



Inter-Secretariat meeting with chairs and vice chairs + secretariats

Wednesday 25th November 15.00 – 18.00 CET

Virtual meeting by Zoom

REPORT

All the Advisory Councils took part in the meeting: Black Sea AC, Baltic Sea AC, North Western Waters AC, North Sea AC, Long Distance AC, Aquaculture AC, Outermost Regions AC, Pelagic stocks AC, Mediterranean AC, Markets AC, South-western Waters AC.

1. Welcome by the BSAC ExCom Chair Esben Sverdrup-Jensen

The BSAC chair chaired the meeting. He welcomed all participants to the virtual meeting. He noted that following the decision of the European Commission to postpone the Inter-AC meeting to January 2021, the Advisory Councils had decided to hold an internal meeting to exchange information and update each other since their last meeting held in Brussels in November 2019. He thanked the AC Secretariats for putting the meeting together and for drafting the agenda.

2. Formalities for the start of the meeting:

Apologies and adoption of the agenda

The BSAC chair informed that all ACs had been invited to submit points to the agenda. The BSAC had coordinated the preparation of the meeting. The agenda was adopted and included two extra points from the MAC. The participants list is attached.

3. Discussion of proposals on how to improve the internal functioning of the ACs¹

The BSAC chair remarked that discussions on how to improve the internal functioning of the Advisory Councils was the overarching topic for the meeting, and the main focus of the discussions should be forward looking, rather than focusing on the challenges faced by the Advisory Councils in the past.

¹ NB: DG Mare invites input from the ACs by 11th December 2020 [not necessarily combined input]; sub-points provided by the LDAC

a) Round table of preliminary proposals from the ACs in response to the letter from DG Charlina Vitcheva, and discussion on possible ways to improve the functioning of the ACs and participation of members

The BSAC chair referred to the letter from the Director General Charlina Vitcheva, in which she had asked the Advisory Councils to reflect on how best to address challenges and promote best practices. She had invited all ACs to send in ideas and proposals by 11th December 2020. He asked all Advisory Councils to express their views on whether there should be a joint response to this letter. In his view, given the fact that the Advisory Councils face different challenges, and the time frame to respond to the letter limited, the Advisory Councils should respond to the letter separately.

Speaking on behalf of the BSAC, he informed that the BSAC is in the process of consulting its members and drafting a reply. It includes examples of best practices and initiatives taken to meet past challenges and make improvements. The challenges appeared to be escalating as the Baltic fish stocks go down. He underlined that the Management Team is a good tool to deal with everyday practicalities. He also referred to the external evaluation carried out by the consultancy Oxford Research. The results are expected in December, and will hopefully lead to some recommendations on how to improve the functioning of the BSAC. The BSAC had introduced theme sessions to allow for in-depth discussions of difficult issues. The chair of the BSAC Ecosystem-based management working group added that the BSAC had gone through an exercise to review the rules of procedure. Other positive changes in the BSAC include strengthened interpretation in the meetings.

The LDAC referred to similar experiences to the BSAC in terms of mandate and functioning of the Management Team, which is called a Bureau, and is composed of the Chairs and Vice Chairs of the GA/EXCOM and Working Groups. It meets at least 2-3 times a year generally one month ahead of the meetings. Regarding a performance review, the LDAC was pioneer in carrying out a full evaluation divided in two parts [one related to internal working, and decision-making process and follow up of advice; and another on external relations with international bodies such as FAO, EFCA or RFMOs, communication aspects and gender balance/equity issues].

The LDAC has full occupation of its seats on the ExCom, with the exception of one for the NGOs/OIG. More clear rules and guidance by the Commission are needed for stakeholders to know what to expect in terms of topics covered within our remit. The LDAC has tried to institutionalise the work of focus groups through pre-agreed ToR and a narrow mandate to deliver written proposals to WGs and ExCom. Although they strive for consensus, it is not always possible, and it is important to reflect in a clear and concise manner all diverging/minority positions.

In this sense, lack of consensus cannot mean lack of advice. Another important point is that members are loyal and adhere to the recommendations made by the LDAC within their organisations. Regarding the NGOs letter to DG, the LDAC is not facing

the problems mentioned, due to mutual trust existing amongst the members, but is looking at them carefully.

The AAC noted that its Management Team is an effective tool. There had been an attempt to improve the rules of procedure and statutes, and the AAC had worked on improving the quality of functioning of the AC through questionnaires to the members. There is more translation of documents. They were working on how to improve governance. Some members had left the AC due to the costs of membership and availability of time.

The MEDAC presented its structure, composed of the presidency, 5 vice-presidents (3 from the 60%, 2 from the 40%), 8 co-ordinators of working groups and focus groups. The president (of both ExCom and Gen Assembly) is impartial and has no vote. There are 6 working languages. If no consensus is reached, all minority statements are included in the recommendations. Scientific experts are engaged in meetings. The MEDAC statutes have resolved all internal problems, and the MEDAC did not have proposals to send to the Commission. In the view of the MEDAC representatives, each AC should send its own response to the Commission. A performance review should be done in all Advisory Councils in a co-ordinated way, and the results shared.

The MAC praised the functioning of its Management Team which had a balanced representation. The minority views are included in the recommendations. All issues are raised internally before going to the Commission. Focus groups are in place for more technical issues, whilst the political issues are left to working groups. The MAC has received positive feedback on its functioning, and did not anticipate it would be sending recommendations to the Commission.

The NWWAC presented its structure, which includes 4 Geographical Working Groups (West of Scotland, Celtic Sea, English Channel, Irish Sea), 1 Horizontal Working Group addressing aspects common to fisheries overall (for example climate change, marine litter etc), Focus Groups and Advice Drafting Groups. The current challenges were Brexit and the need to provide feedback to the Commission in connection with the NGO letter. The NWWAC recommended that the Commission carries out a campaign to ensure that stakeholders join and take part in the ACs and remain.

The PELAC informed that it had almost always produced consensus advice, but this was becoming difficult due to the challenges of the CFP and because of the membership. The PELAC has a simple structure, is functioning well and is open to internal discussions. The OIG had put forward suggested ways to improve the functioning of the PELAC, and had included incorporating into the statutes those things that worked well.

The PELAC had conducted an evaluation of its work, but there should be a performance review done by an independent body, together with an impact assessment on how to change the PELAC, since Brexit will have a big impact on it. The response to the Commission should be sent separately by each AC.

The NSAC informed that it had been a well-functioning and productive AC, but in recent years this had been a challenge. It has not been possible to always build bridges between the 40% and 60% groups, especially on environmental issues. After Brexit, the NSAC is planning to revise its statutes. The NSAC is looking for ways to attract new NGOs, since several had left in connection with Brexit. The fact that the Commission does not take into account the advice provided by the AC is a problem, and a performance review could be linked to assessing what influence the NSAC has on policy, including work in the regional group Scheveningen.

The SWWAC informed of its experience whereby some NGOs had departed, and this had initiated a process of reviewing the statutes and rules of procedure (2016-2018). Misinterpretation of these “new” rules appears to be a problem today, and it is important to explain them better to the new members. Things have improved, but NGOs are still being invited to send in their inputs, which will have to be reviewed by the ExCom and General Assembly. For that reason, the SWWAC would only send an initial reply to the Commission. The hard work of the SWWAC Secretariat was acknowledged.

The Black Sea AC is a small and relatively new Advisory Council. It has a Management team and working groups. Some focus groups will be established next year. Minority positions are included in the recommendations. Despite COVID, they have had a productive year of meetings.

The CCRUP is a newly created Advisory Council. The structure is similar to other ACs. The geographical distance between the members, time zones, as well as many different languages are a challenge.

The BSAC chair thanked all the Advisory Councils for their overviews. He encouraged them to share their recommendations on how to address the challenges with other Advisory Councils. He noted that a joint recommendation would be too challenging and, therefore, the ACs should send individual responses to the Commission.

The LDAC proposed to put together a document on good practices that can be presented to the DG MARE on the basis of the responses received from the members of the ACs.

Action points: 1. The Advisory Councils will send their individual responses to the Commission and will share them with the other ACs. 2. Best practice document will be drafted by the LDAC, and secretariats to share their experience for the next Inter AC coordination meeting with the DG MARE/MS, planned for January 2021.

b) Reflection on topics of shared interest for Joint ACs advice for 2021

By way of introduction, the BSAC chair referred to Article 42 of the Basic Regulation, which requires the ACs to coordinate positions on issues of common interest with a view to adopting joint recommendations.

The MAC brought up Brexit as an issue of shared interest. Brexit will have a huge impact, and it expressed the hope that things will become clearer on how an agreement on Brexit will look like in January. Then the MAC is planning to produce advice on Brexit, focusing on market issues. It would be interested to know how other ACs will react. The MAC also welcomed collaboration on several issues, especially environmental issues such as plastic litter etc. The MAC drew attention to the fact that producing joint advice might be quite difficult on some more sensitive topics.

The MEDAC reminded the meeting about the issues of shared interest on which the ACs could produce a joint advice: climate change, marine litter and invasive alien species. The MEDAC is not planning any advice on Brexit. On the Blue Economy it was working with the NWWAC. The Commission had sent lots of consultations and it was difficult to keep up.

The NWWAC had established a Brexit Focus Group, but it was difficult to make progress, given the current situation. The NWWAC referred to the joint ACs advice on the Blue Economy as a good example of joint work and invited all ACs to join. The NWWAC also referred to the joint ACs advice on marine litter as a good example of a harmonised approach. They supported a joint approach on agreeing on deadlines for meeting and delivering input towards joint ACs advice.

The BSAC commented that the BSAC was happy to look at the joint ACs advice on the Blue Economy with its ExCom members. Working on topics of shared interest should be brought up with the Commission in January with a view to developing some guidelines on how to deal with consultations, since joint ACs advice might have more impact. The chair of the EBM working group was concerned about the development of a super AC; in his opinion, the ACs should first of all prepare their own advice, because getting agreement on joint advice could be very challenging.

The LDAC was of the view that the Commission appreciated the joint advice provided by ACs in the past, and supported the idea of fostering collaboration for coming up with joint ACs advice on issues of common interest. It encouraged the Secretariats to follow up on shared topics, and to coordinate this work with those interested in topics such as deep sea access and VMEs, deep-water mining, plastics strategy, fight against IUU fishing, level playing field between EU and non-EU fishing products and blue economy. The Commission could provide guidance on what is expected from the ACs in terms of the near future in light of Brexit. Each AC has its remit and can become possessive of its issues, and this can give rise to conflict. Hence the need to coordinate and develop a system to produce advice. It cited the example of the functioning of the two EP Committees on Environment (ENV) and Fisheries (PECH) which gave advice to each other looking at who leads each topic. The LDAC had done similar work in addressing some of its advice related to trade issues to the MAC (e.g. ATQ for Tuna Loins for 2021-2022).

The PELAC supported the merits of having common positions, whilst being mindful of the way the ACs operate, and the fact that getting internal approval and meeting deadlines can be onerous. There is scope for improving the process.

They advocated bringing other ACs into the discussions, rather than presenting a final document.

The CCRUP brought up the need to translate all consultation documents into 3 languages, which makes it impossible to stick to short deadlines.

The BSAC chair concluded by noting the challenges, whilst at the same time there was the requirement for the ACs to engage on overlapping issues.

Action points

The ACs should continue to cooperate with each other on topics of shared interest for joint ACs advice.

The ACs should ask the Commission what they expect should be contained in the joint ACs advice and replies to consultations, in order to make them more focused.

c) Future developments for funding the ACs (the Commission's review of its annual contributions and calculation of lump sums to the ACs)

The BSAC chair referred to the financial seminar the Commission held with the ACs in June 2020. It had presented the revised guidelines on how to manage the funding, budgeting and reporting obligations. He also referred to the underspend by the ACs in the current year, due to COVID. The Commission had made it clear that it will not be possible to carry forward any unspent money, but the underspending will not affect future financial contributions to the ACs budget.

The MAC praised the new financial guidelines for being much simpler. It also raised the underspending due to COVID and invited ideas from the other ACs on how they would use the resources. For the MAC, the underspend will be invested in a new web site, and perhaps scientific studies.

The PELAC and the BSAC noted and encouraged that the underspend could be invested in external evaluations. The MEDAC noted that there is no consensus in MEDAC to spend the outstanding money on an external review.

The BSAC chair concluded that the ACs can communicate their discussions to the Commission and share their experience.

Action points

The underspending could be invested in external evaluations.

3c) Future developments for funding the ACs (the Commission's review of its annual contributions and calculation of lump sums to the ACs)

The ACs noted that the allocation of funding presented by the European Commission in April 2020 is preliminary. The allocations will be discussed at meetings of the ACs with the Commission, before signing new agreements.

The MAC informed that there will be variations in the amount of the lumpsum to be paid to each AC. This is expected to enter into force after the adoption of the new Multiannual Financial Framework. The Commission is expected to organise individual meetings with the Advisory Councils to help determine the amount of the lump sums.

The LDAC agreed with the comment made by the MAC and encouraged further in-depth discussion between the Inter AC Chairs, Vice Chairs and Secretariats with the financial team of DG MARE and DG BUDGET as soon as future developments in terms of criteria and requirements for allocating funds by lump sums based on work priorities on a multiannual are unveiled.

4. ACs participation at the EFCA meetings [BSAC]

The BSAC chair raised the issue of the ACs participation at EFCA meetings. All ACs are invited to the Advisory Board (twice a year). There is a rotation system for participation at the Administrative Board, where one AC represents all the other ACs for a period of 1 year (generally 2 AB meetings). These meetings are the only possibility to communicate important issues related to fisheries to EFCA. The potential of these meetings should be used in a better way. EFCA proposes to develop terms of reference for the Advisory Board meetings, so as to strengthen cooperation between the ACs and EFCA. It had invited input. The BSAC had sent in a contribution together with the PELAC, and other ACs had sent contributions. This subject was only briefly dealt with at the Advisory Board meeting in October. The BSAC asked other ACs to express their views on how to move forward on this matter.

The ACs exchanged the views on the AC representation in EFCA.

The LDAC supported the BSAC initiative, but made it clear that this would require an amendment of the EFCA Founding Regulation. It informed the meeting of the input it had provided to EFCA during the informal consultation process held in June 2020. The ACs were entitled to contribute to the review process the work of EFCA Advisory Board as they are best placed to do it as members of the Advisory Board. One AC could possibly represent all ACs for a longer period, so as to have more continuity, but this need to be agreed in advance by consensus or wide majority, as there seems to be divergence of views between ACs on this topic. They also spoke about AC delegations being adequately represented by members from both 60% and 40% groups, and the Secretariats whenever possible.

The MAC agreed with the importance of representation of members from both the 60% and 40% groups and the Secretariats, and at the same time saw the challenges of representation from the ACs, taking into account EFCA's legal basis, and the need to coordinate preparation and information flow ahead of meetings.

The BSAC Ecosystem based working group chair stated that this required a discussion within the BSAC, and it was for each AC to decide.

The NSAC supported the initiative and was willing to take part in a drafting group to develop guidelines on this.

It was decided to continue discussion on this matter.

Action points

The ACs Secretariats are to work out a small Joint AC Focus Group to discuss the possible way forward concerning the AC representation in EFCA.

5. Sharing/optimizing translation costs for some documents from Commission [CC RUP]

The outermost regions AC (CC RUP) raised the issue of optimizing/sharing the translation costs between the ACs who share common languages and want to save costs on their budget.

The MEDAC proposed to put pressure on the Commission to provide documents in relevant languages, including those on EU public/targeted consultations.

Action points

The AC Secretariats should further explore the possibility to share the translation costs in a coordinated and cost-effective manner.

6. AOB

a. Update of Joint AC maps / infographics [raised by the LDAC]

The LDAC offered to co-ordinate the update of Joint AC maps to make sure that all ACs are included (the latest version is from 2015 and only 7 out of the current 11 are reflected). At a request of the BSAC, they also offered the possibility of looking into a more interactive version of the map beyond the hard copy / static image including dynamic features where it is possible to click/zoom/access to more information for each of the relevant ACs.

The ACs took note, and agreed this could be a good idea.

b. The BIAC asked about membership of national agencies on the ACs.

The ACs confirmed that this was not possible according to the rules for the ACs, since national agencies and governments are considered as observers.

The BSAC chair thanked all Advisory Councils for participating in the meeting, for their input, and concluded that the agreed initiatives will be highlighted as action points in the report.

Taking part at the ACs meeting 25th November 2020

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