

Ms. Charlina Vitcheva  
Director-General for Maritime Affairs and Fisheries  
European Commission  
Rue Josef II 99  
1000 Brussels  
Belgium

11 December 2020

### **NSAC letter to the Commission on the functioning of Advisory Councils<sup>1</sup>**

Dear Director-General Ms Vitcheva,

On 16 November the Commission informed the Advisory Councils that the Inter-AC meeting will be postponed to January 2021. In the letter the Commission invited the ACs to propose concrete ideas and proposals ahead of the meeting to address any structural and interpersonal challenges, and increase transparency and mutual trust between members. On 18 and 20 November the NSAC Secretariat turned to its members with a request to propose such ideas and solutions. Additionally, in September the NSAC Secretariat launched an internal Performance Review to further explore the sentiment of its membership and possible solutions to perceived challenges. Furthermore, at the preparatory Inter-AC organised by the Baltic AC on 25 November, the AC Chairs and Secretariats discussed their respective AC strategies in tackling the current disconnect between the fishing industry and NGOs. In this letter we will present our ideas on how to enhance the performance of Advisory Councils to better fulfil their role in advising the Commission and Members States on EU fisheries management.

To start with a positive note, the preliminary results of Performance Review survey show that 80% of respondents agree that there is an added value of the NSAC in the EU fisheries management. This is a solid foundation to build on, as it shows that there is still a will to succeed in this collective endeavour. We know from experience that an AC can only function well if there is a strong commitment from all its constituents to achieving a common aim - a sustainable fisheries policy. The first step in this direction would be to recognise and

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<sup>1</sup> This letter was adopted by the NSAC Executive Committee on 11 December 2020 via written procedure.

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Secretariat: **Tamara Talevska** - tel: +31 62 53 18 192, email: tamarat@nsrac.org

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acknowledge that the NSAC aggregates members based on one common denominator – a motivation and dedication to work on sustainable fisheries management. In this sense it would be beneficial if members abandoned the bloc-division of ‘industry versus OIGs’, and instead adopt a spirit of a collective, camaraderie and trust. We, indeed, are all in the same boat and we should act in a way that focuses on things that unite us instead of divide us. This of course does not imply that diverging positions are not reflected in the advice, but merely that every diversion is based on a recognition that all had been done, in this collective spirit, to reach a consensus.

The NSAC’s most important recommendations centre around an active involvement of the Commission at meetings, but also in promoting the forum and substantiating and assessing the uptake (or lack thereof) of the advice. Additionally, the OIG part of the NSAC believes that the Commission could, as an independent agent, monitor and intervene when necessary to ensure a better compliance with, and enforcement of, the rules that already exist for the functioning of the AC.

In our opinion, a well-defined, external and independent audit of the NSAC performed periodically every few years would benefit us in achieving our objectives. Despite our efforts in conducting an internal performance review we believe that it would have been better if the Commission had issued guidelines for such a review for the results to be comparable between the ACs. Equally, if not more important, is the evaluation of the impact the AC has on legislation and policy decisions in relation to invested effort. We hear from both sides (industry and OIGs) that the sentiment that our input has tangible consequences in fisheries management has diminished over the years, often to the point where individual organisations are questioning the continuation of their membership. We therefore propose that an external evaluation is done of the impact of the advice on policy outputs. This could be facilitated by the Commission for all Advisory Councils. Finally, we would see beneficial an evaluation of the quality of our advice. We believe it should be in the Commission’s interest as the main funder of the ACs to make such an assessment.

To maintain ACs as a fair and constructive forum for providing advice to the Commission and Member State groups, we would further suggest the following improvements:

### **For the Commission and Member State groups on process**

- Improve communications: Proactively share agendas and working documents to give ACs ample time for developing advice, provide timely response to AC requests. Give clear and detailed feedback on the advice and its uptake, and reasons for not following it.

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- Ensure regular participation of the Commission and North Sea Member States representatives in AC meetings with participation by staff that have a mandate to engage in discussions.

### **For the Commission concerning guidance**

- Provide further clarification of which organisations should be in the OIG group and which in the fishing sector, and action to ensure agreed definitions are upheld.
- *OIG position only:* Monitor AC functioning and intervene when necessary; provide guidelines regarding interpretation of CFP and Delegated Act rules in relation to the functioning of the ACs;

### **For the Advisory Council**

- Develop clear protocols for the development and presentation of advice, official correspondence, timeframes and deadlines, proxy votes and delegated representation at meetings, and ensure these are followed;
- Agree to disagree on certain contentious topics and avoid getting stuck in the same debates time and time again where consensus is unlikely, rather focusing on topics where consensus can be achieved.
- Provide for clear grievance procedures, i.e. a clear formal route to handle complaints of unacceptable behaviour.
- Have a balanced management team, meeting in pre-defined periods (e.g. every two weeks).
- All issues within the membership should be raised internally before bringing them up with the Commission.
- Have clear agreements on representation in external meetings on behalf of the AC.
- *OIG position only:* avoid initiating work on drafts which from the outset are not supported by both industry and OIG representatives; introduce requirement for each advice idea to be supported by at least 1 industry and 1 OIG member before beginning of drafting of such advice. OIGs believe it is in no-one's interest for the NSAC to represent one-sided views only, or if all advice is split. There should be a basis for advice given by the AC from both sides. *Industry position:* such a requirement would imply that any work in the NSAC could be blocked by one person, which would undermine the functioning of the AC.

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- *OIG position only*: Organise training on constructive debating and reaching consensus for all AC members.

### **For Chairs**

- Always act impartially, inclusively and transparently, and have checks and balances in place to ensure impartiality.
- Ensure there is a clear process for rotation of chairmanship and limited the number of terms a chair can serve.
- *OIG position only*: Explore option of having chair not affiliated to an AC member organisation.
- *OIG position only*: Receive training in impartially chairing of meetings.

As you might be aware, some of the OIGs have left the NSAC in recent months. The remaining OIGs underlined that each organization will independently assess their engagement in the AC based on their evaluation of the resources put into this work and their usefulness and efficiency. This goes in particular when achieving the CFP objectives is not a priority (or is even contradicted), and/or where the cumbersome and time-consuming process does not ultimately result in the provision of a meaningful, respectful and inclusive advice.

In the NSAC we fully acknowledge that the current situation is not enviable. However, it is hardly unexpected that a forum with such a level of diversity in terms of individual and organisational values, experience, agendas and knowledge would experience some sort of adversity along the way. We of course respect the decision of departed OIGs and note that we will be happy to welcome back any of the organisations, should they decide to re-engage with the AC.

Despite the recent tensions, we strongly believe that together we can design a better AC for all. A necessary precondition before taking any path towards improvement are dedicated and committed AC members, positive approach in working together and maintaining an open mind. Some of the listed suggestions had already been carried out in the NSAC. However, since there is always room for improvement, we remain open and committed to implementing additional measures necessary for rendering this forum trustworthy, transparent and constructive. This will be considered in the upcoming revision of the statutes and internal protocols. At the same time, we put our hopes in the Commission to help us maintain the prominence this forum has built through the years.

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We thank you for your consideration of the above and look forward to further deliberations in January.

Best regards,



Kenn Skau Fischer  
Chair of the NSAC Executive Committee

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