MEDAC - Registered Office Via XX Settembre, 20 - c/o MIPAAF - 00187 Rome (Italy) - Tax identification number 97534810581 - Association registered with the Prefecture of Rome as a legal entity n.1224/2017

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Rome, 10 December 2020

To Ms Charlina Vitcheva
Director General
Directorate-General for Maritime Affairs and Fisheries
European Commission

Subject: MEDAC contribution- Ways of improving the functioning of the ACs
Reply to your Letter, your Ref. Ares(2020)6783853 – 16/11/2020

With regard to the request carried out during the last MEDAC Executive Committee by the DG MARE representative, Ms Pascale Colson, the MEDAC considered the issues raised up by NGOs in the letter sent to DG Ms Charlina Vitcheva on 22 July 2020 "Participation of NGOs in Advisory Councils". In light of the modification of the Statue and Internal Rules of Procedures that were agreed by the General Assembly on 20 February 2019, the MEDAC agreed that no statutory or functional modification should be made, as these issues have not been faced so far, with exception of one episode back in 2019 that was addressed with the above mentioned modifications of MEDAC functioning.
In fact, over the time the statutory rules and the internal regulation ensured good representation of the members, as the current rules have been gradually modified on the way, according to the needs raised up, always seeking to strengthen good practices and constructive dialogue between 40% and 60%.
Therefore, the MEDAC, although in the years had to manage critical topics and to face difficult discussions in the General Assembly and in the Executive Committee, always has referred to the following articles of Statute and internal rules in order to assure the inclusion of a "balanced representation" as a common interest between members. In particular, we thereby report the most relevant articles to this purpose:

THE MEDAC INTERNAL RULES OF PROCEDURE

- 3.3 The President's Office comprises the President and the five Vice Presidents (3 of 60% and 2 of 40%). The President's office coordinates the work of the General Assembly and of the Executive Committee. **The President cannot vote and shall carry out his/her mandate with absolute impartiality.**

Disclaimer - This opinion reflects only the MEDAC's view and the Commission is not responsible for any use that may be made of the information that it contains

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- 4.6 […] **The members belonging to the WG will strive to find a unanimous position in the adoption of its reports to the Executive Committee**. If consensus proves to be impossible then **minority statements are always included in the report which shall be adopted by simple majority by the voting members of the WG**. Dissenting opinions must be recorded only in resolutions or advices adopted by the majority. This does not apply to any other formal communication between the MEDAC and the EU institutions or any other institution which should be in any case agreed within the ExCom.

THE MEDAC STATUTE

- Article 9 – General Assembly:
  - **9.3 The Chairman does not have the right to vote and shall carry out his/her mandate with complete impartiality.** […]
- Article 10 – Executive Committee
  - **10.2 The Executive Committee members act in the best interests of the MEDAC to promote the interests and objectives as stated in this Statute**, and are responsible for any single actions not agreed on before the General Assembly.
- Article 11 – Working principles
  - 11.2 Insofar as is possible, the resolutions of the Executive Committee and the General Assembly are adopted by consensus. **If a consensus is not possible, the dissenting opinions are recorded in the resolutions passed by the majority of the members present and voting.**
- Article 13 – Secretariat
  - 13.1 The Secretariat, made up of an Executive Secretary and one or more Executive Assistants, appointed by the Executive Committee, **carries out the instructions and orders of the Chairmanship and the Executive Committee; the functioning of the Secretariat is subject to their agreement, in order to facilitate the achievement of the MEDAC's objectives.**

Building on the ambition to always seek for improvements in the governance and functioning, the MEDAC opened a debate on the issues raised in the letter sent to DG Ms Charlina Vitcheva on 22 July 2020 by NGOs active in Advisory Councils. The internal discussion in the MEDAC focused on having a better understanding of the issues in the Advisory Councils and to share possible solutions, at first hearing the position of the interested organizations. In this process, only two e-mail were sent to MEDAC members from NGOs on 28 of July, both emphasizing that misfunctioning of several ACs, does not necessarily imply that those concerns are also shared in the context of the MEDAC. Furthermore, the debate was reopened during the last online meeting of the MEDAC Presidency held on 5 November 2020, when a vice-President suggested to run an independent performance review of the MEDAC to highlight both best practices and areas where improvements could be looking at. Whereas the external performance review was already rejected by the ExCom held in Thessaloniki on 5 June 2019 because an external financial audit was already carried out in January 2019 and the majority of the ExCom members in agreed on the need to carry out assessment review, only if that process was required and guided by the EC and not as an initiative of the MEDAC itself. We believe that a harmonized approach for independent

performance reviews among different ACs, driven by the Commission, would be beneficial for the final outcome.[1]

Whereas the previous information on the structural documents of the MEDAC (the Statute and the internal rules) are binding about the impartiality of the Chair and the Secretariat and they avoided the diseases highlighted by the OIGs so far, the MEDAC agreed that no statutory or functional modification are needed for this specific issue either.

Giampaolo Buonfiglio
Presidente

[1] WWF, EAA, IFSUA, CIPS, FIPSAS and LEGAMBIENTE add as suggestion that to put forward for a smoother and more rationale functioning of ACs is to agree on a revision of the protocols for the development and presentation of advices; e.g. avoiding initiating work on drafts which from the outset are not supported by both industry and OIG representatives; a possible solution could be to introduce the requirement for each advice idea to be formally supported by at least 1 industry and 1 OIG member.