

Director-General Ms Charlina Vitcheva, Director Lena Andersson Pench  
At the Directorate General for Maritime Affairs and Fisheries

By e mail to MARE-D3@ec.europa.eu  
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Ref: BSAC/2021-2022/6

Copenhagen Friday 28<sup>th</sup> May 2021

Dear Ms Vitcheva and Ms Andersson Pench,

**Subject: Functioning on the Advisory Councils: proposals for criteria for the classification of members and layout template for the drafting of advice**

Thank you for organising the Inter-ACs meeting on 5<sup>th</sup> May 2021 and for putting forward proposals for improving the functioning of the Advisory Councils.

As a general comment, some of the amendments put forward are already included in the way the BSAC runs, for example balanced chairing in the ACs, as well as evaluating the work of the ACs. I have initiated work to follow up on our external evaluation, and I am now chairing a small working group to look into the recommendations made, and to prepare concrete actions and initiatives at our next General Assembly. I also think that the rules and procedures that we have adopted, as well as the creation of a Management Team, have gone a very long way to improving our work and cooperation within the BSAC.

The BSAC Executive Committee has been invited to send input, in particular to the two specific proposals from DG Mare. Below you find the input received. This input does not represent a consensus view from the BSAC.

Those who have contributed have made useful comments to the way in which classification of members can be improved or refined. Classification of members has not been an issue for the BSAC.

They also give differing views on the need for or usefulness of a template to reply to the proposals.

I have always been satisfied with the way in which the BSAC Secretariat, together with the Chairs and all the members, has drafted and finalised the BSAC advice and recommendations. I hope that such a template will not limit their work and output.

There are also a few general comments put forward about the impact of the Advisory Councils and their internal functioning. Again, these comments are from specific members and do not reflect the views of the entire BSAC. I would like to refer back to the Inter ACs meeting on 18<sup>th</sup> January 2020 when I expressed the wish to see AC advice more clearly reflected in the Commission's proposals. The Advisory Councils sometimes struggle to see their recommendations properly followed-up and taken on board throughout the decision-making process. This translates into little reward for the members. I would like to repeat my invitation to the Commission to reflect on how to improve this specific aspect.

Kind regards,



Esben Sverdrup-Jensen  
Chair BSAC Executive Committee  
Copy to: DG Mare Baltic Unit, and to BALTFISH Member States

## **INPUT RECEIVED<sup>1</sup>**

### **On PROPOSALS FOR CLASSIFICATION OF THE MEMBERS**

**A representative of the fisheries from Germany** has commented:

It could be added that members should be based in the regions and represent a relevant group of acting natural persons or companies in the region that the specific AC deals with.

**A representative of the fisheries from Lithuania** has commented:

To add one more criterion for the other interest groups: (c) The organisation declares sources of funding each year. There is already the proposed criterion 1 (c) regarding funding for "sector organisations": the organisation is funded by undertakings active in the field of commercial fishing, aquaculture, processing, marketing, distribution or retail of seafood. Hence the suggestion also to apply to "other interest groups" a criterion regarding funding.

**A representative of the recreational fishermen from Denmark** has commented:

With respect to classification, section 2 (a) for "other interest group", the wording to require that "the organisation is independent, in particular from government, other public authorities, from political parties" does not classify an organisation as "sector". Those criteria do not belong here, but should be a condition for any organisation/interest wanting to join an AC.

He agrees with members that all members should report their funding annually for clarity about goals and motives.

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<sup>1</sup>

Union of German Cutter Fishery  
Association of Fisheries Protection  
The Confederation of Fishermen and Fish Processors of West Lithuania  
National Chamber of Fish Producers  
Danish Recreational Fishermen

## ON THE LAYOUT TEMPLATE FOR DRAFTING THE ADVICE

### **A representative of the fisheries from Germany** has commented:

The ACs are established to add information (facts and opinions) for the process of political decisions on a wide range of subjects. It covers a wide range of topics, but is always related to the CFP. So this kind of template would potentially increase work and increase the risk of loss of information when limited to a specific form. It is not an ICES advice on fish stocks with a repeated structure. An extra chapter with dissenting opinions would lead to a split of facts and opinions about an issue and would make it more difficult to read and use the advice. It would separate the OIGs' opinions from the advice.

### **A representative of the fisheries from Lithuania** has commented:

No support for the introduction of templates for drafting the advice. It will be a limiting step in the work of the Advisory Councils, and can even be detrimental to the work.

### **A representative of the small scale fisheries in Germany** has commented:

He finds the template to be a two-edged sword. At first glance, it appears more difficult to work with. On the other hand, there is the advantage with an extra section for dissenting opinions. There have also been dissenting views within the sector organisations. If dissenting opinions are only presented in an annex, there is a risk that they get lost in the paperwork. Long documents are often not read in full, and this can also apply to annexes. He does not see the template as a limitation for the work of ACs.

### **A representative of the recreational fishermen in Denmark** has commented:

With respect to the template thinks that the BSAC advice would still be the same. The template would just be a check list; however specifically asking for dissenting opinions is rather contradictory to the wish for consensus.

## THERE ARE ALSO SOME GENERAL COMMENTS

**A representative of the fisheries from Germany** has commented on the 5 points to improve the work of ACs:<sup>2</sup>

It would be more helpful to write how the impact of the ACs on policy making could be improved. If the Commission does not reflect on the advice, and the High Level Groups (e.g. BALTFISH, Scheveningen) invite the AC to meetings only AFTER finalisation of their decision making, and only for a small talk before AOB, it is a clear sign that they do not care about the ACs.

**A representative of the fisheries from Poland** has commented:

Has more general comments to the functioning of the ACs. He refers to the Council Regulation establishing the ACs (2004/585)<sup>3</sup> which states the need to include all the interests affected by the Common Fisheries Policy and while recognising the **primacy of fishing interests** given the effects on them of management decisions and policies.

With that as a main signpost for the BSAC, he suggests that the BSAC and its members can improve its work and internal communication on condition that all respect this aim: **primacy of fishing interests.**

He also refers to the European Parliament resolution from 24th April 2010 (2010/C 184 E/16)<sup>4</sup> on Governance within the CFP and where there are many other things which have an impact on the work of the ACs and which should be done. In this Resolution there are concrete items such as numbers 12, 13, 14, 15. Regarding the internal work of ACs he underlines number 13 as quite important; it states: " Express its disquiet at the fact that some organisations serving in RACs as 'other interest groups' repeatedly take advantage of their presence, even though they might be in minority, to block decisions supported by a majority of fisheries sector representatives and obstruct decision-taking by consensus".

Other points are important as well, for example numbers 9 and 10 which are not still fulfilled, but which have a remarkable impact on the work of the ACs and their efficiency.

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A better balance in the chairing of the ACs - chair and vice chair  
Make clear the classification of members into the two groups  
Strengthen requirements for appropriate representation of the OIGs  
Introduce a template for drafting the advice  
Introduce a requirement for external and independent performance reviews

<sup>3</sup> **COUNCIL DECISION of 19 July 2004 establishing Regional Advisory Councils under the Common Fisheries Policy (2004/585/EC):** (4) In the interests of efficiency, it is necessary to limit the size of Regional Advisory Councils whilst ensuring that they include all the interests affected by the Common Fisheries Policy and while recognising the primacy of fishing interests given the effects on them of management decisions and policies.

<sup>4</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52009IP0317&from=EN>

**A representative of the recreational fishermen** has commented:

Generally, does not think that the two proposals do much to improve the way in which the ACs work. In his view, it states what we already do in the BSAC.