

Ms. Charlina Vitcheva  
Director-General for Maritime Affairs and Fisheries  
European Commission  
Rue Josef II 99  
1000 Brussels  
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3 September 2021

## **NSAC/NWWAC Advice Ref. 16-2021**

### **NSAC/NWWAC Advice to Commission on the draft Delegated Regulation on the Functioning of the Advisory Councils**

*This advice paper was approved with consensus by the NSAC and NWWAC Executive Committees on 3 September 2021 via written procedure.*

Dear Ms Vitcheva,

We would like to thank the Commission once again for their inclusive and transparent approach to the amendment of the Delegated Regulation (EU) No 2015/242 laying down detailed rules on the functioning of the Advisory Councils under the Common Fisheries Policy. Even though most of our concerns have been voiced at the Inter-AC meeting on July 15, we are happy to provide you with a written overview of the main issues raised by our members.

We notice and appreciate the Commission's willingness to consider our suggestions and, where appropriate, include them in their deliberations and final documents. In our previous correspondence we expressed our preference to have a less prescriptive advice template, or none at all, and the Commission heard our plead. This is encouraging.

In the same way, we would like to provide some thoughts on the proposed amendment of the mentioned Delegated Act, deadline for which has been generously extended by the Commission to 10 September.

Firstly, we appreciate that the proposed Delegated Regulation specifies that an AC chairperson may originate from outside the membership of the AC and that in case the chairperson is designated amongst representatives of member organisations, at least one of

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the vice-chairpersons should be designated amongst members of the other category to which the chairperson does not belong. The proposal also mentions that this can be applicable to working groups too, when possible. The NWWAC and NSAC would like to point out that the sharing of chairs and vice-chairs position between the two categories has been a long-standing practice. The NSAC Rules of Procedure state that the two AC vice-chairs positions are to be shared between the Industry and OIG colleges. The NWWAC has also included both these provisions in its reviewed Rules of Procedure, approved on 1 July 2021. While the ACs agree that this could add to a more balanced representation and could aid consensus seeking, we would prefer if the chair and vice-chairs came from within the AC, as in our experience this increases the commitment of respective chairs.

Overall, we would like to point out that, for what concerns OIGs membership and participation in the ACs, the proposals brought forward by the Commission are indeed improving the administrative structure to support their engagement. However, we feel that more efforts are needed to attract members. We are thus seeking the support of the Commission in attracting more members and promoting the role of the ACs, which should be recognised as more beneficial to members' work programmes than their direct representation to the Commission. Generally, we believe that having an effective advice feedback procedure involving the European Commission and the Member States Regional Groups would help ensure constructive collaboration and maintain members' interest and participation under the regionalisation principle.

We also appreciate Commission's work on better defining the different stakeholder categories, which has proven helpful in many ways. In others, however, some complexities have emerged that might prove difficult to overcome. On the provision stipulating that at least/less than 50% of funding must come from either group in order for them to be accurately classified, we wonder how the Commission envisages this to be verified by the ACs and whether such requirement is aligned with data protection legislation.

We further question Commission's proposal on the need to engage with stakeholders competing for different uses of the sea, including for energy production, extraction, tourism or conservation purposes, clarifying that such organisation should be classified as "Other Interest Groups". Such broad variety of organisations might cause conflict of interest and tensions within the group that has so far worked in a coordinated way. This would make consensus more difficult to reach and would potentially weaken our recommendations. Moreover, there is the risk that allowing these organisations in the ACs membership dilutes the fisheries focus on which ACs are based. Here it is important to note, that our Rules of Procedure already allow for (active) observers at all AC meetings and we have been exercising this option regularly in order to keep ourselves updated about the developments in e.g. offshore wind, sand extraction, and other relevant sectors.

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On the requirement on balanced and wide representation of all stakeholders, including representatives of small-scale fisheries, our members would like to remind that these organisations are already represented through several organisations in the Industry Group and as such do not see the need to include these individually.

Lastly on the Delegated Act, we find positive the provision on regular monitoring and evaluation of the performance of Advisory Councils by an external and independent consultant. We would, however, like to propose that Terms of Reference of such a review are agreed in collaboration with the Commission, but certainly amongst the Advisory Councils, to be followed by the contractors. This will ensure that the results and the layout are inter-comparable.

We understood from the Inter-AC meeting that the Commission is not planning to withdraw from close interaction with Advisory Councils by continuing its attendance at individual AC meetings, which was an impression we had after some of the horizontal (yet still region specific) files had been transferred to the Inter-AC forum. If this is the case, we can support this approach insofar as the engagement with the ACs is not compromised. We would like to stress that meaningful advice and sound legislation can only emerge as a result of synergies from continuous engagement and contact with the stakeholders. The ACs are, in our opinion, best placed for such synergies to occur. Finally, we are happy to work with the Commission in finding the most efficient way of planning our meetings with view to aligning our calendars and agendas.

In the name of the NSAC and NWWAC memberships, we thank you for your consideration of our concerns and suggestions, and invite you to contact our Secretariats should you wish to discuss our proposals in more detail.

With best regards,



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Chair of the NSAC Executive Committee



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Chair of the NWWAC Executive  
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