
Location: West-Indisch Huis, Amsterdam, NL (Herenmarkt 99, Tel: +31 20 625 7528)

Date: 5 October 2012

Start time: 10.45 am

End time: 12.48 pm

More info: see www.pelagic-rac.org

Participants:

Iain MacSween (chairman), Alex Wiseman, Almudena Gomez, Anne-Marie Kats, Carl Jesper Hermansen, Cecile Fouquet, Christian Olesen, Christine Absil, Eibhlin O'Sullivan, Eric Roeleveld, Esben Sverdrup, Frank Minck, Frederik Schutyser, Fuensanta Candela, Gerard van Balsfoort, Ian Gatt, Ignacio Fontaneda López, Jean-Marie Robert, Jesper Juul Larsen, John Crudden, Jose Beltran, Ken Whelan, Lesley Duthie, Miren Garmendia, Niels Hintzen, Nils Christian Jensen, Reine J. Johansson, Remi Mejecaze, Sarunas Zableckis, Sean O'Donoghue, Stewart Harper, Verena Ohms

(1) Opening of the Executive Committee meeting by the chairman, Iain MacSween

The chairman opened the meeting at 10.45 am.

(2) Approval of the agenda

The agenda was approved without amendments.

(3) Approval of the minutes of the Executive Committee meeting from 10 July 2012

The minutes were approved without amendments.

(4) Reimbursement rules

The chairman explained that it should always be tried to achieve the highest economic value possible and that in light of increasing costs, but equal budget it is important to limit costs. Therefore he proposed a maximum reimbursement of € 700 for flight tickets. He pointed out that in exceptional circumstances this rule would be handled flexibly. The Executive Committee agreed to his suggestion. The chairman furthermore raised the issue of interpretation costs and emphasized that it is fine to request interpretation, but that in the case the persons who have requested interpretation do not show up they will have to bear the costs. At the same time he made clear that this rule will not be followed in exceptional circumstances, e.g. when a flight gets cancelled or somebody gets sick. Almudena Gomez fully agreed to the chairman's suggestion and it was subsequently adopted by the Executive Committee.

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(5) Chairmen meeting 27 September 2012 (Iain MacSween)

The chairman explained that he and the executive secretary participated in a RAC chairmen meeting in Brussels in the evening before the Inter RAC meeting to discuss a wide range of issues which might be of common interest to all RACs. Except for the NWW RAC all RAC chairmen and executive secretaries participated in this meeting. The main topic was the consultation paper by the Commission on the future role of the ACs which everybody agreed had been sent too late, but also a possible absolute discard ban was discussed. Reine Johansson encouraged all RAC members to support regular RAC chairmen meetings in the future in order to strengthen the RACs' general positions.

(6) Inter RAC meeting 28 September 2012 (Christine Absil)

Christine Absil gave a summary of the Inter RAC meeting which she attended together with the executive secretary on behalf of the Pelagic RAC. During this meeting the consultation paper by the Commission on the future role of the ACs was discussed. As this paper had been sent out very recently none of the RACs was in a position to provide adopted answers to any of the questions. Nevertheless different RACs communicated preliminary views on some of the issues and the Commission responded to those.

Some RACs complained about the timing of the consultation paper and that it had been provided only in English which means that some RACs had to translate it before sending it to their members. This took a lot of time and therefore it will not be possible to submit a response that meets the deadline set by the Commission. However, Lowri Evans explained that the deadline is a soft deadline and that RACs can also submit their response sometime later in November.

Christine Absil furthermore explained that one of the important issues mentioned during the Inter RAC meeting dealt with the lack of representation of small-scale fisheries. It was the general opinion that this would have to be fixed. However, this issue did not seem to apply to the Pelagic RAC as small-scale fisheries are usually not involved with stocks in the remit of the Pelagic RAC. In general there was consensus that all legitimate stakeholders should be presented in the future ACs.

Another point discussed during the Inter RAC meeting was communication with third countries and everybody agreed that third country observers should participate in RAC meetings. Furthermore it was admitted that collaboration with scientists and co-management will have to be improved in the future. However, it will not be possible for the RACs to simply ask scientists for more support as scientists are saturated with their workload and therefore new ways must be found to fund such collaboration. While some RACs are partners in research projects it was pointed out that the research proposals are written by scientists and that RACs come in later in the process. This should be changed in the future such that research proposals foreseeing RACs as partners will have to be written together by scientists and RACs.

Regarding regionalization some RACs pointed out that this will increase their workload and they wanted to know how this could be financed. Although the EMFF seems to play a role here, funding from the EMFF would be provided through Member States and it

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remains unclear how exactly that would look like.

During the Inter RAC meeting the Commission explained that advice should be given by consensus whenever possible. Nevertheless Ernesto Penas Lado emphasized that it is useful for the Commission to hear about dissenting views when no consensus can be reached. He furthermore explained that there has been the false assumption that consensus decisions will be followed by the Commission which is not the case, because the Commission has to take into account many different aspects in their decision making process.

The last point discussed at the Inter RAC meeting was the creation of a new AC on aquaculture.

After Christine Absil's summary Reine Johansson who attended the Inter RAC meeting on behalf of the Baltic Sea RAC added that the Commission had also promised to have another meeting with the RACs in March 2013 during which these issues will be discussed again, especially the future budget of the ACs. He explained that he told the Commission that if ACs will have to rely on sponsors in the future, everything the RACs have built up will be destroyed because a fair advisory process could no longer be guaranteed. He also emphasized the usefulness of a regular RAC chairmen meeting and that the Commission supported this initiative too.

(7) Rules of procedure (Sarunas Zableckis)

Sarunas Zableckis complained about the communication between the management team and the secretariat on the one hand and the members on the other. In his view communication has to be improved because he has not always been aware of all Pelagic RAC activities in the past, e.g. the presentation of the Western horse mackerel management plan to the European Parliament. Also the distribution of new information has to be better.

Sean O'Donoghue replied that in his opinion communication is going well and that the presentation at the Parliament had been discussed in the Working Groups, but that unfortunately NGO representatives do not always participate in the Working Group meetings. He also pointed out that the presentation had been announced in advance and that it is therefore unfair to accuse the secretariat of not having done this. He explained that he was not aware of any issues which have not been communicated to everybody.

Sarunas Zableckis admitted that NGOs do not always participate in the Working Group meetings due to other obligations and that he regretted this circumstance.

The chairman concluded that in the future even more care shall be taken to ensure good communication.

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(8) Consultation on future role and composition of Advisory Councils (European Commission)

The chairman drew the attention to the consultation paper on the future role and composition of the Advisory Councils which had recently been circulated by the Commission. He suggested going through the questions now and then asking the secretariat to draw up a response to the consultation. However, if people had remarks afterwards they should send their ideas to the secretariat and hopefully it will be possible to later agree on a response through written procedure.

Sean O'Donoghue noted that many issues dealt with in this consultation have not yet been solved among policy makers and that therefore it will be difficult to provide any answers at all. In his opinion the only questions which could be answered were those regarding funding.

The chairman agreed that the timing of the letter is rather unfortunate, but that the Pelagic RAC should at least have a look at the consultation paper and see if a common position might be reached regarding the answers to the questions. He remarked that the Commission stated in its letter that it is now beginning to reflect on the implementation of the new CFP, which is too late given that the new CFP should come into force on 1 January 2013. With regards to regionalization he said that the new CFP seems to become regionalized whereas Commissioner Damanaki said that legislation would not allow a regionalized CFP. Director general Lowri Evans on the other hand does propose a regionalized CFP. The chairman expressed his displeasure with such dissenting testimonies and would like the Commission to first agree among its own members on what to suggest for the future. He agreed on the Commission's statement that future ACs should play a proactive role in the development and implementation of policies. While the Commission wants future ACs to work with less supervision, the chairman's experience is that supervision from the Commission had been confined to budgetary questions and he would be happy to work with less supervision in the future. He agreed with the Commission that all legitimate stakeholders should be represented in the ACs and that the relationship with Member States has to be enhanced. However, he pointed out that this will require some national administrators to change their perception of ACs. The general notion of the Commission that "we all have to do more with less" requires a re-examination of funding. Furthermore the Pelagic RAC is well aware of the importance of collaborating with third countries and thus having third country observers attend the Pelagic RAC's meetings, as has already been realized for quite a while now.

Subsequently the questions raised by the Commission were discussed one by one. Regarding the questions dealing with regionalization the chairman believed that regionalization will not make a difference for the Pelagic AC although other ACs might experience changes in how they operate, because they give advice on more regionalized areas. Sean O'Donoghue agreed that the role of the Pelagic AC will not change.

Christian Olesen pointed out that regionalization might be a good way forward when managing autonomous stocks and reminded the meeting that even within the Pelagic RAC there are some autonomous stocks, e.g. Irish Sea herring. For the majority of the stocks in the remit of the Pelagic RAC regionalization is not an issue.

The next three questions dealt with role and tasks and Sean O'Donoghue favoured

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ACs to have a say in identifying research priorities. He also suggested a separate budget line in the EMFF for ACs collaboration with scientists.

Sarunas Zableckis pointed out that WWF would like ACs to become involved in control measures as the industry knows best about the practical implications of such measures.

Gerard van Balsfoort agreed that ACs should be involved in the identification of research priorities. However, he does not see a way of doing more with less which the Commission seems to request. Regarding control measures he said that it is only possible to give advice on a policy while knowing that it is controllable. At the same time he was worried that dealing with control measures and long-term management plans might become too much.

The chairman moved on to the next questions dealing with funding. In its paper the Commission suggested that other sources of funding have to be identified. This was discussed during the RAC chairmen meeting and generally everybody agreed that the neutral funding from the Commission should remain to be the principal funding. The Commission seemed to suggest that Member States have to take on more responsibility and the chairman noted that some Member States are more pro-active than others. The UK for example is very generous, but some Member States provide assistance in different forms. The Pelagic RAC has a lot of interaction with IMARES which is a research institute funded by the Dutch Member State. Although the Pelagic RAC does not receive direct funding to collaborate with IMARES, it is welcome to interact with the scientists. The chairman agreed with Sean O'Donoghue that in the future it must be possible to receive direct funding from the EMFF.

Sean O'Donoghue explained that the current draft of the EMFF allows RACs to get money only through the Member States. However, he considered it necessary to have a separate budget line, as is the case for e.g. control, which will not be co-funded. This would allow the RACs to carry out research in different areas.

The chairman wanted to know if, in case the Pelagic RAC applied to the EMFF under its current drafting, the money would come from the Dutch EMFF budget. Gerard van Balsfoort replied that this was not the case, but that instead it would be necessary to apply for funding before money gets allocated and that therefore the RACs indeed need a separate budget line.

Christian Olesen agreed on having a separate budget line. Regarding membership fees he said that he does not consider fees as being too high even for smaller entities. If smaller entities indeed had problems paying the fees they should join forces under an umbrella organization as is working well at the moment.

Sarunas Zableckis said that for NGOs the real problem is not the membership fees, but sending representatives to the meetings as there is a shortage of manpower. He considered basing fees on what one can pay as the wrong approach, because this might lead to members who are paying more, also demanding to have more influence.

Reine Johansson agreed with Christian Olesen and Gerard van Balsfoort and emphasized that neutral funding had to be provided by the Commission, but that there also is a need for more funding. Regarding a possible 50/50 composition of the RACs he noted

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that this is not feasible as the 1/3 group does not have the capacity to send more representatives. He was against raising membership fees as some of the NGOs and small-scale fisheries could not pay higher fees.

Christine Absil pointed out that during the Inter RAC meeting the Commission expressed the wish for having a more balanced representation, but not necessarily in a 50/50 setting. She also said that it is the responsibility of the policy makers to enable all legitimate stakeholders to participate in the ACs. Therefore, if some NGOs and small-scale fishermen cannot afford the membership fees the Commission and Member States will have to help out and solve the problem.

The chairman moved to the next questions dealing with the composition of future ACs, adoption of advice and follow-up of advice.

Christian Olesen argued for reaching consensus decisions. Regarding the composition of the future Pelagic AC he thought that the current Pelagic RAC has a good balance of stakeholders and it should stay as it is.

Reine Johansson admired the chairmen always striving for consensus. However, he emphasized that reaching consensus is not enough to convince the Commission and the Coastal States and sometimes it might be better to present dissenting views.

Fuensanta Candela remarked that she had not been at the Inter RAC meeting, but that the Commission attaches the highest importance to consensus decisions on RAC advice. Although it should be quite obvious, it seems necessary to recall that the process that links the Commission and the RACs is about consultation, not about decision-making. Accordingly, the Commission must retain the right not to follow RACs' advice if it considers that the right thing to do is a different option than the one the RAC advises.

For Sarunas Zableckis it was more important to respect the consultation process instead of negotiated positions.

Reine Johansson who participated in the Inter RAC meeting explained that Ernesto Penas Lado had emphasized several times during that meeting that the Commission can profit from hearing dissenting views. He invited the Commission representatives to better coordinate with each other in the future.

The chairman said that the Pelagic RAC has to accept its advisory role and that the Commission does not have to follow its advice. However, in his view it will be easier to neglect advice if there is no consensus.

Jose Beltran uttered his belief that striving for consensus is a noble objective. At the same time, however, he pointed out that the Pelagic RAC has an obligation to report different views even if this might weaken its position.

The chairman agreed with Jose Beltran. The next questions were related to the international dimension of the RACs. The chairman said that third country industry and governments do not necessarily have a reason to follow the Pelagic RAC's suggestions and therefore a dialogue is needed, but it would be more appropriate if third country governments were directly involved in the process.

Christian Olesen fully supported the chairman's view on this and considered NEAFC the ideal forum to internationally discuss the stocks in the remit of the Pelagic RAC.

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Therefore he emphasized the Commission's responsibility to promote stakeholder consultation by RFMOs. In his judgement it is crucial that relevant DG MARE representatives attend the Pelagic RAC's meetings, especially John Spencer's presence at the Pelagic RAC's October meeting is essential. He was not sure, however, if it was a good idea to directly take into account third country viewpoints within the Pelagic RAC as it often proves difficult enough to reach a conclusion among EU stakeholders.

The chairman remarked that if third countries get a say within the Pelagic RAC they should also pay membership fees.

Reine Johansson and Sean O'Donoghue both supported Christian Olesen. Sean O'Donoghue proposed formulating exactly how to establish an advisory body under NEAFC and said that this might have to be discussed in a specific working group. He furthermore emphasized that the Commission needs to be aware that the Pelagic RAC has a meeting very shortly after the ICES meeting and to make sure that the Coastal States meeting has not already started before. This will require better coordination with the Commission, also to ensure that relevant DG MARE representatives will be able to attend Pelagic RAC meetings.

Sarunas Zableckis said that NGOs and others should be invited to participate as observers in international meetings as WWF considers a better representation internationally as crucial.

The chairman suggested not to give detailed answers to the questions about a future AC for Aquaculture and proposed that Verena Ohms, Sean O'Donoghue and Christian Olesen would together draft a response letter which then will be circulated to the Executive Committee and based on the replies the letter will be re-written and circulated again, so that hopefully by mid-November an official statement can be submitted to the Commission. He also pointed out that if members wanted to contribute to the discussion in writing they should do so within one week by sending an email to the secretariat.

Anne-Marie Kats raised on behalf of AIPCE the topic of establishing an AC for market and trade issues. The current consultation paper by the Commission does not mention setting up an AC for market, but AIPCE sees need for one as these issues do not fit into the remit of any of the other RACs. Therefore she wondered if the Pelagic RAC could support AIPCE in its effort of raising awareness for this issue with the Commission.

The chairman ensured his support as he agrees that there has to be an AC which will deal with horizontal issues.

Christine Absil also considered it sensible to have an AC for market and trade issues, but she wondered why the Commission has not proposed this already.

Fuensanta Candela said that to her knowledge nobody within the Commission has yet raised this issue, but it should be up for discussion if having an AC for market would be a good idea.

(9) Approval of advice of Working Group II, 4 October 2012

Sean O'Donoghue recaptured on the recommendations agreed upon during the Working Group II meeting on the day before. Regarding blue whiting it was agreed to set the TAC

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according to the long-term management plan, but also ask for a quick evaluation of the new management plan recently developed by the Pelagic RAC and to draw the Commission's attention to Russian catches exceeding what has been considered sustainable by other Coastal States. For North Sea horse mackerel the Working Group suggested to develop a long-term management plan as soon as possible. In the meantime the TAC should be reduced by 18,680 tons until 2015 with a reduction of 6,230 tons each year. In the case of Western horse mackerel the Working Group advised following the long-term management plan and set the TAC in 2013 to 183,000 tons. However, this should be regarded as an interim TAC and the long-term management plan should be subject to an immediate evaluation by ICES. If ICES concludes based on this evaluation that the TAC in 2013 should be revised, the Pelagic RAC will recommend an in year adjustment. According to Working Group II the TAC for boarfish should be set to 82,000 tons in 2013 following the ICES advice. Furthermore the long-term management plan developed by the Pelagic RAC should be evaluated immediately and a stability factor which exact value should be determined by ICES should become implemented in the plan.

The Executive Committee agreed to these suggestions unanimously.

(10) Approval of advice of Working Group I, 4 October 2012

Christian Olesen presented the recommendations agreed upon during the Working Group I meeting on the day before. It was proposed not to give a specific TAC number for mackerel, but instead advise to find an agreement with the Coastal States. Furthermore an international inspection team should be established to guarantee true and reliable recording of landings and new data collection methods have to be explored to overcome uncertainties in stock assessment. Regarding Atlanto-Scandian herring it was agreed to follow the management plan and set the TAC to 619,000 tons accordingly in 2013. In addition a potential inspection team should ensure reliable recordings of landings. Furthermore it was stated that the development of a long-term management plan for Western Baltic spring spawning herring should be given highest priority in 2013 and that issues relating to catch allocations, mixing with other herring stocks and quota flexibility should be resolved during the benchmark process. For North Sea autumn spawning herring a recommendation shall be adopted through written procedure after the publication of the ICES working group WKHELP advice which dealt with the revision of the long-term management plan for this stock. Christian Olesen explained that it will be suggested to the Executive Committee to amend the long-term management plan by adopting new reference points, using a 50/50 stabilizer and applying on top of that banking and borrowing of 10% or any other sustainable number.

The Executive Committee agreed to these suggestions unanimously.

(11) AOB

There was no other business.

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(12) End of meeting

The chairman closed the meeting at 12.48 pm and thanked all participants for the discipline during the meeting and the interpreters for their efforts. He especially thanked Niels Hintzen and Ken Whelan for their interesting presentations and wished everybody a safe journey home.