

STUDY ON REGIONALISATION

REPLY FROM THE BSAC MANAGEMENT TEAM

About you

* Which stakeholder category are you answering for

(!) Choose one of the following answers

- **Advisory Council Chairs and Executive Secretaries**
- Scientific experts
- Advisory Council Members
- Member State Groups, European Commission

More precisely answering this questionnaire from the Baltic Sea Advisory Council: the Management Team (MT: General Assembly Chair, ExCom Chair, WG Chairs and Secretariat)

About You

Organisation

Baltic Sea Advisory Council

Position

All AC Chairs and Secretariat

When did you start in this position

The BSAC was established in 2006. Most of the members of the MT have been with the BSAC since the start or joined very soon afterwards.

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Membership and composition of Advisory Councils

1) We are keen to understand whether there have been changes in the stakeholder composition in the Advisory Council.

1 a) What changes have you seen in the composition of the stakeholders in the Advisory Council?

The BSAC membership has been very stable over the years. Over 15 years, 20 organisations have left, others have joined. Total number has hovered around 40 members. Always proportionately more fisheries representatives than from other interests on the

General Assembly. But the BSAC has an open door (membership is decided on by Member States) to General Assembly membership.

1 b) What do you think are the reasons for these changes?

Members have left for various reasons: not paying their membership fee, lack of engagement, the person involved has retired, BSAC activities turned out to be not relevant for their work, due to other priorities unable to engage in activities, the organisation closed down. As far as we know, no-one left because of dissatisfaction with the BSAC.

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Provision of recommendations / advice

2) Who is currently involved in the process of creating and formulating recommendations / advice on management measures (e.g. discard plans, multi-annual plans, conservation measures)?

(!) Check all that apply

X Advisory Council Executive Committee

X Advisory Council Members

- Scientific experts e.g. STECF
- High Level Groups
- European Commission
- Other:

All members can take part in meetings of the Working Groups. The creation and formulation of the recommendations is done by the Secretariat, then agreed and finalised with members and the relevant WG Chair(s), then for final adoption by the Executive Committee.

3) The recommendations / advice you currently give to the High-Level Groups and European Commission, is this on request or on your own initiative or both?

(!) Check all that apply

- On request
- Own initiative

X Both

4) Who currently drafts the recommendations / advice within your Advisory Council?

(!) Check all that apply

- Advisory Council Executive Committee

X Advisory Council Members

- Scientific experts e.g. STECF
- High Level Groups
- European Commission

The drafting is done by the Secretariat and sent to the AC members for comment and further input towards finalisation.

5) To what extent are current procedures of drafting of recommendations / advice effective?

(!) Choose one of the following answers

X Very effective

- Somewhat effective
- Neutral
- Not very effective
- Not effective at all
- No answer

Please enter your comment here:

The spadework is done by the Secretariat. The Secretariat captures the essence of discussions and exchanges and transposes them to paper. Further work is then done internally by WG Chairs and members towards finalisation. Reasonable deadlines are given (see Question 6)

6) To what extent are current procedures of drafting of recommendations / advice efficient?

(!) Choose one of the following answers

X Very efficient

- Somewhat efficient
- Neutral
- Not very efficient
- Not efficient at all
- No answer

Please enter your comment here:

See answer to 5). The Secretariat is the key to efficient preparation and delivery, supported by the MT. And there are rules in place for the Working Group and for the BSAC to ensure agreed deadlines. What the BSAC can't ensure is fair and reasonable deadlines from those requesting the advice – this puts pressure on the working of the BSAC.

7) How do you proceed when no consensus is obtained?

Minority views/opinions are always included in the recommendations. The format depends on the nature of the recommendations. If they cannot be incorporated into the body of the

recommendations, then reference is clearly made, and minority contributions are attached to the recommendations.

8) In your opinion, is it more difficult to reach consensus now (from 2013 onwards, with Advisory Councils) compared to when we had Regional Advisory Councils (2004-2012)?

It has always been a challenge for members to reach consensus. However, reaching consensus often requires members to compromise. This is not always possible, as different organisations defend their interests, and these are usually key interests. The BSAC has got better at making clear the different or dissenting opinions in the recommendations.

9) Do you usually receive a rationale why the European Commission and High-Level Groups incorporate / do not incorporate recommendations / advice from the Advisory Council on a timely basis?

(!) Choose one of the following answers

- Yes
- No
- No Answer

Please enter your comment here:

At the start of the BSAC, more replies and clarifications were received from the receivers of the advice. This does not happen very often now. The BSAC has highlighted this with especially DG Mare. Use of public/stakeholder consultations by the Commission also makes it difficult to get specific feedback to BSAC responses. Regular attendance at BSAC meetings by representatives of Commission or Member States can help to get direct feedback and more meaningful exchange and understanding of the issues at stake.

10) In your experience, what are the best practices in ensuring uptake of recommendations / advice?

Initiate the development of recommendations/advice by means of a dialogue-based process with everyone involved at an early stage. A shared or common issue for all puts everyone on the same page. Early warning is essential from those requesting the advice (BALTFISH or Commission or other). Enough time for the stakeholders to meet, prepare, discuss and, if necessary, hold further meetings to develop and finalise the advice is essential. Participation by BALTFISH and / or Commission in BSAC meetings during the process also helps. This promotes dialogue and exchange rather than delivering an advice to a post box.

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Preparation of recommendations / advice

11) Are there differences in influence / impact on the preparation of recommendations / advice between the different members/stakeholders?

Choose one of the following answers

- X Yes
- No

This question is difficult to understand. Experience shows that OIG representatives (here we mean environmental NGOs) tend to be better prepared and often send written input in advance. This may not affect the impact of the preparation work, but it helps the Secretariat when drafting the advice. In general members do not send written input in advance. On the other hand, sending agreed positions in advance can make it difficult to discuss and reach compromises within the BSAC.

12) To what extent does the current structure of the Advisory Council allow for effective stakeholder consultation?

(!) Choose one of the following answers

- To a very great extent
- To a great extent
- To some extent
- To a small extent
- Not at all

X No Answer

The structure/composition of the ACs is politically decided top-down (i.e. the 60% -40% groupings, and the number of seats allocated to the interest groups on the Executive Committee). However, all members can provide input to the consultation process (the BSAC working groups are open to all members). There are working procedures in place with deadlines etc to enable consultation internally.

One thing to point out: Commission and other online consultations make it difficult for ACs to take part: ACs need to be able to work internally on these consultations and pull together and finalise input before replying to Commission. ACs are simply not geared to deal with the format of online consultations.

13) To what extent is the preparation of recommendations / advice scientifically underpinned?

(!) Choose one of the following answers

- To a very great extent
- To a great extent
- X To some extent
- To a small extent
- Not at all
- No Answer

Please enter your comment here:

The BSAC is not a scientific body. Not all preparation is anchored in science. It depends on the subject matter. The purpose of many of the recommendations/advice is for the stakeholders to provide their direct experience, experience from the profession. If expertise is needed, then the BSAC invites relevant experts to meetings and to the work to present, explain the issues etc.

14) To what extent are the recommendations / advice of the Advisory Councils underpinned by science?

(!) Choose one of the following answers

- To a very great extent

To a great extent

X To some extent

- To a small extent
- Not at all
- No Answer

See answer to 14). Where relevant, reference made to scientific papers, ICES advice etc. Again, representatives of the fisheries (commercial and recreational + sports + anglers) also contribute with relevant stakeholder knowledge.

15) To what extent are opposing opinions in the Advisory Council evident, in your opinion?

(!) Choose one of the following answers

X To a very great extent

- To a great extent
- To some extent
- To a small extent
- Not at all
- No Answer

Please enter your comment here:

They are clearly evident and expressed in the meetings and discussions. Every attempt is made by the Secretariat to reflect all opinions in the output. If things are not written clearly, then members have the chance to make this clear.

16) To what extent can opposing opinions in the Advisory Council be reconciled if they occur, in your opinion?

(!) Choose one of the following answers

- To a very great extent
- To a great extent
- To some extent
- To a small extent

X Not at all

- No Answer

Please enter your comment here:

This does not seem to happen. The desired goal is consensus. Opposing opinions are expressed and listened to, but compromises are rarely reached. There are important things at stake for many of the stakeholders. So this challenges striving for consensus. If consensus is not reached, members accept to differ.

17) To what extent do the current rules of procedure provide transparency and accountability in the preparation of recommendations / advice?

(!) Choose one of the following answers

X To a very great extent

- To a great extent
- To some extent
- To a small extent
- Not at all
- No Answer

Please enter your comment here:

Everything is fully transparent and accountable. Rules of procedure for the BSAC and Working Group procedures make this clear. Hard work has been put in to develop procedures so as to make this clear.

18) To what extent do you believe that the current organisation of the Advisory Council fosters connections and networking between the member organisations?

(!) Choose one of the following answers

- To a very great extent
- To a great extent

X To some extent

- To a small extent
- Not at all
- No Answer

Please enter your comment here:

Despite the fact that there are difficulties in reaching consensus across the 60% and the 40% interest groups, the BSAC provides a well-organised forum and a platform for coming together, communicating and exchanging views and experience. The possibility and likelihood for reaching areas of consensus and common agreement has been strengthened by having the Advisory Councils.

PREVIOUS

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Gains and losses in participation

19) Have your expectations regarding the regionalisation process been met so far? (Please elaborate)

Choose one of the following answers

Yes

No

Make your comment here

Regionalisation in its present form or structure, and as reflected in the Basic Regulation Title III and Articles 9 and 10, 11 and 15 (6),¹ would not appear to be delivering more successful management of the Baltic fisheries through a regionalised approach.

20 a) What problems have you (the Advisory Council) encountered towards the development and implementation of discard plans

Please write your answer here

The development of the Baltic discard plan in 2014 is held up as a positive example. The BS(R)AC acknowledged involvement with BALTFISH from an early stage, with dialogue, timelines and a more iterative process.²

PROBLEMS? OVER TO THE WG CHAIRS TO RECALL

20 b) What problems have you (the Advisory Council) encountered towards the development and implementation of Multiannual plans (MAPs)

Please write your answer here

This was the VERY FIRST MAP under the new CFP. It was held up as a blueprint for future management plans. Thus, there were high expectations. Work took place in 2015 and recommendations sent.³ It is hard to recall that there were problems with this work. There were two meetings. Views (unanimous and dissenting) were expressed in the recommendations. The advice from the BSAC was for the management plan to be based

¹ http://www.bsac.dk/getattachment/BSAC-Resources/Documents-section/European-Parliament-and-Council/BR1380_2013UK.pdf.aspx?lang=en-GB

² <http://www.bsac.dk/BSAC-Resources/BSAC-Statements-and-recommendations/2014-01-01-BSAC-reply-to-draft-final-discards-pl>

³

http://www.bsac.dk/archive/Dokumenter/Recommendations/2014/BSACcommentstothe%20Baltic%20MAP%20COM%202014_614%20.pdf

on the principle of managing by means of ranges rather than point estimates in order to deliver some of the flexibility that was called for by the industry. An evaluation of the management plan in 2019 gave the BSAC the chance to provide input. Views are divided on the functioning of the Baltic MAP, but the BSAC agrees that it has not lived up to its expectations.

20 c) What problems have you (the Advisory Council) encountered towards the development and implementation of conservation measures.

Please write your answer here

This goes into the realm of cooperation amongst Member States to develop joint recommendations (Article 18 BR). It hasn't given the desired flexibility in terms of management wished for by the BSAC.

20 d) What problems have you (the Advisory Council) encountered towards the development and implementation of technical measures

Please write your answer here

The Technical Measures Framework Regulation Chapter III provides for Regionalisation - regional technical measures, through Joint Recommendations. ⁴ Again, it is not providing flexibility. It is a slow and bureaucratic process to implement regional technical measures, gear changes, area closures etc, provided for in Articles 15 to 22. The BSAC has been calling for a more adaptive management in the Baltic.

21) Do you feel your investment (in terms of time, effort etc) in the regionalisation process has had an impact on the recommendations / advice?

(!) Choose one of the following answers

- Very positive impact
- Positive impact
- No impact
- Negative impact
- Very negative impact
- No answer

Please enter your comment here:

Members probably do not feel that the time they invest has had much impact. But the BSAC is a forum for bringing people together and highlighting issues. We could also ask how much impact stakeholders have at national level on their authorities and procedures? The lack of consensus has potentially weakened the impact of the recommendations. This was highlighted in the external evaluation of the BSAC, carried out in 2020, ⁵see page 13.

⁴ http://www.bsac.dk/getattachment/BSAC-Resources/Documents-section/European-Parliament-and-Council/Techmeasures2019_1241ENG.pdf.aspx?lang=en-GB

⁵ <http://www.bsac.dk/getattachment/BSAC/About-the-BSAC/Evaluation-of-the-BSAC-FINAL-15th-January-2021.pdf.aspx?lang=en-GB>

22) Do you feel your investment (in terms of time, effort etc) in the regionalisation process has had an impact on policy making?

Choose one of the following answers

- Very positive impact
- Positive impact
- No impact
- Negative impact
- Very negative impact
- No answer

Please enter your comment here:

Again, probably not very much impact. Lack of consensus has potentially hindered policy making under regionalisation. Again, see external evaluation of BSAC, for example page 4 Advice and impact of the BSAC.

23 a) In your opinion, has regionalisation led to better involvement of all relevant stakeholders in fisheries management?

(!) Choose one of the following answers

- Definitely
- Probably
- Possibly
- Probably not
- Definitely not
- No answer

Please enter your comment here:

The creation of the BSAC and of the regional forum (BALTFISH) has given stakeholders the chance to take part at regional meetings at regional sea basin level. There is a regional coming-together both for stakeholders and for Member State representatives. The BSAC is unique in terms of the composition of the membership. It gives a unique opportunity for fisheries, environmental, sports/recreational fisheries, trade, and processing interests to come together.

However, BSAC representatives are not taking part at the BALTFISH High Level Group, so the advisory process at the end is not transparent.

23 b) In your opinion, has regionalisation led to a bottom-up approach to fisheries governance?

(!) Choose one of the following answers

- Definitely
- Probably
- Possibly

- Probably not
- Definitely not
- No answer

Please enter your comment here:

The structure is in place (See 23 a). There is potential and room for improvement and development of a fully regional structure to work together and develop Joint Recommendations. However, decisions are still taken at the top and have to go through the co-decision process to meet Lisbon Treaty requirements.

23 c) In your opinion, has regionalisation led to the design of more tailor-made management for specific stocks in your area?

(!) Choose one of the following answers

- Definitely
- Probably
- Possibly
- Probably not
- Definitely not
- No answer

Please enter your comment here:

There is a separate TAC/quota regulation for the Baltic. But the rest is covered by the framework regulations: Basic Regulation, Technical Measures Framework, plus environmental legislation. This hasn't created the necessary flexibility to deal with tailor-made/specific management at stock level. Some technical measures, such as closures are included in the annually decided Baltic TAC/quota Regulation as one way of getting round this for tailor-made Baltic management. However, some of the technical measures are urgently needed, but cannot be introduced due to long and bureaucratic procedures, and this has a detrimental impact on the fish stocks and on the morale of fishers.

23 d) In your opinion, has regionalisation led to better accounting of local / regional specificities?

(!) Choose one of the following answers

- Definitely
- Probably
- Possibly
- Probably not
- Definitely not
- No answer

Please enter your comment here:

Maybe yes. BALTFISH has created a forum for Member States at Forum and High Level Group. But what is mean by "accounting of"??? Describing? In that sense, yes, there is

reference to local specificities in the sub-regions on the Baltic. However, management is still taking place at broad Baltic region level.

23 e) In your opinion, has regionalisation led to better decision making?

(!) Choose one of the following answers

- Definitely
- Probably

X Possibly

- Probably not
- Definitely not
- No answer

Please enter your comment here:

The framework is in place. But procedures through Joint Recommendations are lengthy. The fisheries + environmental legislation is not yet brought close enough together to work in tandem. BALTFISH is only basically dealing with fisheries management at regional level. Ecosystem based management decision making is still a long way off.

24) In your opinion, is regionalisation an improvement to the management system that was there before 2004?

(!) Choose one of the following answers

- Definitely
- Probably

X Possibly

- Probably not
- Definitely not
- No answer

Please enter your comment here:

There were definitely positive aspects of having a regional fisheries management body in the Baltic until 2006 (IBSFC⁶), especially in terms of the decision-making process. Since then, the involvement of stakeholders has improved. The Advisory Councils and in the case of the Baltic, BALTFISH, have been created. Regionalisation has been well thought out and the intentions behind it are to be applauded. However, regionalisation is a principle which requires that people first listen and then decide. Unfortunately, this is not the case. Moreover, the advice provided by stakeholders through Advisory Councils is not often taken into account by the European Commission. The work under regionalisation needs to be done in a more coordinated and more streamlined way, especially between BALTFISH and the BSAC.

25) Do you feel that Advisory Councils contribute to decision-making in the EU?

⁶ International Baltic Sea Fishery Convention

(!) Choose one of the following answers

- Definitely
- Probably
- Possibly
- Probably not
- Definitely not
- No answer

Please enter your comment here:

The framework is in place for effective stakeholder consultation and involvement. But inability to reach consensus advice within the AC would appear to hinder better decision-making. Member States can still follow their own line and reach their own compromises without influence from stakeholder input. It's still a hierarchical structure with decision-making being taken at top level.

26) Overall, how satisfied are you with the regionalisation process?

(!) Choose one of the following answers

- Very satisfied
- Satisfied
- Neutral
- Unsatisfied
- Very unsatisfied
- No answer

Please enter your comment here:

Members are probably not satisfied, frustrated that it hasn't brought about changes and more involvement. Regionalisation in the Baltic region has so far not given the expected effects, in particular with regard to the revision of the technical rules for the Baltic fisheries. Focus should be put on more adaptive fisheries management, with a faster consultation and decision-making process.

27) What do you consider to be the main strengths of the regionalisation process?

Please write your answer here

The main strengths are having stakeholders in the same room, having a dialogue and exchange at regional level. Exchanging on the ground experience at regional level. Going into the specificities of the region, sub-regions etc.

28) In your opinion, what needs improving in the regionalisation process?

Please write your answer here

More involvement with the BALTFISH process and working groups. More streamlining of flow of information and transparency. More rapid decisions taken at the level of the region and not being taken through co-decision.

29 a) What would you do to improve the effectiveness of the regionalisation process?

Please write your answer here

Issues, policies need to be developed and decided at regional level. No long journeys of procedure, consultation etc via Brussels, to STECF for evaluation, and so on. The creation of a mini-Baltic Council for matters that affect the Baltic only would promote regionalisation. This could consist of stakeholders, MS representatives, Commission, elected MEPs from the Baltic region, scientists. All are around the table at the same meetings. The management should be more adaptive, and the decision-making process faster.

29 b) What would you do to improve transparency under the regionalisation process?

Please write your answer here

A more open-door policy, whilst knowing and acknowledging that some doors need to be closed at the right moment.

See answers to 28 and 29 a)

29 c) What would you do to improve uptake of advice under the regionalisation process?

Please write your answer here

Invite more stakeholder involvement from the very start, early involvement, more time for discussion to reach compromises, listen to the stakeholders and what they are experiencing. This question is perhaps better put to the administration and decision takers.

30) Is there anything else you would like to say/share about the regionalisation process under the Common Fisheries Policy?

Please write your answer here

Regionalisation is more than specific Articles in the Regulations.