

MINUTES

EXECUTIVE COMMITTEE OF THE MARKET ADVISORY COUNCIL

Wednesday 18 October 2017
14:00h – 17:00h
Martin's Brussels EU
Boulevard Charlemagne 90, B-1000, Brussels

Welcome from the Chair

The Chair, Mr Guus Pastoor, welcomed those present.

Adoption of the agenda

The agenda was adopted with no further comments.

Adoption of minutes of the last Executive Committee meeting (16.05.2017)

The minutes were adopted with no further comments.

Work Programme: review

The Chair stressed the importance of being provided with the relevant documents from members in advance; it is up to the Working Group (WG) chairs to have well prepared agendas.

The Chair reminded attendees the need to register to attend a meeting for logistic purposes.

On the Work Programme, the Secretariat gave an overview of the comments received from the European Commission requesting clarification for the following items:

- *Programme is too general and remains vague regarding the topics that will be discussed*
- *Working group 1: In particular, it is unclear what work is planned under 'competitiveness'. It is also suggested that this WG expands into other issues that link production to markets. Furthermore, it is to be clarified what they mean by recovery plan.*
- *Further clarification is needed regarding "Price developments 'from sea to table' (from the fisherman to the consumer) - Studying market efficiency and diversity in the Member States, inter alia, using data from EUMOFA" under Working Group 2*

Andrew Kuyk, CEP, Chair of Working Group 2 stated that the Work Programme should represent a balance between general topics of interest and specific actions. On the clarification requested regarding EUMOFA, he explained that the idea behind the wording was to understand the dynamics and drivers of the market throughout the whole chain. The individual issues under this item would defer from time to time.

LIFE highlighted the importance of having information on where the value has been added to the product along the value chain.

EMPA requested to refer to aquaculture products along the Work Programme.

It was decided to leave the wording as it reads: “Price developments ‘from sea to table’ (from the fisherman to the consumer) - Studying market efficiency and diversity in the Member States, inter alia, using data from EUMOFA” and to include the requested reference to aquaculture.

The Chair wondered where the discussion on the EU Control Regulation, currently only under WG3, would fit.

WWF asked whether it would be possible to have the EU Control Regulation as a cross-cutting issue in the three WG.

LDAC informed that they have a WG on horizontal issues to cover cross-cutting items.

It was decided by the MAC ExCom members to leave it in WG3 and add a reference in the other two WGs as far as the EU Control Regulation would relate to their remit.

The EMFF and the discussion on what the future EMFF should consist of after 2020, affects the three WGs. Sean O’Donoghue, Chair of WG1, will be consulted on whether the file should belong to his group.

Spain asked whether WGs are going to focus mainly on specific issues such as the ones discussed during the last two WGs held. They considered that main objectives should be established and the remits of the WGs should be more general and more in depth.

CEP stated that the MAC is also a forum to bring up concrete problems such as the ones addressed during the WGs, which illustrate wider concerns.

Spain stressed that those particular cases could be addressed under the WGs as an example of a wider problem.

The Chair informed that meetings with Chairs of WG will take place from now on to align the work of the WGs. CFFA emphasized the importance of these preparatory meetings.

The European Commission (COM) requested better information from the MAC regarding agendas and possible interventions from the COM in order to ensure a good representation from the relevant DGs.

Endorsement of new members of the General Assembly

ISEFPOv (Irish South & East Fish Producer's Organisation) was formally endorsed as a new member of the General Assembly.

Regarding the request from Inxenja to become a member of the MAC, it was stressed that consultancies and private entities cannot become members of the Advisory Councils as they do not represent any interest but their own.

Update decision on the Secretariat

A letter was sent the previous day from the Chair to members of the Executive Committee where he explained the procedure of selection.

There was one offer, EBCDs, compliant with all the requirements laid out on the tender. After negotiations with EBCD to reduce the figure allocated to the administrative and financial officer and the overheads, the draft contract was finalised. The Selection Committee would like to have a clause regarding an evaluation of the performance of the Secretariat to ensure flexibility in terminating the contract if needed. EBCD was in the end selected to provide the Secretariat services.

The Chair requested from the Executive Committee the endorsement of this decision.

LIFE praised EBCD's job done so far and asked where the tender was published.

VisNed agreed with LIFE on the positive performance of the Interim Secretariat. Regarding the clause, he asked under which severe circumstances this clause would be invoked. He also wondered how the Executive Committee will be involved in this decision.

CFFA stated there is no need for such a clause and in any case, that evaluation after a year and the criteria taken into account must be laid out in written. The role of the Secretariat should also be clarified, particularly taking into account the resources that are going to be available.

The Chair informed members that the tender was distributed to all members for their further distribution and it was published on MAC's website. Regarding the clause, if the work is well performed and members are satisfied with the Secretariat the clause will not be needed.

Regarding expectations from the Secretariat, the Chair expressed that not only the Secretariat should facilitate the meetings but also working together with Chairs of WG and rapporteurs to produce papers and advices. The Secretariat should coordinate the work.

CEP explained that the role of the Secretariat is putting together the different inputs, not necessarily originating them. Coordinating, disseminating, assembling elements are tasks for the Secretariat.

VisNed asked whether the MAC had had 5 applications the clause would be in the contract as well and wondered what the situation with other ACs is.

The Chair responded that the clause would have been there in any contract. The clause is very restrictive and would be invoked under strict circumstances.

CFFA requested to reflect in the minutes the procedure how the clause would be invoked. The Executive Committee should be informed in due time.

The Chair stressed that the Executive Committee will take the decision.

LDAC shared his experience in terms of the procedure when selecting a Secretariat. He recommended not underestimating the work of the Secretariat and at least two full time people were advised to ensure the work is properly done. Regarding the terms of mandate, most of ACs have a 3 or even 5 year period as term of mandate (subject to renewal) to ensure stability and smooth functioning. It was noted that the NWWAC and the LDAC initially selected the interim Secretariat as permanent in recognition of the work carried out and time spent to establish those respective Advisory Councils,

FRUCOM appreciated the work done by EBCD and the explanation provided by the LDAC and wondered whether the amount allocated (114,000 per year) is enough to properly perform the role of a Secretariat.

The Chair informed that the offer has been negotiated like it is. The tasks of the Secretariat are laid out in our Statutes.

CEP stated that in this moment there are not enough resources to have 2-3 full employed people. This may also change after the evaluation of the first year; the evaluation will not be necessarily negative.

The Executive Committee accepted EBCD as the permanent Secretariat of the MAC.

Delegated Regulation on the functioning of the Advisory Councils

By European Commission

Ms Evangelia Georgitsi, on behalf of the COM, informed that the Delegated Regulation (EU) 2015/242 laying down detailed rules on the functioning of the Advisory Councils under the common fisheries policy was published on the 19th of September¹. The final content of the Delegated Regulation is very close to what the COM proposed. The COM acknowledges that there are ACs, including the MAC, who would have preferred a more ambitious approach on the definitions of each interest group. However, when consulted, the ACs were not unanimous on this point: some ACs requested the COM to provide with concrete criteria to help deciding whether an organisation belongs to the 60% or 40%. Other ACs did not want such a restrictive approach. And other recognized the need for such criteria, but preferred to work on them directly.

As a general line, the COM cannot assess whether an individual organisation belongs to the 60% or the 40% as this is something the General Assembly of each AC should do, taking into account objective criteria such as provisions of the statutes, list of members or nature of the activities of the organisation concerned.

Regarding the nomination of members of the Executive Committee, each group should decide autonomously their representation as a group. The General Assembly would therefore validate the full list of members of each group, rather than individual candidates.

¹ This amendment addresses on the one side, the competence to decide whether a new member of the ACs belongs to the 60% or 40% (fishing sector organisations or other interest groups, respectively); on the other side the competence to nominate members of the Executive Committee.

WWF asked how the process would be if the MAC had a new application to the Executive Committee for a seat on the 40%.

The COM replied that the 40% would have to amend their list and put it forward to the General Assembly for approval.

The LDAC asked what would happen if an AC has a fully functioning Executive Committee but in the middle of the term of mandate there is a new candidate for a vacant seat in one of the groups which is not accepted by the other group.

The COM replied that the full list of members of the Executive Committee would have to be approved as a whole.

CFFA asked who would organise the elections.

The COM said that EU rules do not prescribe this and recommended flexibility regarding the organisation of the elections and voting. However, if the ACs lack guidance in this respect, this is something that COM could consider.

Adoption of drafts put forward in the WGs

This item was cancelled as no advices or drafts were put forward by the WG prior to the meeting.

First year review: best practices and lessons learnt

The Chair invited attendees to express their views regarding the first year of functioning of the MAC.

WWF asked whether there is a specific procedure in place for the drafting and adoption of advices.

Good fish foundation stated that the preparation of an advice takes place in the WGs and afterwards the Executive Committee endorses them. She questioned whether it would be advisable to have procedures in writing so as to avoid situations in which members not attending the WGs block the adoption of a compromise at the Executive Committee.

VisNed suggested an agreement within the Executive Committee to not have major changes in the positions put forward.

CEP stressed that the Executive Committee should have the right to dissent.

EMPA opined the drafts should be sent in advance to the Executive Committee so members have time enough to express their disagreement before.

Good Fish Foundation agreed with EMPA and added that all the relevant stakeholders should be part of the WG to legitimate the advice.

FRUCOM invited LDAC to share their experience with the MAC and informed the LDAC has a written procedure in place.

The Chair stressed that it is the responsibility of the stakeholders to participate in WGs and provide input on the matter. He agreed with the previous speakers on the importance of having the drafts in advance.

The LDAC informed they have agreed written procedures in their Statutes. . The ordinary procedure takes usually a month (15 days circulation amongst WGs + 15 days Executive Committee, while the written fast track procedure takes 8 calendar days. Provided there are no major objections, the Executive Committee adopts it formally and any minority views or dissents received are reflected in the advice as such.

It was agreed the Secretariat will draft minimum rules on how to proceed with the drafting of advices for discussion in the next meetings.

The Chair and CEP stressed the importance for the Chairs of the WGs and the Secretariat to draft solid agendas.

Good Fish Foundation wondered whether the meetings will take place in Brussels.

The Chair reminded attendees that Brussels was chosen for practical reasons.

VisNed suggested hosting the GA somewhere else taking advantage of the organisation of any other event.

LIFE highlighted the difficulty in organising meetings outside Brussels both from a budgetary and logistic point of view.

ANFACO wondered whether member States could not help providing meeting venues. She also asked the possibility to be reimbursed the full amount using the unused travel cost of other members that have lower or non-existent travel expenses.

Spain expressed their willingness to host a MAC meeting in the future.

AOB

WFF expressed the inconvenience of having WGs and Executive Committee together since this does not give time to the Executive Committee consider any outcomes from the WGs.

End of meeting

Attendees:

Sandra Sanmartin	MAC
Despina Symons	EBCD
Pierre Commere	AIPCE
Katarina Sipic	CONXEMAR
Brian O’Riordan	LIFE
Eszter Hidas	WWF
Carmen Rodriguez	Spain
Aurora de Blas	Spain
Marta Aymerich	ANFACO-CECOPECA
Marian Brestovansky	AIPCE-CEP
Bruno Guillaumie	EMPA
Claudia Orlandini	LIFE
Victor Simoncelli	MSC
Anna Boulova	FRUCOM
Arnault Chaperon	EMPA
Jonas Sorensen	EUfishmeal
Alexandre Rodriguez	LDAC
Paulien Prent	Visfederatie
Pim Visser	VisNed
Rosalie Tukker	Europeche
Beatrice Gorez	CFFA
Christine Absil	Good Fish Foundation
Andrew Kuyk	CEP
Amalia de Diego	European Commission
Evangelia Georgitsi	European Commission
Guus Pastoor	AIPCE
Daniel Voces	Europeche