



**DG MARE**

**Inter-Advisory Councils coordination meeting**

**5 May 2021, 14:30-18:30**

**Minutes**

**I. OPENING REMARKS – DIRECTOR GENERAL CHARLINA VITCHEVA**

As an opening to this second Inter-Advisory Councils (ACs) meeting of 2021, Ms. **Charlina Vitcheva** (DG MARE – Director General) greeted participants with introductory remarks, taking stock of the work done since 2020 on the improvement of the functioning of the ACs and thanking them for the efforts pursued. She restated the importance of the Advisory Councils as a governance tool to ensure comprehensive stakeholders consultation in the implementation of the CFP, in particular in the context of regionalisation.

Ms. Vitcheva highlighted some of the follow up actions already put forward by the Commission since the last inter-AC meeting, including a specific inter-AC meeting organised on the EU-UK Trade and Cooperation Agreement (TCA) and the provision of guidance on the participation of UK stakeholders and ACs areas of competence. Ms. Vitcheva also welcomed the opportunity to organise more inter-AC meetings as they allow for a discussion on topics of common interest, crosspollination of ideas and will help address the concerns expressed by some ACs regarding the Commission's participation at their meetings. Specific meetings with chairs and secretaries are also set to take place later this year. Commenting on the upcoming amendment of the Delegated Regulation laying down the rules on the functioning of the ACs, Ms. Vitcheva invited the ACs to take the opportunity of the meeting to provide feedback on the ideas that will be later on presented by the Commission.

Ms. Vitcheva stressed that we should not lose sight of the core aim of the ACs, which is to provide the Commission and the Member States with advice on fisheries management and aquaculture in their respective area or field of competence. She introduced the agenda of the meeting, whose aim is to discuss key policy developments, including implications of the Biodiversity and Farm to Fork Strategies on the fisheries and aquaculture sector.

Following up on recent discussions that took place after the Parliament's vote on the revision of the fisheries control Regulation, Ms. Vitcheva stressed that the Commission trusts and is on the side of the EU fishers who contribute to sustainable fishing, and that the objective of the Commission is to protect them against the unfair competition of unlawful fishers. The Commission stands firmly behind its proposal for the revision of the fisheries control system, which is to have a modern, digital and future proof fisheries control system. She called for full cooperation of the Advisory Councils with the Commission in this regard and invited them to work towards future control rules that will guaranty reaching the objectives of the CFP.

Ms. Vitcheva drew the attention of the participants to the upcoming adoption of the European Maritime, Fisheries and Aquaculture Fund (EMFAF), which is expected in July 2021. As the main financial tool supporting the CFP and the EU maritime policy, it will award operating grants to the Advisory councils and will support investments towards sustainable and resilient fisheries. Ms. Vitcheva encouraged the ACs and their individual member organisations to make use of this opportunity to promote innovative ideas and projects in the context of preparation of the national programmes.

Ms. **Lena Andersson Pench** (DG MARE – Director for Fisheries Policy, Mediterranean and Black Sea) introduced the agenda of the meeting in more details. A first part will be dedicated to discussing key policy developments, with two presentations from DG ENV and DG MARE on the Biodiversity and Farm to Fork Strategies, a presentation from DG MARE on EU-UK policy issues, and a presentation by the contractors of the study carried by the Commission on the Regionalisation process. A second part of the meeting will be dedicated to discussing the functioning of the ACs and financial matters.

## II. KEY POLICY DEVELOPMENTS

### 1. Biodiversity Strategy key deliverables

Mr. **Laurent Markovic** (DG ENV, Unit C.2 - Marine Environment & Water Industry) gave a presentation on the EU Biodiversity Strategy for 2030, an important initiative under the EU Green Deal whose aim is to protect and restore nature both on EU waters and land. The overall purpose of this strategy is to reduce all pressures on the marine environment, including pollution, deep sea mining, invasive alien species and overfishing, in line with the objectives under the CFP, the birds and habitats (nature) directives and the marine strategy framework directive (MSFD). The headline objective of the Biodiversity Strategy is restore degraded ecosystems and ensure these remain in favourable health once restored (non-degradation principle). In complement to this, the strategy aims to protect 30% of EU waters by 2030, of which one third under strict protection (10% of EU waters), and to put in place effective management measures for these protected areas. To help achieve these objectives, the Commission will put forward by the end of 2021 a proposal for binding nature restoration targets and an Action Plan to conserve fisheries resources and protect marine ecosystems.

Fisheries embed in the Biodiversity Strategy in several ways, as it aims to protect 30% of EU seas by 2030, reduce damage to the seabed, reduce bycatches of sensitive species, and reach MSY in line with the objectives of the CFP. The Strategy calls for an increase in coverage of marine protected areas (MPAs), which currently cover 12% of EU waters with only 1% under strict protection. Strict protection is expected to contribute to the protection of biodiversity hotspots, essential fish habitats and species and to contribute to climate change mitigation and adaptation. The Commission called for Member States to step up their efforts in this regard.

The Commission presented the next steps for the rolling out of the Biodiversity Strategy and establishment of MPAs. Member States will be asked to commit to higher levels of protection in the form of pledges, based on the guidance that the Commission will develop by the end of 2021. This guidance will include criteria for identifying and designating additional protected areas to reach the 30% and 10% targets, a clear definition of what *strict protection* means, as well as a planning for appropriate management of these protected areas. The criteria to identify and designate additional protected areas will build on the ones already made available by the OSPAP or HELCOM regional sea conventions or IUCN. When designating additional areas, Member States will have to complete their Natura 2000 network and will be able to take into account nationally protected areas and other efficient conservation measures. By

2024, the Commission will assess whether the EU and its Member States are on track to meet the 2030 targets. By 2023, prior to the Commission's assessment, Member States will have to demonstrate significant progress in coverage of MPAs towards the 30% objective, and by 2024, they will have to put in place the necessary governance systems and resources to ensure that all protected areas are adequately managed.

Addressing concerns raised by the fishing industry about the proposal to protect more marine areas, the Commission referred to an ICES advice (WKTRADE3) to be published on 24 June 2021, showing that 75% of catches are made in not more than 20 to 30% of the EU waters, and that reducing the fishing effort by about 5% would allow for the protection of 30 to 40% of the EU seas, with expected economic benefits for fishers.

The Commission elaborated on its proposal for legally binding nature restoration targets, which will build on the existing prescriptions of the Nature Directives, Marine Strategy Framework Directive and Water Framework Directive, with extra emphasis on reporting obligations by Member States. The objective is to ensure that there is no deterioration in conservations trend and status of all protected habitats and species by 2030. Following the adoption by the co-legislators of the proposal from the Commission, Member States will have to develop their nature restoration plans, which are expected to start being implemented around 2025.

Other important objectives of the Strategy include the full implementation of the EU environmental and fisheries legislation, the zero tolerance principle on IUU fishing, the elimination of overfishing, the conclusion of a BBNJ agreement, and the application of the precautionary principle in relation to deep-sea mining.

Ms. **Valérie Tankink** (DG MARE, Unit D.3 – CFP and structural support, policy development and coordination) complemented on the Action Plan to conserve fisheries resources and protect marine ecosystems (hereinafter, *the Action Plan*), which DG MARE and DG ENV are preparing in close collaboration. By the summer 2021, the Commission will be reporting on the implementation of the Technical Measures Regulation (TMR), the main tool that allows Member States, via the regional groups, to implement fisheries-specific measures to reach environmental objectives. One of the conclusions of the report is that two years after its entry into force, various elements of the Regulation are still in need of further implementation. The report on the TMR will be an important stepping stone for the Action Plan, which is one of the deliverables under the Biodiversity Strategy that the Commission will put forward by the end of 2021. It will include actions from the Commission in the environmental and fisheries policy areas and will encourage better implementation of the TMR by Member States. The Action Plan will bring the two policies closer together to see how stakeholders can contribute and how to make best use of the funding available. Once the Report on the TMR is out, the Commission will organise further consultation with stakeholders to make sure actions foreseen are implementable and in line with the reality on the ground. The Commission will come back to the ACs at another meeting with more detailed information about the Action Plan. ACs were invited to consult the recently published [roadmap](#) on the upcoming Action Plan, which gives a good picture of the areas where the Commission intend to look as part of this exercise.

## Q&A

Ms. **Daniela Costa (CCRUP)** outlined that MPAs in outermost regions are widely supported by fishermen as they are beneficial for small scale fisheries, and further invited the Commission to take them into due consideration in their work. The Commission confirmed that outermost regions waters were taken into full consideration in their ongoing work.

Mr. **Giampaolo Buonfiglio (MEDAC)** asked the Commission to clarify whether the 30% MPAs would be protected only from fishing activities or also other human activities. The Commission explained that all activities would be covered, underlining that Member States will be able to count into the 30% the nationally protected areas insofar as they comply with the minimum criteria that will be presented by the end of the year, and the so-called *other effective conservation measures* (such as military areas, navigation corridors, wind mill farms, or all areas in which by essence there is no impactful human activity). The Commission indicated that the criteria for the identification and designation of additional protected areas and definition of *strict protection* were currently being discussed with the Member States and with stakeholders within DG ENV's stakeholders' consultations bodies, which some ACs are also members of.

Mr. **Pedro Reis Santos (MAC)** asked the Commission to provide preliminary feedback on the advice that the MAC recently adopted on the Biodiversity Strategy. The Commission confirmed they were looking into it and that they would come back to the MAC under short notice.

Mr. **Javier Ojeda (AAC)** invited the Commission to properly take into account aquaculture alongside fisheries and other activities that take place in EU waters. The AAC indicated that they would soon issue a recommendation on the implementation of the Biodiversity Strategy from an aquaculture point of view. The Commission confirmed that aquaculture comes together with the possible *other effective conservation measure*, pending the agreement on a minimum set of criteria. The new Strategic Guidelines for Sustainable EU Aquaculture also address biodiversity concerns and draw clear connections to the EU Biodiversity Strategy.

Mr. **Nils Höglund (BSAC)** welcomed that fact that MARE and ENV are working closely together on environmental aspects, which he said to be the first step towards breaking down silo in policy making, while also underlining the difficulties this implies for stakeholders to get involved. He asked the Commission to explain how the Action Plan will link to the other processes presented (identification and designation of additional MPAs, restoration targets, etc.). The Commission clarified that the Action Plan is not a legal initiative, but a list of different actions for the Commission and the Member States to undertake. The Action Plan will include concrete recommendations linked to the TMR to urge Member States to speed up implementation and work on Joint Recommendations. The objective is to improve or facilitate the implementation of the CFP, which is a key deliverable under the Biodiversity Strategy. This Action Plan might include a few legal elements that will need to go through co-decision with the Parliament and the Council, in which case the Action Plan will announce the launch of associated impact assessments. The Commission explained that the Action Plan, which will come together with the proposal for nature restoration targets and other actions, is a momentum to ensure that the CFP fully contributes to the implementation of the environmental legislation.

Mr. **Javier López (SWWAC)** stressed that the Action Plan represents a clear opportunity to reduce the gap between fisheries management and the protection and restoration of marine ecosystems and to move forward with the implementation of the ecosystem based approach. He asked the Commission to clarify whether the Action Plan would cover climate considerations in relation to fisheries management and to provide a timeline for the upcoming stakeholders' consultation. The Commission explained that while climate would not be included in the scope of the Action Plan, all actions that it will put forward will contribute to biodiversity objectives, hence to climate change mitigation and adaptation objectives. The Commission have launched several studies on climate change and the CFP, which will feed into the 2022 report on the functioning of the CFP. The Commission will consult stakeholders on the Action Plan once the report on the implementation of the Technical Measures Regulation is out (most likely during the summer or early autumn) for a publication by the end of 2021.

Mr. **Alexandre Rodríguez (LDAC)** sought clarification on the application of the precautionary approach for deep-sea mining outside EU waters, and more generally on the coherence in the Biodiversity Strategy between the internal and external dimension of the CFP. The Commission indicated that the Biodiversity Strategy had been developed taking into account ongoing discussions at international level. The 30% level of protection is for instance fully in line with the preliminary discussions in the run-up to the 15<sup>th</sup> Conference of the Parties to the Convention of Biological Diversity. The external dimension of the CFP is also an integral part of the Action Plan, since many actions foreseen will require the involvement of and discussions with external stakeholders in RFMOs.

## 2. Farm to Fork Strategy key deliverables

Ms. **Emilia Gargallo González** (DG MARE, Unit A2 - Blue Economy Sectors, Aquaculture and Maritime Spatial Planning) provided participants with an overview of ongoing and upcoming initiatives under the Farm to Fork Strategy, focusing on fisheries and aquaculture relevant initiatives. The Farm to Fork Strategy recognises seafood as a low carbon source of protein and calls for an acceleration of sustainable fisheries and seafood production. The Strategy sets targets to land farming to improve the quality of waters and sets a specific target for aquaculture. The fact that there are no new targets on fisheries is a recognition that the current policy (CFP) is bearing positive results and has all the right targets and tools to reach the overall goals of the Farm to Fork Strategy.

The Commission drew the attention of the participants to several adopted, ongoing or upcoming initiatives under the Farm to Fork Strategy:

- Already adopted, the *Organic Farming Action Plan* calls for a significant increase in organic aquaculture by 2030.
- The review of the *Feed Additives Regulation*, unchanged since 2003, will reduce the environmental impact of livestock farming on waters. A public consultation is open until 17 June 2021.
- The review of the *policy on promotion inside and outside the EU* will cover seafood as long as it is coupled with agricultural products, with a view to enhancing the contribution of the EU promotion programme to sustainable production and consumption. A public consultation is open until 18 June 2021.
- The Commission Communication on *Blue Bioeconomy - towards a strong and sustainable EU algae sector*, also known as Algae Strategy, aims to encourage the aquaculture industry to tap into the potential of algae, which do not require fertilisers and offer concrete benefits for the environment (alternative source of protein, absorption of nutrients, carbon capture and storage, etc.). A public consultation will be soon open for 3 months<sup>1</sup>.
- The revision of the *rules on food labelling* will be subject to a public consultation by the end of 2021. All products will be covered by rules on front-of-pack nutrition labelling, while for now rules on origin are set to only apply to dairy and meat.
- The *legislative framework for sustainable food system* is a cross cutting initiative that aims to create an overarching framework which will set out goals, priorities, requirements and responsibilities for the different actors in the supply chain to ensure policy coherence, mainstream

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<sup>1</sup> The public consultation has since opened and will remain so until 11 August 2021. [Link](#)

sustainability in food related policies and raise sustainability standards in sectoral policy areas. A public consultation will take place at a later stage.

- The *New Strategic Guidelines on Sustainable EU Aquaculture*<sup>2</sup>, adopted on 12 May 2021, propose a shared vision for the development of the sector in the years to come and draw the path to a competitive, sustainable and resilient aquaculture sector.
- The *EU code and monitoring framework for responsible business and marketing conduct in the food supply chain*, to be put forward by the end of June 2021, seeks commitments from food companies and organisations to take concrete actions on health and sustainability. It focuses in particular on reformulating food products in line with guidelines for healthy, sustainable diets; reducing their environmental footprint and energy consumption by becoming more energy efficient; adapting marketing and advertising strategies taking into account the needs of the most vulnerable; ensuring that food price campaigns do not undermine citizens' perception of the value of food; and reducing packaging.
- The review of the *EU geographical indications scheme*, to be put forward by the end of 2021, will strengthen the legislative framework on geographical indications (where appropriate, including specific sustainability criteria) and improve the position of primary producers in the food supply chain.
- The *Contingency plan for ensuring food supply and food security*, expected by the end of 2021, will be the EU's first mechanism to monitor the structural resilience of the food supply chain and a very concrete response to the lessons learned from the COVID crisis. The Commission plans to develop a set of procedures to be followed in times of crisis. This includes establishing an EU crisis response mechanism to effectively prepare and respond to critical events that could threaten the EU's food security. The plan will set up a stakeholder forum, coordinated by the Commission, to monitor crisis situations, as well as an agreed set of procedures to respond to crises in the form of guidelines and recommendations and non-binding agreements with Member States.
- The revision of the *marketing standards for seafood products*, expected for the first half of 2022, will aim to provide more transparent information on sustainability aspects of seafood products along the supply chain and up to the consumer. It would also better reward the efforts made by some producers to ensure sustainable seafood production and thus contribute to level playing field.
- The *Sustainable food labelling framework*, expected for 2024, will aim to develop a sustainable labelling framework that would integrate nutritional, environmental, climate and social aspects of food production. Work has not yet started.

The Commission stressed that the Farm to Fork Strategy also includes as an objective the full implementation of the CFP. The Commission will report on the functioning of the CFP by the end of 2022 and will look at potential implementation gaps. Advisory Councils will be asked for input during the target stakeholders' consultation that is expected to take place in autumn 2021.

## Q&A

Reminding that the MAC has worked on issuing advice for several of the initiatives presented, Mr. **Pedro Reis Santos (MAC)** asked the Commission to elaborate on how the cooperation between the different Commission DGs is organised and how the advice received feeds into their work. He also asked the Commission to provide feedback on the MAC advice on the promotion policy and food information to

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<sup>2</sup> Aquaculture policy and New Guidelines: Blue Farming Conference 2021 (swoogo.com) [Link](#)

consumers. The Commission confirmed that the Farm to Fork Strategy is a great example of the Commission breaking down silos, with three different lead DGs (SANTE, AGRI and MARE), and other associated DGs (such as CLIMA and ENV). The Commission indicated that they were looking carefully into the advice received and that input from the MARE Advisory Councils have the same weight and value as input received from other stakeholders' forums in SANTE or AGRI.

Mr. **Iván López (LDAC)** prompted the Commission to take action in relation to the promotion of EU fisheries and aquaculture products outside the EU, while pointing to the lack of level playing field between EU products and imported products, which have to comply with different levels of sustainability requirements. He explained that the LDAC would be soon issuing an extensive study on level playing field, while also pointing to the lack of mobility of European seafarers to satisfy crewing needs. The LDAC also stressed that the Farm to Fork Strategy should aim at addressing pollution, which is increasingly impacting fisheries. Agreeing on the importance of ensuring as much as possible a level playing field between EU and non-EU producers, the Commission insisted on the need to take sustainability forward with the review of the marketing standards. The Commission also explained that the EMFAF would be supporting stakeholders in performing better in all areas, including sustainability, in line with the objectives of the EU Green Deal. The Commission indicated that the *Contingency Plan to ensure food supply and food security* will consider the mobility of seafarers/critical staff within the EU. The Contingency Plan does not aim at addressing issues outside the EU as they are traditionally discussed in other international forums of discussion.

Addressing **Paul Denekamp's (AAC)** statement that progress in animal welfare should be a prerequisite to an increase in sustainable seafood production, the Commission indicated that MARE is part of the animal welfare initiative set up under the Farm to Fork Strategy.

### 3. UK-EU negotiations and related policy issues

Mr. **Joost Paardekooper** (DG MARE, Unit C.5 - Management of fisheries shared with the UK, Norway and other Coastal States) gave an update on the EU-UK annual consultation, which had entered their fifth month of negotiations. Outstanding issues include the level of inter-area flexibility (where the UK is seeking important margin of manoeuvre) and the overall amount of fisheries for non-quotas species, which is currently being discussed under the TCA. The EU and the UK have come to an agreement on most of the 75 TACs and quotas. Outstanding issues are minimal but are the nexus of the negotiations and are currently being discussed. Very intense discussions are being held at political level on both sides. The Commission indicated that the EU and the UK were still in a very constructive approach, and that outside elements such as the Scottish election were affecting the pace of the process.

Mr. **Erik Lindebo** (DG MARE, Unit C.5) elaborated on the involvement of stakeholders within fisheries governance bodies foreseen under the TCA. The Commission is currently working on a *vade-mecum* that will work out various provisions and rules of procedures for the management of joint bodies under the TCA. One important chapter of the *vade-mecum* concerns the inclusion of civil society. It lays down the provisions for consultation of stakeholders and civil society in the implementation of the agreement and specifies the interaction with domestic advisory bodies and civil society forums. While the setup is still very much under discussion, the Commission will be looking to take into account the specific needs of the fisheries sector, relying on existing cooperation platforms and consultation bodies to the best extent possible. The Specialised Committee on Fisheries (SCF) will pick up a number of tasks identified during the negotiations of the TCA and will be the main engine room for the EU and UK to develop a joint management approach for shared stocks, in addition to other tasks in the framework of the annual

consultation. The SCF will include representatives of the EU and the UK and will be co-chaired by both parties. The composition of the delegations, which has to be communicated to the other party ahead of each meeting, will include experts and representatives from organisations by mutual consent of the co-chairs. The Commission will reflect on how they will set up the EU delegation and discuss with the UK on how the SCF will operate. The rules on the functioning of the committees will be set up in a way to allow flexibility and adapt to the needs of the sector. The Commission indicated they would come back to the Advisory Councils, alongside with regional Groups of Member States, to bring this discussion forward. The Commission will seek transparency in the way the composition of the delegation is decided.

## **Q&A**

Mr. **Javier López (SWWAC)** welcomed the fact that the EU and the UK were able to move forward in the negotiations, although few sticking points still remain. He called for full transparency in the annual consultation process and implementation of the TCA, stressing that stakeholders should be able to provide their input at any stages of the process. In this perspective, Mr. Lopez prompted the Commission to push for the UK to allow stakeholders being part of the SCF.

Mr. **Jesper Raakjaer (PELAC)** equally stressed the need for stakeholders' engagement and welcomed the study that the Commission has contracted to take stock of the functioning of the Regionalisation process. He explained that Advisory Councils have made a substantive contribution to the achievement of the CFP objectives and further invited the Commission to reach out to them in order to ensure similar success after Brexit.

The Commission restated their wish to have all stakeholders involved, including NGOs, in the implementation of the TCA. They committed to holding dedicated meetings as frequently as possible, also warning that shaping up the SCF would take time since the overarching structure of the TCA does not fully take into account the specificities of the fisheries sector, where the involvement of stakeholders – mainly via the ACs – is already in place and is contributing to decision making. ACs will be consulted in the framework of the annual TAC consultations, but also in relation to the new SCF, where important issues such as technical measures, control or access to waters provisions may be discussed. The Commission also invited the ACs involved in the area to cooperate as much as possible and to combine their efforts in issuing advice. The Commission stands ready to work with ACs concerned to come up with an appropriate setup.

## **4. Presentation by the contractors of the study on Regionalisation**

Ms. **Noémi van Bogaert (ILVO)** and Mr. **Stephen Mangi Chai (MRAG)** gave a presentation focusing on the objectives and methodology of the study that the Commission have recently contracted with a view to get a comprehensive overview of the functioning of the Regionalisation process under the CFP. To provide this overview, the contractors have envisaged three phases of work. The first phase will identify, describe and interlink key stakeholders and regional groups as well as management measures taken under regionalisation; the second phase will assess the mode of involvement, gains and losses of the different stakeholders; while the third phase will draw conclusion based on the data analysed in previous tasks.

The study will focus on four types of stakeholders (namely the ACs, the Member States groups, the regional coordination groups, and the RFMOs) and four types of management measures (multiannual plans, discard plans, conservation measures and technical measures). The study has started in January 2021 and covers different geographic areas depending on the lots, though partners are working closely together and will deliver a single final report.



The different tasks to be carried out were presented: *Task 1* will consist of mapping of the stakeholders and identify how they interlink with one another; *Task 2* will consist of a mapping of the regional groups and exploring their specificities and functioning; *Task 3* will consist of a mapping of the different measures adopted under the regionalisation process since 2014, looking at the reasons for successful or unsuccessful initiation and implementation of certain measures; *Task 4* will identify the level and mode of stakeholders' involvement via cases studies consisting of a few measures identified in task 3; *Task 5* will assess how the ACs advice was taken on board; *Task 6* will assess the gain and losses of stakeholders' participation, looking at three different time periods (before 2004, 2004-2012, 2012-present); *Task 7* will assess how the different interests have been represented and reflected in the ACs advice, relying on the same previous case studies and; *Task 8* will pull all information together to assess the extent to which regionalisation has had an impact on the attainment of the different CFP policy objectives.

The methodology of the study includes, *inter alia*, a joint questionnaire to provide input to multiple tasks, questionnaires specifically targeted at regional groups, the Commission, national administration and STECF, oral interviews and an online survey. The contractors announced that they would be starting the interview from the week following the meeting. The online survey will follow right after. The focus group discussions will take place around September 2021 and will aim at exploring more in-depth issues identified during the interview and the literature review.

The Commission prompted participants to provide their input to the study and take part in interviews, online survey and focus groups discussions. Participants were invited to send written comments or questions to the Commission, who will pass them on to the contractors.

### **III. FUNCTIONING OF THE ADVISORY COUNCILS**

#### **1. Follow-up from the January 2021 Inter-AC meeting: amendment of the delegated act**

Ms. **Valérie Tankink** (DG MARE, Unit D.3) introduced the topic by following up on the discussions held during the January 2021 inter-AC meeting, in the wake of which the Commission have been looking at different concrete actions to improve the functioning of the Advisory Councils. One key element foreseen is the amendment of the Delegated Regulation laying down the rules on the functioning of the ACs, the aim of which is to look at possible improvements in working methods and practices. While the Commission could not share yet the full draft with the participants, two important elements envisaged as part of this amending exercise were presented to the ACs: the draft criteria for classification of organisations into the two categories of stakeholders and the draft layout template for the presentation of advice.

Ms. **Pascale Colson** (DG MARE, Unit D.3) explained that the approach of the Commission to the amendment of the Delegated act builds very much on the input received from the ACs, concerns raised and good practices already implemented. With this amendment, the Commission aims at improving the balance between sector organisations and other interest groups in chairing positions; detailing the criteria for the classification of the members into the two categories of stakeholders; strengthening requirements for appropriate representation of OIGs; introducing a template for the drafting of advice to make sure recommendations comply with the CFP rules and better reflect minority opinions; and introducing a requirement for external and independent performance reviews.

The amending act will, *inter alia*, detail the criteria for the classification of the members in the two groups of stakeholders. The Commission's suggestion builds on the work already carried out by some ACs in this regard. The criteria were presented to the ACs, which were asked for feedback. The Commission

explained the logic behind their proposal for a layout template for preparing advice, namely to ensure that that ACs recommendations clearly respond to CFP objectives and better reflect minority opinion when such opinion is expressed. The Commission aims to have the Delegated Act adopted in the second half of 2021.

## Q&A

Pointing to that fact that an increasing part of recreational fishing actually consists of commercial activities, Mr. **Nils Höglund (BSAC)** asked the Commission to clarify how this was taken into consideration in the drafting of the criteria for the classification of members. He also welcomed the idea of the template, though he warned that the format should not be too restrictive as to allow sufficient flexibility to cover all types of advice and needs from the ACs. He suggested organising trainings for ACs to understand how such template should be used.

In relation to the template, Mr. **Javier Ojeda (AAC)** acknowledged the importance of minority opinions but warned that the Commission should not place too much emphasis on them, as to not make them more attractive than the search of consensus. He also stressed the need to improve the participation of all stakeholders within the ACs, not just OIGs, especially of small sector organisations from remote places in Europe. In relation to the criteria, he asked the Commission to clarify whether the mention of health refers to animal or human health.

Mr. **Pedro Reis Santos (MAC)** welcomed the Commission's efforts to review and improve the functioning of the Advisory Councils and increased details in Commission's replies to MAC advice. He stressed the importance of encouraging participation from the members and to make sure ACs are kept informed of how their advice is followed-up and feeds into the policy making. He indicated that balance of chairs is already a standard practice among most ACs but welcomed the opportunity to have it codified in legislation, while also warning that the act should let ACs sufficient flexibility in this regard. In relation to the template, Mr. Reis Santos agreed that it should not give over importance to minority opinions while still allowing them.

Ms. **Sally Clink (BSAC)** thanked the Commission for the work done on the proposals and welcomed the opportunity to discuss them. She referred to the external performance the BSAC have recently carried out and welcomed the fact that some good practices implemented in BSAC are taken on board by the Commission in their suggestions. Ms. Clink seconded Mr. Hoglund comments on recreational fishing and indicated that guidelines from the Commission on that matter could be helpful. She asked the Commission to clarify whether they would consider adding to the criteria a reference to geographic affiliation. She also stressed the need for the template to cover different kinds of correspondence from the ACs and not only recommendations.

Mr. **Alexandre Rodríguez (LDAC)** thanked the Commission for the work done, especially on the criteria, and welcomed the fact that some of their suggestions were taken on board in the Commission's proposals. He explained that the template should not be too prescriptive for ACs and that it should be seen more as guidelines indicating which substantial elements need to be included in ACs advice. He instead stressed the importance for ACs to have a feedback on how the Commission take into account recommendations in the making of the policy. In relation to the criteria, Mr. Rodriguez explained that it would still be unsure with the proposed criteria how hybrid organisations (e.g. alliances for sustainability including sector organisations and NGOs) should be classified.

Mr. **Yordan Gospodinov (BISAC)** equally stressed the need for the template to cover not only recommendations but also other types of documents such as letters, information notices or opinions. He agreed that recreational fishing is an issue that should be carefully looked at.

The Commission invited all ACs to provide their written comments on the criteria and template by 28 May 2021.

## **2. Better planning: organisations of meetings; cooperation between ACs**

Ms. **Valérie Tankink** (DG MARE, Unit D.3) briefly presented the state of play of other follow-up measures envisaged by the Commission for improving the functioning of the ACs. The Commission will be organising trainings for chairs and secretariats in the autumn 2021 once the new delegated act is in place, in either bilateral or joint format. The new delegated act will be the building stone for these trainings and the Commission wants to make sure there is clarity in this regard before such training are organised. The Commission will also follow-up on financial matters during the next inter-AC meeting of 15 July 2021.

The Commission commented on annex III of the CFP Regulation, which lays down the respective area or field of competence of each AC, and the implication of Brexit in this regard. Acknowledging that the Regulation provides for an overlap between different areas of competence, with up to 4 ACs (NWWAC, NSAC, PELAC and LDAC) coming into play in the North-East Atlantic and North Sea areas, the Commission stressed the need for extensive cooperation between ACs concerned. The Commission indicated that while they would keep reaching out to all ACs when seeking advice, coordination would be very much welcomed as to achieve more efficiency in the process. ACs are already invited to do so for issues of common interests, in line with the requirements of the Regulation. The Commission stands ready to discuss this bilaterally with the ACs.

The Commission explained that they would organise more inter-AC meetings (up to 4 or 5 a year), which ACs are very much invited to see as an opportunity to raise horizontal topics and have open discussions on issues of common interest. The Commission prompted the ACs to already reflect on possible agenda items for the next inter-AC meeting, which is set to take place on 15 July 2021. The Commission drew the attention of participants to the high number of meetings where Commission participation is requested, pointing to the need to prioritise attendance and plan meetings more in advance. The Commission indicated that they are currently seeking a way to have more transparency in the way meetings are planned. Pending further developments, the ACs were invited to rely on the [MARE Management Plan 2021](#) to anticipate advice needs from the Commission. It provides an overview of the work plan for 2021 and is a good starting to plan ahead.

## **Q&A**

Ms. **Mo Mathies (NSAC)** underlined that the Commission attendance is always needed when requested, stressing that Members do feel neglected when there is no Commission presence at technical meetings and if Members do not have the opportunity to have direct interaction with Commission representatives.

Mr. **Pedro Reis Santos (MAC)** indicated that while inter-AC meetings are relevant as a coordination tool to discuss cross-cutting issues among all ACs, it is important that such meetings are planned sufficiently in advance so that memberships can be consulted. He however stressed the need to conserve Commission attendance in individual AC meetings as to allow extensive exchanges of view on AC-specific and technical matters.

The Commission clarified that the aim of inter-AC meetings is to avoid as much as possible MARE staff having to attend several meetings on the very same topic. The Commission indicated that they will keep attending individual ACs meeting to the best extent possible, in the limits of their capacity.

#### IV. FINANCIAL MATTERS

Ms. **Rumjana Georgieva** (DG MARE, Unit E.1 - Budget, Audit and Public Procurement) gave a brief information point on two elements: a) how to deal with surplus generated by the ACs in the grant agreement and b) upcoming changes in the EU co-financing methodology.

Due to COVID-19, ACs witnessed a reduction in real expenditure which has sometimes led to the accumulation of a surplus. According to the EU financial Regulation, the Commission is not entitled to take this surplus away from the ACs. The Commission indicated that this surplus could be used to build up reserves in view of any unforeseen situations. Some of the ACs have however explained that they do not foresee any uses for this surplus and asked the Commission to address the situation. In such cases, the Commission could agree with the AC on an amendment of the grant agreement in order to reduce the percentage of the Commission's contribution. However, it is necessary that the request comes in written from the ACs, since the EU financial Regulation does not entitle the Commission to deal with surpluses.

The Commission has also been reflecting on a simplification of the co-financing rules. In line with the general trend for financial management in the Commission, DG MARE would like to move to simplified cost options (lump sums) for the co-financing of the ACs. With this introduction of lump sums, the Commission would step away from the co-financing based on real actual eligible costs and would apply one fixed amount for the AC grants. The Commission explained that the amounts of the grants would be different for each AC since all have different needs and costs. The Commission would propose a methodology on how lump sums work and how ACs would be able to use them. Lump sums have many benefits in terms of simplification: the decision would not be taken by the college of Commissioners (as currently is the case) but by DG MARE. ACs would be asked to make an *ex-ante* calculation of their real needs. Once reviewed by DG MARE and agreed, the amount would be captured in a 4-year framework partnership agreement. An important element underlined by the Commission is that control of the EU contribution would be moved from *ex-post* control to *ex-ante control*.

#### Q&A

Explaining that the MEDAC had already started its annual grant in January, Ms. **Marina Illuminati (MEDAC)** asked the Commission to indicate when they would be able to receive the advance payment from DG MARE. The Commission reminded that the EMFAF Regulation needs to be adopted before grant agreements can be signed, which is expected to happen mid-July.

Ms. **Daniela Costa (CCRUP)** asked the Commission to clarify whether the impossibility to recover surplus from the ACs also applies to Member States national contributions to the financing of the ACs. The Commission confirmed that they are not entitled to take back parts or whole of the national contributions either.

The Commission thanks all participants for their active contribution to the discussions. The next inter-AC meeting will take on 15 July 2021.