

**INTER-AC MEETING MINUTES
5th DECEMBER 2016, DG AGRI, Brussels**

Participants: the MEDAC delegation consisted of the Chair, Giampaolo Buonfiglio, the vice Chair, Ilaria Vielmini and the Executive Secretary Rosa Caggiano.

The Agenda covered the following issues:

1. Introduction by the General Director João Aguiar Machado

The Director General opened the meeting by giving a particular welcome to the representatives of the new ACs. Role of the ACs is fundamental for implementation of the CFP, EC and MS benefit from AC's knowledge and experience. ACs, by ensuring representation of all relevant stakeholders, are the EC main consultative bodies. Machado congratulated for the good work in giving the EC timely and relevant advice and would like to thank you sincerely for that. He underlined the fact that the co-existence of two groups with competing interests can be very challenging. This makes your input even more valuable, because you bring forward advice from both viewpoint. In situations were sometimes the classification of an organization to one of the two interest groups (60-40) is not straightforward the General Assembly has to take a decision based on objective aspects. EC cannot intervene with the internal functioning, but looked into the issue in a careful manner and will present a proposal to overcome the difficulties. Looking forward to receiving your feedback in that regard. Machado stated that under the new CFP rules and regionalization MS have to ensure that joint recommendations are part of a regional process that reflect the outcomes of consultation with ACs. These recommendations should be underpinned by data, ACs should help with this. Initial experience with the process indicate that MS apply different measures in different ACs. Lately some ACs voiced concerns about consultation process. On this regards, Machado declared that although it is in line with regionalization it is up to MS to determine how ACs should be consulted. However, it is necessary that the consultation of ACs is meaningful. He knows that some of you are disappointed by the consultation process, but he urges you to continue giving advice to the MS. Machado concluded its opening speech by saying that EC takes note of your concerns regarding consultation process, at the same time he wants ACs to be representatives and representation to be legitimate.

LDAC: intervened to ask Machado how art.50 would be applied and consequently how the Advisory Councils that will be directly affected by Brexit should be organised. Machado expressed thanks for the question but stated that, at the moment, he was not in a position to provide an answer about the effects of Brexit.

2. Operational principles of the Advisory Councils

Evangelia Georgitsi presented slides focusing on three aspects:

- Establishment of the new ACs: from February there will be 10 Advisory Councils, with the establishment of three new ACs for the Black Sea, Markets and Aquaculture, which should receive the EC contribution in the coming months. Where the Advisory Council for the outermost regions is concerned, the official procedures are not yet complete.

- Representation of each interest group within the Executive Committee: Georgitsi pointed out that so far cooperation between the EC and the ACs had been successful, useful and timely advice had been obtained on various dossiers, such as that relating to TACs or to the management plans for the landing obligation. However, the composition of the ACs and the resulting coexistence of two groups can prove a challenge, as has emerged in some ACs, and in some cases there have been difficulties reaching agreement on the level of representation of each AC member association. Georgitsi recalled that the delegated act cannot contrast with the provisions of Articles 43, 44 and 45 and Annex III of the Basic Regulation: it is not possible to alter the 60 and 40 percentage ratios. Instead of the delegated act may complete provisions on the CFP Regulation and ensure that each interest group will be properly represented in the ExCom, and prevent the majority deciding on the representation of the minority. DG MARE proposed amending the delegated act on ExCom appointment, in particular article 4(3), adding this underlined part: "At the request of the interest groups involved, the General Assembly shall appoint an Executive Committee that shall include up to 25 members.." All ACs were invited to inform DG MARE by 14th December if there are comments or changes to the text proposed by DG MARE, as the Expert Group meeting was scheduled for 15th December.

The Chair of the AC on markets, Guus Pastor, informed the meeting that in mid-January an elective General Assembly would be held and asked where to insert banks, in the 60 or 40 percent brackets. Georgitsi replied that banks cannot be part of the ACs and that the Member States should decide which candidates are representative and which are not.

The Chair of the South-Western Waters AC intervened to describe what happened in the ExCom of this AC, where some groups applied for membership and the Secretariat and members elected to ask the EC how to proceed concerning the representativeness and the interest group to which these candidates belonged. After the EC replied that it was not able to intervene on this matter, the AC analysed the statute of each candidate for membership, assessing the composition and the subsequent allocation in the 60 or 40 percentage group. The information thus obtained was sent to the General Assembly, where the decision was taken to include the three groups of candidates in the 40%. Based on this experience, the Chair deemed the proposal made by DG MARE to be acceptable although insufficient, as it would be necessary to have objective criteria in order to make decisions without any doubts arising.

The Chair of the Aquaculture AC agreed with the statement made by the Chair of the South-Western Waters AC, informing the meeting that his ExCom had more than the foreseen number of seats and the ratio of 60 to 40 was not respected. He then announced that on 8th December the GA would be held in Paris.

A representative of the Long Distance AC suggested that the EC could prepare an explanatory guide providing criteria on inclusion in the 60 and 40 percent groups.

Evangelia Georgitsi informed the participants that DG MARE had not provided criteria to be applied because the "open door" principle should be observed, therefore the 60/40 proportion cannot be guaranteed although it should be respected as far as possible. She then recalled that any comments on the proposed amendment by DG MARE to the delegated act should be communicated by 14th December.

- Additional compensation to small-scale fishers (fishing vessels less than 12 meters LOA): DG MARE has received several requests for clarification on how to quantify compensation for fishers who cannot carry out their activities. DG MARE proposed an increase of 50%, as is the case with the EC, for *per diem* and housing allowances, so that all ACs use the same system. Georgitsi underlined that this proposal had been formulated

by financial experts but that it was a non-binding proposal, having said this, should an AC decide not to follow this procedure, due reasoning must be provided.

3 The role of the ACs in the CFP (regionalisation)

Elisa Roller asked the ACs to provide information on collaboration with the Member States.

The North-Western Waters AC stated that cooperation with the Member States was positive.

The South-Western Waters AC informed the meeting that the Member States did not always consult the AC in a timely way.

The Chair of the Mediterranean AC stated that experience with the Member States was positive and that there was an ongoing relationship; representatives of the national administrations participate diligently in the MEDAC meetings. The proposed recommendations have been implemented with only minor amendments, both regarding the management plan on the landing obligation for small pelagics and for that on some demersal species. The MEDAC has received formal requests for collaboration, sometimes at the last minute, from the respective Member States, relations are well established and continue to be effective.

The MEDAC vice Chair asked whether DG MARE planned to carry out an independent evaluation of the ACs following many years of regionalisation.

Elisa Roller noted that the ACs function well on the whole and recalled Machado's statement that opinions should be supported by scientific data, so as not to run the risk that the recommendations proposed by the ACs are incomplete. Where a possible independent evaluation is concerned, she highlighted that this is the second year of the AC operations since the reformed CFP entered into force, therefore in two years' time the ACs would almost certainly be consulted for evaluation.

4 An update on technical measures and MAP

Elisa Roller recalled that the proposal for a Regulation on technical measures was issued in March, following which there was a consultation with stakeholders. DG MARE attempted to simplify all the existing legislation on technical measures, as well as examining the long-term results, rather than concentrating on mesh size at regional level. The structure of the proposed regulation is based on basic principles that are applicable in all basins, the regional groups can examine these basic measures and propose more specific ones to be discussed. Roller informed the meeting that, overall, the Member States were satisfied with the basic framework of the proposed regulation. The EC had hoped to reach a compromise before the summer, but the fisheries expert group had rejected this as further clarification of the annexes proposed by the EC was required; moreover, requests had been made to restore catch compensation rules and to explain how to define a target fishery. Roller announced that on 23rd and 24th January technical meetings would be held with the Member States to decide what to include in the annexes according to the geographical areas and to try to figure out how to set reference parameters for the technical measures at regional level. Roller informed the meeting that another issue was that of a more results-oriented approach, such as establishing that MCRS must not exceed 5% of the total catch. The Presidency plans to achieve a general approach by the spring. While discussions in the European Parliament have just begun, a meeting is scheduled between Gabriel Mato and the shadow rapporteurs.

The MEDAC Chair intervened to request clarification on the proposed regulation which contains all existing technical measures taken from the various regulations. The proposal envisages the possibility, through regionalisation, for regional groups of Member States to propose technical measures that modify existing ones, naturally making these measures more selective, as well as the possibility to modify technical measures through the micro-management that would be more responsive to local circumstances. If the changes that can be made fall under regionalisation, and this can only be applied in the case of multi-annual management plans (MAP), discards and environmental measures, this would mean that Member States would need to wait for the EC to draw up MAPs before being able to propose joint recommendations; this would entail and this would make the process rather slow since all proposals for regulations need to be evaluated by the EP and the Council (co-decision). The Chair recalled the sector had been waiting for the publication of the MAP on small pelagics in the Adriatic Sea for three years and he wondered how long it would be necessary to wait for the MAP for the Western Mediterranean. He concluded by pointing out the risk that a long time could pass before the Member States, or one single Member State, may propose technical measures relative to a specific area, as it would first be necessary to wait for approval of the MAP on that specific area.

Elisa Roller recalled that regionalisation was a tool designed within the reformed CFP to manage fisheries taking into account the specificities of the basin. In the case of the Mediterranean in particular there are sub-regional requirements that can be managed through regionalisation. Roller recalled that articles 18 and 19 relate to regionalisation. Article 18 establishes the guiding principles of regionalisation even if there is no MAP. Article 19 covers cases where there are MAPs in place and the technical measures can be modified. She informed the meeting that the Council had removed Article 19 and had rewritten a single article to explain the whole procedure of regionalisation. She thus concluded by saying that the proposed technical measures would also consider cases in which there is not an approved MAP on that given area. Lastly she recalled that where there a specific issue that relates to just one Member State, this State can take advantage of regionalisation, as in the case of the discards management plan for bivalve molluscs in the Adriatic Sea.

Elisa Roller gave the floor to Norman Graham who described the state of implementation of the MAPs. He informed the meeting that the co-decision process was proceeding in the Northern Seas; in the Mediterranean the MAP for small pelagics in the Adriatic had reached an advanced stage, the interservice consultation had just been completed. Where the Western Mediterranean was concerned, in relation to demersal species discussions were proceeding on the scope of application and on the species concerned. The public consultation stage ended recently and he was hopeful that progress would soon be made in some areas such as the north western and south western Mediterranean for demersal species.

There were no further interventions and so the meeting ended at 17.30