

LDAC PERFORMANCE REVIEW

Internal functioning

BG SEA CONSULTING

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Background

The Long Distance Fleet Advisory Council (LDAC) is an EU fisheries stakeholder body co-funded by the European Commission and recognized by the CFP Regulation (UE) No 1380/2013 as an organization aiming a European Interest. It was established in 2004 by virtue of the Council Decision (EC) No 585/2004, and became operational in May 2007.

In occasion of its 10 years of existence, the LDAC Chair and General Secretary jointly proposed at an Inter AC coordination meeting with the European Commission held in December 2017 that the DG MARE carry out an overall performance review of all long running Advisory Councils. It was reminded that the Commission already published a Communication on the review of the functioning of the ACs in 2008, whereas only 4 ACs were duly established (COM 2008/364).

The Director of DG MARE chairing this meeting replied that this was not foreseen within the EC work priorities but encouraged the LDAC to lead by example and perform their own performance review to set a methodology and share conclusions that would be of interest for similar exercises for other European Advisory Councils as well as for the various European institutions with special interest in the work of the ACs within the Common Fisheries Policy.

As a result, a procedure for call for interest was presented before the LDAC members of the General Assembly, which agreed to proceed in May 2018 to undertake an external performance review and assessment of the work and functioning of the organisation in order to identify good practices and margins of improvement.

The initial terms of reference provided (appended concept note and list of questions, see Annex 1) clearly distinguishes what deals with the internal functioning of the organization (functioning of working groups and executive committees, participation of members at meetings, performance of chairs and secretariat...) on the one hand, and what deals with its external performance considering in particular its relationship with the European Commission and the various RFMOs of interest for the European fleet.

However, on the basis of the limited budget assigned and initial exchanges of views with the LDAC secretariat and the LDAC coordination meeting, **the current study has limited its scope to the following issues:**

- Organisation of Working Groups
- Analysis of decision-making process
- Quality of production of advice and feed-back from the EC
- Promotion of transparency

Other important issues were decided to be left out of the scope for the current work but might be evaluated or looked at in the future, e.g.:

- Performance of LDAC chairs and secretariat
- Cooperation and working practices with international organizations such as FAO, RFMOs, EFCA, COMHAFAT, ...
- Communication policy and outreach
- Aspects related to gender balance

Methodology

The review relies on three main sources of information: 1. qualitative face-to-face and remote interviews; 2. analysis of existing documentation and legislation; and 3. observance and attendance to LDAC meetings.

A kick off meeting has been held during LDAC coordination meeting (13th of September 2018) to further clarify specific requests and most important topics for LDAC. Timelines for the various deliverables, participation of the consultant to LDAC meetings and working methodology has been confirmed.

Qualitative semi-structured interviews with LDAC members (see interview guide in Annex 2) have been carried from October to November 2018. They allow to go in-depth into the functioning of the LDAC, starting from the members' reasons to participate, through the functioning of the working groups up to the quality and impact of LDAC's advices on the European Commission proposals. **Similar interviews have been carried with various European Commission officials** (see interviews guide in Annex 2) following the same items but focusing on the expectations of the European Commission's officials.

The interviews have been processed through a **thematic analysis**, spreading the various comments and opinions throughout the various items pointed in LDAC's initial Terms of References (see Annex 1). Majority and minority views have been identified as well as specific recommendations or proposals that appeared relevant to the auditor.

Participation to last LDAC meetings (working groups' meetings on the 23rd and 24th of October, executive committee meeting on the 3rd of December and the inter AC meeting on Impact of Brexit in the composition, functioning and performance of the Advisory Council on the 4th of December). Specific attention has been paid to the different steps of the meeting (see the matrix used for the analysis of the meeting in Annex 3): preparation and introduction of the issues to be dealt, participation and facilitation process, conclusions and decisions taken.

Analysis of available documentation includes the reading of annual work programmes and activity reports for the last two exercises (2016/2017 – 2017/2018), the LDAC status, and a selection of various LDAC's advices and European Commission replies selected through exchanges with the LDAC secretariats and suggestions from LDAC members.

Interim conclusions and proposals have been delivered to the LDAC Executive Committee on the 3rd of December, followed by exchanges of views with LDAC members. The final report has been submitted by the end of 2018 to LDAC secretariat, chairs and vice-chairs.

It must be noticed that the **scope of the assessment has been limited to the last two LDAC exercises (2016/2017, 2017/2018)** in accordance with the LDAC secretariat.

Data and Information

- **Qualitative structured personal interview with members and EC civil servants (average duration of 30-90 minutes each)**

Interview with LDAC members	
Béatrice Gorez	CFFA-CAPE
Marc Ghiglia	UAPF, CNPMM
Julio Morón	OPAGAC
María José Cornax	OCEANA
Despina Symonds	EBCD
José Antonio Suarez-Llanos	ARVI
Juan Manuel Liria Franch	CEPESCA
Jane Sandell	NFFO
Michel Goujon	ORTHONGEL
Raul García	WWF Spain
Gerard van Balsfoort	PFA
Ivan Lopez	AGARBA
Frédéric Le Manach	BLOOM
Roberto Carlos Alonso	ANFACO-CECOPESCA
Juan Manuel Trujillo	ETF
Interview with EC civil servants	
Ernesto Penas Lado	Former DG MARE Principal adviser, CFP policy development (retired)
Isabelle Viallon	Fisheries Policy Officer, DG DEVCO
Stefan Depypere	Former Director of International Ocean Governance and sustainable fisheries, Directorate B DG MARE (retired)
John Brincat	International relations officer, main EU negotiator before UN
Pascale Colson and Amalia De Diego	Policy Officer and Coordinators for ACs in DG MARE
Veronika Veits	Former Head of Unit, regional fisheries management organisations, DG MARE
Angela Martini	International relations officer, RFMOs, DG MARE
Anders Jessen	Head of Unit of RFMOs in DG MARE and lead negotiator in NAFO, ICCAT and IOTC; Acting Director International Ocean Governance and sustainable fisheries
Interview with the LDAC secretariat staff	
Alexandre Rodriguez	General Secretary (various interviews)
Manuela Iglesias Alonso	Policy officer
Marta de Lucas	Administrative management

- **Assistance to LDAC meetings in last quarter of 2018**

LDAC Bureau, Chairs and Vice Chairs Coordination meeting, 13th of September (Madrid)
 Coordination meeting between the DG MARE and the Advisory Councils (Inter AC), Brussels 16th of October
 WG1, 23rd of October (Brussels)
 WG4, 23rd of October (Brussels)
 WG5, 24th of October (Brussels)
 Executive Committee meeting, 3rd of December (Madrid)
 Inter AC seminar hosted by the LDAC on Impact of Brexit in the composition, functioning and performance of the Advisory Council, 4th of December (Madrid)

- **Analysis of LDAC advices and replies from the European Commission (September 2015 – December 2018)**

Recommendations – LDAC conference on external dimension of the CFP, Las Palmas de Gran Canaria, 16-17 September 2015

Improving implementation of the EU regulation to fight against illegal, unreported and unregulated (IUU) fishing – R-08-16/WG5

Improving implementation of Council regulation (EC) 1005/2008 to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing – joint opinion LDAC-MAC-MEDAC

Draft advice on BBNJ process – governance and quality of the expertise – November 2017

Request to improve data quality and methodology for the EU distant water fleet (DWF) under the STECF Annual Economic Report (AER)

LDAC advice on EU commission proposal for sustainable management of the external fishing fleet Fishing Authorization Regulation (FAR) – R—04-16/WG5

Recommendations for ensuring a robust new Fishing Authorisation Regulation (FAR) – R-10-16/WG5

Request for clarification about access to Chilean ports by the European surface longline fleet – May 2018

LDAC advice in preparation for NAFO 40th annual meeting, Tallinn (Estonia), 17-21 September 2018 – R-02-18/WG2

Transparency and accountability of the SFPAs sectoral support – November 2016

LDAC advice on the role of fishing agents by the Eu fleets targeting straddling stocks and highly migratory species within the framework of SFPAs – R-07-17/WG4

Improving Eu actions for International Fisheries Governance in the Atlantic and Indian Oceans –May 2018

Propositions provisoire à un avis du LDAC concernant la réglementation sur les subventions à la pêche – Version 3, Novembre 2018/WG5

Draft LDAC recommendation on strengthening the European Union role in the field of International Fisheries Governance – November 2018

- **Members' and observers' attendance to LDAC meetings for the last two working and financial years (2016-2017 and 2017-2018) – See Annex 4**

Findings

Participation and organisation of LDAC meetings

- [Motivations to participate in LDAC meetings](#)

As for LDAC members, they all argue that one of their main motivations is to bridge the gap in terms of dialogue and mutual understanding between the fishing industry sector and the other groups of interest, namely NGOs.

“We were missing the Advisory Councils. Relationships with NGOs are very positive. They have understood our own reality. We have understood their statements”
Fishing sector representative

Up-to-date and regular information about other fleets (activity, economic performance...) comes also close as a driver for participation. Some members do also value the influence the LDAC has on policy shaping and legislation (e.g. NGOs and industry delegates directly participating at NAFO technical coordination meetings). Their personal investment in terms of time oscillates between 5 days a year up to 25 days a year in average (including travels, meetings and desk work) depending on the level of membership (GA, Ex.Com, WGs), with one member suggesting “the appropriate investment being between 20% and 40% of a full time equivalent”. The members consider their investment to be valuable as they are sparing time by meeting people they need to talk to, but also by the legislative changes the LDAC has been able to obtain.

As for EC civil servants, they consider the LDAC to be an effective communication channel to exchange views between stakeholders on key policy matters. They are satisfied with its overall functioning, as on one side it is a helpful platform to convey information on policy changes and legislative proposals and on the other side it is useful to grasp information and feedback from members with technical expertise, with special emphasis concerning international negotiations with third countries or at multilateral level (UN/FAO/RFMOs). A specific quote shall be made on international issues such as the UN intergovernmental conference on Biodiversity Beyond National Jurisdiction where the LDAC input is much appreciated and would likely be one of the core work priorities for the coming years.

“They are very well prepared, they are very receptive. This is a good mix and they have learnt how to work together”
EC official

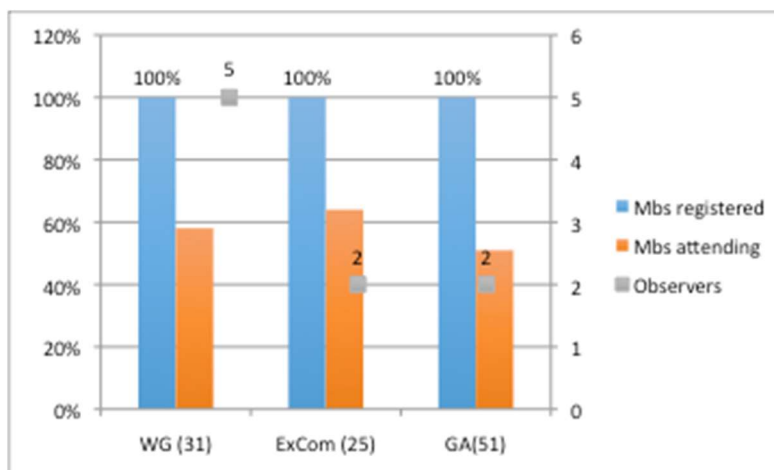
Participation to LDAC meetings

The **LDAC has, with date December 2018, 52 members** counting on 35 members from the fishing industry, 10 members from the NGOs, 5 members from the processing industry, 1 member from the trade unions, 1 member from recreational fishing.

Considering participation to the **working groups**, the average participation along the last two evaluated financial years is of 18 members (out of 31 members registered on average) participating to meetings, and 5 observers.

Considering participation to the **executive committee**, 16 members of the executive committee (out of a total of 25), are participating and 2 observers.

As for the **general assembly**, 30 members out of 51 participated in 2017 (and 3 observers), and 23 out of 51 in 2018 (2 observers).



- Organisation of the working groups

The LDAC is structured around five working groups:

GT1 - Highly Migratory Stocks and Relevant Regional Fisheries Management Organizations
GT2 - Regional Fisheries Organizations and North Atlantic Agreements
GT3 - Rest of RFMOs and high seas waters not covered by RFMOs
GT4 - Bilateral Relations with Third Countries
GT5 - Horizontal Issues

Current situation:

Working groups cover many important topics for the EU external fishing fleet. Useful background and supporting documentation is being provided in advance for the meetings by email or via the LDAC website. Technical experts from various backgrounds (scientific, economic, legal, environmental, academia...) are invited to give input to the meetings. Logistics is adequate with accessible meeting rooms open to observers. EC participation is high and it is undoubtedly a very important success of the LDAC. The secretariat follows up pending actions and prepares working groups agendas in close collaboration and consultation with the chair and general satisfaction has been expressed on this point.

Margins for improvement:

A lot of topics are being covered through the LDAC five working groups. Number of meetings appears to be insufficient to address and give input to the various topics and thus preparation is essential, yet lacking for some issues. It seems that few topics are being proposed by the NGOs outside the scope of Working Group 5, the most appealing to them as it deals with horizontal issues (Control, IUU, SMEFF, international ocean governance...). Concerning this specific working group, the agenda appears overloaded and a distinction would be useful between contributions to EU policy on the one hand, and horizontal issues such as ocean governance on the other hand.

Therefore a proposal for the LDAC reorganization is being submitted at the end of this report (see page X). It is proposed to reduce the number of formal working groups to three that will meet only once a year. In the meantime focus groups – limited to specific items and with a limited number of attendees – would meet on a more regular basis through modern communication means (phone or internet meetings).

"I am always advocating for organizing more on-line meetings and limiting as much as possible physical meetings. We are all overloaded".
Fishing sector representative

- [Running of the meeting](#)

Current situation:

Meetings' atmosphere is rather relaxed. The chair and secretariat ensure a respectful and professional working environment and dialogue is fluid, yet limited to some members only. Interventions are generally of very good quality, with very well informed members. Freedom of speech is absolute following interviewees' opinions, yet some members point they do not intervene because of various reasons (lack of knowledge, fear to provoke some dissatisfaction around attendees, lack of preparation in advance of the meetings, ...). Observers are allowed to speak after the members provided there is sufficient time and Chair gives them the floor following prior request and identification.

Following the majority view, the trust between members (and especially between NGOs and the fishing industry) has grown considerably since the start of the LDAC and this is being noticed and appreciated by the EC civil servants. It is one of the main achievements of the LDAC where a high degree some kind of empathy has emerged from both part, each one understanding better the reasoning and objectives of the other.

Margins for improvement:

Attendance to the meetings is high but active participation and own initiative proposals for advice based on agreed strategic work are actually limited to a few members with genuine opinion and technical knowledge on the issue being dealt with. The majority of the interventions come from industry members with some NGOs not participating to the debate. Some working groups suffer from weak facilitation process and interventions are often reactive and limited to questioning the EC rather than a more proactive approach of coming up with own initiative proposals.

“There is a huge issue about debating. A lot of NGOs are silent and do not have the culture of debating. There is a lack of experience about confrontation. Yet they do have information, content.”

NGO representative

Most industry members remark that it is hardly possible to deal with some specific issues due to confidentiality of data or information issues and for that reason sometimes some interesting debates which might happen at the LDAC are not being proposed because persistent mistrust of some members despite its relevance (e.g. ICCAT recommendations on tropical tunas).

Therefore it would be advisable to invest on a more professional facilitation process in order to guaranty everybody's opinion is being taken into account (see recommendation 2, page 19).

Consideration on the added value of physical meetings

Members participating to the meetings do all have very busy agendas and having them in the same room is very precious. However it appears that very few topics are actually calling the attention of the majority in the room and triggering their participation.

Extensive scientific presentation or administrative matters regarding the management of the LDAC do not attract attention and it would probably be advisable to limit presentation in time and approve administrative matters through electronic consultation.

Efforts should be put on identifying in advance topics that actually trigger debates among the several attendees, which is giving the best use of the meeting's time. It is probably much more valuable to spend one hour debating on a specific and limited issue only rather than jumping from topic to topic without time to enter details and understand various positions at stake (not to say loosing attendee's attention because they are overwhelmed by information).

LDAC Advices

- Quality of LDAC's advices

Current situation:

Its members considered LDAC's advices as good advices, underpinned by factual evidence, and accurately reflecting the various opinions among the members, consider LDAC's advices. It seems that LDAC has chosen to produce few but qualitative advices that are being worked out conscientiously over the years. Consensus appears as a wise basis to trigger efforts towards bridging diverging opinions.

As for EC civil servants, the evaluation of LDAC's advices greatly diverges from one advice to another. Whereas advices on NAFO, EU norms, or international issues are considered as **very useful**, others as the recent ones on tuna RFMOS **do not bring added value** compared to the available information.

"I am used to come to give information. I do not understand the added value of the LDAC. I do already have their input from other sides: mails from the fishing sector, from the member states, the agenda is often out-of-date, and there is no technical input. [...] We rather work with our network of scientists and internal consultants because they are out of the politics."

EC official

The Secretariat puts considerable efforts in acting as facilitator 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).

"With the experience acquired over the years, we are used to understand the members' motivations, positions and reasoning, and to identify common grounds and solutions."

LDAC secretariat

Margins for improvement:

Systematic information should be brought to the advices' writing with tracking process to provide information such as main author or rapporteur, contributors, versions circulated and date of adoption (by consensus or majority) for the sake of transparency. Some members argue that consensus is also preventing or diminishing advices on difficult and important issues, "watering down" the substance of the advice. If there is an over whole shared opinion of not going towards a voting procedure, stress is also being put on the importance of presenting diverging views and opinions.

The work of the secretariat is very positive and instrumental as it often succeeds in finding compromises and identifying common grounds. However this work should be publicly available for the sake of transparency. A solution would be to use available electronic software that allow to reach common position while every members are able to track the changes in the document (see recommendation 2 at page 19).

Consideration on the value of consensus

It could be questioned why the CFP Basic Regulation (EU Reg. 1380/2013) requires AC's advices to be based on consensus. Whereas they do not have any binding nature character, if opinions or stakes are diverging in the positions submitted, stakeholders may therefore have more interest or chance in lobbying directly the EC, the European Parliament or the Council rather than making effort to reach a consensus with no legal weight. In addition consensus can be de facto giving more weight to minority views because they can eventually block a proposal that the vast majority is sharing.

Analysis of main features in the LDAC advices

*The quality of the advice basically remains on the **preparatory work**, which has been carried in advance by the Secretariat and the Chairs with committed key members participating actively to the process (c.f. advice on the FAR regulation, or on NAFO). In addition to the official Working Groups' meetings, other task force or coordination meetings are planned in advance to elaborate the LDAC position.*

*Reading some LDAC's advices (see Data & Information), it clearly appears that while some really **go into the details** and refer to technical or legal specificities of a regulation (questioning or rephrasing articles of a draft regulation), others focus on practical matters or a factual situation (questioning for example the role of fishing agents within SFPAs or the impossibility for the EU surface longline fleet to land in Chilean ports. However there are still advices or position papers that remain limited to general considerations with no concrete and measurable contribution to the process.*

*The issue of **diverging opinions** remains difficult to deal with considering the recent impossibility for LDAC to agree on an advice for the ICCAT annual meeting in 2018. It obviously appears that when consensus is the basic ground from the start of the discussion (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 providing a detailed advice.*

- [Influence of LDAC advices and feedbacks from the EC](#)

Current situation:

The DG MARE services of the EC reported that they usually read carefully the LDAC advices and they quoted as good examples recent advices on how to improve management of deep sea bottom trawling or recommendations for negotiations at NAFO Annual Meetings as useful work.

“Yes, our advices do influence the European Commission but it varies a lot. Look at the deep sea fisheries’ management: the influence came from the NGOs and the wider public. It always depends whether there is a stronger voice when it comes to the decision, or no. NAFO is a very good example: there is a close collaboration between the fishing sector and the European Commission and it took our proposals on the 3M cod for instance.”
Fishing sector representative

Margins for improvement:

The majority of the LDAC members still doubt about the influence of their advices and think that the European Commission hardly ever takes them into account in their legislative proposals beyond the formal replies. Many also think that members can be much more influential by working out of the LDAC scope (either directly towards the EC services, towards the European Parliament or towards their own Member State). There is an urgent need to follow-up and monitor the way LDAC’s advices are being used after their release and their integration into legislative proposals. The value of consensus shall be giving priority compared to advice from individual organisations (regardless they are members of the LDAC or not).

“We are losing track of the decisions that have been taken. We would need a kind of traffic light approach to understand in what extent our advices did have an effect”.
Fishing sector representative

“Yes the LDAC is influential: on sharks, tuna RFMOs, FAD, ocean governance... it is more a dynamic I am observing, rather than a monitoring I have done. I don’t know whether it came from the LDAC or from elsewhere.”
NGO representative

Criteria explaining whereby LDAC advice and recommendations are taken into account

It is not obvious to identify the benchmark or indicative criteria as even the EC civil servants hardly ever answered this question referring in general words to the basic regulation and the need for the advices to be aligned with the CFP principles. However, in a specific interview to a EC official, three criteria have been quoted regarding advices towards RFMOS which worth to be mentioned:

- 1. Is the advice aligned with the scientific advices?*
- 2. Is the advice compatible with the Member States and Council's position?*
- 3. Is the implementation of the advice feasible in practical terms?*

For the latter, it is important to refer to the original purpose of the advisory councils to provide a "reality check" of EC regulatory initiatives based on stakeholders' knowledge and practices.

Responsibility of the EC services

As far as the current system does not foresee any binding advisory role and therefore legal weight to the AC's advices, there is a risk that the whole system remains flawed with no clear commitment from stakeholders unless there is a step up on the next CFP reform, as their influence in the EU decision making process in the field of fisheries management, although increased substantially in the course of the last 10 years, still remains relatively limited.

Without expecting a much needed but uncertain change in the future basic regulation, good practises are worth to be underlined. It clearly appears that for some issues, the EC services are recipient of the LDAC's advice but do not put any specific attention to the consultation process the LDAC is carrying other than attending LDAC meetings as per invitation. In other cases, the EC civil servants or DG MARE units might be committed to work with the LDAC, sharing opinions or requesting specific advice through informal and bilateral technical preparatory meetings, for example in relation to UNGA processes and resolutions or certain RFMOs such as NAFO. The latter is clearly giving the best use of the Advisory Council as its members are in capacity to give inputs and compromising on direct and specific requests from the EC civil servant in the course of the legislative proposal.

The current functioning advices/answers from the EC is quite rigid, hierarchical (any answer has to go through the different ladder rungs of the DG MARE) and limiting the potential of cooperation between the EC and the LDAC.

"The Commission consultation process includes implicitly a process of cooperation between AC members. Consultation and cooperation are two different participation processes. A consultation is usually limited to collecting stakeholders' opinions without seeking agreement between them. In comparison, a cooperation process is more interactive and implies a back and forth exchange of ideas between participating stakeholders and the authorities initiating the cooperation process until an agreement is reached. In the case of the RACs, the Commission asks members to cooperate until they reach an agreement between themselves, but does not engage itself to give any guaranty the agreement will be taken into account¹".

¹ Consultation: a troubled process needing improvement. Performance assessment of the South Western Waters Regional Advisory Council (SWW RAC). Pascale Baelde, June 2011.

Transparency

Current situation:

Transparency of the LDAC functioning, consultation and production of the advice does not appear to be an issue for members and the EC services. Both consulted parties are very satisfied with the LDAC's functioning and the work of the Secretariat in this aspect.

The LDAC joined to the EC Transparency Register in 2015 with reference number 905805219213-67.

More info:

<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=905805219213-67>

The information contained here included an update on the financial contributions received as well as the members' composition and the core work priorities. The LDAC uses this reference number when submitting positions papers in relation to EU public surveys or consultations on EUROPA Website in accordance with the "Better Regulation" Agenda and Guidelines.

The LDAC has replaced its pre-existing data protection policy with the provisions of the EU General Data Protection Regulation 2016/679 in terms of data storage and handling and communications with its members, observers, services suppliers, contractors and third parties.

Margins for improvement:

Systematic information on each member organization (e.g. list and composition of membership, ownership, flow charts) would benefit the LDAC's transparency as whole. Indeed it will allow to precisely know what interests each member is representing.

The Secretariat has initiated an exercise of compiling specific data sheets for each of members' organisations containing such type of data but in order to process applications for new membership and update the census but has obtained little feedback or rate of response for the time being.

There seems to be an issue about the selection of working priorities. Whereas it is normal that the chairs and vice-chairs are responsible for drafting the agendas, members may propose other topics. Some wider consultation of the General Assembly could be considered as to reset LDAC's priorities in the LDAC Annual Work Programme. Besides, there are no deadlines being set for providing documents in advance to the meetings, which, in some cases, may hinder proper coordination and preparation of the members in advance of the meeting.

Evolution and strategic approach for LDAC's input

The LDAC has been able to build a very serene and productive working atmosphere between its members during its 12 years of existence and there is a high degree of trust built amongst its members. Some well-established and respectful professional relationships have also been built with some EC civil servants over the years generating trust and confidence throughout the iterative deliberation and consultation process. Some difficult issues are being dealt such as disciplining harmful fisheries subsidies or assessing impact of closures or VMEs whereas it would have been very unlikely some years ago.

However a huge issue remains on the LDAC's capacity (not to say possibility) to address conflicting issues. It is **therefore crucial to better identify areas where there is common ground and interest to progress**, leaving other contentious areas aside. There seem to be a general agreement on the following work priorities:

- **Contributing to improve the conservation and management** of the living marine resources (data collection, precautionary approach frameworks, harvest control rules, management strategy evaluations...),
- Fostering the **implementation of a level-playing field of EU** and International Fisheries Law provisions at international level (IUU, social rights...), both amongst EU fleets; and between EU and Non EU fleets.
- **Strengthening LDAC's role in the cooperation policy** and local development in third countries
- **Establishing partnerships with regional and international organisations** such as COMHAFAT, FAO, IOC, etc.
- **Promoting an Ecosystem Approach to Fisheries Management** through the protection and conservation of the marine environment (VMEs), while looking at other marine users with which fisheries are competing with and who may have more adverse impacts on the marine environment and the seafloor (e.g. deep-sea mining, extraction of oil and gas...).

On the contrary, issues where there is a high competition between fleets for access to fishing grounds, quota allocations or conflicts in transparency and accountability within the fisheries value chain remain very difficult to solve within the AC. Indeed each member has its own strategy to gain advantage on its competitor and they may not have freedom or mandate to comment on this as LDAC as meetings are public and transparent, with minutes duly recording the statements of members and made available to any interested party once formally adopted via the LDAC website.

"The LDAC did not clearly defined the point where debates shall stop, between issues about assessment and management and issues about quota shares and access. It should focus on the assessment and management side. It is already a very big remit. [...] The LDAC is very good in organizing big events, in networking."
Fishing sector representative

Main recommendations

R1. Strategic planning. Reset LDAC's core priorities indicated in the work programme through an extensive consultation of the General Assembly members focusing on the four work priorities identified (management of resources, creating a level-playing field at international level, strengthening LDAC's role in the policy coherence for development, adopting an EBAFM, or promoting EU role in international fisheries governance).

Explanation:

After 12 years of existence, the LDAC has extended in many different horizons, grasping continuously additional topics. 9 priorities are being quoted in the annual work programme and working groups cover a huge amount of topics.

Tool and tasks:

- *Executive committee to launch a general consultation exercise*

Resetting LDAC's priorities, focusing on the work priorities where there is common ground, and addressing these priorities on a multiannual basis would certainly allow the LDAC to internally clarify its strategy, raise its profile and recognition from other bodies, and be more influential.

R2. Foster informal and collaborative work to increase the preparatory work. Establish time-limited and targeted focus groups composed of 4-5 members with legitimate interest and genuine knowledge on one topic. Include also 1 appointed scientist or expert and inviting the EC services' focal point.

Explanation:

The very important number of topics being dealt in each working group relies on a more intense preparatory work and ownership by key members and experts, building trust between the main players. Input from science and the European Commission would allow building proposals based on the scientific advice and aligned with the European Commission needs priorities.

Tools and tasks:

- *IT software to boost collective intelligence*

*Such proposal would go along with **implementing more flexible ways of working, privileging electronic consultation** whenever possible. In addition some **IT software** may be used as to facilitate the proposal and preparation of a common positions (for example through a customised password-protected or restricted area for members in the LDAC website or through software products²) and enabling for every LDAC members to track the status of a draft position or document, from original proposal to the final stage.*

- *Secretariat to administrate the software and collect members' knowledge and data*

The secretariat would set deadlines for contribution. As active participation from members into this new device is uncertain, the secretariat would also need to spend more time to collect members' knowledge on the issue at stake while it has been acknowledged that sometimes advices do not benefit from full members' contribution because of time shortage and limited knowledge and/or availability.

- *Executive committee to monitor and check the progress of proposals*

***The Executive Committee would be the final authority or body responsible to track the progress of proposals.** Indeed the secretariat is sometimes in front line for giving the go-ahead for a member's proposal. On the contrary the secretariat may have difficulty to go ahead with a proposal as it might compromise its neutrality and/or go beyond its allocated mandate, with the result of some members rising complaints about it. It shall not be the secretariat's role to act as arbitrator of proposals but the Executive Committee's one to ensure impartiality.*

² For example: © www.innocentive.com, © <https://democracyos.eu/>

R3. Follow-up of advices. Monitoring the impact of an advice should be done systematic basis as to more precisely identify their influence and track the contributions in the legislative proposals discussed and/or adopted by the European Institutions (European Commission/MS-Council).

Explanation:

As the LDAC advice is only one piece in the EU consultation process for decision-making, it would be valuable to back-up advices through a small group presenting these advices to the various bodies and organs of the EU decision-making process.

Tools and tasks:

- *Advices to be formalized*

Advices should allow identifying main author and contributors, number of versions produced and date of adoption and minority or diverging positions (where relevant) for the sake of transparency.

- *Secretariat to check inclusion of advices in the legislative process*

It is key for improving the LDAC's efficiency to more closely monitor in what extent the advices are actually being included in EC Non Papers or draft regulations, EP reports...

- *Executive committee to support and strengthen LDAC's advices amongst EU institutions*

The executive committee would nominate a delegation (or delegations depending on the issue) of members to meet with EU institutions to support and strengthen the advices through direct oral explanations to the EC services, MEP, European Social and Economic Council, ...

*The strategic planning exercise (see R1) **would facilitate institutional cooperation** with other European institutions and bodies beyond the main recipients of the advice (European Commission and Member States) such as EFCA, STEFC, ICES, European Economic and Social Committee, European Parliament Fisheries Committee, etc.*

R4. Strengthening international cooperation. Develop LDAC network and establish stable relationships in the international arena.

Explanation:

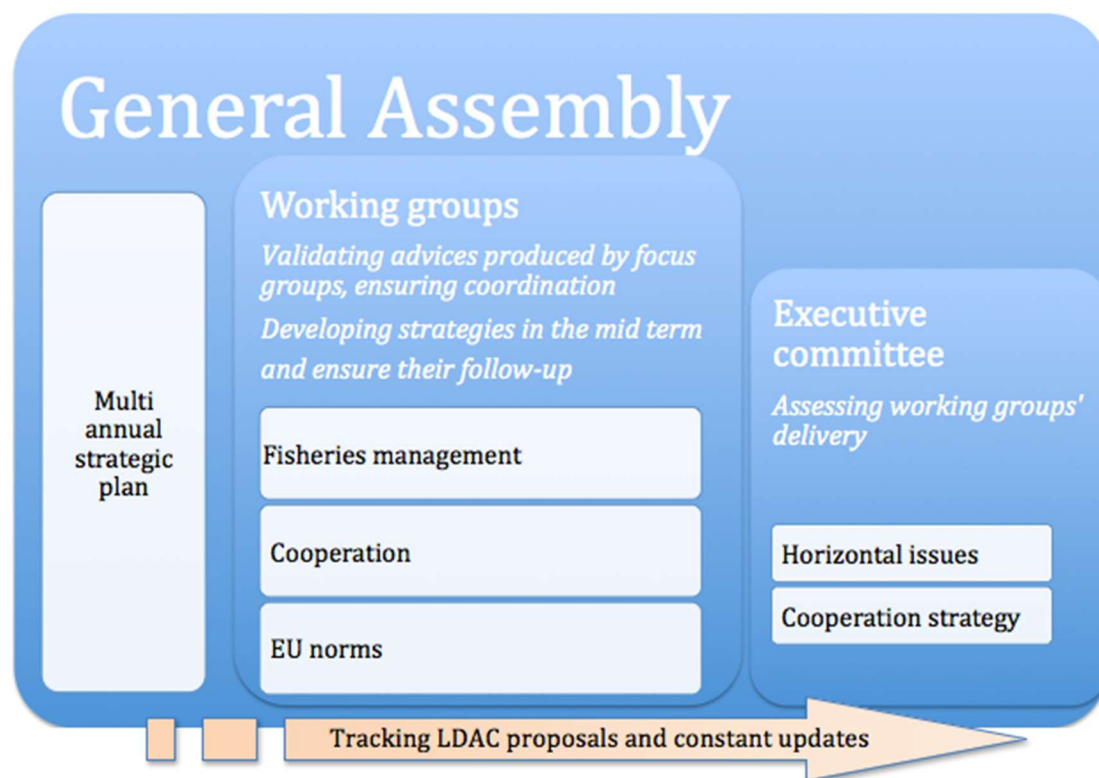
The LDAC could further strengthen cooperation in the international scene through the vast professional network of its members.

Tool and task:

- *Executive committee to foster international relations*

Many proposals are already on the table such as organizing global dialogs in the Indian Ocean. Past experiences as the Las Palmas seminar on the EU common fishery policy external dimension were unanimously appreciated and help to bridge gaps between administrations and stakeholders.

From the available list of LDAC representation in external meetings, it appears that LDAC is participating in about 50 external meetings each year, being mainly represented by its general secretary, and in less extent by its GA/ExCom/WG chair or vice-chairs. This huge activity is lacking visibility (even if being covered through social media) and could most probably be optimized through the creation of a task force (it could be the same delegation as recommended in R3) that would focus on main important events to attend following needs that are identified from the strategic planning exercise (see R1).



As a contribution to the forthcoming LDAC's general assembly, a flowchart of the council reorganization is being proposed. It actually includes the various recommendations and reflexions listed previously.

The **general assembly** would be responsible for drafting and agreeing a multi-annual strategic plan focusing on core priorities.

The **working groups** would meet **only once a year leaving space and time for focus groups**.

The **executive committee** would assess working groups' delivery and, if necessary, tasked them to deliver specific contribution.

The working groups would be reorganized thematically to catalyse synergies on similar issues:

- The “fisheries management” working group would include current WG1 on tunas RFMOs and WG2 on northern RFMOs
- The “cooperation” working group would include monitoring and contributing to SFPAs, local development and regional dialogs (including the organization of international conferences by the LDAC)
- The “EU norms” working group would focus on LDAC's contribution to EU policy targeting the EU external fleet.

In terms of guaranteeing **transparency and stimulating collective intelligence**, an **electronic application** (i.e. suggestions supra) would allow every member to suggest, track and contribute to a LDAC's proposal. Such tool may be of particular use for the focus groups.

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Annex 1: terms of reference

Concept Note for a LDAC Performance Review (2007-2018)

Introduction:

The proposal was put forward by a LDAC delegation in November 2017, in a coordination meeting between the European Commission and the different Advisory Councils (and MS). The rationale was to carry out a performance review for all Advisory Councils which were set up in the previous CFP and therefore have more than 10 years of existence, in a similar way to other international organizations. The coordinator of the European Commission said it was not planned in their strategy at this stage but invited the LDAC to “lead by example” and undertake its own evaluation with the aim to present it at next year’s meeting (October-November 2018).

Following this proposal, the LDAC Secretary, together with the Chair and Vicechair, develop a number of ideas that were presented at the LDAC General Assembly held in May 2018. The members requested to frame these ideas in the shape of direct questions to be answered.

Goals³

- Perform an external and objective assessment of the functioning of the internal bodies and constituencies of the LDAC such as the General Assembly, Executive Committee, Working Groups and others (ad hoc seminars or focus groups).
- Identify issues to improve (and change) and examples of good practices (what works well).
- Tackle or reply to the specific questions addressed in the appended document (ToR).
- Receive a list of specific recommendations by the appointed consultant/auditor.

Working Methodology/planning:

- Auditors to attend LDAC Working Groups in October/November 2018 and the Executive Committee in November 2018, as well as other specific meetings (e.g. Inter AC meeting on impact of Brexit in the functioning of the ACs) .
- Structured interviews to LDAC Chair/s and Vicechair/s, Executive Secretary and LDAC members, European Commission representatives (DG MARE) that coordinate or participate in LDAC work, observers and Member States representatives.
- Any other methodology recommended by the selected expert/consultant/auditor.

Deadline for delivery of technical proposal and economic offer (incl. VAT):

16th July 2018 12.00h CET.

It is requested that all proposals include details of a similar audit work that have been carried out previously by the bidder, as well as a short CV for the person and/or team who would be entrusted with the assessment. Furthermore, the proposal must include a work plan broken down by activities/deliverables and with an estimation of the necessary time (in hours) for it.

All bids are to be presented in English or Spanish.

Final delivery date for the full performance review: 10th December 2018.

Project languages: Spanish and English.

³ Excluded from the performance review are aspects of administration and finance which are already annually audited.

Documents of interest provided and useful references:

- Specific auditing objectives of the LDAC Secretariat (Terms of Reference)
- Statutes and Code of Conduct of LDAC
- LDAC web page: www.ldac.eu (meetings, publications, media, legislation, etc.)
- EC DG MARE - Advisory Councils https://ec.europa.eu/fisheries/partners/advisory-councils_en

ISSUES TO RAISE FOR A LDAC PERFORMANCE REVIEW

Author: LDAC Secretariat

Based on presentation made at the LDAC General Assembly on 10 May 18

1. Internal functioning

Organisation of the working groups

- Are all topics adequately covered by the existing working groups?
- Are meetings organised efficiently to encourage maximum participation?
- Are LDAC members contributing actively and providing evidence-based input (both orally at the meetings and in writing through consultation) to shape the content of advices and letters?
- Is the Commission participation sufficient and appropriate?

Decision making process in the Working groups/ExCom/GA

- Are deliberations open to all members? And Observers?
- Is sufficient time provided for discussion, revision and completion of drafts?
- Are minority or diverging opinions duly reflected in the advice where requested?
- Do you think the fast track procedure is adequately used? Is it fair and transparent?
- What changes would you suggest in the way these organs function to improve their efficiency?
- What is your view of the working environment? Do you think members of the LDAC behave in a respectful and professional manner towards each other, the Secretariat and external visitors (e.g. representatives from the Commission, member states or scientists)?
- Do you think that decisions on changes of statutes and rules of procedure are taken in a way that reflects the needs of mixed stakeholder bodies?

Production of advice + feedback from European Commission

- Do you consider the adopted advice / letters to be adequately representing the interests and diversity of views expressed by members?
- Do LDAC members have the possibility to provide complete minority opinions?
- Do you consider that the adopted advice / letters are underpinned by factual evidence, policy and/or science?
- Do you think the Commission responds properly to the LDAC advices or letters and addresses all questions in their official replies?
- Do you think the LDAC follows up adequately pending actions arising from these letters?
- What is your opinion on the level of cooperation, including EC attendance to meetings, achieved by the LDAC with the following EC Directorates? DG MARE / DG DEVCO / DG TRADE
- Does the Commission provide the LDAC with adequate time for response, e.g. regarding direct consultations and/or requests for advice?
- Does the Commission provide the LDAC with adequate information about upcoming requests for advice to be expected?

- Overall, do you perceive the LDAC advice has a high degree of influence and impact on EU Policy Making by the Commission and Member States)? And other bodies outside of their remit such as the European Parliament or the Economic and Social Committee?

2. Performance of the LDAC Chairs and Vice Chairs and the Secretariat

- How would you rate the fulfilment of duties and responsibilities by the following positions?
 - LDAC Chair
 - Vice Chairs
 - WG Chairs
 - Secretariat
- How would you evaluate their performance in terms of leadership and impartiality?
 - LDAC Chair
 - Vice Chairs
 - WG Chairs
 - Secretariat
- How actively does the leadership work to ensure a respectful and professional working environment by, for example, reacting against inappropriate behaviour if such occurs?
- How is the functioning of the LDAC Secretariat?
- How well is it fulfilling their duties and delivering regarding
 - the objectives assigned under the work programme
 - optimizing budgetary resources for its completion
 - sharing in a timely manner information of documents received and upcoming meetings
 - compliance with protocol and rules

3. Transparency

- Do you think documents published on the website are sufficient?
- Are they easily accessible for the public?
- Do you think there is a clear understanding and information on the membership composition?
- Would you suggest other actions/initiatives to be taken such as publication on international registers of organisations, external audits or general performance review reports?

4. Cooperation and working practices with regional and international entities

- Do you think it is positive that the LDAC is actively promoting the external dimension element of control in the Advisory Board of EFCA?
- Do you think the LDAC is duly present at relevant RFMOs, such as NAFO and ICCAT?
- Do you value the cooperation between LDAC and ATLAFCO-COMHAFAT?
- How balanced is the representation of the LDAC in external meetings in terms of participants?
- How balanced is the presentation of LDAC opinions by its representatives in external meetings in terms of content?
- How well do respective Member States consult the LDAC?
- How well do respective Member States provide information to the LDAC prior to the aforementioned consultations?
- How well does the LDAC cooperate with other ACs?

5. Gender balance (How adequately are women represented in?)

- The LDAC key positions (chair and vice chairs)
- The Secretariat?
- Do you have ideas or suggestions for improving gender balance?

6. Communications and PR

- How do you rate the reputation and professional image of the LDAC as organisation in terms of media and communications strategy to grassroots?
- How efficiently is the LDAC using social media and the website? Do you have any suggestions for improvement?
- How useful do you see the institutional presentations provided by LDAC Chairs or the Executive Secretary made at external meetings?

Annex 2: interview guides (in French)

Guide d'entretien avec les membres

Votre participation au LDAC

- Qui représentez-vous ?
- Motivations, raisons Qu'attendez-vous de votre participation ? Depuis quand êtes-vous membre ?
- Nb de réunions par an
- Investissement personnel en nb de jours ou %
- Possibilité personnelle d'intervention
- Retour sur investissement ...

Fonctionnement des groupes de travail

- Préparation des ODJ et points abordés (pertinence / vos propres priorités)
- Qualité de la préparation des réunions : documents, discussions préalables, ...
- Qualité des interventions
- Considérez-vous que les différents intérêts sectoriels soient bien représentés
Représentation des différents intérêts sectoriels ? Vérifier / texte législatif
- Auriez-vous besoin de plus d'information sur les autres membres du LDAC ?
- Niveau de confiance entre membres du LDAC. Vous arrive-t-il de faire part en réunion du LDAC d'informations confidentielles ?
- Pensez-vous qu'il faudrait mettre une procédure de règlement des disputes
- Quelle est selon vous la place des observateurs dans les travaux du LDAC ?
- Transparence des travaux réalisés
- Travail du secrétariat : technique, compréhension, indépendance, transparence...
- Constatez-vous une amélioration du fonctionnement du LDAC ? des avis émis ?

Avis émis et relations avec les institutions européennes

- Procédure de formulation des avis
- Que pensez-vous de la procédure rapide
- Qualité des avis émis (concertation, pertinence des arguments, ...)
- Réception des avis par la Commission Européenne
- Efficacité des avis dans l'évolution des projets de règlement
- Considérez-vous que le LDAC a d'autres moyens pour exercer son influence
- Considérez-vous que le LDAC soit indépendant de la CE

Coopération

- Quelle est la valeur ajoutée du LDAC dans le cadre des ORGP / des relations internationales ?
- Quel est selon vous le rôle des MS ?

Guide d'entretien avec les fonctionnaires de la DG MARE

Votre participation au LDAC

- Participez-vous à toutes les réunions du LDAC
- Quelle est votre principale motivation à participer ? obligation, informations sectorielles, rencontres bilatérales, ...

Votre avis sur le fonctionnement du LDAC

- Respect de la diversité
- Participation des différents intérêts
- Transparence des travaux
- Considérez-vous que le LDAC soit indépendant de la CE ?
- Comment le LDAC pourrait-il renforcer la pertinence et la qualité de ses avis ?
- Pensez-vous qu'un rapprochement entre le LDAC et le CSTEP, par exemple via la constitution d'un groupe de travail conjoint, serait une bonne option ?
- Comment considérez-vous les liens directs du LDAC avec d'autres acteurs : Parlement Européen, ORGP, Etats Membres ?

Avis émis par le LDAC

- Décrivez ce que vous faites quand vous recevez un avis du LDAC
- Vos attentes / avis
- Qualité des avis / critères : consensus, fondement technique, compromis acceptable,
- Prise en compte des avis / critères
- Le LDAC est-il l'unique pourvoyeur d'avis du secteur de la pêche ? des ONG ?
- Qu'est-ce qui changerait si le LDAC n'existait pas ?

Annex 3: meetings' analysis matrix guide (in French)

PREPARATION

Thème	
Objectif	
Plan	
Logistique	
Documents	
Matériel	
Introduction de la réunion	

ANIMATION

1. S'assurer de l'atteinte d'un objectif commun
2. Maintenir un bon climat de travail
3. Susciter et maintenir l'intérêt des participants
4. Stimuler la participation de chacun
5. Gérer les divergences d'opinions
6. Prévenir et gérer les situations difficiles

Type d'animation (directive / semi-directive/laisser aller)	
Facilitation Facilite interaction /prise de parole Recentre les discussions Résumé ce qui a été dit	
Régulation Progression du travail Encouragements Accepte les propositions Dépassionne les échanges Respect de l'ordre du jour	

PARTICIPATION

<p>A/ Ce qui se dit dans le groupe (le discours)</p> <ul style="list-style-type: none"> • Qui ? • Dit quoi ? • A qui ? • Quand ? (moment et fréquence) • Comment ? (manière et ton de l'intervention) • Etc. 	
<p>B/ Ce qui se fait dans le groupe (la production)</p> <ul style="list-style-type: none"> • Méthode de travail (comment se définit elle, explicitement ou non...) • Phases de la progression • Prises de notes • Moyens matériels utilisés • Pause éventuelle • Etc. 	
<p>C/ Ce qui se passe dans le groupe (les phénomènes relationnels)</p> <ul style="list-style-type: none"> • Les comportements (désintérêt, coopération, critiques, mise en cause...) • Les attitudes (écoute ou non, ouverture ou fermetures aux idées d'autrui, gestes, postures, mimiques...) • Les rôles (ont-ils été attribués ? sont-ils tenus selon les consignes ou pas ?) • Les jeux d'alliance et autres stratégies • Le degré de participation • Le degré de consensus 	

CONCLLUSION

Évaluation de la réunion	
<p>Décision</p> <p>Absence de réaction</p> <p>Selon la règle de l'autorité</p> <p>Selon la règle de la minorité</p> <p>Selon la règle de la majorité</p> <p>Décision par consensus</p> <p>Décision à l'unanimité</p>	

Annex 4: Members' and observers' attendance to LDAC meetings for the last two years (2016-2017 and 2017-2018)

	ORGANIZACIÓN	CATEGORÍA	PAÍS
1	Coalition for Fair Fisheries Arrangements (CFFA)	ONG	Bélgica
2	EBCD	ONG	Bélgica
3	The Danish Society for a Living Sea	ONG	Dinamarca
4	Seas At Risk	ONG	Bélgica
5	WWF	ONG	U.E
6	EJF	ONG	U.E
7	German Fisheries Association (DFV)	Sector extractivo	Alemania
8	German Deep Sea Fisheries Association (DHV)	Sector Extractivo	Alemania
9	Danish Pelagic Producer Organisation (DPPO)	Sector Extractivo	Dinamarca
10	PIR Ocean Tiger	Sector Extractivo	Dinamarca
11	ANABAC-OPTUC	Sector Extractivo	España
12	ANACEF	Sector Extractivo	España
13	ANAMAR	Sector Extractivo	España
14	ANAMER	Sector Extractivo	España
15	ANAPA	Sector Extractivo	España
16	ACEMIX	Sector Extractivo	España
17	AGARBA	Sector Extractivo	España
18	CEPESCA	Sector Extractivo	España
19	CEPESCA	Sector Extractivo	España
20	OPAGAC	Sector Extractivo	España
21	OPP - 07 - LUGO	Sector Extractivo	España
22	OR.PA.GU	Sector Extractivo	España
23	Estonian Long Distance Fishing Association(ELDFA)	Sector Extractivo	Estonia
24	CNPMEM	Sector Extractivo	Francia
25	ORTHONGEL	Sector Extractivo	Francia

26	Union des Armateurs à la Pêche de France (UAPF)	Sector Extractivo	Francia
27	Pelagic Freezer Trawler Association	Sector Extractivo	Holanda
28	Killybegs Fishermans Organisation (KFO)	Sector Extractivo	Irlanda
29	Atlantic Fishery Company	Sector Extractivo	Lituania
30	Lithuanian Fisheries Producers Association	Sector Extractivo	Lituania
31	North Atlantic Producers Organisation (NAPO)	Sector Extractivo	Polonia
32	ADAPI	Sector Extractivo	Portugal
33	AMAP	Sector Extractivo	Portugal
34	VIANAPESCA	Sector Extractivo	Portugal
35	National Federation of Fishermen's Organisations (NFFO)	Sector Extractivo	Reino Unido
36	Scottish Fishermen's Federation (SFF)	Sector Extractivo	Reino Unido
37	EUROTHON	Sector Extractivo	U.E
38	ETF	Sindicato	U.E
39	ANFACO	Transformación	España
40	AIPCE-CEP	Transformación	U.E
41	CONXEMAR	Transformación	U.E
42	CIPS	Pesca Recreativa	Francia
43	FIAC	Transformación	Francia
44	OCEANA	ONG	U.E
45	SSNC	ONG	Suecia
46	SPFA	Sector Extractivo	Reino Unido
47	SWFPA	Sector Extractivo	Reino Unido
48	BFW	ONG	Alemania
49	FPO	Sector Extractivo	Reino Unido
50	AGAC	Sector Extractivo	España

	<u>OBSERVADORES</u>	
	IEO	
	EC	
	EP	
	FRUCOM	
	PEW	
	EUROPECHE	
	SWEDISH AGENCY	
	MSC	
	ADM PORTUGUESA	
	ADM POLACA	
	JSC ARTIC FISHING	
	POMORSKA ORGANIZACJA	
	ADM LETONIA	
	ADM ESPAÑOLA	
	EUROPEAN CRAB ASS	
	ICES	
	EFCA	
	DEFRA	
	ADM LITUANA	
	FITI	
	AZTI	
	RARE	
	BLOOM	
	INTERNATIONAL POLE & LINE FOUNDATION	

