



## Report of pre-Inter-AC meeting on 8<sup>th</sup> November 2019

**Time:** 11.00 - 13.00

**Location:** Europeche

**Chair-Moderator:** Alexandre Rodríguez

**Rapporteur:** Tamara Talevska

### 1. Presentations and opening remarks

Alexandre Rodríguez, LDAC, welcomed the participants and endorsed the idea of having regular pre-Inter-AC meetings, giving the ACs an opportunity to discuss internal administrative and financial issues and also to be coordinated and prepared in policy issues in preparation for the subsequent Inter-AC coordination meetings with the Commission.

### 2. Identification of shared topics for coordination across ACs

Tamara Talevska, NSAC, noted the Inter-AC agenda item on identification of common AC issues and pointed out that identification of common topics should be included in the format of regular coordination meetings between ACs. As an example, she mentioned the workshop on marine plastics held by NWWAC and MAC the previous day (7<sup>th</sup> November 2019), which had proven to be advantageous not only in terms of acquired knowledge and synergies that such collaboration provides, but also as a basis for the most important deliverable of an AC advice/recommendation to the Commission. Such collaboration between ACs can result in a strengthened position and a more informed advice, as experts are drawn from various sources. Such shared topics could be identified and coordinated at regular AC meetings, where priorities would be set. Some non-region-specific topics had been proposed such as environmental (pollution, windmills, disruptions of spawning grounds), shared stocks, Brexit etc. She invited AC representatives to propose others.

Sean O'Donoghue, PELAC, proposed to raise the issue on submission of the advice to the EP directly. This has been a topic of debate for an extended period between ACs and it would be prudent to take it to the Commission. In general, he endorsed the idea of regular meetings. He reminded all that AC meetings used only to include the secretaries, and in his opinion such a setting seems rational when discussing administrative and financial issues. He proposed to have 2-3 such meetings remotely within the secretariats, while the ones related to policy should be in a physical form among secretaries and chairs.



Esben Sverdrup-Jensen, BSAC, updated the group on the EFCA Administrative Board meeting, where he represented all ACs. He noted that EFCA had been very welcoming and encouraged strengthened collaboration with the ACs, naturally in line with their mandate. He noted that the current short-term rotation system does not seem very optimal in terms of preparations and that this should be reviewed. He also proposed to raise the issue of the Memorandum of Understanding between the Commission and ICES at Inter-AC. In regard to AC horizontal issues, he noted climate change as being an overall priority. He echoed the idea that most meetings should be among secretariats as they are the ones that should be aware of topics discussed at other ACs, but they should be limited to a maximum of four a year, to not put too much pressure on secretariats.

Sally Clink, BSAC, noted that there are two calendar moments that should be used as a momentum for such meetings, namely the Inter-AC and MIACO. She proposed a more flexible way of dealing with this, e.g. if such a shared topic is identified by 2 or 3 ACs, the meeting should only include those ACs.

Under horizontal AC topics Javier Lopez, SWWAC, proposed climate change and external funding, He stressed that such inter-AC collaboration will make a good impression on the Commission. He noted that it would be prudent to have a rotation system amongst ACs in place for chairs and rapporteurs. He agreed that administrative issues should be discussed among secretariats and policy among chairs and secretariats.

Alexandre Rodríguez, LDAC, proposed inviting a DG MARE representative from the coordination team or the CFP unit B1 to such coordination meetings. He presented some of the LDAC issues that could be jointly dealt with some other ACs, providing specific examples such as management of deep-water species, the social dimension of CFP and instruments for maritime safety at sea, impacts of Brexit in the functioning of the ACs, the role of the ACs within the next CFP or fight against IUU fishing, amongst others. He felt it is enriching to have these kinds of discussions tabled at the Inter-AC as the Commission has always encouraged (including on its previous Communication of the Functioning of the ACs) to submit joint AC position for topics of shared interest.

Iván López, LDAC, highlighted the fact that due to its relation to MAC, LDAC is considering to mimic the parliamentary way of working between Committees and submit an advice directly to the MAC to inform on their points instead of sending it to the Commission. This is something that merits further reflection and could be discussed with the Commission.

Pedro Reis Santos, MAC, agreed to look into submitting joint AC advice in some of the areas proposed by the LDAC and the SWWAC, however he would need to confirm this with his chairs. He welcomed the idea of holding structured meeting dates, aligned with other larger meetings.

Cecile Fouquet, AAC, agreed that coordination meetings would be useful and joint advice a good idea. She noted that her members advocate including aquaculture in general advice by the industries of other ACs.



Emiel Brouckaert, NWWAC, proposed the social aspect of fisheries, such as labour supply through welfare and safety as a possible horizontal topic. There is a huge problem with labour force shortage.

Alexandre Rodríguez echoed this, noting that LDAC is also dealing with the social dimension of the CFP as one of its core priorities, and which is also a topic of high priority of the new Commissioner for the Oceans and Environment.

Mihaela Mirea, BLSAC, told that members of her AC would be especially interested in climate change, marine litter, plastics, input from IUU fishing and landing obligation.

Rosa Caggiano, MEDAC, endorsed coordination meetings, with horizontal topics being environmental aspects, pollution, climate change. She especially highlighted a need to include an ecosystem approach, landing obligation, product labelling etc. Joint approach to small-scale fisheries could be another shared file to work on. This was echoed by NWWAC.

Iván López, LDAC, pointed out a quite unfortunate timing of this year's Inter-AC meeting – Friday afternoon tends to be very inconvenient for many participants; not only is it tiring, but it also poses the difficulty for some participants to arrange their travel. He also proposed to draft a joint letter to the new Commissioner, congratulating him and welcoming him to his new post and inviting to meet the ACs to know their work.

Emiel Brouckaert, NWWAC, pointed out that in general the contact with the Commission has been very good, especially as far as operational matters are concerned, but there is a need to reach to other levels.

Kenn Skau Fischer, NSAC, supported the aforementioned ideas, but stressed that every such meeting would need extensive preparations to ensure it serves its purpose and actual actions are taken.

Alexandre Rodríguez, LDAC, summed up the discussion by saying that a separation between meetings dealing with administrative issues and meetings concerning policy seems prudent. The later might be dealt with in the framework of workplan comparisons. Common topics seem to be: Brexit, climate change, control of labour conditions, product labelling, level playing field, landing obligation. Meeting attendance would be subject to attendance of those ACs sharing a certain issue.

Some ACs wondered if it would seem reasonable to suggest to the Commission to hold more Inter-AC meetings as we only have one per year at the moment. Most of them agreed that two of them would be enough to improve the functioning of ACs, especially with several new, less experienced secretaries joining the team recently. It was agreed to propose this to the Commission.

Sean O'Donoghue, PELAC, stressed that the problem is not ACs communication with MEPs but their engagement directly on CFP – to what extent and in what way can we get our recommendations to be heard in the EP. In his opinion, ACs should not be advisory bodies to one side of decision-making alone.



EP members should be made aware of ACs' work. Alexandre Rodríguez, LDAC, echoed this and said that a relationship between ACs and MEPs should be more structured and articulated with a clear mandate and a reliable procedure to avoid mistrust from members. He mentioned the idea of suggesting to the EP Fisheries Committee to designate one liaison officer from the EP-PECH Secretariat and an MEP to deal with each of the ACs so information flows are streamlined.

Pedro Reis Santos, MAC, reminded participants of the lunch seminar that the MAC was co-organising with the AAC and noted that the Commission expressed concerns about this sort of events, particularly stressing that ACs are advisory bodies to the Commission and the Member States and, as such, should not be actively pursuing other bodies.

Alexandre Rodríguez, LDAC, noted that a strong joint AC position is required, and that there should be a joint letter proposed on the topic, expressing a firm commitment to engage with the EP in a balanced manner with specific proposals. In this respect, the EP lunch Seminar with MEPs organised by the MAC and the AAC seemed like a good opportunity for voicing our ideas and requests. It would be good to work on a common position, based on the conclusions drawn from that event.

He highlighted the fact that the LDAC is already collaborating with numerous international bodies, such as FAO or COMHAFAT, of which the Commission is made aware of. He pointed out that it is not a matter of transparency as, once agreed and adopted, the advice is publicly available and is already being used by some MEPs and Council members during their in camera and technical committee deliberations. On the other hand, he acknowledges and stresses that the Commission should be always the first recipient of the advice. The need to articulate a clear procedure responds to the idea of avoiding perceptions of lobbying, to allow a technical approach to the EP and that is not controversial.

Sean O'Donoghue, PELAC, agreed that the EP Lunch Seminar should be taken as an opportunity to explain ACs position. If MEPs want ACs advice, they should request it.

Kenn Skau Fischer, NSAC, noted that NSAC does not have a consensus agreement on the matter at this point.



### 3. ACs, research and ICES/SAC Advice

#### 3.1 EMFF and scientific funding for ACs

Guillaume Carruel from PELAC presented PELAC's efforts on EMFF funding. He told that for a while the PELAC has been proposing for ACs to receive EMFF funding for scientific projects directly, but with no visible success. He enquired whether other ACs would be happy to prepare a joint recommendation on this matter. Sean O'Donoghue added that this had been a longstanding issue in NWWAC, MAC and PELAC. He told that the existing EMFF already has a provision on direct management of EMFF funds, The Commission, however, does not agree with it – in their opinion the ACs should apply to European projects under joint management and should not engage in independent scientific work. The Commission is always stressing that there is no need for additional funding for ACs engagement in science, some of it already being a part of AC's operational budget. He encouraged the AC representatives to endorse this idea to ensure direct management of EMFF funds and not get discouraged by Commission's reluctance to endorse this. He suggested, that the chances of actually receiving funds through other European projects or directly under EASME were very slim, therefore a direct management of such fund would greatly improve the possibilities of ACs research projects. He noted that they had so far not succeeded, but a joint action from all ACs might stir things in the right direction.

Emiel Brouckaert, NWWAC, warned that there should be caution applied when dealing with these matters, as the Commission would not want discordance in its science, saying that if we create a conflict between ACs and international bodies like ICES, it is stepping into "dangerous territory". To this Sean O'Donoghue replied that the proposal is about getting the funds to use the existing bodies not go against them.

Alexandre Rodríguez informed that the LDAC has participated in research projects and is currently benefiting from external funding sources (e.g. Horizon2020) and it allows to benefit from big scale consortia with strong scientific partners without the burden of leading a proposal. He proposed that PELAC and MAC would share the documents submitted to the Commission to see if they can be analysed and used for underpinning a recommendation. PELAC and MAC agreed to do that.

#### 3.2 The Role of the ACs in the future CFP in terms of quality and influence of advice

Alexandre Rodriguez presented the LDAC's performance review part 1 in relation to the study and recommendation on improvement of advice quality and influence through the EU decision-making



process. One of the tasks given to the hired external consultant was to quantify the influence of the LDAC advice to see if how it was reflected in the EU legislation.

There is currently not a single format or robust method set up by the European Commission to measure the quality of the advice and to monitor its influence in shaping up policies and legislations. Alexandre admitted that, in the findings of the report, it is quite difficult to come up with a robust framework, but it would be worthwhile to develop a sort of pilot project to develop a methodology for a non-prescriptive format with indicators to benchmark the quality of the advice, such as: is the advice addressing the right questions posed by the Commission or laid out in the consultation paper; is it reaching some other quality criteria; it complies with CFP principles; as well as a method to measure if the advice is included into the decision-making process and if not, the reasons why not.

Alexandre Rodriguez noted that the Commission many times replied to recommendations in a somewhat generic way, addressing only some of the aspects or requests made in the advice. This is sometimes the cause of frustration by members and discourage them to continue working in that direction as there is no certainty on which direction to take afterwards. The idea is to raise the value of the advice vis a vis individual stakeholders and make efforts so that the effort invested in agreeing an advice pays off and is duly taken up by the decision-makers.

Another recommendation by the consultant is to make advice more transparent in terms of its internal life-cycle; secretariats should check whether the advice is in any way reflected in the proposed legislation, or “white/green” non-binding papers etc. Apart from that there is a need to ensure that the advice is defended and presented by members at relevant for acting as amplifiers.

Andrzej Bialas, BSAC, fully supported this and expressed his concerns about the way the ACs’ advice is dealt with internally by the Commission. He said he would be very happy to see how the advice is being used and receive proper feedback. Lack of a proper feedback could in the long-term result in reduced efforts.

Giampaolo Buonfiglio, MEDAC, replied that the Commission always replies to their advice, but does not always include all parts of the advice or decides to go against the advice, which might anger or discourage some AC members. It is, however, their discretion to take the advice or not.

Sally Clink, BSAC, asked for LDAC performance review to be circulated. She informed that the experience of the BSAC is as a provider of advice/recommendations on the same level as other stakeholders, rather than as an advisory council. She noted that BSAC was not always satisfied with the Commission’s replies to their advice. She would like to see a more specific feedback given as regards to how the advice is followed.

Alexandre Rodríguez, LDAC, agreed to send the link of their performance review which is on the LDAC website, and will also give some hard copies of the report published and distributed in May.



In terms of the process, he explained that the initial proposal made by the LDAC Chair and the Secretary at the Inter AC meeting in December 2017 was that the Commission do a general review of all ACs' performance, but due to extensive workload the MARE representatives proposed such review to be done by LDAC. LDAC then decided to hire an external consultant through a tender procedure which took place in the first half of 2018. The consultant offered a fresh look and perspective on questions such as where want to position ourselves under CFP; if we want to focus on quantity or quality of advice, the transition from a non-binding to a more weighted advice; our future role; etc. He mentioned that the performance review will be presented in more detail at the Inter-AC meeting on this afternoon.

Rosa Caggiano, MEDAC, pointed out that MEDAC is essentially working with SAC (GFCM scientific body) instead of ICES, and was satisfied to see this topic included in the Inter AC coordination agenda. She informed participants on a letter that the MEDAC had received some months ago, saying that the MEDAC could not propose advice to SAC, but rather it is the Commission that is alone allowed to communicate with them. She enquired whether other ACs face similar problems regarding their external communication.

Emiel Brouckaert, NWWAC, noted that NWWAC has also received Commission's warning on direct communication with ICES, saying that the contractual provision excludes any communication outside contractual relationship between ICES and the Commission.

Rosa Caggiano informed that there is a memorandum signed between GFCM and MEDAC.

Alexandre Rodríguez, LDAC, warned that, in the context of work of the LDAC before RFMOs, our role is as a member of the EU delegation and do not have the status of an observer, as the latter are entitled to speak and submit documents/recommendations. The reasons is we are providers of advice to the European Commission, and it is the Commission who negotiates on behalf of all EU MS and stakeholders. Hence, LDAC has never communicated directly with RFMOs and provided its comments via the Commission to avoid being perceived as a lobbying body.

Iván Lopez van der Veen, LDAC chair, completed the explanation provided by Alexandre and intervened saying that in NEAFC and other RFMOs, LDAC is the coordinator of stakeholders input in providing advice to the EU Commission within the EU delegation. He warned that if ACs ask for an official status as observers, there is a risk of getting less influence on their advices. AC are advisory bodies within a clear and predefined mandate under the CFP regulation.

Javier Lopez, SWWAC, noted it is understandable that the Commission is not in favour of any interactions of the ACs with external international organisations beyond their control as that might result in positions that are against the Commission's interests and endeavours.



Javier Lopez, SWWAC, noted it is understandable that the Commission is not in favour of any interactions that might result in positions that are against the Commission’s endeavours.

#### 4. Secretariat administrative, logistical and technical issues

##### 4.1 Grant agreement procedure and financial instalments

Sally Clink, BSAC, proposed a request to the Commission regarding the payment instalments. She noted that even though the Commission has gradually included some more flexibility, receiving three instalments seemed unnecessary and above all, at times could potentially create liquidity problems. Her proposal was to send a joint letter to the Commission asking to them revisit this procedure and amend it to serve ACs’ financial management more efficiently. She will draft a letter asking for one pre-payment and one final payment of the grant, but still meeting the existing reporting requirements.

This proposal was endorsed by NSAC, MAC, AAC secretariats.

PELAC and LDAC expressed their preliminary support but noted that they would need to consult this with their members.

##### 4.2 Social media strategy

Tamara Talevska, NSAC, asked whether there has been any social media strategy in place in the any of the ACs, or if there are any rules of procedure on how to deal with communications.

Cecile Fouquet, AAC, commented that their modus operandi was to remain as neutral as possible and that they are mostly using Twitter and LinkedIn, while BLSAC is using Facebook. MAC avoids retweeting from other members, in order to avoid the appearance of partiality, but it does retweet Commission’s tweets. They announce events and publish advice. BSAC reports no specific strategy, but mentions newsletter, which is very time and effort demanding. LDAC commented that management of the high seas and international dimension of fisheries is a very appealing to the media, therefore they try to keep them abreast with social media updates and regular press releases. A draft LDAC communication plan and strategy exist but were never officially adopted by the members following extensive discussions due to divergency of views amongst members. Some of LDAC members believe the LDAC should keep a low profile, focusing on providing technical advice to the European Commission, while others wish that the LDAC has more visibility and make best use of media coverage. LDAC has a dedicated YouTube channel but they are very careful to stay impartial and only upload videos of interventions of LDAC Secretary or representatives, institutional and corporate videos and initiatives of sustainability from its members as a result of research and/or certification programmes.



## 5. AOB

Under Any Other Business the SWWAC noted that the Brexit issue should be addressed, especially in terms of common stocks.

Iván Lopez van der Veen from LDAC informed that LDAC has participated in three (and led one of the) Inter-AC workshops on this topic and, although there were meaningful discussions and proposals, there has been not any common view or tangible conclusions on this, given the uncertainties linked to the political process. There was a shared opinion to wait until Brexit materializes definitely and act further from there. The European Commission has not yet expressed its position, and until their position is known, there is not much that the ACs can do.

Esben Sverdrup-Jensen, BSAC, reported on last EFCA Administrative Board meeting, where BSAC represented all ACs. There were two points he wanted to highlight.

One was to develop Terms of Reference for the meetings as a way to strengthen cooperation between EFCA and ACs. He noted that EFCA welcomes a closer dialogue with ACs and that ACs could do more to feed into EFCA's work, and ToRs would be a way to do this.

The second issue he exposed was that a 1-year rotation system is posing some difficulties with regards to administration. He proposed to have one regular representative and additional observers when needed. He concluded that it would be useful to exchange views on this among ACs. *(added comment: EFCA is willing to provide meeting rooms at their premises, should any of the ACs want to hold a meeting in Vigo – Tamara Talevska).*

Alexandre Rodríguez, LDAC, commented that EFCA has been very open to dialogue and willing to listen to our advisory needs. Control reports are being sent regularly and a shared impression is that ACs can have an impact on their activities. He agreed with Esben Sverdrup-Jensen's proposal to have a longer-term approach and he stressed the importance of briefing the representatives before the meetings and obtaining inputs from AC members.

The meeting was concluded with a shared belief that pre Inter-AC meetings are useful and should continue to take place in the future as a way of strengthening joint or common positions of the ACs and prepare constructively for the Inter-AC meeting on one hand, and on the other to offer a friendly and supportive environment for secretariats on an operational level.