



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,  
MARE/D3/PCO (2021)

**Subject:**

Dear Mr Buonfiglio,

Thank you for your reply to the public consultation on the draft Commission act amending the rules on the functioning of the Advisory Councils (ACs) under the CFP.

Let me first express my concern regarding your perception that with this draft act the Commission would seek to deprive the fisheries advisory councils of their powers or fishermen of their role in the ACs. I can assure you this is not the intention, nor the effect of the measures we are putting in place. As you know, the ACs were closely associated to the preparation of this draft act, and the content of the act has been explained twice during the inter-ACs meetings of May and July 2021. The ACs have been given the opportunity to ask for explanations and provide comments, of which we have made full use. The majority of ACs support the Commission in its efforts and the upcoming delegated act.

Looking in detail at your comments, and in order to avoid a misunderstanding of the act and its purpose, I provide detailed answers to the comments and concerns you raised. I hope this will help you better perceive and understand our intentions.

First, let me remind that this draft act was prepared with the aim of tackling problems existing in some ACs and improving their functioning. We are aware that the situation varies a lot from one AC to another. In no case are we under the impression that the MEDAC fails to function and are happy to know that, according to you, its functioning has improved over the years. To your comment "*however, it is essential to understand the real common goal: the safeguarding and sustainable development of fishery activities*", let me assure you that we agree with this assertion, but we have also to keep

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in mind that the CFP is guided by an appropriate involvement of all stakeholders at all stages, as pointed out in Article 3 of the CFP Basic Regulation<sup>1</sup>.

To your detailed comments on the draft delegated act, please find below our explanations.

- 1) For what concerns the designation of vice-chairs, please note that this provision would only apply on a mandatory basis at AC level, not at working group level. The objective here is to improve the balance between sector organisations and OIGs in chairing positions, including in working groups, but only to the extent possible. We agree also on the “open door” principle, making it possible to any new eligible member to be part of the ACs’ General Assembly, despite the 60/40 rule.
- 2) On the draft Article 4(2), please note that we included the possibility of having a chairperson originating from outside the membership of the AC, as this might be a solution when there is no AC member applying for such a position or no candidate able to be elected via consensus. Such a solution was already suggested in the past. Its inclusion in the ACs’ functioning rules will make its use possible, should an AC desire it. It will however not make the provision mandatory and it will remain for each AC to decide what works best in their specific situation.
- 3) As regards your comment on the drafting of Article 4(7), please note that this reference to SSF was introduced by the Commission Delegated Regulation 2015/242<sup>2</sup>, which entered into force in 2015. The modification introduced in the draft delegated act concerns only the reference to OIGs, that was not there before. We remember that MEDAC always insisted on the fact that SSF were well represented and heard, and are not questioning it.
- 4) On your comment on the annex to the draft act on classification of members, please note that the reference to “*organisations representing or having direct or indirect interests linked to the use of the marine environment or maritime space*” in the criteria is not to set rules on which organisations are eligible to join ACs. The purpose of the criteria set in Annex I and the reference to such organisations, as already explained during the inter-AC meeting of 15 July, is not to set rules on which organisations are eligible to join ACs. **The Commission will not seek to encourage or refrain the participation of any new kind of organisations within ACs, as the responsibility of approving applications to ACs membership lies in the hands of the Member States.** Similarly, the Commission has absolutely no intention to “push aside any stakeholder”, would it be from the fishing industry or from another area. It is the relevant ministries’ sole responsibility to assess the relevance of each application in relation to the objectives pursued by the AC concerned. The criteria available in Annex I to the draft regulation only aim at setting guidance on how ACs should decide on the classification of organisations whose applications have already been approved. In the event where an organisation representing or having economic interests linked to the use of the sea other than commercial fishing or aquaculture joins an AC, it is important that our criteria cater for such possibility and provide clear guidance on how it should be classified.
- 5) Regarding the funding of ACs members, as also already explained at the inter-ACs of 15 July 2021<sup>3</sup>, we consider that getting information on sources of funding are part of the basic set of information than an organisation within ACs should provide, in line

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<sup>1</sup> Regulation (EU) No 1380/2013 (O.J. L 354, 28.12.2013, p. 22).

<sup>2</sup> See OJ L 41, 17.2.2015, p.1

<sup>3</sup> See Ares(2021)5394644 of 1 September 2021

with the transparency principle enshrined in the CFP Regulation. In addition, as the ACs are receiving an EU grant covering up to 90% of their operational costs, there is no reason why ACs (and MEDAC in particular) would not be allowed to ask its members to provide their sources of financing. Member organisations should be encouraged, by ACs as well as by Member States, to register to the EU transparency register<sup>4</sup> and to provide their financial information therein, as this will help ACs implement the associated criteria and facilitate the implementation of the delegated act. As data to be provided are only related to the source of funding and are not personal data, there is no risk to breach GDPR rules.

- 6) On your comment on criterion 1(e), let me confirm, as already explained in the inter-ACs meetings, that this criterion implies that, even if an organisation is active in the field of environment, consumers and human rights, health, promotion of equality or animal welfare, it shall be classified as a sector organisation if one of the criteria 1(a) to 1(d) is met. This should solve the problem of classification of hybrid associations, which has been very problematic in some ACs.
- 7) As far as the MEDAC's suggestion to delete criteria 1(d), 1(e) and 2(a) of the Annex to the draft act is concerned, which is proposed only by MEDAC, we do not agree. The aim of these criteria was to clarify as much as possible how members should be classified. While these criteria might not cover any specific situation in MEDAC, it is relevant with regard to other ACs. Please note that no other AC suggested the deletion of criteria 1(d) and 1(e)<sup>5</sup>.
- 8) Concerning your proposal to allow the participation of some stakeholders to the ACs only as "external" observers to meetings, this possibility is already included in Annex III (2) (f) to the CFP Regulation for regional or national administrations having fisheries interest in the area concerned or researchers. When referring in criteria 2 (b) to organisations linked to the use of the marine environment or maritime space, as already explained at the inter-ACs meeting of last July, we do not want to "extend the scope" of the IOGs, but to provide guidance on the classification of such associations, should they be agreed by Member States.
- 9) Finally, on the annex to your recommendation, please note that comments on the Delegation 2017/1575 cannot be taken on board, as the draft act does not entail any modification to the 2017 act. The information introduced in the Delegated Regulation in 2017 aimed at further aligning the definition of the term "sector organisations" to the wording of the CFP Regulation. The right granted to each stakeholders' category to decide on their representation in the Ex-COM is also in place since 2017, and solved some functioning issues in several ACs.
- 10) As stated above, the draft delegated act does not "*deprive fisheries and fishermen of their central role, while confusing and fragmenting their representation*". With the annex to the delegated act and its criteria, the purpose is only to set guidance on how ACs should decide on the classification of organisations whose applications have already been approved. The categories of stakeholders mentioned in the draft delegated act are as close as possible to the current reality and aim to help ACs in the classification of any new organisation.

I hope you find these explanations useful, with a view to continuing our fruitful cooperation and your support on this proposal. Should you have any further questions on

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<sup>4</sup> [Transparency Register \(europa.eu\)](https://transparencyregister.europa.eu)

<sup>5</sup> CC RUP requested the deletion of criterion 2(b), but we rejected it, given the aim of these criteria is to classify members and not to set rules on eligibility.

this reply, please contact Ms Pascale COLSON, coordinator of the Advisory Councils ([Pascale.COLSON@ec.europa.eu](mailto:Pascale.COLSON@ec.europa.eu); +32.2.295.62.73).

Yours sincerely,

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