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Rome, 22nd March 2013

Report of the Inter-RAC meeting organised by DG Mare on 1st March 2013, Brussels.

Agenda (annex 1):

- 1. Involvement of the RAC in the preparation of conservation measures.** The reformed Common Fisheries Policy will include new rules obliging landings, new technical measures and the adaptation of the current multi-year plans (as well as the adoption of new ones). In this context the contribution of the RAC is necessary and must be coordinated with DG MARE and the member states. The aim of the discussion was to fully comprehend the situation so as to begin planning future work; (presented by DG MARE).
- 2. Future role, composition and working method of the future Advisory Councils.** During the last inter-RAC meeting a debate was opened on the future role, composition and working method of the Advisory Councils. Since then the RACs have submitted written contributions that have been analysed by the Commission. The aim of the discussion was to exchange opinions on the main issues facing the future Advisory Councils.

The RAC MED delegation was made up of the Vice Chairman Giampaolo Buonfiglio and the Executive Secretary Rosa Caggiano.

1) Ernesto Penas opened the meeting and informed the participants on the ongoing debate concerning the reform to the CFP. The three-way discussion between the Presidency of the Council, the EC and the European Parliament will begin on 19th March. The Irish Presidency hopes that agreement will be reached between the European institutions that will lead to the adoption of the basic regulation by the end of the term of presidency, i.e. by June. Mr Penas then illustrated the latest developments relative to the reform of the CFP, in particular he underlined that there is already agreement on the discards ban and that the first phase of implementation will begin from 1st January 2014 for pelagic fisheries, given that the European Parliament and the Council have already reached an agreement on this scenario. Therefore if the co-decision process really does reach its conclusion in June then the starting date of 1st January is very close.

Where the Advisory Councils are concerned, Mr Penas informed the Meeting that others have been proposed in addition to the seven existing Councils: one on aquaculture and one on the outlying regions, however these discussions are still in progress.

LDRAC took the floor and asked DG MARE if the EC had analysed the impact that the creation of an Advisory Council on the outlying regions would have on LDRAC. Mr Penas replied that it would be necessary to take this into consideration and clarify the issues that the new Advisory Council would cover.

The Vice Chairman Mr Buonfiglio asked Mr Penas if the proposal to create a further two Advisory Councils on the Black Sea and on the market had been abandoned. Mr Penas thanked him as he had forgotten to mention these two potential Advisory Councils; it was confirmed that there is the political will to establish the one on the Black Sea, however it is less likely that the Council on the market will be created.

After having illustrated the potential creation of new RACs, Mr Penas returned to the issue of discards, recalling that the EC will be required to adapt current legislation. The ban on discards will also affect the Mediterranean but no precise dates have been set.

It will also be necessary to create secondary regulations. For example, the text being prepared will include some exceptions, such as which species can survive after being thrown back into the sea? In which kind of fishery? How should species that escape from the nets be classified? Waivers could be put in place on the *de minimis* percentage, which will not be automatic for all fisheries activities. Therefore, according to the fishery activities, waivers may be admitted in some cases, but for which fishery areas, which percentages and under which conditions?

Mr Penas further underlined that, in order to define the fishery activities it is necessary to have the plan concerning discards: how many will be necessary? The second (2015) and third (2016) phases of implementation have not yet been fully clarified, and it is necessary that the RACs also provide their contribution. Where the first phase is concerned (the discards ban for pelagic fisheries), which will probably start from 1st January 2014, the RACs will be asked whether a definition exists for pelagic fisheries and whether it will be necessary to delineate the boundaries between the different fishery activities, identifying the species first of all. Furthermore it will be essential to verify whether there are any pelagic species that survive being thrown back into the sea. Lastly it will be necessary to determine whether any waivers will be required. The EC will then have to remove all the legislative impediments in Europe on the discards ban, such as the minimum landing sizes, the definition of the catch composition and the modification of control measures.

Mr Penas recalled that where demersal fisheries are concerned more time will be available and therefore DG MARE will be able to organize a consultation.

The vice chair, Mr Buonfiglio, took the floor and pointed out that three phases of implementation had been mentioned for the application of the discards ban and that the dates were still to be confirmed for the Mediterranean, however if the first will concern pelagic species he asked whether it will also concern the Mediterranean. Mr Penas gave his confirmation. Mr Buonfiglio then asked whether the ban will be for the species or for the fisheries system. Furthermore he requested clarification about the matter of species that "escape the nets", which can only be considered discards if they escape once the nets are on boards. Mr Penas replied that reference is not made to the specific fishing gear within each fishery system and therefore the co-legislators are proceeding by target species. Anchovy and sardine will therefore be affected in the Mediterranean. Regarding the matter of fish that escape from the nets, it was explained that this issue concerns specific species: there are cases of species on board that can be thrown back. However there are many aspects that still need to be defined and it is necessary that the RACs provide their contribution.

PELRAC emphasized that it will not be easy to identify the species that can be described as pelagic, it will be necessary to study each kind of pelagic fishery to decide the specific measures to apply.

NWWRAC asked whether the plans regarding discards will be part of a specific long term management plan and if so, will this involve a codecision procedure or the adoption of EC delegated acts for a rapid procedure? Mr Penas replied that the calendar for this ban on discards does not coincide with that of the



long term programming. It will therefore be necessary to establish specific rules such as a plan on discards. Mr Penas also recalled that the legislative procedures that will be adopted have not been established yet.

Mr Buonfiglio described all the operative difficulties regarding the storage of discards in the on-board refrigerators. He then raised the following issues: once the problems concerning storage of discards have been solved, where will they be disembarked? Who will take charge of them? If this product is destined for the animal feed industry then only frozen products are accepted. Who will make the initial sales? Moreover he pointed out that separate accounting will be required for the illegal landings (under sized or over quota) where profits on sales are not admitted, and he wondered who will cover these costs. He also speculated on whether these issues will be included on the discards plan and whether the co-legislators will have time to include them in the EMFF which has an even tighter schedule. Mr Penas replied that it would be preferable not to have several regulations for all these details, two legislative decrees will be necessary in addition to the EMFF: one that adjusts the current European legislation in the light of this new ban on discards and another to improve the definition of pelagic fisheries. The EC is willing to dedicate funds from the EMFF in order to put the sector in a position to observe the discards ban.

Mr Penas gave the floor to the DG MARE delegates who presented the priorities of each RAC, region by region. Where the Mediterranean is concerned, Sabela Perez Maiz presented the same slides provided by Monique Pariat during the RAC MED WG1 meeting held on 27th February. It was underlined once more that RAC MED should focus on assisting DG MARE in preparing management plans for the shared stocks in the Mediterranean, for example collaborating with the GFCM in contributing to a management plan for the Adriatic in agreement with the other countries.

Lunch break

2) The session recommenced with the intervention of Mr Lowri Evans (Agenda item 2). A summary was given of the consultations held with all the RACs and the Meeting was informed that there is widespread agreement on the active role that all the RACs wish to have. Where the opinions formulated by the RACs are concerned, in order to advance the decision making process every effort is made to reach a consensus among the members. On the issue of regionalisation, all parties wish for greater clarity on the role of the RACs. Both DG MARE and all the RACs believe that it is essential to involve the Advisory Councils from the beginning of transboundary cooperation. Where RAC composition is concerned it would appear that overall the stakeholders are all represented and membership is open; it is important that representation remains balanced. The RACs would like to cooperate further with the scientific community and be given the chance to intervene in the identification of scientific priorities. It is necessary that the RACs continue to represent a platform on which stakeholders and researchers can meet through the STECF. Mr Lowri Evans concluded by informing the Meeting that the EC is willing to support partnership between the scientific community and fishers in the framework of the EMFF.

BSRAC enquired whether, in the future, there would be a greater role and involvement of the RACs within the EFCA. Mr Penas replied that, although the RACs already participate as observers in the advisory committee, in the future it will be necessary to guarantee greater involvement of the RACs in the EFCA.

SWWRAC recalled that in the regionalisation process there is a lack of involvement of the Member States and of other areas of civil society that should participate. It is necessary to establish a constant exchange of opinions with the scientific institutes, which need to take part in the RACs' meetings.



The LDRAC informed the Meeting that it had contacted the World Bank and had signed an agreement to receive funds (and not a loan), the EC was requested to prepare a guide to quantify the sources of funding.

Mr Buonfiglio informed those present that the current structure of RAC MED did not pose any particular problems, however he criticized the fact that there is not sufficient recognition of the specific nature of each regional area. For example the Meeting was informed that RAC MED has five official working languages and it would be advantageous if greater flexibility were possible so that the different needs of each single RAC could be acknowledged. Moreover he underlined the limitation in the number of seats in the Executive Committee (24) as this only permits representation of some of the components of the General Assembly. On the issue of Opinions, he informed those present that RAC MED has always indicated the majority position, also indicating the reasons for the votes in opposition and for the abstentions. The issue of funding is rather delicate, because if the role and functions of the RACs are to be increased then it would be necessary to foresee adequate funding to cover these new costs. Concerning participation of the Member States in the RACs, some do participate but there should be a rule through which the Member States commit themselves to considering the Advisory Committees as structural entities. Mr Buonfiglio closed his intervention by underlining that this new version of the RACs with increased jurisdiction and functions raises some legal doubts. For example it is not clear whether it is the RACs' responsibility to inform the EC when the EC's regulations are not respected (this was indicated on a slide that asked RAC to report non-compliance with EC regulations on control, which is the exclusive responsibility of the maritime authorities. Another example is to make the RACs collaborate with the Member States in the preparation of management plans for the basin when it is difficult to foresee that the member states collaborate together. Mr Penas informed the Meeting that discussions on the composition of the Ex Com did not question the number of components, which may be dealt with subsequently, the Council discussed the composition of 2/3 and 1/3. RACs would not be responsible for control, the EFCA and the national maritime authorities are in charge of this. Concerning cooperation between the Member States on matters of multi-annual planning, the states will need to begin collaborating.

The NWWRAC also recalled that several strategic consultations will be necessary with the Member States, as in the case of the preparation of multi-annual management plans for the Celtic Sea and western Scotland. The work with the Member States will be crucial and currently this kind of collaboration would not appear to be in place. Furthermore, where the practice of discards is concerned, there are Member States that participate by not in a regular way. Mr Penas replied that this is a delicate issue and as time passes the reactions of the Member States will become clear.

LDRAC wondered how the RACs could be more proactive when they have less information than the Member States. It would be necessary to have sufficient means and above all adequate resources. Mr Penas expressed his agreement and emphasized that in the future the RACs will need to receive more information.

Mr Buonfiglio questioned how to face this new RAC role positively; RAC MED has the opportunity to collaborate with the GFCM, a key tool in the evolution of relations within the region and also with third party states. The delicate and complex issue is the EC's request for change in the working methods of the participants in the RAC meetings. With immediate effect, the RACs will be required to express their positions specifying the origin of their data and the data-collection methods. Mr Penas maintained that the



only way to build up cooperation in the Mediterranean is to think in terms of sub regions, only consulting with the RAC members that are territorially implicated.

Rosa Caggiano informed the Meeting on the RAC MED activities carried out to strengthen collaboration with the scientific community. RAC MED replied to a tender concerning a pilot project on discards and capture, also involving third party states. It will also contribute to the preparation of a management plan in the Adriatic in the framework of the GFCM.

