issues in 2013 will be largely linked to the outcomes of the negotiations on the CFP reform (the aim of the Irish Presidency is to have an agreement by end June). In this respect some issues are already rather clear: there will be a landing obligation starting in 2014 for pelagic fisheries and fisheries for Salmon in the Baltic Sea and there will be three new ACs (Aquaculture, Outermost regions and Black Sea). Preparing for the landing obligation is a priority for all RACs. In the context of regionalisation, the Commission invited RACs to start reflecting immediately on management measures preventing discards in pelagic fisheries. Discard plans may have to be established if exemptions for species with high survival rates (and based on the position of the Council, *de minimis* exemptions) are needed. All this will require input from the relevant RACs, which may formulate recommendations on the basis of scientific advice. Several RACs underlined that the time to perform these tasks is very limited.
- The Commission explained the **need to adapt existing legislation** that will arise from the CFP reform. As some current provisions in the EU technical measures and control legislation are not in line with the discard ban, they will have to be removed by the end of the year. This will be done through a single proposal for a regulation to be adopted by the Parliament and the Council.
- A new **technical measures framework** will be established after the adoption of the reform so as to allow for regionalisation. A full consultation will be carried out to support the development of this process for which the views of the RACs are an integral part. The Commission have commissioned a study to support the development of this proposal and come forward with a consultation document in due course.
- On the **Outermost regions AC**, stakeholders will have to examine further (1) what are the issues to be covered (as there might be some which are better covered by the SWWRAC or LDRAC), (2) who are the stakeholders to be involved (those from Madeira/ Canaries/ Açores may prefer to remain in the SWWRAC) and (3) how to address the logistical challenges (to avoid the budget being used in travel costs).
- The NSRAC asked how the plan for the **discard ban in the Skagerrak** would fit with the current proposals under the CFP Regulation. On this point, the Commission confirmed

that the progress in the Skagerrak should not prejudice what is decided in the context of the CFP reform.

- The discard ban will imply some **investments both on-board ships and in ports**. The Commission indicated that the European Maritime and Fisheries Fund (EMFF) could provide funding for this. It is therefore important that the operational programmes of the EMFF (currently under preparation) include provisions in this respect.
- The Commission indicated that there is little support in the Council for a **market AC**.
- Other ongoing work that was mentioned includes:
 - **Atlantic**: For Southern hake and Norway lobster, some preparatory work is planned for 2013. It is also foreseen to have a scientific evaluation of a number of plans and harvest control rules proposed by the sector: Western Channel Sole, Boarfish, Western Horse Mackerel and Herring in VIa-South. Furthermore, scientific work will continue to improve the knowledge underpinning the development of future mixed-fisheries plans (e.g. developing bioeconomic models that will enable the building of mixed-fisheries plans).
 - **Mediterranean**: The General Fisheries Commission for the Mediterranean (GFCM) has adopted guidelines (proposed by the EU) on a methodological framework for multi-annual management plans. In 2013, some of the priorities will be: the GFCM Scientific Advisory Committee (8-11 April 2013, Roma, Italy), the GFCM Annual session (13-17 May 2013, Split, Croatia), the ICCAT Annual Meeting (18-25 November 2013, Cape Town, South Africa) and the preparation of a multi-annual management plan for the Adriatic.
 - **Baltic Sea**: The proposal for a new long-term management plan for cod is almost completed. Regarding salmon, the proposal for a multi-annual management plan is pending with the co-legislators. This plan includes elements that would contribute to the implementation of the discard ban.
 - **North Sea**: Preparatory work for a plan for mixed-fisheries in the North Sea will continue. Regarding sole and plaice, there is a draft multi-annual management plan currently under preparation. Work will be undertaken to implement the cod avoidance measures.

- **Overall, the Commission invited RACs to start reflecting immediately on the management measures preventing discards in pelagic fisheries. Discard plans may have to be established if exemptions for species with high survival rates (and based on the position of the Council, *de minimis* exemptions) are needed. All this will require input from the relevant RACs, which may formulate recommendations on the basis of scientific advice. Recommendations should be addressed to the Commission and Member States concerned.**

2. ROLE, COMPOSITION AND FUNCTIONING OF ADVISORY COUNCILS

- The **new rules** will depend on the outcomes of the negotiations on the CFP reform. In particular, it is not yet clear what will be done under co-decision (Parliament and Council) and through a possible delegated act (Commission). If the need for a delegated act on the framework for ACs is confirmed, the Commission would adopt it by end 2013.
- The Commission indicated that, under the reformed CFP, the main challenge is to organise the **cooperation between ACs and Member States**.
- The Commission summarised the **contributions of RACs** (a more detailed summary is annexed to the minutes):
 - **Role:** There is broad agreement that the core role of ACs is to provide recommendations to both Member States and the EU Institutions, including on technical measures. These should continue to be adopted by consensus (if this is not possible, dissenting views should be recorded).
 - **Regionalisation:** Some of the RACs indicated that regionalisation has to be better defined and underlined that the regional cooperation models may differ between sea-basins.
 - **Composition:** Overall RACs agreed that all types of stakeholders should be represented and confirmed that this is generally already the case. In addition, RACs underlined that membership is currently sufficiently open so that stakeholders willing to participate can do so (nobody is excluded).
 - **Cooperation with scientists:** RACs agreed that they should have a say in the identification of scientific priorities and indicated that ACs should continue to be a platform between scientists and fishermen (e.g. by being involved in the work of STECF and ICES).
 - **Financing:** For most of the RACs the current system of financing is appropriate with funding coming from the Commission, Member States and members. Regarding membership fees, some RACs suggested that if stakeholders cannot afford the fees, they should build a coalition with a member organisation. In addition, it is clear that members' influence in the ACs should not depend on the fee level.
- The **NSRAC** indicated that:
 - It is currently analysing the representation of small-scale fisheries in the NSRAC.
 - More and more issues are of an environmental nature (e.g. linked to Natura 2000).
 - Cooperation with BALTFISH and the Scheveningen group should be improved.
 - ICES/ STECF are very open to cooperation with RACs.
- The **BSRAC** indicated that:
 - It is important to have regular meetings with governments.
 - BALTFISH should be more open to the RACs.

- Cooperation with the European Fisheries Control Agency (EFCA) should continue.
- Cooperation with Russia is particularly important (it could have an observer status).
- The current composition rule is satisfactory (as stakeholders are comfortable with it).
- RACs should not find external funding such as sponsoring.
- The **SWWRAC** indicated that:
 - In the context of regionalisation, the Member States need to play a more active role.
 - Scientists should participate regularly to the RACs' meetings.
 - Seeking consensus with 'other interest groups' may dilute clarity of recommendations.
 - It supports the creation of an Aquaculture AC but is against one for market issues.
 - The split of issues between the SWWRAC and the Outermost regions AC will be decided by stakeholders. The SWWRAC is neutral on this.
 - The current composition rule is satisfactory (difficult to have 'other interests groups').
 - Funding should only come from public sources so that RACs remain independent.
- The **LDRAC** indicated that:
 - It will have a lot of common issues with the Outermost regions AC and could hence create a specific working group to facilitate coordination (e.g. on the Indian Ocean).
 - It will sign a framework agreement with the Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean (COMHAFAT) in May. This agreement - possibly co-financed by the World Bank – will cover the harmonisation of policies, the fight against Illegal, Unreported and Unregulated fisheries (IUU) as well as capacity building.
 - It intends to organise yearly meetings with all Member States.
 - It would like to be treated by policy makers at the same level as Member States.
 - It would like to have a stable scientific counterpart dedicated to the activities LDRAC.
 - The current composition rule is satisfactory. The LDRAC tries to have the voice of all stakeholders being listened to. But 'other interests groups' are less able to participate (the LDRAC has several vacancies in this group).
 - The Commission should list EU funding sources and the ways for RACs to use them.
 - It would like to have an easier participation to the calls launched by DG MARE.
- The **MEDRAC** indicated that:

- More flexibility is needed in the rules to better reflect regional specificities.
- As the ExCom is limited to 24 members, these people get more influence than others. A bigger Committee would enable more stakeholders to participate actively.
- It is concerned that Member States may prefer to consult their national stakeholders' groupings rather than RACs (a compulsory consultation of RACs may be needed).
- RACs should not be used to report on non-compliance of some fishermen.
- Regionalisation may be more difficult in the Mediterranean Sea as there is little cooperation between Member States.
- The current composition rule is satisfactory.
- Its costs are particularly high due to the large geographical area covered.
- It would agree to have donors/ sponsors (which should not influence the votes).
- The **NWWRAC** indicated that:
 - There should be a better coordination with Member States and is ready to involve them during the NWWRAC's meetings.
 - The cooperation with ICES is good. NWWRAC wishes to have a better feedback when they make a request for scientific advice through the Commission.
 - The time available to deliver on the upcoming conservation measures is very short.
 - The current composition rule is satisfactory (as no stakeholder is excluded).
 - On funding, the use of the budget will have to be considered carefully to be as efficient as possible.
- The **PELRAC** indicated that:
 - Third countries should consider the RACs as real partners in negotiations (e.g. Norway, Iceland, Faeroes Islands). Overall, all parties should work together i.e. Member States, third countries and stakeholders.
 - The current frame for the RACs is satisfactory.
- The **Commission** replied that:
 - **Small-scale fisheries:** there is also an issue of resources and capacity to participate actively.
 - **Regionalisation:** Discussions with European Parliament and Council indicate that regionalisation may take different forms from one sea-basin to another and this should hence be discussed further between Member States and (R)ACs.

- **Cooperation with scientists:** The Memorandum of Understanding with the International Council for the Exploration of the Sea (ICES) foresees that it gives presentations of its advice to the RACs (a similar approach will be taken for STECF where relevant). The Commission also draws attention to the limited number of scientists available. The Commission also agreed that when a RAC does a request for scientific advice, it would inform the RAC on the follow-up. In addition, the European Maritime and Fisheries Fund (EMFF) foresees the possibility to finance activities on cooperation between scientists and fishermen. As these funds are managed nationally, ACs are encouraged to participate actively in the preparation of the projects.
- **Cooperation with the European Fisheries Control Agency (EFCA):** This cooperation is encouraged (in fact, RACs are already members of the EFCA board).
- **Cooperation with third countries:** Stakeholders from non-Member States should be involved where appropriate.
- **Membership fees:** There should be no exclusion of stakeholders due to the amount of fees. The European Maritime and Fisheries Fund may be used to finance the participation of stakeholders in ACs.
- **Sources of funding for projects:** The Commission will list EU funding sources and the ways for RACs to use them.
- **Size of the Executive Committee:** The Commission takes note of the wish expressed for more flexibility in this regard.
- **Future inter-RACs meetings:** It is suggested that it should also cover operational issues and share good practices.
- **Aquaculture AC:** The Commission also indicated that, if necessary, meetings could be organised with the aquaculture stakeholders to facilitate the creation of the Aquaculture AC.

3. **ANY OTHER BUSINESS**

- The NSRAC indicated that RACs should have a maximal flexibility, especially regarding financial management (transfers between headings, limits to expenditures, recording of incomes, etc.). The NSRAC will send some suggestions for improvements in writing.

Annex: Summary of the replies from RACs to the questionnaire

- *Composition*

In reply to question 8 “How could adequate participation/ representation of certain, legitimate interests, such as small-scale fisheries be ensured?”, RACs agree that all types of stakeholders should be represented and confirm that this is generally already the case. The proportion of 2/3-1/3 is considered adequate to reflect the views of all legitimate stakeholders. In addition, RACs underline that membership is currently sufficiently open so that stakeholders willing to participate are welcome (nobody is excluded). Overall, RACs consider that the representation of small-scale fisheries is not an issue (as they are represented, especially through national organisations) and that small-scale fishermen are not complaining.

- *Recommendations*

In reply to question 10 “Should the rule that ACs adopt recommendations by consensus (and record dissenting voices where no consensus was found) be maintained?”, RACs agreed that it should be maintained. Some underlined that if there are dissenting views, the organisations concerned should be mentioned so that the reader of the recommendation can assess how significant these are (against the representativeness of these organisations). For the recommendations to Member States in the context of regionalisation, consensus is essential (as Member States also have to agree on a common position).

- *Regionalisation*

In reply to question 1 “What are the implications deriving from regionalisation for ACs?”, RACs indicated that regionalisation has to be better defined and that the regional cooperation models may differ between sea-basins. There was a broad agreement that ACs should be involved (e.g. to facilitate the coordination between Member States) and provide an input. The SWWRAC proposed that “project teams” (coordinated by the Commission) are established with scientists, Member States and ACs to prepare the technical regulations.

In reply to question 2 “How can duplication of AC consultation (by Member States and the Commission) be avoided?”, RACs agreed that duplication should be avoided, but as the advice to the Commission and to Member States is on different issues it is not expected to happen too often.

- *Cooperation with scientists*

In reply to question 3 “Should ACs have a say in the identification of scientific priorities?”, RACs agreed that this should indeed be the case. As a consequence, the calendar of scientific expertise and management plans under preparation should be developed in parallel (so that the scientific advice is available on time).

In reply to question 4 “How could cooperation between ACs and scientists be further strengthened in the most effective way?”, RACs indicated that ACs should continue to be a platform between scientists and stakeholders and hence continue to be involved in the work of STECF and ICES. In addition, it has been suggested (by the NSRAC) that a scientist is

employed by ACs, that scientists are encouraged to participate as observers and that ACs can ask for independent scientific studies.

- *International relations*

In reply to question 11 “In view of the intense external agenda how can provision of comprehensive advice from stakeholders in preparation of international meetings be ensured?”, RACs agree that they should be consulted in advance of the international meetings.

In reply to question 12 “How can AC with an international dimension take into account the views of stakeholders of third countries?”, RACs agree that these stakeholders should be involved in the discussion (to provide input and have an ownership of the decisions). NSRAC underlines that the national authorities of third countries should also acknowledge the existence and advice from ACs.

In reply to 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?’’, the PELRAC proposed that stakeholders groups should be created in the RFMOs, which would include third countries (e.g. NEAFC).

- *Financing*

In reply to question 6 “How can ACs adapt their membership fees to the size and financial capacity of the member organisations?”, RACs have different views. For most RACs the current system is appropriate. Some (BSRAC, SWWRAC) are of the view that rules on membership fees should be harmonised. NSRAC and SWWRAC suggest that funding should mainly come from the Commission and Member States. RACs proposed that if some stakeholders cannot afford the fees, they should build a coalition with a member organisation. There was a broad agreement that the EMFF rules should fund the participation of stakeholders to ACs as well as transnational projects. Finally, whilst paying a membership fee shows a commitment to the work, the members' influence in the ACs should not depend on the fee level.

In reply to question 7 “What other sources of funding could ACs identify and draw from?”, RACs suggest the following: an increase in the funding by MS, a separate heading in the EMFF and a tax on the landings of fishes (once MSY is reached).

- *Miscellaneous*

- Aquaculture: In reply to questions 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?” and 15 “How can appropriate participation and representation of all types of aquaculture be best ensured?”, RACs indicated that this is more for the aquaculture stakeholders to decide.
- Control issues: In reply to question 5 “Should ACs become involved in design of control measures?”, RACs confirm that this should be the case.
- Flexibility: In reply to question 9 “Should there be a differentiation concerning the composition rules for the decision-making bodies or should the same rule apply to all ACs?”, RACs agree that the rules should be flexible.