

DG MARE's Paper "Suggestions to improve the functioning of the ACs"

MAC Position for 18 January 2021 Inter-AC Meeting

1. Evaluating the functioning and performance of the ACs

The MAC has not internally discussed the possibility of an external performance review. The development of guidance by the Commission based on best-practices to ensure a harmonised approach to the evaluations would be welcomed.

2. Making sure all opinions are heard and respected

2.1 Robust and clear working methods and rules of procedures

On reaching consensus and recording opinions, the [MAC's Rules of Procedure](#) determine:

- Point 22 - "The MAC will strive to reach a consensus in all drafts"
- Point 23 - "Any dissenting opinion within Focus Groups or Working Groups should be registered as soon as possible. The Secretariat will draft a MAC opinion trying to accommodate all points of view. In case these dissenting opinions would not be solved, minority opinions will be recorded. If a minority opinion is supported by one organisation, it will be recorded as a footnote. If it is supported by more than one organisation, it will be added on the text of the advice. If the minority opinion requests further explanation, it can be added as an annex no longer than one page"
- Point 25 - The Executive Committee shall, where possible, adopt recommendations by consensus. Should the Executive Committee encounter dissenting opinions, these shall be recorded in the recommendations adopted by the majority of the members present and voting"

Points 18 to 30 of the [MAC's Rules of Procedure](#) devise the procedure of adoption of MAC drafts, including through ordinary procedure, written procedure, and urgent procedure. These state, for example, that:

- Point 18 – “Besides requests for advice from the relevant institutions, particularly European Commission, members of the MAC can propose a topic for consideration through the most appropriate Working Group. These proposals must be submitted to the Secretariat in the form of a document no later than 2 weeks prior to the meeting”
- Point 26 – “In order to facilitate discussion and debate of advice papers, the MAC will allow for initial presentation at a meeting, circulation of the paper for comments and final discussion at a meeting prior to being presented for final approval at an Executive Committee meeting”

In practice, in the past operational year, the MAC has generally reached consensus in the adopted pieces of advice. Reaching consensus can require the organisation of additional meetings and written consultations, in order to clarify positions and/or hear from additional experts and/or develop alternative wording, which can impact the timeliness and relevancy of the advice, particularly in relation to Commission’s public consultations.

In the case of the [MAC Advice on Consumer Information on Fishery and Aquaculture Products](#), different views are covered in the Annex, while the recommendations were generally adopted by consensus. These different views were identified through reference to generic descriptors of the organisations, in order to avoid labelling positions as “minority” or “majority” (e.g. “in the view of the European processing sector”, “the European catching sector, the aquaculture producers, the small traditional fish retailers, and the environmental NGOs [...] believe that”).

The [MAC Advice on the Inception Impact Assessment on the Marketing Standards Framework for Fishery and Aquaculture Products](#) included a significant minority position. The minority view was recorded in the main text. For ease of reading, in several paragraphs, the majority opinion is followed by the corresponding identified minority opinion. Taking into account the diversity of organisations composing the minority position, the names of the dissenting organisations were expressly recorded, instead of a generic descriptor. As per the Better Regulation Guidelines, the feedback period for the Roadmap was four weeks. In order to respect this timeframe and ensure the relevancy of the advice, the MAC opted to not organise additional meetings to attempt to solve the dissenting views.

2.2 Management Team

The MAC's Work Programme foresees a Management Team comprised of the Chairs and Vice-Chairs of the MAC, Chairs of the Working Groups, and rapporteurs of Working Groups. They meet whenever is needed to discuss informally the functioning of the MAC, to prepare Working Group meetings and to exchange views on the implementation of the Work Programme. The Management Team does contribute to the sharing of responsibility and decision-making, while allowing for a common vision and understanding of work priorities among all bodies. Furthermore, since the members are from different membership categories (processors, NGO, catch fisheries, aquaculture), the Management Team can also provide useful preliminary perspectives when a new topic is introduced. For transparency purposes, minutes of the meetings are prepared by the Secretariat and made available online.

2.3 Clear grievance procedure

The MAC's approach to handle complaints has been to openly discuss the matter in the relevant Working Group and, if unsolved, at the next Executive Committee meeting. Issues of performance in the ACs should be signalled by the members, or potentially by the Commission, allowing for discussion in the Executive Committee. Each AC should be able to solve performance issues internally according to their own specific approach. It is important to note that AC members are expected to be professionals with the skills to participate in EU-level activities.

2.4 Weighting of the votes

In the past operational year, no formal votes were required to adopt advice. Even when minority positions were recorded in the text, the final adoption was always by consensus. Taking into account the diversity of membership in the MAC, different views do not necessarily fall under the "industry vs OIG" line.

3. Reinforcing the impartiality of the chairs and secretariats

As determined by the MAC's Statutes, "Chairmanship of both the General Assembly and Executive Committee of the MAC: To be appointed by consensus for a term of three years by members of the General Assembly amongst the membership of the General Assembly". Annex III, point 2(a) of Regulation 1380/2013 on the Common Fisheries Policy, according to which, "Each Advisory Council shall designate a chairperson by consensus", is also respected.

As determined by the MAC's Rules of Procedure, "the Secretariat shall be appointed for an agreed term, in the first instance for three years, by the Executive Committee and shall act impartially and without bias in furthering the objectives of the MAC". The Executive must also ensure that the Secretariat is run in accordance with the statutes of the MAC. For the appointment of the Secretariat, an open tender procedure took place. The invitation was made publicly available on the MAC's website and advertised on social media. An Evaluation Committee, composed of the MAC's Chair and Vice-Chairs, was responsible for assessing and scoring the submissions, in order to put forward recommendations for approval by the Executive Committee.

The MAC has never discussed the possibility of appointing an independent honorary chair or secretariat. The MAC has not undertaken training activities for chairs and/or AC members on how to debate constructively, reach consensus and chair impartiality. Associations participating in ACs are expected to select representatives with the necessary capacity and skills to participate in EU-level activities.

4. Addressing the uncertainty associated to the classification of stakeholders

The MAC has not faced difficulties in classifying organisations in one or another category of stakeholders. Nevertheless, provisions for the automatic classification of hybrid organisations could be useful to prevent possible future issues. Guidance from the Commission to further clarify the concepts of "organisations representing the fisheries and, where appropriate, aquaculture operators, and representatives of the processing and marketing sectors" and

“other interest groups affected by the CFP” would be welcomed to prevent potential classification difficulties.

5. Easing the engagement of OIGs in ACs activities

When approaching potential OIGs (and also some small industry stakeholders), the lack of human capacity to actively engage has been identified as a reason not to become a member.

The MAC’s membership fee structure does not differentiate between the categories of the members. The structure differentiates based on participation in MAC’s structures (200€ for General Assembly, 300€ for Working Groups, and 400€ for the Executive Committee). The MAC does not have a system to compensate the Working Group Chairs.

In order to attract new relevant stakeholders to the MAC, the Secretariat has sent letters to the Member States’ national authorities, organised video calls with some of the national representatives that engage in the MAC’s work, and directly contacted potential members. The MAC Secretariat believes that it could be quite relevant to launch advertising campaigns, in collaboration between the Commission, national authorities, and AC Secretariats, in order to attract OIGs, especially environmental NGOs, but also to bring greater geographical diversity to the ACs.

6. Enhancing the relations between the Commission and the Advisory Councils and between Advisory Councils

Commission staff, from various directorates (MARE, SANTE, TRADE, AGRI, etc.), usually attends the MAC meetings, in order to make presentations and engage with members, which is fundamental for the functioning of the MAC and greatly appreciated. A more regular participation by high-level staff could contribute to increased coordination of priorities between DG MARE and the ACs. In the view of the Secretariat, the attendance of high-level staff could also contribute to the members feeling that their efforts are valued and rewarded.

The Secretariat noted that the most recent replies from DG MARE to MAC advice have increased in detail, including more information and reactions to specific recommendations.

Ensuring that ACs are kept informed on how their advice is followed-up is fundamental to set the AC's work and to encourage members to participate.

Taking into account the time required to organise ACs meetings and to reach informed consensus positions, advanced information on planned initiatives by the Commission would also be helpful. When initiatives are publicised in the Better Regulation website, the feedback period is around four to six weeks. If the ACs were not previously informed, the feedback period is very reduced to organise meetings, request a presentation by a Commission representative, exchange views, listen to experts, prepare a draft text, and adopt it.

Regarding translation, the MAC ensures English, Spanish, and French interpretation at its meetings. Minutes and email communications are circulated in the same languages. The prior translation of documents by the Commission, such as questionnaires and discussions papers, could be helpful to increase participation by some members. Several of these documents impose strict deadlines to reply. The required time to translate severely impacts the possibility to reply under the set deadline.

7. Promoting and valuing the work of the Advisory Councils

The Common Fisheries Policy foresees the establishment of the ACs to promote a balanced representation of all stakeholders and to contribute to the achievement of its objectives. As a principle of good governance, the CFP determines that it shall be guided by appropriate involvement of stakeholders, in particular ACs, at all stages – from conception to implementation of the measures.

The ACs are composed by a large and diverse number of associations, working together with the Commission and Member States, in order to reach relevant consensus-based advice. In the MAC's case, the membership is composed of representatives of the entire seafood value chain (wild catch producers, aquaculture producers, processors, traders, suppliers, retailers, trader unions) and OIGs (environmental and development NGOs).

Therefore, when consulting stakeholders and developing and implementing measures, the Commission should particularly take into account the ACs positions. Furthermore, when



communicating with third stakeholders, the Commission should highlight the added value of participating in ACs and encourage that participation.