MEDRAC's contribution to the consultation on future role and composition of Advisory Councils (ACs)

1. Introduction

This consultation aims to collect the views and ideas of the RACs on their future role under a regionalised policy framework, as well as on the required changes in working methods, composition and functioning of the proposed Advisory Councils. The outcome of this consultation and subsequent debate will feed into the elaboration of the detailed rules on role, composition and functioning that will be defined after adoption of the reform package.

2. Regionalisation

With regionalisation the role of ACs will change in a number of ways. The ACs would play a role in two instances of policy-making:

• Consultation in the preparatory phase of developing and preparing the Commission proposal for multiannual plans. This work will not differ significantly from current practices, but the thrust of the advice will take different forms: the plans to be adopted by Council and the Parliament will not contain detailed measures, they will rather set the objectives, targets, timeframes for reaching the targets

• After the negotiation and adoption of the multiannual plan by the legislators, the ACs will play a primary role in proactively advising the Commission and Member States concerned on the implementation of the plan: which technical measures are best suitable, which instruments are the most effective to achieve the objectives and to reach the targets. ACs will be issuing their recommendations to the Member States that will have to agree on common measures.

As a consequence, the ACs will need to develop enhanced planning modalities and prioritize their work around the expected timing and adoption of EU multiannual plans. ACs will also have to assess the required input for the development of their contributions, such as, for example, scientific information and data or management advice.

Question 1: What are the implications deriving from regionalisation for ACs?

Given that the regionalization as assumed in the non-paper would in reality only deal with the implementation of programs and measures indicated in the EC by MS concerned, it is clear that the ACs should be consulted upstream while the EC is in the process of defining measures. (See RAC MED opinion on regionalization ref. N. 154/AV of 30 May 2012). It is only in the preparatory process that the AC will

have greater involvement, when is likely that they will be required a greater effort of analysis and internal evaluation regarding each specific area.

Regionalization should lead to an empowerment of the ACs in terms of decision-making and their enlargement to include all legitimate stakeholders. In that context, it is necessary to ensure a real balance between the different interests represented in order to allow each and every one of them to voice their specific position. Moreover, ACs will have an important role regarding the development of regional territories and it is therefore very important to find a way for the AC to show a united front towards regional administrations and develop good cooperation with these regional administrations.

Regionalisation should mean a diversification of the ACs role from essentially providing advice to the Commission as today to also facilitating coordination between the Member States (MS) involved in a given MANAGEMENT PLANS and advising them in the designing of this MANAGEMENT PLANS prior to its submission to the Commission.

Question 2: How can duplication of AC consultation (by MS and the Commission,) be avoided?

We do not think there can be any duplication, if in the scheme foreshadowed, the AC will join MS proactively in formulating its advice, which will then be provided to the EC. All this, provided that the EC consults the AC at the stage of the identification of measure. Otherwise, if the AC is consulted once the programs have already been identified and put in place by the EC, we would risk a consultation at 360 degrees. We do not believe, however, that the AC should be functioning under this latter option and that ACs should be informed on time of the schedule the EC activities, in order to be well prepared in advance.

3. Role and tasks

In addition to submitting recommendations and suggestions on specific implementing measures in the framework of the plans as described in the previous chapter, new tasks (e.g. contribution to data collection, in cooperation with science, science-fishermen partnerships) would become important. RACs are already participating as observers in scientific Working Groups of both STECF and ICES. Some would like to be involved also in suggesting research priorities, and further reinforce their links with the STECF and ICES.

Question 3: Should ACs have a say in the identification of research priorities?

Provided that every time scientific working groups are involved, the GFCM SAC should also be mentioned, we believe that the AC could play a positive role in proposing research priorities coming up during its institutional work. Other activities, such as contributing to the collection of data, or similar tasks, should necessarily face the reality of available resources, this being the condition to any additional type of field

work. With the actual financial contribution we believe, a desk study only (like the one annexed to the RACMED letter on the socio-economic impact resulting from the EFF, ref. 141 of July 4, 2012) is the maximum that can be afforded by stakeholders.

Question 4: How could cooperation between ACs and scientists be further strengthened, in the most cost-effective way?

A useful tool for cooperation is undoubtedly the participation of scientific institutions in the AC activities and similarly of the ACs to all seminars and meetings organized by scientific institutions. Beyond this occasions where in depth information can be gathered any further cooperation would be dependent on the afore mentioned aspect of available resources. Scientists must participate in the work and meetings of ACs to provide information on the latest research, clarify difficult questions, advice on different management alternatives and get input from the different stakeholders.

Question5: Should ACs become involved in design of control measures?

Considered that the AC mirrors specific regional situations we believe they are the most competent bodies in providing all relevant information about it to the legislator. Future Advisory Councils should have an advisory role more and better defined on fisheries issues, including control measures, at the basin level.

4. Funding

RACs have own resources (mostly from an EU grant, and very limited membership fees and MS contributions), which amounts to an annual 250.000€ per RAC. Although there have been voices asking for more EU funding, there are significant constraints on EU funds, and it is important to find ways to broaden the funding base. ACs will have to adjust their patterns of expenditures under the reformed CFP to respond to the changed role.

Levels of the membership fee vary substantially between RACs, and in some cases the fee levels seem to make participation for smaller entities difficult. Other sources of funding need to be identified as well.

As regionalisation will take time and additional workload of the ACs will be dependent on the development of multiannual plans, it might seem premature to suggest changes in EU funding at this stage.

Question 6: How can ACs adapt their membership fees to the size and financial capacity of the member organisations?

With regard to this question, based on the experience within the RACMED, it is currently not possible to change the membership fees according to the size and financial capacity of its members, due to the fact that the RACMED, unlikely as other RACs, does not have, at present, donations in kind to allow any modification of the actual contributory system.

Question 7: What other sources of funding could ACs identify and draw from?

As already proposed in the RACs joint document presented at the PECH hearing on regionalization in the CFP reform, a simplification to RACs access to any other EU funded projects, without being financed by third parties that could cause a conflict of interest, should be most welcomed as it would entail both a broadening of fisheries related issues knowledge and a financial return.

Given the role that the ACs would be expected to play in making regionalisation a success, EMFF support should be made available for facilitating implementation of the reformed CFP, as in the design and implementation of MANAGEMENT PLANSs. **5. Composition of future ACs, adoption of advice, follow-up of advice**

Membership is open to the fisheries sector and other interest groups affected by the CFP, like environmental NGOs, or recreational fishermen. The Commission, Member States and scientists may participate as observers (non-members), as well as representatives of third countries, upon invitation, where appropriate. In RAC decision-making bodies (Executive Committee and Plenary), two thirds of the seats are reserved for fisheries interests and one third for other interests.

There have been concerns on representation from different stakeholder groups (e.g. small-scale fisheries), the rules on composition have been questioned and there is a clear need for ensuring a balanced composition that allows for representation of all legitimate interest.

In adopting advice, should ACs seek consensus or majority voting (with dissenting votes being recorded in minutes)? Practice has grown towards consensus-seeking, but sometimes split advice has been given. This issue needs reconsidering since the aim under regionalization is to reach agreement on the type of management measures that should be applied under the plans.

Another important issue is the follow-up to AC advice by Member States and the Commission. The Commission always considers the advice takes it into account as much as possible, in particular when the advice is aligned to the related policy objectives and targets. But the Commission cannot be obliged to automatically transpose the view of an AC into proposals or legislation, even if it is adopted by consensus.

Question 8: How could adequate participation/representation of certain, legitimate interests, such as small-scale fisheries be ensured?

The Basic Regulation or the Regulation on ACs should clearly state the different stakeholders to be involved in the ACs. We believe that the interests currently represented in the RACs should also be represented in the ACs. ACs should gather all interested parties, and notably workers.

Representativeness checks should also be made to ensure that those who seat in the ACs, or in any other consultative body or are involved in a consultation process, are actually representative and have a mandate to speak on behalf of a certain group of interest. Moreover, the representation of sub-regional/basins actors should be made possible in the ACs in order to ensure that all interested parties are represented.

Adequate stakeholder participation should be ensured through a more balanced composition of ACs with the fisheries sector being well represented in its full diversity. In that respect, cooperation with national administration should be established to identify whether representativeness is ensured and sustain capacity building. Resources should be made available, notably through the EMFF, to make sure that all those who have a legitimate interest have the possibility to access the consultative process and actively contribute to it.

Question 9: Should there be a differentiation concerning the composition rules for decision-making bodies or should the same rule apply to all ACs?

As far as MED RAC is concerned it would be appropriate that the specificity of each basin be reflected also in the decision-making bodies of each AC. ACs should apply the principle of regionalisation and be able to adapt their rules to the specific circumstances of the fisheries they cover to ensure all relevant interests are covered. The number and nature of interested stakeholders can in fact vary from Council to Council: for instance, certain councils involve a higher number of countries and this should be taken into account when establishing the number members that should seat in their governing bodies

Question 10: Should the rule that ACs adopt recommendations by consensus (and record dissenting voices where no consensus was found,) be maintained?

RACMED has always tried to achieve consensus whenever possible, and when this wasn't possible, it always registered any dissenting opinions reporting reasons for such dissent. It would not be appropriate

to modify such a rule. On the other hand, it would be helpful if the EC could provide more information when deciding if taking into account the opinions received or not.

6. International dimension

The EU is party to many international and regional organisations, in particular RFMOs. The Long Distance RAC has been set up specifically to advise the Commission in the context of international negotiations.

Additionally in several regions the fisheries and stocks covered by ACs are shared with third countries. This is the case for the Mediterranean and the Black Sea (for the latter, the creation of a new AC is intended), but also for important stocks in the North Sea, and for many pelagic stocks. There is a need to further develop and ensure sufficient stakeholder consultation in areas with a strong international dimension. Currently, RACs can invite representatives from 3rd countries to participate as observers.

Question 11: In view of the intense external agenda how can provision of comprehensive advice from stake holders in preparation of international meetings be ensured?

Based on its current experience RACMED always tries to organize the meeting of a working group dealing with the same issues discussed by a Regional Fisheries Management Organisation prior to the meeting of the Organization itself, in order to reflect the stakeholders views and considerations and being able to give recommendations on time.

Referring to Fishing Agreements, the ACs should be able to participate more actively in the negotiation process, in order to ensure better cooperation among EU and third countries stakeholders.

Question 12: How can AC with an international dimension take into consideration the views of stakeholders of third countries?

One of the possible tools that can enhance and create links with third countries, especially in a RAC like ours where the sea is shared with third countries, could be the signing of a MoU, as occurred in our case with the GFCM. This will also enable a mutual exchange creating on one side an ongoing relationship with the scientific support of GFCM and on the other will give us the opportunity to bring our knowledge of the basin. Finally, it would be desirable to organize seminars with the involvement and participation of third countries

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?

Given the scarce financial resources available to all ACs, it would be of great help if the EC could help create a network of cooperation and collaboration with third countries through consultation with RFMOs.

7. Creation of a new AC on Aquaculture

The new Aquaculture AC will develop the advisory tasks in aquaculture. For cost-efficiency reasons this is envisaged as a single AC for all types of aquaculture. This AC could set up specific Working Groups (similar to what other existing RAC have done), for example on marine fish aquaculture, shellfish aquaculture and freshwater aquaculture.

Question 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?

Given that this new AC will cover aquaculture in all 27 EU Member States, maintaining the same actual composition of decision making bodies, might be inappropriate and, a specific regulation for its decision making bodies would be needed.

Question 15: How can appropriate participation and representation of all types of aquaculture be best ensured?

Participation in the AC of any organization is voluntary, so there seems little to do to force participation and collaboration by someone who do not intend to so. The rules governing the AC for Aquaculture should be tailored according to the specificities of this activity (number and nature of the interested parties, number of seats in governing bodies.)