

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

3 September 2020

A response to the OIG letter on the functioning of Advisory Councils

Dear Director-General Ms Vitcheva,

As the Chairman and the Executive Secretary of the NSAC we would like to express our concerns regarding the letter sent to you by several OIGs regarding participation of NGOs in Advisory Councils on the 22 July 2020. From this, and the letter sent to your predecessor Mr Machado in April 2019 on the same subject we understand that the OIG stakeholders are displeased by the way Advisory Councils have been functioning in the past years.

To recall, the undersigned OIGs are particularly concerned about the systemic failings deriving from the 60-40% seat allocation, and the lack of required impartiality of chairs and secretariats, resulting in discriminatory conduct towards the eNGO representatives and preferential handling of industry inputs in consultations procedures. This has allegedly been preventing the NGOs to enact the provisions of the CFP.

In their letter, they report of inappropriate or hostile language from some AC members unprevented by the chairs or the secretariats, the watering down of the advice until their near insignificance to Commission's needs, as well as the fact that due to their perceived lack of influence and resources many of the OIGs decided to leave ACs, but are willing to return on a case-to-case basis should the situation improves.

We are saddened and disappointed about the eNGO statements. The secretariat and I have personally – individually and tri-laterally - made effort to discuss these issues internally with the OIG representative who was the initiator of the joint OIG effort in the mentioned letters. We did that, first and foremost, because we consider the NSAC as one of the more transparent, open and regulated (by consensually agreed and detailed Rules of Procedure,

Executive Committee Chair: **Kenn Skau Fischer** - tel: +45 51 19 95 37, email: ksf@dkfisk.dk

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

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as well as an open dialogue) Advisory Council with extensive experience in stakeholder consultations, and can therefore not accept the accusations mentioned in both letters.

In the discussion, we were assured that the letter had by no means been directed to the NSAC as such, and that the events in another Advisory Council triggered the OIGs to act. To our surprise, we heard similar explanations from several other Advisory Councils, where OIGs claimed to have signed the letter out of moral obligation and collegiality. We believe we do not have to emphasise the irrationality of such unsubstantiated generalisations, which have left several chairs and secretariats question their adequacy, unfairly so.

From the letters it seems that the main agenda of the OIGs is to challenge the 60-40% seat allocation rule, which has been enshrined in the CFP (point 2(a) of Annex III to Regulation (EU) No 1380/2013) since its adoption in 2013, and the impartiality of the chair, who is by rule designated by consensus (point 2(d) of Annex III to Regulation (EU) No 1380/2013). As they have themselves observed in the letter, (some) Advisory Councils are working well particularly where there is willingness of the chairmanship and the membership to work together towards a common goal. We wonder if this is not the case in every kind of (negotiating) community? If the functioning of the ACs has been so poor due to the shortcomings of CFP, why are the OIGs only raising this now and why has this sentiment not been shared and discussed by and with the ACs and the Commission? On the other hand, if the shortcoming of the individual secretariats and chairs have been the real culprit, why have they not singled them out, but instead submitted a generalised letter that does not serve anyone, and most certainly not as a way of improvement of the functioning of the ACs, which they are allegedly seeking.

To summarise, we cannot help but to feel that the letter is an unfortunate attempt to attract Commission's attention in order to push for an unilateral agenda to fundamentally change the structure of this stakeholder forum intended to aid fisheries, without 1) a fair and open discussion of internal issues and 2) an opportunity for an inclusive and constructive debate on perceived structural flaws. We believe that if the Commission is to intervene by way of bilateral meetings with only one of the (minority) stakeholders groups, this will seriously undermine the purpose and deteriorate the influence of this forum, and further damage the trust built over the many years between its members.

Such accusations, which are unacceptable and surprising to majority of the NSAC members who invest substantial amount of resources in the AC, inevitably cause frictions in working relationships and reduce members' willingness to stay in the AC and work towards a consensus. The eNGOs' obvious undermining of regional forums on the one hand and increasing expenditure on direct influence from Brussels on the other, make us wonder whether we are indeed all working towards the same goal – regionalised management of fisheries.

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Despite the above mentioned dilemmas, we propose the Commission to help us rebuild and strengthen the role this forum was to carry out from its inception, which is to allow for a balanced discussion on issues more important and relevant than a desperate attempt to undermine the functioning of an organisation that is in its core not intended to solely serve the purpose of the OIGs.

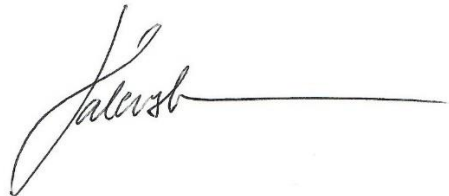
We appreciate that as a new Director-General a lot is on your plate already and we would certainly not have occupied you with our concerns would we not believe that our reputation has unfairly been damaged. We believe that Advisory Councils only have a future if all stakeholders engage in constructive dialogue with sincere wish to work, at a regional level, towards sustainable fisheries.

We thank you for your consideration of the above and look forward to your reply.

Best regards,



Kenn Skau Fischer
Chair of the NSAC Executive Committee



Tamara Talevska
NSAC Executive Secretary

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