

Ms Charlina Vitcheva
Director-General, DG MARE
Rue Joseph II 99, 1049 Brussels

Brussels, 21 January 2026

Subject: Clarification of the “areas of competence” of the various Advisory Councils, as foreseen in Annex III of the Common Fisheries Policy Regulation

Dear Director-General Vitcheva,

The 2002 reform of the Common Fisheries Policy¹ introduced the “Regional Advisory Councils”, formalising stakeholder engagement in fisheries policy, through a regionalisation perspective, with the main aim of advising the European Commission on matters of fisheries management in respect of certain sea areas or fishing zones. The 2013 reform of the policy expanded these structures, renamed to “Advisory Councils”². Presently, the Common Fisheries Policy Regulation³ foresees 11 Advisory Councils, which besides the regionally focused ones, includes also thematic ones, namely on markets and on aquaculture. The establishment of thematic Advisory Councils was welcomed by stakeholders, as a way to provide thematic clarity and to prevent fragmentation when addressing cross-cutting topics.

Paragraph 1 of Article 43 of the Regulation, states that “Advisory Councils shall be established for each of the geographical areas or fields of competence set out in Annex III”. Point 1 of Annex III, titled “name and area of competence of Advisory Councils”, foresees specific geographical areas for nine Advisory Councils, reflecting the waters of activity of the EU fishing fleet. For the Aquaculture Advisory Council, the area of competence is “aquaculture, as defined in Article 4”⁴, reflecting the primary production aspects of the activity. In the case of the Market Advisory Council, the area of competence is “all market areas”.

As, in juxtaposition to the non-thematic Advisory Councils, the Market Advisory Council is not defined by geographical sea basins, “all market areas” is interpreted to cover the entire EU market of fishery and aquaculture products, particularly in the context of the Common Market

¹ Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy

² https://oceans-and-fisheries.ec.europa.eu/fisheries/scientific-input/advisory-councils_en

³ Regulation (EU) No 1380/2013 on the Common Fisheries Policy

⁴ According to the definition in Article 4 of the Regulation, “aquaculture” means the rearing or cultivation of aquatic organisms using techniques designed to increase the production of the organisms in question beyond the natural capacity of the environment, where the organisms remain the property of a natural or legal person throughout the rearing and culture stage, up to and including harvesting”.

Organisation⁵, including all species and product types, both imports and exports, across the entire value chain, from first sale and processing to distribution, retail, and consumer markets. Across its ten years of operation, the Market Advisory Council has covered a wide range of topics, including, on a non-exhaustive basis, Producer Organisations, intra and extra-EU trade, traceability, fight against IUU products, food safety, and consumer information.

Article 44 of the Regulation, titled “tasks of Advisory Councils”, reflecting the original focus on regionalisation and fisheries management, states that the Advisory Councils may “submit recommendations and suggestions on matters relating to the management of fisheries and the socio-economic and conservation aspects of fisheries and aquaculture [...], and, in particular, recommendations on how to simplify rules on fisheries management”, “inform [...] of problems relating to the management and the socio-economic and conservation aspects of fisheries and, where appropriate, of aquaculture in their geographical area or field of competence and propose solutions to overcome those problems”, and “contribute, in close cooperation with scientists, to the collection, supply and analysis of data necessary for the development of conservation measures”.

The abovementioned legal provisions foresee delimited areas of competence for each Advisory Council via distinct criteria, avoiding duplication, including through a categorical exhaustive allocation of market matters, ensuring internal coherence. While the Market Advisory Council focuses on “all market areas”, the other 10 Advisory Councils focus on primary production aspects, such as multiannual management plans, Total Allowable Catches and quota allocations, technical measures, and spatial management. Even though Article 44(1) of the Regulation foresees that “if an issue is of common interest to two or more Advisory Councils, they shall coordinate their positions with a view to adopting joint recommendations on that issue”, the provision should be read as procedural requirement for cooperation but not allow for stakeholders to circumvent the areas of competence delineated by the EU legislators. Therefore, the topic of the joint recommendation should still fall under the area of competence of the subscribing Advisory Councils. An example would be a joint recommendation, developed by multiple regionally focused Advisory Councils, on the definition of a fishing technique practiced in multiple sea basins.

As foreseen in paragraph m) of point 2 of Annex III, the Commission provides an annual grant to each Advisory Council to contribute to the operational costs. Without clearly demarcated domains, these public financial resources could be spent on duplicated activities across the various Advisory Councils. Stakeholders interested in contributing to the EU decision-making should also be able to know, in a transparent manner, to which body to channel their limited human and financial resources. As an example, an EU-wide retail association or a consumer

⁵ Regulation (EU) No 1379/2013 on the common organisation of the markets in fishery and aquaculture products

group should be able to address consumer information aspects in the Market Advisory Council, instead of participating in the meetings of 11 Advisory Councils. Otherwise, the Commission staff would have to dedicate their resources addressing possibly conflicting, potentially not representative, advice from multiple Advisory Councils, in contradiction with institutional economy. In the case of the Market Advisory Council, when developing advice, the Secretariat continuously encourages the membership to avoid delving substantially on matters related to the management of primary production.

In recent years, several Advisory Councils broadened their exchanges and recommendations to topics related to the market of fishery and aquaculture products, such as on import controls, suspicion of imported IUU products, trade relations with specific third countries, autonomous tariff quotas, consumer information, origin labels and certification, and sustainability and nutritional labelling. On multiple occasions, the Secretariats of the other Advisory Councils informed our Secretariat of their ongoing initiatives. Nevertheless, in some cases, the recommendations were adopted without prior efforts of cooperation. In the spirit of good institutional relationships, when requested, the Market Advisory Council has proceeded with joint recommendations⁶, even when the topic was not under shared competence, potentially setting the wrong precedent. Our Advisory Council remains fully open to cooperation as defined in Article 44. At the same time, it is important to keep in mind that requests from other Advisory Councils do influence the calendar and thematic priorities of our work, while also potentially introducing a pre-judged position on issues yet to be discussed within our Council.

At the moment, the Market Advisory Council is composed of 77 member organisations from across the EU, representing the entire value chain of fisheries and aquaculture (primary producers, processors, traders, suppliers, retailers, trade unions) and other interest groups (environmental and development NGOs, consumer groups), which ensure the relevant representativeness and expertise of the advice provided to the Commission and to the Member States on the market of fishery and aquaculture products. Our Advisory Council maintains continuous efforts to strengthen the representativeness, both in terms of interests and of geographical coverage, of the membership.

Therefore, the Market Advisory Council⁷ would appreciate if the Commission could recall to all Advisory Councils the importance of respecting the areas of competence established in Annex III of the Common Fisheries Policy Regulation. Such clarity would enhance transparency,

⁶ Under the ninth operational (2024-2025), the Market Advisory Council adopted 18 recommendations, including eight in collaboration with other Advisory Councils.

⁷ Amongst the MAC's Executive Committee, in the view of COPA COGECA, there are issues that affect the scope of activities and competences of the MAC and of other Advisory Councils, particularly in the field of aquaculture with the AAC. In their view, there should be close collaboration in these areas. In their view, the coordination of such cooperation can be the responsibility of the Executive Committees of the two Advisory Councils, and it is unnecessary to involve the Commission in this type of technical work.



efficiency, coherence, and representational fairness, in stakeholder consultations. When receiving recommendations from the other Advisory Councils that touch on market-related issues, the Commission should verify if prior coordination with the Market Advisory Council has occurred. In cases where the recommendations are manifestly outside the area of the competence of the submitting Advisory Council as well as in cases where the issue is of common interest but there was no prior coordination, the Commission services should take into account that such advice may not fully reflect the reality of market-based issues and could be influenced by the composition of the other Advisory Councils, which may not have the same level of seafood-sector market expertise.

We remain available to discuss the abovementioned issues in more detail.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Yohana Bermúdez'.

Yohana Bermúdez
Chair of the Market Advisory Council