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Date: 8 November 2012  
Our reference: 1213PRAC11  
Subject: Consultation on future role, composition and funding of ACs  
CC: Olivier Baudelet (by e-mail)

Dear Ms Evans,

At its latest Executive Committee meeting on 5 October 2012 the Pelagic RAC discussed the consultation paper by the Commission on the future role and composition of the Advisory Councils. Please find a detailed response to the Commission's consultation and the issues raised attached in the annex.

If you have any questions please do not hesitate to contact the secretariat.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'V. Ohms', is written over a light blue horizontal line.

Ms Verena Ohms  
Pelagic RAC Secretariat



## **Annex: Response by the Pelagic RAC to the Commission's consultation on the future role, composition and funding of Advisory Councils**

The Pelagic RAC welcomes the letter and questionnaire from the Commission on the future role, composition and funding of Advisory Councils (ACs). We share the general view stated in the letter that "the role of the ACs should be maintained and expanded under the reformed Common Fisheries Policy." We believe that the discussion on the future of ACs should have started some time ago. Whilst it now looks unlikely that the reform of the Common Fisheries Policy (CFP) will be agreed upon to meet the original timetable of 1 January 2013, we are of the opinion that there needs to be a proper assessment of how ACs will operate in the future, what they will do, how they will be composed and how they will be funded. The Pelagic RAC is firmly of the view that ACs should provide not only general advice, but that they should play a proactive role in advising on the implementation of the reformed CFP. The Pelagic RAC has been active in the development of Long Term Management Plans (LTMPs) for a number of stocks and we would wish this to continue. Mention is made in the introductory letter of ACs working "with less supervision from the Commission." Whilst we have Commission staff present at our meetings we do not believe that there has been any supervisory activity by the Commission apart from in the budgetary process. And we fully agree that this supervision should be reduced in the future. The Pelagic RAC has always been of the view that all legitimate stakeholders should participate in the work of the RAC. We would wish for this to continue in the future. The Pelagic RAC has attempted to develop good relations with national administrations and we regularly have representatives from such bodies at RAC meetings. The Pelagic RAC would wish to develop these relationships, but this is not a "one way street" and we look to the Commission to encourage less active Member States (MS) to become more involved in a dialogue with ACs. The Pelagic RAC recognises that we live in an era of financial stringency and we accept that the best possible use has to be made of the resources available to us. Due to the nature of the stocks with which the Pelagic RAC is concerned we are very aware of the international dimension. We have attempted to develop close relations with Norway in particular as we share some very significant stocks with them but it does create an unbalanced situation where Norway gets access to all information about our views before negotiations start. It is unbalanced when a number of compromises have been made in the Pelagic RAC between different stakeholders but the recommendation that comes out of this process is the starting point in negotiations with Norway.

### Regionalization

The Commission will be well aware that the Pelagic RAC is not based on a regional dimension, but on a discrete set of pelagic species. It is, therefore, difficult to answer questions on regionalisation that are not relevant in every pelagic context. It is recognised that there are some smaller, but nevertheless economically important pelagic stocks such as herring in VIa North and VIa South, Clyde herring and Celtic Sea herring, that could be better managed on the basis of a regional approach. But as far as the main pelagic stocks are concerned there is usually an international dimension that requires co-operation with Third Countries. Regionalisation for widely distributed stocks would only add an additional unwelcome layer of bureaucracy. If this goal is to be pursued it must happen at a level that encompasses all fisheries involved in a particular stock, i.e. at a 'higher' level which means including Third countries as 'co-owners' of the TAC. The Pelagic RAC does, however, remain convinced that it can play a unique role in advising upon the implementation of LTMPs which will continue to be a core activity for the Pelagic AC.

Furthermore it is necessary for the MS and the Commission to ensure a well-functioning intra-communication system to avoid duplication. On the other hand the ACs could generally

send their advice to both, MS and the Commission, as well as other ACs to inform all parties on the issues they have been dealing with and by that avoid duplication of effort too.

### Role and tasks

There is no doubt that ACs should have a say in the identification of research priorities. If policy is to be effective then there needs to be more emphasis on bottom up instead of top-down policy making.

ACs are excellently placed to identify gaps in current scientific research that may inhibit their new advisory functions and inform and evaluate the subsequent monitoring processes.

There needs to be a greater cooperation and closer relationship between stakeholders and scientists. This could be facilitated by AC representatives participating in ICES meetings and vice versa. The industry also has to consider ways of acquiring data to improve scientific evaluations and with the current financial constraints on scientific funding it may be that the provision of real time data can help overcome some of the existing problems in the lack of data for a number of stocks.

It would be beneficial for ACs to be involved in the design of control measures because the industry representatives know about the practical implications of such measures and it is only possible to give advice on a policy which is known to be controllable.

### Funding

The Pelagic RAC is of the view that neutral funding from the Commission should remain the principal source of funding the ACs. Additional funding from MS, however, should be sought where appropriate. There is a unanimous view in the Pelagic RAC and probably other RACs that ACs should be able to acquire direct funding from the EMFF. This will need an amendment of the current provisions for grant payments, but it is essential for ACs to be able to maximise their potential in the provision of advice to policy makers. Within the EMFF there should be a separate heading for funding specifically allocated to the ACs which should enable them to carry out research projects in a quick and effective way. It is important to emphasise that the RACs have been a very cost effective way of providing advice and that hopefully ACs will continue in the same way.

The stakeholder input in the Pelagic RAC in terms of time is quite substantial. Each AC has to look at its financial requirements and how best to fund its requirements. Some ACs will have a more complex membership structure than others and therefore a flexible approach to funding may be necessary.

Within the Pelagic RAC the general notion is that current membership fees are appropriate. If small-scale fisheries/stakeholders cannot join an AC due to the amount of the membership fee they must consider joining forces under an umbrella organization which is currently done and works well.

### Composition of future ACs, adoption of advice, follow-up of advice

The Pelagic RAC believes that all stakeholders should be represented in the appropriate AC. There has been no signal that stakeholders have been ignored by the Pelagic RAC and we assume that this situation continues when moving to ACs.

However, it should be recognised that some ACs will have more complex membership structures than others and it may be that there needs to be a need for different composition rules.

With regards to the Pelagic AC the composition should be maintained as it is.

Whatever the composition of the AC, it is vital that consensus be the basis upon which decisions are taken. Whilst dissenting opinions should be recorded, the value of ACs would be greatly reduced in the absence of unanimity in the decision making process.

At the same time it is necessary to give to the minority and the majority the visibility that corresponds to them, to avoid that the dissenting stakeholder has no interest in trying to reach an agreement.

### International dimension

The Pelagic RAC is very aware of the international dimension of fisheries management as it shares some of the most important pelagic stocks with Third Countries. The issue of joint management of these stocks belongs to the key questions for the Pelagic RAC. Somehow the views of the stakeholders of these countries therefore have to be incorporated in the decision making process. The Pelagic RAC has involved Norwegian industry in its deliberations for some time now and, to a lesser extent, representatives of the Icelandic and Faroese industry. We would hope that the relevant Third Countries' Governments would recognise the contribution the AC makes. But there is no doubt that this recognition would be more likely if they had some kind of 'ownership' in the AC.

To ensure comprehensive advice from stakeholders in the preparation of international meetings, Commission officials involved in the process of negotiating pelagic fishing opportunity should make all efforts to attend the appropriate Pelagic AC meetings – particularly in the autumn where there are only a few days between the release of the scientific advice and the start of the Coastal States meetings. This does not leave much room for an exchange of views. The Commission's attendance in the Pelagic AC meetings is preferred, but when attendance is not possible an opportunity must be given to Pelagic AC representatives to present the latest advice in person to the Commission's negotiating team prior to the Coastal States meetings.

Moreover, there is a great deal of merit in attempting to establish a functioning stakeholder group within RFMO's – particularly NEAFC. A pilot project in which some form of AC (maybe a stakeholder lead Working Group?) within NEAFC is created to deal with stocks in the regulatory area that are managed by the contracting parties could be a worthwhile exercise to investigate the practical implications of such an AC.

### Creation of new ACs

The Pelagic RAC supports the creation of an AC for Aquaculture. Although its role will be clearly different from the role of other ACs because it will not advise on the regionalized management of fish stocks, the general considerations should apply to this AC in terms of composition, funding, decision making and working methods.

And in this context, the Pelagic RAC supports the creation of an AC which should deal with the markets. With the dismantling of ACFA there will be a need for another forum for discussions between the market players on the one hand and between the Commission and the stakeholders on the other. A Market AC seems an obvious solution to close this gap.