

Ms. Charlina Vitcheva
Director-General for
Maritime Affairs and Fisheries
European Commission
B – 1049 Brussels

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To send by email to: charlina-vitcheva@ec.europa.eu

Subject: Participation of NGOs in Advisory Councils

Dear Ms. Vitcheva,

In April 2019, a delegation of NGO representatives working in Advisory Councils (AC) met with your predecessor to discuss our concern about the shortcomings in these fora and to explore improvements that could be made (see annex). One year later, we must now conclude that even though we have seen some positive action from the Commission and an increase in interventions in AC processes, the situation has not improved. As a result of this, several NGOs have already left the ACs and more will follow.

Inadequacies remain in both the structure of ACs and implementation of the advisory process, which continue to undermine their legitimacy as a plural stakeholder forum. In several ACs the power imbalance between industry and Other Interest Groups (OIG), reflecting the requirements of Annex III of the Common Fisheries Policy (CFP) regulation, is aggravated by the role of the chair. Even though the CFP stipulates that chairs should act impartially there have been clear examples from ACs where this has simply not been the case. Inappropriate or hostile language from some AC members often goes unchecked by chairs or the Secretariat. This further exacerbates the difficulties for the remaining OIG representatives to get minority positions accurately reflected in advice text as the CFP requires, and has led to draft advice being withdrawn or becoming so vague that it is of little use to decision-makers. Despite visible efforts by the secretariats in certain ACs to address concerns raised by the OIGs, we observe that the consequences of these structural failings are still strongly felt in several ACs.

Not all ACs are functioning poorly as outlined above. A small number of ACs have a good track record of consensus advice and of balanced representation of all interests. However, the ACs that are functioning well do so not because there are no potential structural issues, but because they have a chair and membership who consider it in their own interest to work well together. Should either this perception or the chair change, the OIG would have no means to prevent the situation deteriorating in the same way as in other ACs. Therefore, OIGs feel that even ACs that are functioning well would benefit from improvements in the overall structure and operation of the ACs.

As we explained last year, many NGOs are re-evaluating the resources they put into ACs, and the usefulness of doing so. There are already many vacant OIG Executive Committee seats, increasing the burden on those remaining. In light of the lack of progress made throughout last year, this trend is accelerating now, posing a serious risk of undermining the credibility of the affected ACs as a representative stakeholder forum. After many years of investing considerable resources and efforts

into work in the ACs, several NGOs will be withdrawing from certain ACs this year. These decisions are the result of careful consideration, both within each NGO and between the NGOs working collectively in the affected ACs.

This decision should not be understood as a move away from engaging with decision-makers and stakeholders on sustainable EU fisheries, which we will continue to actively contribute to. However, the ACs in their current set-up do not provide the necessary conditions for constructive structured dialogues and fail to adhere to the recommendation of the European Ombudsman in her strategic inquiry OI/6/2014/NF concerning the composition of Commission expert groups. Those organisations that are leaving remain open to considering to return on a case-by-case basis if the situation improves sufficiently.

We ask you to meet with us to discuss what can be done to address the current situation. We will be happy to provide suggestions for improving the structure and functioning of the ACs.

Yours sincerely,

Andrew Clayton

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On behalf of

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