



INTER AC ADVICE

Enhancing the Role and Functioning of the EU Advisory Councils:

Recommendations for the Evaluation of the Common Fisheries Policy

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Introduction – What are the Advisory Councils?

As foreseen under the Common Fisheries Policy Regulation, the Advisory Councils are stakeholder-led organisations composed of representatives of the fisheries and aquaculture value chain (e.g., primary producers, processors, retailers, trade unions) and Other Interest Groups (e.g., environmental and development Non-Governmental Organizations (NGOs), recreational fisheries associations, women in fisheries). The Advisory Councils provide advice and recommendations to the European Commission and to the European Union (EU) Member States, on matters related to the conservation and management of fisheries and aquaculture resources, to achieve environmental and socio-economic sustainability in line with the objectives of the EU's Common Fisheries Policy (CFP).

The Advisory Councils (ACs) were established with the reform of the Common Fisheries Policy of 2002 and further developed by the reform of 2013. In total, there are 11 different Advisory Councils, today. The majority provides advice on European regional sea basins (i.e., Baltic Sea, Black Sea, Mediterranean, North Sea, Northwestern Waters, Outermost Regions Waters, Southwestern Waters), while others have specific thematic remits (e.g., aquaculture, EU's long-distance fleet, market, pelagic stocks). When developing advice, members of the ACs aim for consensus, considering the best available science, their empirical knowledge, as well as wider environmental, social, and economic sustainability concerns.

With the creation of the Advisory Councils, the European Union policymakers introduced and formalised stakeholder involvement in the policy making process for fisheries, aquaculture and maritime affairs, at regional and EU level. Legally, Advisory Councils shall be consulted on several regulatory texts prepared by the European Commission and the Member States. In a truly bottom-up approach, each Advisory Council can also advise on any other policy area it considers relevant. Stakeholder consultation and engagement in policymaking is now widely recognised as the best practice for public policies and resources management, as also recognised in the [Better Regulation initiative](#). In many ways, it can be argued that these organisations are the building blocks of a good policy: legitimate, relevant and credible.



Aim of this advice

While ACs have often proven successful in achieving trust-building and gathering collective knowledge among key stakeholders, there is still room for improvement in their functioning and effectiveness as stakeholder bodies. The present advice outlines key recommendations to enhance the role of ACs in policy making, considering the feedback and insights collected from participants the workshop “*EU Advisory Councils: Stakeholder engagement in policymaking for sustainable fisheries & aquaculture production and value chains*” held on 31st of May 2024, at the European Maritime Day in Svendborg. The recommendations were further developed by the Secretariats and members of the 10 ACs signatories and adopted by their Executive Committees.

Current Challenges and Recommendations to improve the functioning of the ACs:

1. Membership and Composition

As determined by Article 45 of the Common Fisheries Policy Regulation, the ACs are composed of representatives of the fisheries and aquaculture value chain (e.g., primary producers, processors, retailers, trade unions) and Other Interest Groups (e.g., environmental, animal welfare and development NGOs, consumer groups, recreational fisheries associations).

a. Diversifying Representation

Current Challenge: Some ACs face significant imbalances in representation, which includes underrepresentation of certain interests among the “sector organisations”, as well as of the “Other Interest Groups”.

In accordance with point (a) of Article 2 of Annex III of the Common Fisheries Policy Regulation, in the General Assembly and in the Executive Committee, 60% of the seats shall be allotted to representatives of sector organisations and 40% to representatives of the other interest groups.

Recommendation:

Active Recruitment: Targeted recruitment efforts by the ACs, the European Commission, and the Member States, to bring in representatives from the underrepresented interests, including through incentives to access and the organisation of policy days / information sessions, as needed to ensure effective and representative participation.



When undertaking bilateral meetings with relevant stakeholders, the European Commission and the Member States should inform them of the benefits of channelling their input through the ACs, to benefit from a more direct relationship with policymakers, access to information, influence, and networking.

Additionally, The ACs shall implement measures such as setting up an external whistle blower mechanism or conflict resolution mechanisms to guarantee a positive working environment for all participants in all ACs. Although each AC as an independent entity has the right and the role to develop its own internal measures, the Commission should remain available to provide guidance when needed.

The diversification in representation should also extend to the leadership roles within the Advisory Councils, including Chairpersons, Vice-Chairs, and Working Group Chairs.

b. Ensuring Geographical Balance

Current Challenge: Representation within the “regional” ACs circumscribed to EU sea basins, often skews towards certain fishing regions, disregarding the diverse needs and conditions of others within the scope of each sea basin. In the case of the horizontal ACs, attracting members from all the Member States in the area of competence can also be challenging.

Recommendation:

Proportional Representation: Respecting the remit established in article 2 point h) of Annex III of CFP Regulation, the Member States should assess the representation and membership of ACs particularly for those with a geographical scope defined by EU sea basins. The Member States involved in ACs should foster proportional representation of those sectors or interests underrepresented, with the aim of ensuring a fair and balanced representation of all stakeholders as members of the ACs... Additionally, upon request of their members and depending on the topic, the ACs should consider establishing dedicated working groups or focus groups tasked with specific geographical areas to ensure localized issues are adequately addressed. As an example, the Member States could actively provide financial and technical support to the organization of ACs meetings in the less represented geographical areas.



2. Role of ACs in the Policy-Making Process

a. Building Influence and Trust

Current Challenge: Due to various factors, such as the mixed multi-stakeholder composition and the diversity of interests represented, the non-binding nature of the advice, and the lack of detail by legislators on the uptake of the recommendations, it can be difficult for stakeholders to assess the relevance of committing their resources into the development of advice by the ACs.

Recommendation:

Enhance transparency and accountability by the recipients of advice (European Commission and Member States): the European Commission provides replies in writing to most AC recommendations and advice. However, there is room for improvement. This can be achieved through the regular publication of reports/briefings by the Commission and/or Member States on how the recommendations are incorporated into EU policies. In the context of the periodic administrative and technical coordination meetings between DG MARE officials and ACs Secretariats, Chairs and members, the European Commission could conduct an annual exchange on AC activities and their impact in policy making, with the aim of increasing interest among stakeholders on the relevance and timeliness of the advice.

b. Adoption of Consensus Recommendations

Current Challenge: In accordance with point (c) of paragraph 2 of Annex III of the Common Fisheries Policy Regulation, recommendations shall, where possible, be adopted by consensus. This aspiration matches with current reality in practice. Where consensus is not reached, the recommendations can still be adopted reflecting majority views, but they must also record dissenting opinions clearly.

Recommendation:

Strive for Consensus: The ACs should maintain collaborative spirit in drafting/preparation of advice with the aim of reaching consensus in all recommendations. Where not possible, ensure proper recording of dissenting positions clearly indicating its authorship/category, ensuring transparency, legitimacy and credibility, as diversity of positions can also be helpful and enriching for policy decision-makers to access a more comprehensive view of the commonalities, difference and sensitivities within each AC.



c. Enhancing AC contributions to scientific advice requests

Current challenge: The purpose of stakeholder engagement in the scientific advice request processes to ICES is to increase their transparency, to ensure requests are aligned with the relevant policy objectives, to include pertinent stakeholder observations, and ultimately to improve the credibility and relevance of ICES scientific advice and resulting policy decisions. So far AC have had limited opportunities to participate in this process.

Recommendation:

In line with the 2024 joint-AC advice on stakeholder engagement in ICES advice request formulations and based on the EU Commission's response and first steps following this advice, the Commission should establish a mechanism for early signalling of advice requests that is targeted to the relevant ACs depending on the nature of the request. This should include a general presentation of DG MARE's intentions in terms of requests at the beginning of each year, as well as interactions along the year with the ACs regarding any special requests to ICES.

d. Enhancing Contributions to Regional and International Policy Decisions

Current Challenge: For several ACs, engagement in regional and international fisheries and environmental management forums, particularly Regional Fisheries Management Organisations and Regional Seas Conventions, as well as other international bodies setting policy on fisheries and aquaculture, such as the United Nations General Assembly (UNGA), Food and Agriculture Organization (FAO), **Convention for the Protection of the Marine Environment of the North-East Atlantic** (OSPAR) or Baltic Marine Environment Protection Commission (HELCOM), can be quite relevant, as the decisions made at the international level will eventually impact EU policy.

Recommendation:

Active Participation in the International Dimension of the CFP: The European Commission should take steps to enhance the advisory role of ACs in the context of the work of regional working groups, international and environmental fisheries management organisations (e.g. Regional fisheries management organisations (RFMOs), regional sea conventions (OSPAR, HELCOM, Barcelona Convention)), and other international bodies setting policy on fisheries and aquaculture (e.g., UNGA, FAO), where relevant for their scope, and while respecting the remit of those ACs within their mandate as established in Annex III of the CFP Regulation – when relevant, inter-AC coordination could be encouraged in this field.



When preparing the mandate of the EU, the European Commission should maintain the current openness to advice from the relevant ACs, including through bilateral exchanges and coordination meetings, as well as debriefings on the outcomes of those relevant meetings where the EU is a member/contracting party. The European Commission should continue the practice of allowing ACs balanced delegations of representatives to participate in the EU's delegations.

The European Commission could also encourage international bodies to engage with ACs through presentations of their work to AC working groups and granting adequate access and participation to interested AC representatives to attend those international meetings. Exchange of knowledge and expertise would be particularly welcome between environmental and fisheries organisations.

3. Interaction with Policy Recipients

a. Improving Relevance and Timeliness of Advice

Current Challenge: For the ACs, it can be challenging to ensure that advice is delivered in a timely manner and in alignment with the advisory needs of the European Commission and of the Member States, as there can be changes in annual work priorities from both sides or emerging non-foreseen policy files / consultations.

Recommendation:

Coordination: The Commission should maintain the practice of regular exchanges with all the ACs, allowing for dynamic calendar of key policy decision dates, and the alignment of AC activities with sufficient prior notice. The European Commission should inform all ACs, as soon as possible, on planned initiatives and consultations, particularly in the context of the development of the ACs annual work programmes. The Commission should also grant the necessary extensions to consultation deadlines to allow for meaningful deliberation and contribution from ACs through consensus advice.



b. Accessing further scientific and technical evidence

Current Challenge: While the current operational and financial arrangements allow ACs to independently interact with scientific experts, for example through invitations for their participation as observers in meetings, and to commission external supporting studies, the AC recommendations could benefit from access to further scientific or technical evidence, as there can be a lack of adequate time and resources or specific expertise.

Recommendation:

Allow flexibility to seek external expertise by engaging in EU or international projects beyond the operational budget: The European Commission should recognise the possibility for ACs to seek for additional funding and resources (for example, by applying to EMFF, Multiannual Framework Programmes, or other EU and international funds), teaming up and/or partnering with scientific or research institutions to carry out targeted studies or work that can enrich our technical and scientific advice in support of their recommendations.

c. Developing Follow-Up Mechanisms:

Current Challenge: Presently, there is a lack of clarity on how AC advice is incorporated upstream into the legislation and other EU initiatives.

Recommendation:

Tracking System: The European Commission should implement an upstream tracking system to monitor the incorporation of advice into EU legislation and initiatives. The European Commission should publish annual reports detailing the uptake of recommendations and/or the rationale for the lack of uptake. This will provide ACs with feedback that can be used to enhance the quality of policy recommendations.

4. Communication and Outputs

a. Enhancing Communication Strategies

Current Challenge: Presently, there is a limited public awareness and understanding by the civil society of the added value, role and work of the ACs.



Recommendation:

Setting up of a comprehensive Communication Strategy: In its communication strategy, including in newsletters and social media engagement, the European Commission should inform on the added value, role, and work of the ACs. The European Commission should use different languages and media formats to reach diverse audiences.

b. Broadening Engagement Beyond the Recipients of Advice (i.e. EC and EU MS)

Current Challenge: In line with Article 44 of the Common Fisheries Policy Regulation, the engagement and formal dialogue of the ACs is mainly with the European Commission and Member States. In line with points (i), (j), and (k) of paragraph 2 of Annex III of the mentioned regulation, the ACs also have contact with the European Parliament, regional administrations, and research institutes. Additionally, the ACs are constituent members of the Advisory Board of the European Fisheries Control Agency (EFCA) and have one rotating observer seat at the EFCA Administrative Board.

Recommendation:

Wider Engagement beyond the recipients of advice (i.e. EC and EU MS): Foresee more explicit possibilities for engagement with the European Parliament (EP), for example by allowing direct submission of recommendations and/or the organisation of public hearings in the context of the meetings of the European Parliament's Committee on Fisheries to present recommendations and other findings. Also important is to foster and facilitate the engagement with other relevant EU and international bodies (e.g. FAO, United Nations (UN), Convention on Biological Diversity (CBD), OSPAR, HELCOM), as a way of breaking the silos and enhancing information flow between those relevant bodies.

Conclusion

With the recommendations requested above, the Advisory Councils can become more inclusive, persuasive, and effective, in contributing to sustainable fisheries, aquaculture value chains and maritime affairs management, while also promoting healthy aquatic ecosystems. We believe that these changes will not require any major legislative amendments but will serve to improve the internal functioning of the ACs, enhance stakeholder engagement, raise our profile, visibility and accountability with third parties, ensure a positive working environment and a balanced 60:40 representation, and improve the overall impact of the ACs on EU sectoral policies.



Signed by the Chairs of 10 Advisory Councils

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