

Director-General Ms Charlina Vitcheva  
D.G. for Maritime Affairs and Fisheries  
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B-1049 Brussels  
Belgium

You ref Ares (2020) 6783853 – 16/11/20

BSAC 2020-2021/24

Copenhagen Friday 11th December 2020

REF: Inter-ACs coordination meeting and the functioning of the ACs

Dear Charlina Vitcheva,

Thank you very much for your letter of 16<sup>th</sup> November 2020 informing us that the inter-ACs meeting is postponed until next year, and at the same time encouraging all ACs to send in ideas and proposals on how to improve and optimise the functioning of the ACs.

I very much appreciated our virtual meeting on 5<sup>th</sup> October 2020 and welcomed your positive feedback about the way the BSAC is operating and reflecting the opinions of its members. We in turn appreciate the engagement of DG Mare in our work. At our meeting I was able briefly to mention some of the initiatives taken by the BSAC to improve its functioning. This letter gives me the chance to elaborate on this and to include proposals. All the BSAC members have been consulted in the drafting of this letter. The Secretariat sent a draft to the members on 20<sup>th</sup> November 2020.

The following wrote to support the draft:

Danish Fishermen PO, Michael Andersen

Fisheries Management Gotland, regional co-management of fisheries, Andreas Pettersson

Honorary Chair, Steve Karnicki

The following sent input to the draft:

Coalition Clean Baltic, Nils Höglund

Association of Fisheries Protection, Wolfgang Albrecht

Their input is included at the end of the letter.

First and foremost, for any organisation to be able to run smoothly, it needs a structure, and it needs some guidelines and basic principles. We are bound by the relevant EU legislation, and this has given us the basic framework.

The overall structure of the BSAC enables it carry out its functions. The General Assembly, Executive Committee and Working Groups are all led by chairs elected for a fixed term. There is also provision to create smaller focus groups. The General Assembly membership has stayed stable over the years, hovering around 40 members. It has always been a principle to set the membership fee - and there is only one flat membership fee to take part in the work of the BSAC - at a level that is low enough for all to afford to join (300 EUR). We have seen some members come and go, but not departing in protest, rather stating lack of resources to be able to play a full role in the BSAC. It is a challenge to fill the vacant OIG seats on the ExCom. We have no solution to it, other than to remind and encourage General Assembly members to stand for election.

Working groups and focus groups have always been open to all members, irrespective of interest group, the emphasis being on bringing their expertise and interest to the work.

In January 2019, the Executive Committee approved the creation of a Management Team to deal with administrative, management and operational matters. It consists of all the chairs, together with the Executive Secretary and rapporteur. Its rules of procedure were approved by the ExCom. It contributes towards the sharing of responsibility and decision-taking within the AC, still under the leadership of the Executive Committee.

All of this is supported by a Secretariat: executive secretary and rapporteur. Information coming from the Secretariat is by means of letter (usually twice a month), and by e mail when more urgent information is disseminated/feedback required, plus a more general monthly newsletter shared with members and observers. We think that this provides a good frequency of interaction with the members. It informs and it helps to get the work of the BSAC done: developing and providing advice and recommendations.

On top of the structure comes the cooperation. The BSAC, like any organisation, consists of individuals with differing interests and views. It is important for all who sign up to agree on rules that direct the running and the work.

The rules of procedure are not cast in stone. The BSAC has been dynamic in updating its statutes and rules of procedure since it was established in 2006. The most recent update in 2019 was a root and branch exercise. A Focus Group, with participation from all interest groups drafted and proposed a revised set of rules and procedures for adoption by the ExCom, and subsequently by the General Assembly. I am satisfied that it has ensured involvement of all, and a shared buy-in to the running of the BSAC.

During the work to review the rules of procedure, there was a proposal to include a requirement for the Executive Committee chair to be selected from outside the AC membership. This proposal was turned down. The membership is at liberty to return to this discussion.

At the same time, the BSAC has been very privileged to have an honorary chair of the General Assembly, also elected for a term of three years, and who has been elected from outside the BSAC. He has played a very active, and in some cases, a very decisive role when the BSAC has faced difficult challenges and decisions. This has served the BSAC very well.

The terms of all the chairs are limited to three years, but not for more than 3 terms, so elections make it possible to replace existing chairs. The BSAC has introduced a system to compensate the working group chairs for the time spent, the payment going to the organisation that the chairs come from.

The written procedures include a clear set of rules for rapid consultation and that always require decision by the ExCom Chair and Vice Chair, in coordination with the Secretariat.

There is also clarity on the creation of a quorum for ExCom in order for decisions to be taken, whereby a majority is required. The enlargement of the ExCom to 30 members has made this a practical necessity.

Interpreting is provided, subject to requests from the members and by a deadline set by the Secretariat.

Web conference link are provided where possible. Life under COVID has made this essential. We have succeeded in making this work, and we are able to provide interpreting at the same time.

Under current working conditions with COVID the challenge is to ensure active participation by members and contribution to the work. One positive thing is the fact that more members are able to “show up”. We want to maintain this, so when the situation returns to normal, we can consider a mixture of physical and online meetings, or maybe combined (providing the technology works for us). Another option is to look at the plenary style of seating and consider the creation of smaller groups. Such internal issues may come up during the external evaluation which is ongoing (more below).

Alongside the overall rules of procedure, the BSAC has had in place since 2016 a set of procedures for the functioning of its working groups. These have served the BSAC well and ensured that deadlines and consultation of members are respected. The output from the working groups feeds into the decision-taking process of the Executive Committee. The procedures for the working groups complement the rules of procedure.

During recent meetings of the Executive Committee, theme meetings have been introduced to raise the quality of discussion and debates. The Baltic cod stocks are currently the subject of much concern, and experts have been invited to the BSAC to share their knowledge. We are also currently tasked with producing input to the reform of the CFP.

This is another overarching issue to enable members to think outside the box, step back from the current issues and work together in a slightly different context. Our work has been disrupted by COVID, but we pick up where we left off in the new year.

A view from the outside is also valuable to carry out a stock taking of an organisation. For that reason, during the current BSAC work programme, I proposed to the members that we initiate an external evaluation, lead by an outside consultancy, to help us identify ways to improve the work of the BSAC. The BSAC Management Team was active in preparing the evaluation process, and the terms of reference were adopted by the Executive Committee. A key thing here is to get as many members as possible to take part. It also needs input from outside partners, and we have asked the consultancy doing the work to contact DG Mare and BALTFISH. The evaluation is currently underway, and we very much look forward to getting feedback and input from the members.

I want to emphasise that we are in a process of evaluation. The conclusions and recommendations that come out of it will be studied closely and acted on where relevant and necessary. We look forward to sharing and discussing the results with you when they are available.

To conclude, structure, cooperation and evaluation seem to be the key elements to our AC. Membership of the BSAC has been stable over the years. We have faced internal challenges, disagreements and turbulence. But with the right structure, the good will to work together and strive to improve and evolve, I hope that we can continue to provide meaningful input to the decision-making process around fisheries management.

Kind regards,



Esben Sverdrup-Jensen  
ExCom Chair

## INPUT FROM WOLFGANG ALBRECHT Association of Fisheries Protection [HIS WORDING IN RED]

First and foremost, for any organisation to be able to run smoothly, it needs a structure, a well-balanced membership of interest groups

### Self-criticism

Due the fact that the advice from BSAC/EXCOM was unable to prevent a dramatic decline by example in the cod population in some areas of the Baltic Sea, this activity needs to be critically examined.

The overall structure of the BSAC in the past to now enables it carries out its functions, with room of improvement. Because of the fact that a majority (ratio is seven to four) of members of BSAC/EXCOM are representing the fish industry through their position as representatives of POs. The result of this is to find all proposals from representatives of the SSF group to decrease the fishing effort as a minority position in the minutes of the meetings nearly without any influence. As a consequence of the lack of representation of SSF's interests in all bodies from national to European level a pan European interest Association for small scale fishing was established in 2012 and consists of more than 10.000 members in 15 countries around Europe. **Therefore the composition of the BSAC/EXCOM has to be adjusted to reach a more fair balance for more successful advising in particular to avoid overfishing.**

We have seen some members come and go, but not departing in protest, rather stating lack of resources to be able to play a full role in the BSAC in particular for small organisations of the SSF fishery.

On top of the structure comes the cooperation and the ability to search for compromises.

To conclude, structure, cooperation and evaluation seem to be the key elements to our AC. Membership of the BSAC has been stable over the years. (with a majority of representatives from the "industry" too) We have faced internal challenges, disagreements and turbulence. But with a more balanced the right structure, the good will to work together and strive to improve and evolve, I hope that we can continue to provide meaningful input to the decision-making process around fisheries management.

## **INPUT FROM NILS HÖGLUND Coalition Clean Baltic**

I think the letter should note poor participation; members not taking part at all; loss of seeking consensus are issues that should be noted as BSAC "issues" to address but this letter is not only about BSAC but all ACs. Ultimately the Commission will consider changes to the legal acts of the functioning of the ACs and thus the rules will apply to all. The letter now is a kind of explanation of what BSAC has done or tried to do, not proposing changes.

So to address that part CCB proposal is to list a number of options for COM to consider, some onboard or partly onboard in BSAC:

- limit terms of chairs also clearly spelling out that chairs can or even should come from outside ACs
- require signatures of both 60%-40% groups for documents to be valid
- set regular external performance evaluations as the norm for all ACs
- reconsider rules on consensus and reconsider the added value of a situation where simply listing each group's known positions as we see currently
- consider increasing the accountability of advice issues by ACs, requiring justifications for proposals/advice that deviate from CFP rules.