

LDAC contribution to the European Commission public consultation

On improving the functioning of the Advisory Councils

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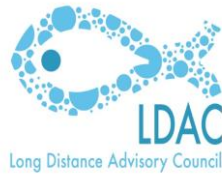
Status: Approved

We would like to start by expressing our gratitude to DG MARE for the open, inclusive and transparent process to formulate proposals for improving the functioning of the Advisory Councils. We consider this is a timely consultation to inform the revision of the CFP and to cater for developments in recent years, namely the creation of new ACs and the evolution of working practices from existing ones. The LDAC agrees that there is an objective need to update and amend the Delegated Regulation (EU) No 2015/242 modified by the Delegated Regulation (EU) 2017/157, laying down detailed rules on the functioning of the Advisory Councils under the Common Fisheries Policy.

In terms of process, the LDAC has been actively involved thorough 2020 working with our DG MARE coordinators in the shaping of the proposals via informal consultations and exchange of views during the Inter-AC coordination meetings held on 18 January and 5 May. Our Chair and Vice Chair also provided oral feedback during the last Inter AC meeting on July 15.

The present response is a summary of our key statements and issues raised by our membership on the different legal elements presented, namely: (1) improve the balance between sector organisations and other interest groups (OIGs) in chairing positions; (2) specify the criteria for the classification of the members into the two new categories of stakeholders; (3) strengthen the provisions for appropriate representation of OIGs; (4) detail working methods to ensure compliance with CFP objectives, transparency and respect of all opinions; and (5) introduce a requirement for external and independent performance reviews.

Regarding the way forward, the LDAC appreciates the extension of the deadline for the public consultation until the 10 of September and hope that our input contributes to fine tune the content of the delegated act in the last quarter of the year to be submitted for scrutiny for EP and Council, with the view of being adopted at the end of 2021/ early 2022.



Feedback to proposed amendments of Delegated Regulation (EU) No 2015/2042

Article 4 – Structure and organisation of the Advisory Councils

The LDAC supports the wording of this article and in particular 4.2, whereby specifies that an AC chairperson may originate from either the outside of the membership or designated amongst representatives of member organisations. This allows each AC to have freedom of decision and flexibility. We wish to note that the LDAC has always elected to date its chair and vice-chairs from our membership, and this has helped positively to build trust and gain commitment and ownership amongst members.

Furthermore, the LDAC shares with the Commission the view that it important that in case the chairperson is designated amongst representatives of member organisations, at least one of the vice-chairpersons shall be designated amongst members of the other category to which the chairperson does not belong. The LDAC believes that this is likely to increase attractiveness for OIGs to join and participate in the work of the ACs. The LDAC also believes it should apply not only to the GA and Executive Committee, but also to the Working Groups and Focus Groups.

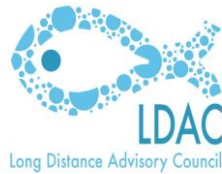
In this regard, the LDAC wants to stress that balanced representation of the two categories has been a common practice and a “non-written rule” in recent years for most LDAC constituent bodies. In reality, the LDAC Chair and the Vice Chairs work as a team of “Co-Chairs” in college rather than on their individual capacity. The LDAC Rules of Procedure state that AC vice-chairs positions have to be balanced between the Industry and OIG constituencies in line with the composition (60/40) laid out in the Delegated Act.

Article 5 – Working methods

The LDAC appreciates the mention to adoption of decisions by consensus and where no reached, the recording of the dissenting opinions expressed by the members. This is a practice that has been always promoted in the LDAC. We also support the reference to facilitate efficiency and full participation of all members through the use of the modern IT communication means and the provision of interpretation and translation services. The LDAC deems this addition as crucial for the successful running of meetings and inclusiveness from members in remote locations or with limited means and resources. Furthermore, the impact of COVID-19 pandemic has forced the ACs to adapt and modify their working practices and promote tele working and digitalisation.

Article 7a - Performance Reviews

The LDAC considers very positive the insertion of this heading setting an obligation to carry out independent external performance reviews. The LDAC was the first AC to formulate this idea to the Commission in an Inter AC meeting in December 2018 and it has run under its own initiative two external performance reviews in 2019 and 2020. Regular performance reviews are key for accountability, credibility and public image as the ACs are publicly funded and it is important to develop a clear methodology to show how they are performing as well as to identify areas to improve our performance and address the shortcomings.



Annex: Criteria for classifying members of the Advisory Councils under the categories of “sector organisations” or “other interest groups”

Point 1. Criteria for classification of “sector organisations”

Commission’s work on better defining the classification for different stakeholder categories has provided some clarity and objective approach for Secretariats and members to assess where each organisation fits. However, there have been cases of so-called “hybrid organisations” with mixed representation and interests where some complexities have emerged.

Furthermore, on the paragraph (d) stipulating that *“at least 50% of the organisation’s funding originates from undertakings active in the field of commercial fishing, aquaculture, processing, marketing, distribution or retail of seafood”* in order for them to be accurately classified, we wonder what is the mandate and the extent to what either the Secretariats or the Commission could verify this; as well as what are the limits in providing sensitive information on funding and private data in line with EU Data Protection Regulation.

Point 2. Criteria for classification of “other interest groups”

The LDAC agrees with the criteria established in point (a). However, it objects the content of paragraph (b) whereas the Commission establishes the need to engage with stakeholders which are competing for different maritime uses of the sea, including economic interests other than commercial fishing or aquaculture such as energy production, deep-sea mining, cabling, shipping or tourism, clarifying that such organisation should be classified as “Other Interest Groups”.

In practice, this inclusion would mean for the LDAC that all economic actors other than fishing would become members and therefore would be part of AC deliberations and have a say in decision making in matters related to the external dimension of the CFP. In our opinion, this can result in work efficiency issues given the conflicting interests of some of these industries with both the fishing sector and environmental and cooperation for development NGOs.

It must be noted that “other maritime users” can already attend and participate to LDAC meetings in observer or expert capacity, and even make presentation and/or statements if allowed by the Chair and time permitting. However, the inclusion of them as OIG reps would mean they would become members and give them the right of participating in consultations, policy work, drafting and decision making for advice. Many of these industries have conflicting interests with fisheries and conservation of marine habitats so this brings frictions and different dynamics. This would also imply to amend Annex III of CFP Regulation 1380/2013.

In view of the above, the LDAC is of the opinion that fisheries ACs are not appropriate forums to discuss with non-fisheries stakeholders. It recommends therefore that these groups either remain as observers or invited experts or that a dedicated stand alone “maritime forum” is set up where all maritime users of the sea (including fisheries and other stakeholders) can co-exist – a sort of “blue forum” on Marine Spatial Planning or similar. We suggest therefore the deletion of paragraph b) on its entirety.

END