

Annex 2 to ExCom 151116

Fair and balanced external representation

FishSec proposal for a protocol guiding BSAC representation in external fora

Stockholm 161101

Introduktion

The new Common Fisheries Policy (CFP) aims to bring decisions about fisheries management closer to those who have the best knowledge to contribute to making those decisions. Through its new regionalised governance mechanisms, Member States will be much more closely involved in the creation and implementation of a range of measures, with the aim of better allowing adjustment to regional conditions, mobilisation of local knowledge, and adaptive, real-time management.

Stakeholders have an important role in this process – their involvement is enshrined as a principle of good governance under the CFP framework generally, and is specifically built in to the regionalisation mechanisms and other provisions.

Advisory Councils (ACs) consist of representatives from fishing organisations, plus other interest groups (OIGs) such as environmental and consumer NGOs, covering a number of geographical areas and fields of competence. The fisheries sector has a 60% and OIGs 40% allocation of the seats in the general assembly and the executive committee (Excom) of the Advisory Councils. The ACs receive EU financial assistance under the Financial Regulation as bodies *”pursuing an aim of general European interest”*. As regards the procedure, the Commission signs grant agreements with the ACs and may carry out checks to ensure that their expenditure matches the tasks they are supposed to perform.

The new CFP strengthens the role of ACs, making it a duty for Member States and the Commission to consult ACs under certain circumstances and expressly requires that their advice must be taken into account.

External representation of the Advisory Council

One of the Advisory Councils tasks funded by the EU is representation of the ACs in other fora, such as for example meetings with HELCOM Fish Group, the European Fisheries Control Agency Advisory Board, or conferences on marine litter, toxic pollution and the introduction of individual fishing quotas. This is a just a few of the many fora where issues of great importance for fisheries and the ecosystem based approach that according to the CFP shall guide the management of the fish resource is discussed.

There are multiple objectives with the representation of the ACs in external fora. The most important is to communicate the position of the AC when there is clear consensus positions adopted by the Excom. The second most important is to better inform the members of the AC, and by extension, the advice the AC produces towards managers and decisionmakers. Another objective may be to summarize the discussions that are currently held on specific topics in the AC, fairly reflecting the

different interest groups positions. All these objectives reflect the "general European interest" of creating advice towards good governance under the new CFP framework.

Using the external representation of the AC as a platform to lobby for the interests of an individual AC member organization is not an objective and not accepted by the EU Commission. To use public EU funds for such lobby work is of course not "*pursuing an aim of general European interest*". Doing so may seriously undermine the credibility of the Advisory Council.

Current external representation in the Baltic Sea Advisory Council

The Fisheries Secretariat has examined the external representation from the Baltic Sea Advisory Council (BSAC) 2010 – 2016. The study shows that the fisheries sector is representing the AC in on average 58% of the external meetings/fora. Other interest groups only represent the AC in on average 17% of the meetings. The Secretariats employees represents the AC in on average 25% of the meetings.

Table 1. External representation from BSAC

Year	Industry (incl. Chair)	OIG (Incl. Vice-chair)	Secretariat
2010	59% (34 meetings)	16% (9 meetings)	28% (15 meetings)
2011	59% (41)	19% (13)	23% (16)
2012	51% (32)	19% (12)	30% (19)
2013	57% (42)	15% (11)	28% (21)
2014	62% (48)	19% (15)	19% (15)
2015	65% (44)	19% (13)	16% (11)
2016	55% (36)	15% (10)	30% (20)
Average	58%	17%	25%

The situation has worsened since the reformed CFP entered into force and ACs was meant to become more representative, with the OIGs expanded from 33% to 40%. Despite this, the OIGs has become even more under-represented in the external representation.

FishSec strongly believes that the quality of BSAC advice can be improved if more members of the AC get to represent in external meetings. It is also important that the members of the AC visit different kinds of fora in order to learn more about the issues affecting the fisheries. For example, an Environmental NGO should go and represent at the European Fisheries Control Agency in order to learn more about the discussions there and Danish Fisheries Producers Organisation should regularly go to international conferences on how Marine Protected Areas can increase the profitability in a fishery.

The current misrepresentation is not good for the credibility of the BSAC and therefore we suggest a new protocol for how the BSAC shall be represented externally.

Five simple rules to secure a balanced external representation

1. *Chair and vice-chair shall be asked first*

The AC Chair and vice-chair (one shall represent fisheries sector, one OIGs) are the only representatives that has an official mandate to represent the AC externally. Therefore they should always get the question first. If they represent the AC externally roughly every second time they will get very close to the 60/40 distribution between fisheries sector and OIGs that reflect the composition of the AC.

2. *Chair or vice-chair appoints a replacement when they can not represent*

There will be a lot of occasions where the chair or vice-chair can not go to meetings. If it is the chairs turn to represent he/she will hand over the mandate to the organization they think is appropriate, and vice versa if it is the vice-chairs turn.

3. *60/40 representation in each fora*

To ensure that different interest groups get to represent the AC in all kinds of fora the rule is that fisheries sector representatives and OIG representatives represent roughly every second time. If an OIG representative has represented two times in a row in for example Helcom Fish Group, then a fisheries sector representative will have to go next, and vice versa.

4. *Review every 6 months*

In order to keep track of the representation and also help the chair and vice chair to reach the 60/40 representation target the Secretary shall publish statistics every 6 months. A simple list of who has represented at which fora provide a transparent account of the distribution, but also help the chair and vice chair distribute the representation in a fair and balanced way over time.

5. *Economic review - how was the public money spent on external representation?*

With every annual report the secretariat shall also provide a very short economic report that shows how much funding has gone to the representation by fisheries sector and OIGs respectively. The review will show if any of the interest groups in the AC spend significantly more than the other, which will make it easier for the chair and vice-chair to adjust the representation accordingly.

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