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DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

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Brussels,

NOTE FOR THE FILE**Subject: Meeting between the Regional Advisory Councils (RACs) and the Commission, 2 March 2011, Brussels**1. Commission's work programme

Mr Papaioannou informed the participants that the Commission's work programme is available on the Europa website¹. This document lists DG MARE initiatives and is updated on a regular basis.

This year, DG MARE's main priority is the reform of the CFP. The reform package is expected to be adopted by the middle of the year but the exact date of adoption also depends on the organisation of the College's agenda. The CFP package should be composed of an overarching communication, a new basic regulation, a communication on external policy and a new CMO regulation, plus the corresponding impact assessments and several reports. The proposal on a new financing instrument for fisheries, aquaculture and IMP should be adopted later in the year.

The Commission is also preparing a proposal on spatial planning. Several long term management plans (LTMP) are in the pipeline, such as the ones on salmon and pelagic stocks in the Baltic. Currently there is an inter-institutional conflict on LTMPs. In order to move things forward, the Commission will organise a technical meeting on long term management plans at the beginning of April.

On technical measures, the Commission made a proposal to prolong the current regime until 2012. This proposal should be adopted by the Council and the Parliament in June. After the CFP reform, a new architecture will be proposed.

Mr O'Donoghue expressed concerns about the adoption of the Horse Mackerel LTMP. He asked if amendments to the Commission's proposal on technical measures will be adopted. Mr. Papaioannou informed that only one amendment on boarfish has been approved by the Fisheries Committee of the European Parliament.

Mrs Coers asked the Commission to inform the RACs about the outcomes of the April meeting on LTMPs.

¹ <http://ec.europa.eu/atwork/programmes/>

Mr Nolan asked the Commission if it will increase RAC funding in the short term. Mr. Papaioannou said that no increase was foreseen at the moment because of the financial situation.. In reply to a question raised during last coordination meeting, he informed the RACs that approximately 80% of the budget allocated to the RACs has been spent during the period 2004-2010.

Mr Pichon regretted that the reform of the technical measures is postponed to 2013 as several improvements could be envisaged. The NWWRAC is working on a LTMP for the Celtic Sea – this is a complex issue and he would like to be sure that this advice will be considered by the European institutions.

Mrs Sporrang also expressed concerned about the current institutional deadlock that postpones any possible improvements and solutions to concrete problems in the Baltic Sea.

Mrs Evans said that she was also greatly concerned. The Commission is willing to facilitate the dialogue between the Council and the Parliament but, if no solution is found in the medium term, it will table proposals for new LTMPs so that at least proposed harvest control rules can be taken into account to fix annual fishing opportunities. The Commission services are now concentrating on the reform but as soon as the proposal is adopted, the Commission will start working on the impact assessment for a new proposal on technical measures to be adopted soon after the new basic regulation enters into force.

Mrs Sporrang emphasised that LTMP without harvest control rules would be empty shell.

Mr O'Donoghue is worried about the length of the decision making process under co-decision. This raises a problem of flexibility as any amendment to the legislation will become very difficult.

2. Exchange of views on the CFP reform

Mr Papaioannou introduced the discussion by referring to last meeting with the RACs on 2 December 2010. It was decided at that time that a second meeting would take place before the Commission finalises its proposal.

Mrs Evans informed the participants that the Commission has not yet finalised its proposal and that they have an opportunity to influence it. She also said that it was not the intention of the Commission to abolish any of the RACs. The question is whether there is a need for legislative changes to improve further the work of the RACs. The Commission would like to know how the RACs see their role in the context of a regionalisation of the CFP. What should be covered by regional regulation and what should be left to self-regulation? What should be the interaction between the RACs and the Member States? How to improve the composition and the internal governance of the RACs? A last question concerned the role of the RACs in the international dimension of the CFP.

First round of discussion

Mr Wichman said that the NSRAC was ready to take on more responsibilities but he questioned whether the Member States are willing to get involved in that process.

Mr Lambourn referred to previous recommendations sent to the NWWRAC on the CFP reform. His impression is that the Member States should in the future be more active and involved in the process. So far, they don't have a clear role and only attend to the RAC meetings when they have time. The interface with science is also a key element: there is a need for a more formal link with science, possibly by having a scientist employed by the RAC. As regards the composition of the RACs, the NWWRAC has not been able to fill in all the seats allocated to the other interests group. NGOs play a very useful role in the RACs but they have a clear capacity problem to attend all meetings. Since the last December meeting the NWWRAC has launched 3 initiatives: it set up a focus group to develop a LTMP for the Celtic sea, it discussed with ICES the possibility of establishing a regional task force for data deficiencies and finally the RAC is preparing a conference on control, in collaboration with the CFCA.

Mr Badiola mentioned the work accomplished by the SWWRAC on anchovy. It stressed the need to develop regional management measures that take into consideration the specificities of the different sea basins. Uniform rules are not suitable. Mr Badiola referred to the GEPETO project developed by the RAC.

Mr Cabral (LDRAC) underlined the specificities of the international dimension of the CFP. It is unclear how regionalisation will impact the work of the LDRAC. He reminded that the long distance fleet represents 20% of the EU catches. The LDRAC faces important challenges in terms of sustainability and it would be important to increase cooperation between the RAC and the STECF WG in charge of international issues. In term of composition, the RAC has also specific problems linked to the large number of Member States represented in the RAC.

Mr van Balsford insisted on the importance to maintain a specific RAC to manage wide spread pelagic stocks. He referred to the detailed advice adopted by the PELRAC on the CFP reform, saying that the RACs should be maintained and remain advisory. However, he considered that, when the RACs table a responsible, science-based and consensual proposal, the Commission should have strong arguments not to follow it. The PELRAC would like to have a say in the preparation of the research agenda. Regarding the international dimension, the PELRAC would like the Commission to consider the possibility of having a kind of "RAC" at the NEAFC level.

Mrs Sporrang insisted on the specificities of each of the RACs. In the Baltic Sea, the situation is maybe easier because it is a unified region with few stocks. The cooperation between the different stakeholders in the BSRAC has been very fruitful, especially on control and selectivity. BALTFISH is a new and interesting initiative but the role of the stakeholders (including the RAC) is unclear. The degree of engagement of the different Member States is very different. The links with the Marine Strategic Framework Directive and HELCOM needs to be clarified. What will be the role of the RAC in that process? So far, there is no appropriate funding for regional pilot projects. There is a need for restructuring the funds and make it possible for the RACs to apply for funds to finance specific initiatives. Scientific advice is an essential condition to achieve consensus in the RAC. According to Mrs Sporrang there is a need to review the composition of the RACs. The lack of resources is not the only explanation for underrepresentation of NGOs. Some organisations prefer to stay outside of the RACs because they have the impression that they won't have a voice in the RACs. The BSRAC is open to discuss a revision of the composition rules. Finally, Mrs Sporrang expressed concerns about the implementation of the Lisbon Treaty – must be managed in a timely manner.

Mr Kahoul expressed his wish to develop contacts between the MEDRAC and stakeholders in third countries, in order to improve fisheries management in the Mediterranean Sea.

Mr Penas thanked the participants for these very interesting comments. Increased regionalisation would mean less decision power for the European Parliament and the Council, as small technical details should be decided at regional level. As highlighted by several speakers, there is a need for flexibility but it is unclear whether the Member States agree on that. So far, most Member States have not been involved in the RACs as they know that the Commission's proposals will be later on discussed in the Council. This may change in the future if RACs are given an advisory role in the regionalisation process – i.e. RACs being consulted by the Member States on regional issues.

The Commission is willing to improve the cooperation between stakeholders and the scientists, provided that this process doesn't turn out to become an alternative advice to ICES and STECF and doesn't encroach upon the scientist independence. The main reason for data deficiency is the poor implementation of the legislation by stakeholders and Member States. The new data collection regulation is now into force. It gives increased competences to the Commission to take sanctions against the Member States in case they don't fulfil their obligations.

Mr Penas took note of the LDRAC request regarding STECF. According to him the role of the LDRAC is not to lobby the Commission before and during the negotiations but to advise the Commission on new management measures to be proposed in the RFMOs. As the other RACs, it would be desirable to consult the LDRAC on the basis of non-papers.

As pointed out by several participants, the research of consensus is important. However, it has to be clear that it is not the only criterion taken into account by the Commission when it decides whether to follow RAC's recommendations. When consensus can't be reached, it may be more relevant to present to the Commission the wide range of opinions expressed in the RAC rather than a watered down piece of advice that won't be taken into consideration.

The Commission cannot legislate alone on the presence of Norway in the RACs but encourages the PELRAC to develop contacts with 3rd countries stakeholders.

Mr Penas explained that one key objective of the reform is to increase the consistency of the CFP with other EU policies, in particular the environmental policy. In the context of the Marine Strategic Framework Directive, regional conventions such as HELCOM will play an important role. The Commission is reluctant to the establishment of new consultative bodies but we have to make sure that the RACs will be properly consulted.

In reply to Mr Kahoul, Mr Penas referred to several initiatives launched by the GFCM. As the MEDRAC is pretty new, he would advise the RAC to concentrate first on EU matters.

Second round of discussion

Mrs Sporrang made a clarification regarding previous interventions on funding for scientific work. RACs are not scientific bodies and they are not asking greater access to research funds – these kinds of funds would be too difficult to manage for the secretariats. However, there is a clear need for specific scientific investigation. The BSRAC proposal on discards is a good illustration of the inappropriateness of the current

funding tools. Mrs Sporrang took note the Commission's will to improve data collection. Increased data would facilitate the work of the RACs but there will be a need for scientific staff to explain these data to the members and made them really useful.

Mrs Gorez said that it is important to involve stakeholders from the 3rd countries when discussing about the external dimension of the CFP. This is something missing at this stage and worth to develop. She pointed out the underrepresentation of small-scale fishermen in CFP advisory bodies. According to her, this is a difficult problem linked to the lack of organisation of small-scale fishermen in most of the Member States. Mrs Gorez said that consensus is maybe difficult but it is possible. It is an important tool to make the different RAC members go beyond their usual positions as lobbyists. This is the added value of the RACs. Finally, she argued that the involvement of the Commission is a condition for a successful RAC. Lack of participation and information is detrimental to the quality of RAC advice.

Mr. Dunn mentioned the different challenges faced by the RAC members in the North Sea. The Marine Strategic Framework Directives gives the RAC a new dimension but increases further the complexity of issues to be dealt with in the RAC. He mentioned that so far the RAC has no contact with OSPAR. He insisted on the capacity problem faced by the RAC to translate stakeholder knowledge into advice and react in a timely manner to these different issues that will affect fisheries. There is a need for bespoke help to translate stakeholder knowledge into advice. Finally, he asked the Commission to clarify what is the calendar for a new technical measures regulation.

Mr Guerin presented briefly the GEPETO project initiated by the SWWRAC and explained the difficulties faced by the RAC to fund this project that would allow concrete cooperation between fishermen and scientists. Too often, the results of scientific studies financed by the EU are ignored because stakeholders and managers were not properly involved. There is a need for real cooperation that goes beyond the current consultation process. The RACs should remain open bodies as they are now but establishing small focus groups on technical issues (LTMP or Technical Measures) with increased participation of the Member States and scientists in order to propose specific regulations to the EC.

Mr O'Donoghue insisted on the importance not to increase bureaucratic burden when moving to regionalisation. He suggested reviewing the structure of STECF to ensure that this advisory body has the appropriate technical and economical knowledge. The RACs need appropriate funding to perform their tasks properly.

Mr Fernandez explained that the SWWRAC set up a specific insular working group to deal with Macaronesian issues. According to him, these islands shall remain part of the SWWRAC as several stocks are common with Iberian waters but he asked for more autonomy for the insular working group. He insisted on the specificities of insular fisheries and the difficulties he has to structure the work of the insular working group, due to limited resources.

Mrs McLachlan said that the different RACs are at different level of evolution. According to her experience, all RACs are not ready to go further than having an advisory role. It is important to get the right people in the RACs. In the future, LTMP should cover fisheries and not single stocks.

According to Mr Garcia, RACs shall be proactive but there is a need for reciprocity on the Commission's side. RACs should also develop a long term vision and for that,

initiatives such as GEPETO are very useful. Mr Garcia took note of the financial constraints at EU level but he argued that there is room for prioritisation and better utilisation of the funds available. He said that research for consensus is important in order to have a real dialogue in the RACs.

Mrs Verbeek suggested having an in-depth discussion on the definition of the different groups (fishing sector / other interests group). RACs must attract the right people and Commission could play an important role in that process. If it is easier for the NGOs to go directly to the Commission and defend their views, there is little incentive for them to spend time and efforts in the RACs.

Mr Foezon asked what the position of the different Member States regarding regionalisation is. RAC members may be discouraged if RACs are requested to do more, without increased funding and no assurance that their advice will be taken into account by the different institutions.

Mr Penas acknowledge that access to scientific advice through the Commission may be rigid as a procedure but it is for free. To be legitimate, the RACs must favour the participation of all interests, including minority views. He explained that sometimes the Commission is not available to attend meetings because staff is not sufficient. He agreed with participants that regionalisation should not result in an extra layer of bureaucracy.

Mr Penas explained that the reform of the technical measures regulation will depend on the CFP reform but the Commission is willing to start the preparatory process and impact assessment as soon as possible so that a proposal is ready once the new basic regulation is adopted. On discards, there is no one-fits-for-all solution. Regional initiatives such the one launched by the BSRAC are welcome. In the future, long term plans should be based on a fishery by fishery approach.

Ms Evans acknowledged that there is a lot of uncertainty about regionalisation. However, the upstream policy advisory role of the RACs will remain the same. The Commission is going to stay in its role of making the proposals for legislating on the big picture such as the big principles of the management plans. The role of the RACs in terms of upstream advising will remain the same. The new element is in terms of implementation. So far, the RACs have little role to play in this process. Different scenarios could be considered in the future. The role of the RACs in implementation will depend on what is left to the Member States and what is left to self-regulation. In the short term, it is important that the Member States are better informed of what has been achieved by the RACs so far.

Regarding the composition of the RACs, Ms Evans said that it is the Commission's duty to be sure that RACs are representative. It is then up to the RACs to define their working methods and decide how they can better achieve consensus. She listened carefully to the participants' comments on the RAC attractiveness and the role played by the Commission in that process.

3. Any other business:

Mrs Viallon informed the RAC secretariats that new templates for work programme, interim and final reports will be sent to them for comments. The Commission is willing to simplify the reporting obligations of the RACs but would like at the same time to improve the prioritisation of the work programmes and the assessment of outcomes in the

final reports. The RAC secretariats are invited to send their remarks to the Commission by the end of March.

Mrs Coers remarked that in the case of the PELRAC, the financial period doesn't really correspond to the natural cycle of the RAC based on the calendar year. Mr Guerin invited the Commission to propose criteria to evaluate RAC advice and the replies of the Commission. Mr. Rodríguez proposed that, given the financial constraints and limited resources available for the RACs, an additional section or item might be included in the work programme template to reflect those initiatives that are expected to involve extra workload and funding. For instance, the NWWRAC is currently carrying out initiatives on data quality and long term management plans that are likely to go beyond the ordinary actions and exceed the scheduled number of meetings established at the beginning of the financial year. This would highlight possible developments and associated needs of additional resources (e.g. outsourcing of studies or surveys, look for scientific or technical expertise...).

Mrs Caggiano asked for a short debriefing of the meeting with the Commissioner on 21 February. Mr Papaioannou invited the 3 RACs who participated at that meeting to brief the other RACs. (Due to lack of time, this has not been done during the meeting.)

Mr Papaioannou thanked all participants and closed the meeting.

Emmanouil Papaioannou

ANNEX 1 - PARTICIPANTS:

RACs representatives

Ms. Aukje Coers, executive secretary of the Pelagic RAC
M. Conor Nolan, executive secretary of the North Western Waters RAC
M. Alexandre Rodríguez, policy coordinator in the North Western Waters RAC
M. Antonio Cabral, chair of the Long Distance RAC
M. Carlos Aldereguía, executive secretary of the Long Distance RAC
Mrs Erika Monati, assistant of the Mediterranean RAC
M. Wichmann, chair of the North Sea RAC
Mr Dunn, representative of the North Sea RAC
Mr M. Brebner, executive secretary of the North Sea RAC
Mr van Balsfoort, representative of the Pelagic RAC
Mr Olesen, representative of the Pelagic RAC
Mr Sean O'Donoghue, representative of the Pelagic RAC
Mr Lambourn, chair of the North Western Waters RAC
Mrs McLachlan, representative of the North Western Waters RAC
Mr Pichon, representative of the North Western Waters RAC
M. Johansson, chair of the Baltic Sea RAC
Ms Niki Sporrang, representative of the Baltic Sea RAC
M. Cabral, chair of the Long Distance RAC
M. Liria, representative of the Long Distance RAC
Mrs Gorez, representative of the Long Distance RAC
Mr Garcia, representative of the Long Distance RAC
M. Badiola, chair of the South Western Waters RAC
Mrs Verbeek, representative of the South Western Waters RAC
Mr Foezon, representative of the South Western Waters RAC
Mr Fernandez, representative of the South Western Waters RAC
Mr Eduardo Miguez, representative of the South Western Waters RAC
Mr Guerin, Executive Secretary of the South Western Waters RAC
Mrs Caggiano, Executive Secretary of the Mediterranean RAC
Mr Kahoul, Chair of the Mediterranean RAC

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