



**Ms Ana Rita Berenguer**  
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Date: 31 May 2016  
Our reference: 1516/PAC 86  
Subject: Stakeholder consultation under the CFP

Dear Ms Berenguer,

I am writing to you on behalf of the Pelagic Advisory Council (AC) to express our grave concern regarding the way the South Western Waters (SWW) regional group has contravened various articles of the Common Fisheries Policy (CFP). In particular we refer to preamble number 65 of Regulation (EU) No 1380/2013 and articles 3(f), 18(2) and 44(3) of same regulation which states:

*“(65) Dialogue with stakeholders has proven to be essential for achieving the objectives of the CFP. Taking into account the diverse conditions throughout Union waters and the increased regionalisation of the CFP, Advisory Councils should enable the CFP to benefit from the knowledge and experience of all stakeholders”*

*“3 (f) appropriate involvement of stakeholders, in particular Advisory Councils, at all stages - from conception to implementation of the measures;”*

*18. 2. Where conservation and management measures to be adopted by a Member State are liable to affect fishing vessels of other Member States, such measures **shall be adopted only** after consulting the Commission, the relevant Member States and the relevant Advisory Councils on a draft of the measures, which shall be accompanied by an explanatory memorandum that demonstrates, inter alia, that those measures are non-discriminatory. For the purpose of such consultation, the consulting Member State may set a reasonable deadline, which shall, however, **not be shorter than two months.***

*“44.3 Advisory Councils shall be consulted on joint recommendations pursuant to Article 18. They may also be consulted by the Commission and by Member States in respect of other measures. Their advice shall be taken into account”....*

It is very obvious from the above text that where conservation and management measures are to be adopted by a Member State such measures shall be adopted only after consulting the relevant Advisory Councils amongst others. Furthermore a reasonable deadline has to be set for the consultation process that is not shorter than two months.

The joint recommendation by the SWW High Level Group on revising the discard plan for pelagic fisheries in the SWW has contravened these articles. The Pelagic AC has at no stage been involved in discussions eventually leading to the joint recommendation referred to, despite several attempts to establish a better working relationship with the SWW regional group. Emails and letters in this regard have been sent to the group on 12 May 2015, 18 June 2015, 30 July 2015 and 20 April 2016. The Pelagic AC has even drafted a proposed Memorandum of Understanding (MoU) to contribute to a well-functioning relationship with the SWW regional group. Unfortunately the group has not signed up to the proposed Pelagic AC MoU and instead referred to its own MoU signed by the Member States of the SWW regional group. In this context it must be pointed out, however, that the SWW regional group has not followed the terms of its own MoU. Under point 3.3, which refers to developing joint recommendations, it states that *“The preparation of drafts shall take account of all the relevant information and views, including the advice of Advisory Councils.”* As pointed out above, the Pelagic AC has never been consulted on the proposed draft revision of the pelagic discard plan in the SWW. Instead we have been presented with a finalized recommendation on 26 May 2016 asking for input by 31 May 2016 at the latest. This deadline of three working days for providing input to a joint recommendation is entirely unacceptable and not in accordance with the requirements of article 18.2 (see above) which requires a minimum consultation period of two months.

This letter should therefore be viewed as a formal complaint calling upon the SWW regional group to revise its lack of stakeholder consultation and contravention of the CFP immediately. A copy of this letter will also be provided to the European Commission.

I am looking forward to receiving your written response to this matter.

Yours sincerely,

A handwritten signature in black ink that reads 'Ian Gatt' with a small flourish at the end.

Ian Gatt  
Chairman Pelagic AC