



**LDAC CONTRIBUTION IN RESPONSE TO DIRECTOR GENERAL LETTER
RECOMMENDATIONS ON HOW TO IMPROVE THE WORK AND FUNCTIONING OF THE ACs
AND ENSURE INCLUSIVENESS OF THE OIG (including NGOs)**

Endorsed by the LDAC Executive Committee on 10 December 2020

Reference: R-17-20/Excom

Performance Review – background and elements

The LDAC was the pioneer in carrying out under its own initiative a full independent and external evaluation of its functioning and performance through a mixed methodology of written rules, interviews to members, DG MARE officials, MS administration civil servants, and RFMO/EFCA staff as well as other external collaborators.

The performance review study was divided in two parts for budgetary and efficiency reasons:

1. Internal working, and decision-making process and follow up of advice;
2. External relations with international bodies (e.g. FAO, EFCA and RFMOs), communication aspects and gender balance/equity issues in EU fisheries policy.

The result of this work is reflected in the two so-called “strategic reports” that can be downloaded and accessed via the LDAC website:

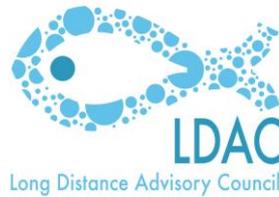
- LDAC Strategic Report No 1 (published in 2019):
https://ldac.eu/images/LDAC_web-compressed_Performance_Review.pdf
- LDAC Strategic Report No 2 (published in 2020):
https://ldac.eu/images/FINAL_PerformanceReview_II_v5.2_compressed_26_05_2020.pdf

The recommendations made by the consultant to improve the functioning of the LDAC are appended to this document.

Impartiality of Chairs / Vice Chairs – Coordination at the “Bureau”

The Chairs and Vice Chairs play a fundamental role in the work of the LDAC. They have the obligation to remain neutral and impartial at all times and represent the interest of the LDAC and not from their own organizations. This is key to ensure there is trust in the policy shaping process. Since 2015, regular meetings of the Bureau (called Management Team in other ACs) have taken place to discuss work priorities for the LDAC. The Bureau is composed of the Chairs and Vice Chairs of the GA/EXCOM and Working Groups and is a forum aimed to have a common vision and coordinated work priorities among all LDAC bodies.

The LDAC Bureau meets at least 2-3 times a year generally one month ahead of the WG/ExCom meetings. Related to their balance, they have both fishing sector and NGO/OIG representatives (1 industry rep + 1 NGO) for each of the WGs.



Consensus / insertion of minority positions

Although the LDAC strives for consensus when producing advice, it is not always possible. For that reason, it is important to reflect in a clear and concise manner all diverging positions (stating when they are in clear majority or minority or rather are individual).

In this sense, lack of consensus can never mean lack of advice provided there are no major conflicts or extreme polarisation of views.

Another important point is that members are loyal and adhere to the recommendations made by the LDAC within their organisations. This is easier through frank dialogue and adequate reflection of views thorough the advice building process.

Work relations and trust between AC members

The LDAC is not aware, following internal consultation amongst its own members, of facing any of the specific problems mentioned in the NGO letter submitted to the attention of DG Vitcheva in September 2020. The main reason is the good level of mutual trust existing amongst the members from the fishing sector and the other groups of interest. This can be partially attributed to strict compliance with rules of procedure in terms of consultation and adoption of decisions as well as continuous (both formal and informal) feedback and communication between Secretariat and members (both individually and as a group) to clarify changes in the content or modifications made to the advice.

However, the LDAC remain fully committed to address those shortcomings identified in the performance review and implement specific actions to improve its functioning, through periodic monitoring and consultation with members as this situation might vary overtime.

Occupation of seats

The LDAC has near full occupation of its seats on the ExCom (24 out of 25) both for the fishing sector and the OIG, with the exception of one for the NGOs/OIG as a result of the withdraw of one NGO (BLOOM) last year. This temporarily vacant seat is expected to be fulfilled again soon at the next GA as there is an increasing number of NGO applying for admission at the LDAC.

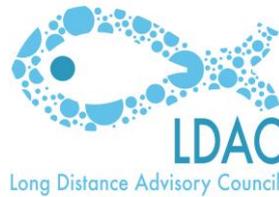
Work of Virtual Meetings and Focus Groups

The LDAC has developed a clear protocol in writing to articulate the work of virtual meetings as a result of COVID Pandemic.

The LDAC has also tried to institutionalise the work of topic-based focus groups through pre-agreed ToR and a narrow mandate to deliver written proposals to WGs and ExCom.

Next steps - Preparation of next Inter-AC coordination meeting with DG MARE (18 Jan 2021)

The LDAC is planning to table a document showcasing good practices that can be presented to the DG MARE and other ACs on the basis of the responses received from its membership.



Proposals for improving work coordination and feedback between the LDAC and DG MARE

- The LDAC suggests having regular bilateral meetings (either face to face or virtual) between a small delegation of LDAC and DG MARE representatives involved in our work. This would enable us to exchange views on work priorities and adjust strategies and make adaptive planning where possible to meet the changing demands of the European Commission in terms of consultations and contribution to technical meetings/workshops/international fora such as RFMOs.
- The LDAC wishes to have the RFMO Scientific Council reports (NAFO, ICCAT, IOTC) available as early as possible in order to prepare LDAC views for the technical coordination meeting with the Commission.
- The LDAC wish to increase the visibility and weight of the Advisory Council positions submitted via contributions and replies to EC targeted and public consultations. These contributions should be prioritised from those received from individual citizens/organisations as they involve a wider range of views and have been established by the Commission as advisory bodies on fisheries and aquaculture management measures. Furthermore, the AC replies are carefully drafted based on technical knowledge and expertise. They are a result of a deliberative process which ends in a balanced compromise position (in the majority of cases by consensus).
- Where possible, collaborative work between ACs in topics of shared interest should be made feasible – the aim is to produce multi ACs joint advice between some or all of the ACs depending on topics discussed. There are already several examples of this collaborative work in areas such as Fight against IUU fishing, deepsea access regulation, plastics and marine pollution, blue economy, or shared stocks, amongst others.
- Both DG MARE and the LDAC are encouraged to revise their communications plan and strategies targeted to make the work and value of ACs more visible and relevant and disseminate core messages regarding usefulness of their advice in terms of sustainability, transparency and governance in the specialised media and social network.



Annex – Performance Review Recommendations (author: BG Consulting)

Analysis of decision-making process and quality of production of advice in the LDAC:

The atmosphere in the [LDAC] meetings is relaxed yet constructive. The Chairs and Secretariat team ensure a respectful and professional working environment and dialogue is fluid. Freedom of speech is absolute. Observers are allowed to speak after the members, provided there is sufficient time and that the Chair gives them the floor following prior request.

Following the majority view, the trust building process between members (and especially between other interest groups including NGOs and the fishing sector) has grown remarkably since the creation of the LDAC¹. It is one of our main achievements, where a high degree of trust in some cases or at least some kind of empathy has emerged between the Fishing Sector and NGOs, allowing an exchange of views in an open manner and to better understand the reasoning and motivations of one another.

The quality of the advice basically relies on the preparatory work, which has been carried out in advance by the Secretariat and the Chairs with a handful of committed key members participating actively in the process (for example: the advice on NAFO).

In addition to the regularly scheduled Working Group meetings, there are ad hoc task forces/Focus Groups and regular coordination meetings which are planned in advance to draft the LDAC position.

LDAC's advice accurately reflect the various opinions among the members. Consensus appears to be well established and understood as a basis to trigger efforts towards bridging diverging opinions over time with several versions of drafts being circulated to iron out those differences.

The Chairs and Secretariat puts efforts in acting as facilitators and fostering informal dialogues between members and parties with diverging positions or potentially conflicting comments in the advice to iron out the differences and find a compromise text acceptable for both during the consultation procedure. In case where minority opinions are requested, they are clearly stated in the advice either by individual organisations or by blocks (i.e. fishing industry vs. NGO representatives).

The issue of diverging opinions in some cases was difficult to deal (as an example: the impossibility for LDAC to agree on its annual advice for the ICCAT annual meeting in 2018). It obviously appears that when consensus is the basic ground to start discussions (such as for example discussion within the industry on the FAR regulation), the quality of the advice is far better as members have common interest and motivation in driving forward the process to provide an evidence-based detailed advice.

¹ This has been noticed and is much appreciated by the EC civil servants which work with the LDAC.