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INTERRAC MEETING REPORT, 24TH OCTOBER 2013 BRUSSELS

Agenda (attached)

1. Role, composition and working procedures for future Advisory Councils

During the last inter-RAC meeting discussion began on the future role, composition and working procedures of the Advisory Councils. The aim of the discussion was to deal with all the practical issues in order to allow the RACs to comply fully with the new CFP.

2. Economic problems linked to the transition to Advisory Councils.

The transition to Advisory Councils will have economic repercussions. In particular, new framework agreements will need to be stipulated. This debate was held with the aim of identifying and dealing with any problems or difficulties, so as to guarantee that the Commission's contribution to the Advisory Councils is disbursed in a correct and timely manner.

The RAC MED delegation was made up of the Chair Giampaolo Buonfiglio, the vice Chair Susana Sainz-Trapaga and the Executive Secretary Rosa Caggiano.

1) Ernesto Penas opened the meeting and informed the participants on the final compromise text of the basic regulation on the CFP. In particular, he illustrated the parts relative to the Advisory Councils, highlighting that the subdivision on the seats that sees 60% assigned to the fisheries sector representatives and the remaining 40 % to the representatives of other groups that are affected by the CFP is not only applied to the Executive Committee but also to the General Assembly. In the final compromise text, the number of ExCom members is not mentioned. Furthermore, he informed the meeting that the Commission is preparing delegated acts to regulate the Advisory Councils' working procedures in detail, these will be adopted over the next 12 months. He continued stating that the Advisory Councils will have a crucial role in the future regionalisation process, and that some stakeholders, in



particular small scale fishers, should be better represented in the Advisory Councils and he wondered how to encourage participation. He concluded his intervention by informing the meeting that there will be 11 Advisory Councils, not the current 7. Mr Penas closed by recalling that on 23rd October during the plenary session of the European Parliament, the regulation on the European Maritime and Fisheries Fund (EMFF) was adopted at the first sitting, and the triologue will begin this on 7th November.

LDRAC recalled that a margin of flexibility had already been called for where the composition of the ExCom is concerned, as it was not easy to respect the 24 seats assigned. In relation to the participation of small-scale fisheries representatives, the meeting was reminded that this RAC operates outside national waters and that, in any case, entry into the RACs is voluntary.

Mr Buonfiglio intervened to request clarification on the following aspects relative to the new text on the CFP regulation that has received final approval:

- Art.45 (2) states that each Advisory Councils should adopt the necessary measures for its own organization and working procedures, while art. 45 (4) states that it is the EC, by means of delegated acts, will establish the regulations governing the working procedures. The question is whether it will be necessary to wait for adoption of the delegated acts, on the basis of which each Advisory Councils will adopt the necessary measures for correct operative practices. If this procedure is not followed then there will be an issue of overlap between the EC and the Advisory Councils.
- On the issue of the 60-40 percentage, RAC MED wrote a letter to Ms Evans underlining that it will not be possible to respect this proportion in the General Assembly, because the “open door” policy cannot be applied (the option of allowing as many associations as possible to become members), they would run the risk of altering the established percentage.
- On the matter of the annual membership quotas, it was highlighted that, in the Mediterranean, many associations find it difficult to pay, this matter was also brought up in the meeting with Ms Damanaki. It was also mentioned in the same meeting that the Member States’ participation as observers is inconsistent, and not all Member States provide an economic contribution. If the Member States quota is increased then maybe the annual quota of the members could be decreased, thus more associations could participate. It was stressed that, until the Member States start considering active participation in the Advisory Councils, it will be difficult to envisage a different role for these same Advisory Councils.
- Where the 24 seats allocated to the ExCom are concerned, this number was not considered sufficient; however if the number of seats is increased to 25 – 30, then this would bring about an increase in the



costs of the meetings held, this aspect should not be underestimated in the future budgets of each Advisory Council.

- On the issue of aquaculture, the meeting was reminded that the basic text of the regulation foresees the inclusion, *inter alia*, of aquaculture in each Advisory Council, it was remarked, however, that the representatives of this sector should maybe just take part in the Advisory Council on aquaculture.
- Art.44, (c) establishes that each Advisory Council must take part in data collection and processing; with the available budget, however, this would prove rather difficult.
- Point (h) of annex III states "European and national organisations representing the fisheries sector and other interest groups may propose members to the Member States concerned. These Member States shall agree on the members of the general assembly". This means that the Advisory Councils are not obliged to accept all the membership requests, while on the other hand Council Decision 2004/585 states that the ACs must establish the level of representation of the associations which apply for membership. The new text would suggest that it is the Member States that establish who can request membership of the Advisory Councils.

Mr Penas replied to the issues raised by Mr Buonfiglio. Where art 45 (2) and (4) are concerned, Mr Buonfiglio's interpretation was deemed to be correct (that the ACs must communicate to the EC detailing the requirements for flexibility). Where the ACs quotas are concerned, it was underlined that the ACs must find a way to facilitate the participation of all the interested parties. On the matter of the composition of the ExCom, an important aspect was raised by Mr Buonfiglio and it is necessary to understand how to guarantee greater participation and what level of flexibility is required. It was also confirmed that aquaculture should only be dealt with by the specific AC on aquaculture. In relation to data collection, although it may appear that the ACs are being requested to carry out data collection, in actual fact the Commission wishes to consult with the stakeholders on this issue.

Mr Bianchi took the floor to underline that discussion should not be confined to the single paragraphs of the final basic text, the key issue that must be understood is that the co-legislators's aim was to change the percentages of 2/3 and 1/3. Point (h) of annex III states that the Member States must verify the level of representation but maybe this is not the best possible verbalization of the concept, there is a problem in the formulation of this paragraph.

Rosa Caggiano took the floor to ask how long the current Council Decision establishing the RACs will be in force. She further suggested that art. 7 (5) of the Council Decision should be included in the delegated acts. Mr Bianchi replied that the Decision will remain in force until December 2013 , and then it will be necessary to wait for the delegated acts to come into force, and this will certainly not happen before January 2014 as the necessary



bureaucratically procedures must be followed. He reiterated that if there are matters that the RACs wish to see included in the delegated acts, as suggested by Ms Caggiano, then these must be communicated in the very near future.

The vice Chair, Ms Sainz-Trapaga, took the floor to speak on the matter of regionalisation, recalling that in the Mediterranean the situation is complex and she sees little hope of achieving this goal. She informed the meeting that a Memorandum of Understanding was adopted with the GFCM, moreover RAC MED can only organize one meeting each year on the management plans, however it would be appropriate to organize more than one, with the participation of the Member States and the scientific community, she is not aware the mechanisms in place to facilitate such meetings and exchanges of opinion and this is cause for concern.

Mr Penas replied stating that the contributions made by the EC must be the same for each of the Advisory Councils so as not to create discrimination. He confirmed that RACMED has a difficult task with many over-exploited species. The meeting was reminded that the budget for the future ACs will be established by the co-legislators and suggested that the ACs request the allocation of further funds (as in the case of data collection) seeing that the whole EMFF is still to be discussed.

Mr Buonfiglio took the floor and spoke on the matter of regionalisation. He reiterated that if the ACs must wait to be consulted by the Member States but they do not habitually work together on common proposals. He stated that the ACs could be a link, however the Member States should be obliged to participate in the Advisory Councils and such measures should be in the delegated acts, otherwise the regionalisation process will run the risk of not being applied.

Mr Penas replied stating that the Member States are not stakeholders and therefore they cannot be obliged to participate. He concluded by proposing that each Advisory Council should find a way to encourage greater participation and interest in the AC activities.

2) Mr Bianchi passed on to the second agenda item on the economic issues concerning the Advisory Councils

Mr Buonfiglio took the floor and asked how RAC MED could receive advance funding for next year as its activities will begin at the start of the calendar year while the EMFF will only be approved (it is hoped) in the first half of next year.

Mr Bianchi informed the meeting that the EC is working to find a solution so that there is continuity in funding by means of another source of funds based, from a legal point of view, on the basic regulation on the CFP that has already been adopted.



BSRAC asked if it is possible to plan for a seven-year budget period, as the EMFF will last for 7 years. This kind of budget would give the ACs greater flexibility, as now they are limited to a yearly budget.

Mr Bianchi replied by stating that it is not possible to prepare a 7-year budget, the same is true for inflation.

