



EC Scientific/technical seminar on small pelagics in the Adriatic Sea

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“Stakeholders perspective and role under the reformed CFP”

Speech by the President Giampaolo Buonfiglio

The reform of the Common Fisheries Policy, which came into force with the new Basic Regulation 1380/2013, assigned new roles and functions to the stakeholders - and therefore to the Advisory Councils, boosting their participation in the decision-making process through new steps involving the EC, which is now obliged to consult the ACs and provide them with answers, (whether they are positive or negative)¹.

Alongside this system, there is a parallel system of "public consultation" with which any European citizen or organisation can express its position on the various issues raised by the EC, bringing their opinion to be considered in advance in the formulation of proposals to co-legislators (European Council and Parliament).

While this second kind of consultation is not subject to special rules, that of the Advisory Councils is structured and regulated where its composition is concerned and also in relation to the operations of the ACs, and this has evolved significantly over the years, particularly with the most recent reform.

In order to understand the extent of the change and the various challenges it has brought, it is worth remembering that, in the not too distant past, consultation with stakeholders was organized through a system that included an Advisory Commission Fisheries and Aquaculture (ACFA) and various *ad hoc* committees on specific issues or geographic areas (such as the *ad hoc* Committee for the Mediterranean). This Commission and the *ad hoc* committees were mainly made up of national sector organisations from the various Member States, selected by their European or international organisations (Europêche, COGECA pesca, NGOs, ETF, etc.).

While allowing considerable direct participation of national organizations in the consultations, this formula was limited by the fact that frequently expressed positions were motivated by issues and situations that were purely national or even local, and the various representatives often reported them as trade union motions. The very different nature of the situations often made it difficult to review them and mediate between the different points of views, which were often highly divergent. Moreover, the Commission was not obliged to respond or to take the positions

¹ Reg.(EU) N. 1380/2013 Articles.43-45 and Annex III; Commission Delegated Reg. (EU) 2015/242 on the functioning of the Advisory Councils





expressed into consideration, thus resulting in the increasing criticism of the participating organisations towards the EC, as they expected their declarations to be always taken into account but were often left unsatisfied.

Over the years, therefore, the ACFA became a place where national organisations could "deposit" their requests and points of view, and then go home satisfied that they had "given them a piece of their mind" although there was little or no feedback and an extremely limited influence on the decision-making process.

The reform carried out by the former Commissioner Bonino took a step towards improving this situation, and so the system was modified reserving access to the ACFA to the European and international organisations only. Apart from reducing the number of participants, consultation with the European organisations (Europêche, COGECA, AEOP, etc.) implied the requirement to express representative positions following mediation of the motions brought by their individual members from the various Member States.

This was an apparent simplification in which the EC asked the European organisations to seek compromise between the various needs and positions expressed within the European fisheries sector, which with the great variety of fleets, capture systems, environments and fish stocks, as well as the social and economic aspects related, were very distant and in some cases in conflict with each other.

In spite of this, there was no great change in the way the consultations worked: the stakeholders were always asked to express their opinions and suggest amendments to the proposed regulations that were put before them. The Commission then choose whether to consider them or not in the preparation of the final text to be voted on by the Council, and in most cases (all cases) very few changes were made. In this framework, the various national lobbies continued to apply pressure, in the attempt to make the ministers of the Member States vote according to their own interests in the Council.

The interaction between stakeholders and the Commission continued to experience pretty much the same problems encountered previously: on the one hand the dissatisfaction of the fisheries sector organisations, which did not see any consideration to their proposals within the European regulations, and on the other hand the natural resistance and mistrust felt by the DG MARE services towards consultations, due to the fact that more often than not they did not receive useful suggestions or contributions that would allow them to proceed in the direction desired by the Commission, but only resistance to any change and the attempt to defend a status quo considered progressively unsustainable given that the stocks continued to show signs of distress

In this context, there was increasing contrast between the frequent demands to consider the specific nature of the different basins or sub-basins (with requests for derogation or for rules to be





adapted to local conditions) and the Commission's desire to standardise the principles and rules of the CFP as far as possible in the various Member States.

Without going into detail on each problem, the situations and different conduct in different European seas, it was increasingly clear that this system would lead to the consultations being considered "for appearance's sake only" by dissatisfied stakeholders while at the same time not being very useful to the Commission. The former accused the EC of putting forward proposals for consultation that were essentially unchangeable, pre-packaged on the basis of political or ideological choices. DG MARE considered these stakeholders' positions to be the result of trade union positions that were indifferent to the need to change the situation resulting from scientific evidence. Scientific research, however, has shown at this time a certain degree of heterogeneity, as well as by the chronic delay in the processing of stock assessment data.

Three very important developments burst onto the scene: the Treaty of Lisbon with which co-decision between the European Parliament and the Council entered into force, Regulation (EU) 199/2008 which standardised data collection between Member States and the creation of the Regional Advisory Councils (RACs) that added to the central on a specific advisory system for each European basin.

In relation to the role and the point of view of the stakeholders, co-decision brought about three clear and direct consequences: the end of complaints about the lack of democracy in decision-making (no one can consider regulations approved by a democratically elected Parliament to be undemocratic), the opening of a new framework for lobbies to apply pressure (EP). This, while REG 199/2008 brought an end to the doubts and the accusations that could fall on scientific research, which would have produced catastrophic diagnoses on the state of resources, in some way encouraged to comment in this way. Moreover, the creation of RACs, while reducing the importance of the central advisory system (ACFA), it became possible to deal with specific problems in seas that are too dissimilar to be governed by the same rules (e.g. the Baltic and the Mediterranean), bringing the national organisations of individual Member States back into the picture.

This is a brief summary, giving the background to the consultation that was redesigned once more by the reformed CFP which came into force on 1st January 2014 with Basic Regulation 1380/2013, which was also subjected to a long consultation process, starting with the Commission's White Paper and including various seminars in which the RACs, the ACFA and related working groups were heard.

The main innovations of the reform with direct reference to the stakeholders' consultative system were, in particular the enhancement of the ACs and of public consultation. The abolition of the central advisory system, the strengthening of specific Advisory Councils, which have been modified slightly in terms of composition with an increase of the component consisting of non-fisheries





organisations, and in particular a change in their "mission", moving from Councils that expressed opinions and positions, reacting to the Commission's proposals, to "technical advice" bodies for the Commission and the Member States, who are asked to provide guidance and proposals for the implementation and management of EC regulations, both during the decision-making process and in the implementation of the new rules. In addition, the ACs now have the role of promoters, catalysts and facilitators concerning joint proposals from the Member States, as foreseen in Article 18 of the new Basic Regulation with the term "regionalisation", one of the main innovative aspects within the reformed CFP.

This new system has already been experimented with the entry into force of the discards management plans, presented jointly by several Member States on the basis of proposals made by the Advisory Councils and adopted by the EC as "delegated acts". This was the first time in the history of the EU fishery decision-making process that, on the basis of a European Parliament and Council Regulation, the stakeholders through the European Advisory Councils have made proposals to the Member States and that these (modified in some cases) have been submitted to the Commission, which adopted them directly. This is a highly significant step forwards, to be repeated with the future discards management plans.

A different example is that one of the multi-annual management plans, which can only be approved by the co-legislators following a proposal by the European Commission. In this case the Commission asks the ACs for the technical elements that would be useful in the formulation of the proposals (e.g the Gulf of Lions).

Following the reform, through the ACs the stakeholders changed their role and function, both in the ascending phase of the decision-making process (bottom-up) in the case of regionalisation, and in the "traditional" consultations organised by the EC which, in agreeing the AC's work programme each year, does not request positions and opinions but technical guidance for the implementation of measures and management indications, without which the EC would go ahead alone, as in the case of the emergency plans for fishery stocks in crisis.

It should, however, be stressed that although the changes are significant (and perhaps for this very reason) the immediate implementation and full understanding of the reform is not an easy goal to achieve in simple terms.

The history of the consultations as previously mentioned, as well as some systems and practices that still govern the relationship between fishery organizations and governments in the Member States, cannot suddenly be eliminated by changing the rules or turning on a switch. The procedures, the terms and the ways in which stakeholders and institutions interacted form a legacy that can only be overcome progressively, by achieving tangible results and overcoming the mistrust of the past; gradually spreading a new mentality guiding all stakeholders beyond the long season of straight, simple statements and defence of individual positions and needs, in order to





move on to a new, proactive role with effective participation in the definition of rules and management measures.

These are the new perspectives offered to Europe's fisheries stakeholders by the reform, and if all those involved manage to grasp the opportunities, the results can only be positive. We cannot, however, hide the fact that there are some pitfalls along the way that are likely to complicate, prolong or frustrate the process of change.

Some of these potential pitfalls lie within the stakeholders themselves, others are in the scope and substance of the proposals, as well as the methods employed to deal with them, whether they are formulated and presented by the Commission or proposed by the Advisory Councils.

The foundation for all of this lies in real and up-to-date knowledge of what happens at sea. If this knowledge were unquestionable and shared, and if it were able to produce diagnoses which all participants agreed with, it would then be possible to develop debates and provide contributions on therapies alone (technical and management measures), so as to intervene for the improvement of the situation and in order to pursue the objectives set by the CFP.

On this matter, while Regulation (EU) 199/2008 (data collection) has standardised and organised the system, there are still some aspects that do not fully function yet. The models used to carry out stock assessment and calculate trends in biomass compared to fishing mortality for each stock, produce results that in some cases do not convince the fisheries sector organisations, partly because these diagnoses of the situations observed are not instantaneous, as technical data processing often takes quite a long time (on average 1-2 years). However, scientific data are scientific data, and form the only official basis on which policies can be established. It may be that the same data can be read and interpreted with greater or lesser emphasis and that the unconditional nature of the data may be questionable, but scientific data are the only basis which can be used.

We should also take into consideration, within this scenario, the fact that certain diagnoses seem to show that what has been done so far (from fleet reduction to technical and management measures which have already been in place for years) have been useless or largely insufficient, and this provokes different reactions: those who point their fingers at other sources of environmental impact (stating that the fisheries sector has already done or is doing as much as it possibly can) and those who call for more draconian rules and limits to fisheries activities. It is probably true that thoughtful, calm contemplation of the effectiveness of certain measures and the need to develop specific policies for basin or sub-basin, for stocks or groups of stocks and capture systems, could lead to better results. Other sources of impact should not be neglected either, as the European Marine Strategy Directive now calls for.





The problem is how to carry out this thoughtful, calm contemplation, because what has been said so far could cause some stakeholders to adopt conservative or defensive attitudes that are not encouraging to building the spirit and mentality required for their new role and for the opportunities opened by the reform. It is wrong, however, to view these conservative or defensive attitudes as blind or unmotivated, dismissing them as unacceptable; they represent the feelings of a sector that is in deep crisis, in which many businesses have closed, while others cannot balance their books, where employment has decreased significantly. Naturally we must distinguish between the different areas and fishing systems, but the situation is generally negative and it is understandable that, in this context, requests or requirements for additional restrictions and limitations will not find those affected well-disposed to easily accept such decisions.

It is necessary to work on these aspects, adopting a method that will make all those involved willing to work in a reasonable and responsible way. This same method could become unfeasible if unilateral measures are adopted which are not shared, or if stakeholders maintain attitudes of total closure towards the modernisation of the system; the new CFP entrusts the stakeholders with the task of identifying and agreeing on new ways to give European fisheries a future.

