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By e mail

Copenhagen Friday 29<sup>th</sup> May 2020

BSAC 2020-2021/11 PELAC [serial number to add]

**Subject: How to improve the cooperation between EFCA and the Advisory Councils**

Dear Pascale,

EFCA has invited the Advisory Councils to contribute with ideas on how to strengthen cooperation, as well as on the development of terms of reference for the Advisory Board meetings. Our two Advisory Councils - the BSAC and PELAC - have worked together and put down our ideas and suggestions. Please find them at the end of this letter.

We look forward to discussing these with you at coming meetings between EFCA and the Advisory Councils.

Kind regards,

BSAC ExCom Chair

PELAC ExCom chair



## How to improve the cooperation between EFCA and the Advisory Councils

### Input from the BSAC & the PELAC

#### Background

At the EFCA Advisory Board meeting of 21<sup>st</sup> October 2019, EFCA's Executive Director and the Advisory Councils discussed how to improve cooperation between EFCA and the Advisory Councils. It was agreed to explore this and look at how the ACs work towards EFCA could have more impact. The reflection would focus on the current mandate of the Advisory Board as described in Article 40 of EFCA's founding regulation,<sup>1</sup>: in particular, how can the EFCA Advisory Board better advise EFCA's Executive Director in his/her work?

EFCA is also looking at the way it works, looking ahead at a new 5 year evaluation, ending 2020. One proposed action is to develop **Terms of Reference for the Advisory Board meetings** so as to strengthen cooperation between EFCA and ACs. They have invited the ACs to come up with a proposal for the terms of reference.

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R0473&from=EN>

#### See Article 40 Advisory Board

1. The Advisory Board shall be composed of representatives of the Advisory Councils provided for in Article 43 of Regulation (EU) No 1380/2013, on the basis of one representative designated by each Advisory Council. Representatives may be replaced by alternates, appointed at the same time.
2. Members of the Advisory Board shall not be members of the Administrative Board.  
The Advisory Board shall appoint one of its members to take part in the deliberations of the Administrative Board without the right to vote.
3. The Advisory Board shall, at the request of the Executive Director, advise him or her in the performance of his or her duties under this Regulation.
4. The Advisory Board shall be chaired by the Executive Director. It shall meet, at the invitation of the Chair, not less than once per year.
5. The Agency shall provide the logistic support necessary for the Advisory Board and provide a secretariat for its meetings.
6. The members of the Administrative Board may attend the meetings of the Advisory Board.



## **BSAC & PELAC comments and input**

In response to EFCA's request to the ACs to contribute with ideas on how to strengthen cooperation and on the development of TOR for the Advisory Board meetings, the Baltic AC and the Pelagic AC would like to make the following comments:

The role of the ACs is to advise the Commission and Member States. They do not directly advise EFCA. The advice provided by the ACs on the EFCA Advisory Board can be an added value to the work of EFCA, and it can be provided by the ACs if requested by EFCA.

At the Advisory Board meetings, ACs representatives give up-to-date information on direct experience with control and enforcement issues from each of the ACs areas of competence. In turn, EFCA representatives give information to the ACs. It's essentially a meeting for exchange of information and an opportunity for EFCA to meet with stakeholder representatives. The role of EFCA is primarily overarching, to facilitate coordination of control efforts amongst Member States. EFCA is not working directly with the stakeholders, which perhaps explains why the AC members are not actively contributing to the cooperation with EFCA. EFCA has been listening to the stakeholder activity and in turn has been able to explain key issues to the ACs.

The ACs and their meetings are a useful platform for EFCA to present its work and disseminate information. Moreover, national control authorities do not often attend BSAC and PELAC meetings, so EFCA can provide input from its collaboration with Member States.

The BSAC & PELAC are of the view that they inform rather than advise EFCA. They suggest limiting the function to two-way information and re-wording "Advisory Board" as "Information Board."

The BSAC & PELAC do not see the need for Terms of Reference for this Advisory Board. They are conscious of current workloads: Terms of Reference can imply further work and commitment.

The most important thing is that EFCA is able to inform about its priorities in different areas and about the decisions taken by the EFCA Administrative Board. EFCA can listen to the discussions within the ACs, and get insight into the different ACs and their areas of focus.

Data and real-time information from fleets would be better provided by Member States authorities, not the ACs, which do not have this data.

The chairs of the ACs represent the ACs. It's up to each AC to coordinate and collate input. It's also up to AC members to play a more active role if they see the value of cooperation with EFCA.

EFCA is already very useful to the ACs as it participates at BSAC/PELAC meetings when possible and clarifies issues e.g. dealing with the Commission's proposal for a revised control regulation.<sup>2</sup>

Resources - time and money - are limited. The BSAC & PELAC suggest holding one of the Advisory Board meetings as a web conference meeting, or to do away with it and replace it with a specific focus working group on control in ACs together with EFCA, to deal with a specific issue.

The BSAC also suggests a strengthened regional model with the ACs and EFCA at regional control meetings under e.g. Baltfish, Scheveningen. This would also include national control authorities. This model would enable ACs to fulfil their advisory role in a regional way.

By contrast, the PELAC calls for a sub-model that is more appropriate to deal with the specific nature of widely distributed pelagic stocks that transcend regional boundaries, to ensure a level playing field between the regional control expert groups.

AC representation on the Administrative Board is not optimal. Current practice needs improving, which is something for the ACs to deal with internally and improve.

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<sup>2</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018PC0368>