

Ref.:344/2017

Rome, 18 December 2017

INTER-AC Meeting Minutes

14th November 2017

The Director General of DG MARE, Mr Machado thanked the participants and reminded them that the meeting was very important in order to hold discussions on the different issues faced by all the Advisory Councils and also to take stock of the ten existing ACs and their operations. In particular, he recalled the problems that had affected some ACs, leading to more than one NGO leaving an AC, he also mentioned the delegated act drafted by DG MARE to amend the one concerning the functioning of ACs in an attempt to overcome these problems. He informed the Meeting with satisfaction that this delegated act had been received positively. He presented all the new proposals on which DG MARE was working to adapt the mortality rates to the various scientific studies, due to the fact that 90% of the stocks in question were over-exploited. He gave the example of anchovy and sardine stocks in the Adriatic Sea that were on the point of collapse, he requested the support of the ACs concerned in exploring possible effective solutions. He announced that the change to the basic Regulation would be signed on the following day for the sole purpose of extending the management plans on discards. He also cited the proposal for a regulation on technical measures, which had received a warm welcome but was now in a critical phase with the EP and the EU Council.

Veronika Veits thanked the ten ACs present. She introduced herself and informed the meeting that since the February 2017 she had been working on the CFP in the Mediterranean, the meeting was also attended by the Directors responsible for the Baltic Sea and the North Sea; she also welcomed Pascal Savouret of EFCA. She recalled that the role of the ACs had been strengthened and that now the Member States were obliged to consult them on some questions in the framework of regionalisation. She then introduced the other members of the EC team led by Evangelia Georgitsi, with Pascale Colson, Martine Aussems, Amalia de Diego y Vega as well as other colleagues involved in the operations of the ACs. She recalled that the multi-annual plans represented the priority tool for the implementation of the new CFP (art. 10 of the Basic Regulation) and that the legislators had discussed at length the matter of who should cover which tasks in the framework of the MAPs. She pointed out that there were still not all the MAPs that they had hoped for. The first MAP was the one relative to the Baltic Sea, which then provided a model for the MAPs for the North Sea and the Atlantic. The MAP for the Baltic Sea was a good example and they realised that it was not flexible enough when the scientific opinions changed. She highlighted that for some species, such as the herring, the fishers and the EC would encounter problems with fishing opportunities, they would attempt to find a solution by proposing an amendment to update the data in line with the latest scientific advice so as to adjust the TAC, although due to codecision this would take time. For the North Sea MAP, several meetings had been held in the framework of the triologue, so as to achieve a modern, flexible plan but some issues were still on the table, for example recreational fisheries, the area of applicability, the range for fishing mortality. She emphasised that work was also proceeding on a proposal for Western Waters. For the Mediterranean and the Black Sea, she reminded the meeting that, in the Black Sea, there was a 90% excess of fisheries and that the EC had committed itself in the Catania meeting with a declaration aimed at dealing with this situation. She mentioned the Adriatic Sea, where small pelagics species, anchovies and sardines, were collapsing and as a consequence measures had been envisaged to safeguard biomass thresholds. She pointed out that they had not gone as far as with the North Sea, but that internal discussions were ongoing, in anticipation of a

report from the EP to be presented to the Fisheries Commission the following week, she noted that there would also be a hearing on 24th and 25th January 2018 on this matter. She specified that various species would be included and that it would follow the structure of the previous MAPs. She thanked the MEDAC for the opinion received on a MAP in the Western Mediterranean for demersal species, where the MAP for the Eastern Mediterranean was concerned, she said that they were deciding whether to define it at Mediterranean level or under the GFCM. She concluded by saying that the GFCM was working on the preparation of a MAP relative to the Strait of Sicily for demersal species.

The Chair of the MEDAC took the floor and asked whether the MAP for small pelagic species in the Western Mediterranean would follow the same approach adopted for small pelagics in the Adriatic, i.e. just establishing limits for spawning stocks, without the application of a TAC and quota system, adding the fishing mortality and spawning biomass ranges in the annexes, which if not complied with would trigger the application of measures.

Ms Veits replied that the MAP for small pelagics would follow the same principles and objectives, as set out in art. 10 of the Basic Regulation, with the definition of the fishing opportunities, including a range for fishing mortality and biomass. She emphasised that the draft text did not explicitly mention TACs, however on examination of all the clauses this intention becomes clear. She also underlined that scientific indications were followed, working in terms of output management and not input management. She continued by pointing out that they were aware that the demersal fisheries sector in the Western Mediterranean was complex, and as a consequence they were reflecting on whether ranges were required for all species or only for a limited number of stocks. She also said that they were contemplating the whole package, not only fishing opportunities, adding that for the Adriatic demersal species preparations had begun for a consultation and impact assessment. Bearing all these aspects in mind, they would attempt to incorporate all the lessons learned during the ongoing discussions.

Veronika Veits passed on to Agenda item 3.2 on Discard Plans - Reg. EU 1380/2013. She recalled that the application of the various obligations was proceeding gradually, in all EU waters application was structured progressively with joint declarations by the Member States after the consultation with the ACs. She pointed out that some plans were about to expire, informing the meeting that when they began extending the plans they realised that there was no legal basis for extension, to solve this they drew up an amendment to art. 15 paragraph 6 of the Basic Regulation to allow for extension.

The representative of the NSAC stressed the fact that an amendment to the Basic Regulation was feasible.

Ms Veits confirmed that the procedure was called "better regulation", but it would take about two years.

The LDAC representative pointed out that various rules were in place where the landing obligation was concerned, including the ICCAT ones, for example on the NAFO. As these require a more robust scientific basis from the EC, he asked how they could help ICES in relation to deepwater stocks.

Ms Veits shifted the discussion to the draft regulation on Technical Measures and pointed out that it was an ongoing project in the framework of the reform to the CFP. The aim was that of aligning all the aspects in the spirit of the CFP, through codecision and regionalisation which allow the rules to adapt to the more specific situations. She recalled that this proposal was still under discussion, the EU Council had taken a stance and technical discussions with the EP were in progress; the vote on the report had been postponed several times due to differences of opinion and she expressed the hope that a vote would take place the following week.

There were still some contentious issues concerning the CFP (for example recreational fishing, the EP would like technical measures to limit the minimum conservation sizes).

The representative of the Pelagic AC said that he was disappointed because they had supported the EC proposal and everyone was aware of the technical difficulties related to the annexes. He informed the meeting that they had made it known to MEPs that they considered it better to maintain the current situation rather than moving in this direction. Given the unique nature of the technical measures related to small pelagics, it would have been more appropriate to envisage a specific, single annex, but this had not been achieved.

The Chair of the MEDAC recalled that this AC had already issued opinions in January and then in March, even though the underlying uncertainty was still that surrounding the progress of the dossier. He supported this by specifying that regionalisation, as conceived in art. 18 of the Basic Regulation, envisaged that any request for a waiver to the measures must be made by at least two Member States, which was a significant limit, because if the requests for technical measures were specific to local situations, it would be impossible to make a joint request involving two MS. This would force the MS in question to reach atypical agreements. He said that this system was rather unusual: where the landing obligation was concerned it could be considered logical, however on technical measures which are always related to local situations, regionalisation in this sense would appear limiting.

Ms Veits pointed out that the request could come from just one MS if the stock is of a specific nature, she cited as an example the management plan on discards for clams drafted by Italy, she then moved on to the agenda item concerning the recovery of the eel stocks, which was causing concern. She informed the meeting that, during the October EU Council, the other MS had requested a more widespread approach, and an eel recovery plan would be launched in the Mediterranean as a joint activity by ICES, the GFCM and the EU with Tunisia.

The NWWAC representative said that they had had very little time for the consultation on the eel and that before proposing actions in relation to this matter they would like to have the opportunity to agree on a position.

The representative of DG MARE, Evangelia Georgitsi, pointed out that they had recently received an opinion from ICES, from which it emerged that the status of this stock was a matter for concern, there had been a decline in juveniles for the third consecutive year. She specified that the minimum size was not working and that fishery activities were the only threat, so she hoped to receive positive feedback in the short term. She underlined that action on this species was important.

The meeting passed on to discussion of the agenda item point on the Control Regulation, the EC representative stressed that it was necessary to work actively on the revision of this regulation, and that they had launched a consultation with the MS and initiated dialogue with the EFCA as well as several ACs. The most critical issues were: strengthening enforcement, the points system which is not efficient and problems with data quality and sharing.

The LDAC representative pointed out that the data collected from the logbooks were not exchanged and that there should be an international standard.

The representative of the Baltic Sea AC recalled that time was needed to achieve a position within the ACs and that there were procedures to be followed. He further underlined that the issue of bureaucracy in the

current Control Regulation should be considered when it is revised if we want fair conditions for all those involved.

The MEDAC Chair took the floor and informed the participants that the MEDAC had responded on 11th April 2016 to the consultation and he requested maximum simplification, especially concerning very small vessels which make a huge effort to compile logbooks, complicating matters greatly for the fishers involved.

The representative of the South Western AC requested consideration of the importance of recreational fisheries and that monitoring and control should necessarily involve them too.

The meeting passed on to financial matters with the representative of DG MARE, Martine Aussems.

With regard to the revision of the Regulation in terms of functioning, the amendment foresees that the main groups would have the right to decide independently about their level of representation within the ExCom.

The DG MARE representative, Pascale Colson, provided some indications to improve communication practices between DG MARE and the ACs:

- Recommendations must be sent to Mr Machado and copied to Ms Georgitsi and Ms Colson;
- Copy rather than blind-copy the various officials;
- Copy the message to all the people to whom communications are sent;
- Always send a copy to the AC coordinators;
- With regard to the rules and principles of annex 3 to the CFP, she specified that where the adhesion of European or national associations was concerned, the MS must give the green light but this did not mean asking whether the MS approved or not, they only have to verify that the association exists. No approval is required, it is only a formal check.

The representative of the NSWAC pointed out that it was up to the Executive Secretary to assemble a dossier on the association making a request to join and therefore it would not receive consent from the MS, but approval would immediately pass to the AG.

The representative of the Baltic Sea AC asked DG MARE to send a feedback message on receipt of a communication, because they did not always receive answers. On the issue of membership, he specified that they also try to provide information on the applicant association and often resort to the principle of tacit consent: after 14 days without a reply this is interpreted as acceptance.

The Chair of MEDAC pointed out that the MEDAC had always applied the open-door principle and that extensive discussions had taken place among its members about how long the MS should be given to respond (currently set at 30 days) and whether to consider tacit consent. However, he pointed out that letter h paragraph 2 of Annex II of the Basic Regulation did not mention tacit consent. It indicates that the MS should reach an agreement on the members of the AG. If the rule of tacit consent is to be included or if the MS are only required to check up on the existence of the association, this should be clarified and communicated to the ACs. He called for clarification between the MS and the EC.

The representative of the LDAC underlined that they did not have data available on the Landing Obligation, for example, because MS were not always in synchrony. He complained about the absence of the EC in meetings, and even when an *ad hoc* meeting was agreed with the EC, often no representative of DG MARE participated. Furthermore, on the issue of consultations, he asked for confirmation of receipt of the material

sent. He pointed out that, given that the role of the ACs was that of main interlocutors, meetings should not be held without the participation of the ACs, he reported that sometimes people who are not members of the ACs are invited while the AC members are not, he expressed the opinion that the middle ground between the stakeholders and the EC should be the ACs, however this role was frequently not respected.

Ms Veits said that she fully comprehended the critical issues raised but emphasised that participation in all meetings was a problem for DG MARE due to the proliferation of the WGs, they were often forced to prioritise. She asked the ACs to be sympathetic in this case.

The EC official, Evangelia Georgitsi, intervened to point out that approval by the MS should be tacit or explicit. She recalled that an email had been sent out which clarified that, if the MS were given sufficient time (one or two months as established) and the MS did not respond, the tacit consent rule would apply. The association must have a relevant interest in the CFP. She further underlined that this communication had been sent to all MS and no MS had commented. She informed the meeting that she had just discovered that one Mediterranean MS had refused the membership application of three associations.

The Chair of the MEDAC reiterated that the Statute established that the MS had to respond within 30 days but this deadline was never respected by any of the MS. He underlined the opinion that it was not possible to refer to any kind of practice in this case nor to an email communication, he therefore asked the EC to clarify this matter with the MS and the ACs.

The representative of SWWAC reported that dating back to January 2017, some Mediterranean NGOs had not been admitted to the MEDAC even though 30 days had passed.

The NWWAC representative focused on the issue of the “relevant interest in the CFP”, he pointed out that this was highly subjective. He informed the meeting that the NWWAC had introduced a rule for new associations, which stated that they must be listed in the EU transparency register. However, he recognised that this was a long-standing issue which had to be solved as it kept arising. He also suggested that DG MARE could create an email group.

The representative of the Black Sea AC took the floor to point out that they had an internal lawyer, who checked all the documentation of the applicant associations and that some of them had not been approved.

Ms Veits recalled that semi-public bodies could not be members of the ACs, such as FLAGs that had mixed participation, however these groups could participate as observers.

The representative of the LDAC said that they had also carried out a performance evaluation.

Ms Veits specified that the EC needed to assess expenses and would therefore like to see the results of the evaluation made by the LDAC.

The DG MARE official commented on some financial procedures, pointing out that the payment requests made by the ACs were sent in too late, it took time for her unit to process them, furthermore some requests were incomplete, because while it was true that the EC contributed up to € 300 000, proof of payment was required for the rest of the budget as well. She then recalled that the role of the Secretariat was not only that of “copy-paste”, it should actively manage all financial and administrative aspects. She informed the meeting that the new FPA (Framework Partnership Agreement) contracts would last 4 years and the SA (Specific Agreements) would be renewed annually. She said that they were working on a new contract that would be

more flexible. Lastly, she commented that the use of the EC contribution had improved greatly, relations were better as was the cooperation between the ACs.

The NWWAC representative requested harmonisation of the financial years.

The representative of the LDAC asked whether there were Chairs who were paid as rapporteurs, up to €4000. He asked whether this was feasible. He also asked how DG MARE wanted the financial reports to be compiled in the framework of participation in projects.

Lastly the concerns of various ACs related to Brexit were addressed, in particular the ACs based in England or which have this MS among their members.

Ms Veits thanked all the AC participants who had taken part in the discussion and invited all those concerned to maintain the maximum cooperation on the issues addressed.

