

DG Maritime Affairs and Fisheries

Intermediate Evaluation of
the Advisory Committee
for Fisheries and
Aquaculture

Technical Annex Report

July 2008



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Introduction

This Technical Annex Report contains the appendices to the main report on the Intermediate Evaluation of the Advisory Committee for Fisheries and Aquaculture that COWI A/S has carried out for the European Commission.

1 Terms of Reference

Annex A – Terms of Reference for the "Intermediate evaluation of the Advisory Committee for Fisheries and Aquaculture (ACFA)" implementing the DG BUDG Framework Contract N° BUDG 06/PO/01/Lot 3 for the provision of evaluation and evaluation-related services to the Commission.

1. BACKGROUND TO THE EVALUATION

1.1. Context of the evaluation

Within the context of the Commission's strategic objectives for 2005-2009, the general objectives of the Directorate General for Fisheries and Maritime Affairs (hereinafter: DG FISH) include "the Promotion of better regulation and governance of the Common Fisheries Policy".

The Community activity "Governance of the Common Fisheries Policy" (hereinafter: CFP) is of crucial importance in the framework of the reinforced dialogue with the fisheries sector and other interested parties.

The Commission strives to enable greater ownership and acceptance of CFP measures by the different stakeholders involved. This will be achieved, inter-alia, through structured stakeholder involvement in the fisheries management process, both at horizontal level, through the Advisory Committee on Fisheries and Aquaculture (hereinafter: "ACFA"), and at the regional level, through the Regional Advisory Councils (hereinafter: "RACs").

The Commission provides organisational and financial support for the Plenary and Working Group meetings of ACFA for a 5-year period.

From 1 January 2007 on the legal basis is Council **Regulation (EC) N° 861/2006** of 22 May 2006¹ under which the European professional organizations represented in ACFA are given financial support to prepare the ACFA meetings in order to improve the coordination of national organizations at European level and ensure greater industry cohesion on topics of Community interest. Council Regulation 2000/657/EC of 27 March 2000² on closer dialogue with the fishing sector and groups affected by the CFP is hereby repealed.

The aim of ACFA is to provide advice to the Commission on any CFP initiatives with a European perspective. Within this framework, regular meetings are held between the Commission and representatives of the main European professional organisations and other stakeholders in the fisheries and aquaculture sector. Their concerns are, as far as possible, integrated into the CFP.

Another key element of the stakeholder dialogue is the establishment of RACs. The aim is through a greater and more effective involvement of local and regional stakeholders in the decision-making process, to increase their responsibility and commitment towards the reformed CFP.

Council Decision 2004/585/EC of 19 July 2004³ is the legal basis for the setting-up of seven RACs based on geographical or thematic criteria (North Sea, Baltic Sea, Mediterranean Sea, North western waters, South western waters, Pelagic stocks and Distant waters).

The Commission provides organisational and financial support for a period of five years.

¹ OJ L 160, 14.6.2006, p. 1

² OJ L 080, 31.03.2000, p. 7

³ OJ L 256, 03.08.2004, p. 17-22

1.2. Justification of the evaluation

According to Art. 27 of the Financial Regulation and Art. 21 of its Implementing Rules⁴ DGs/Services have to ensure that the spending activities they manage are subject to an overall interim and/or ex post evaluation at a periodicity not exceeding six years, depending on the nature of the activity and the resources mobilised. Activities financed on an annual basis have their results evaluated at least every six years.

The evaluation must be proportionate to the resources mobilised and the likely impacts of the activity in question.

2. DESCRIPTION OF THE ACTIVITY TO BE EVALUATED

An "Advisory Committee for Fisheries" (ACF) was set up by **Commission Decision 71/128/EEC** of 25 February 1971⁵ in order for the Commission to obtain the opinion of all major groups of stakeholders involved in the CFP at European level and to encourage the formulation of analyses and joint positions.

The mandate of the ACF members expired on 31 July 1999 at the end of a transitional period set for the reform of the Committee.

The Committee, now called "Advisory Committee on Fisheries and Aquaculture (ACFA)" was renewed from 1 August 1999 on under **Commission Decision 1999/478/EC** of 14 July 1999⁶, thereby repealing Decisions 71/128/EEC and 97/247/EC⁷.

On the initiative of its chairman or at the request of one or more of its members, ACFA may take up or be consulted by the Commission on measures that the Commission may take in the framework of the CFP, as well as economic and social questions in the fisheries and aquaculture sector, apart from those which concern social partners, employers and workers. The Committee is required to give an opinion on the draft proposals before being adopted by the Commission as well as on the subjects appearing in its annual work programme adopted in agreement with the Commission.

This should stimulate a comprehensive study of the issues involved in the CFP and the impact of its measures, fostering initiatives from the stakeholders and seeking, if possible, common positions on Commission draft proposals.

The dialogue on the development and management of the CFP has been widened to all parties concerned, in particular to the aquaculture sector and non-professional organizations. Four Working Groups prepare the opinions of the Plenary Committee and are in charge of the following areas:

Working Group 1: Access to fisheries resources and management of fishing activity;

Working Group 2: Aquaculture: fish, shellfish and molluscs;

Working Group 3: Markets and trade policy;

Working Group 4: General questions: economics and sectoral analysis.

⁴ On 22 August 2006, the latest revision of the Implementing Rules of the Financial Regulation (Commission Regulation 1248/2006 of 7 August 2006, amending Regulation 2342/2002 of 23 December 2002) entered into force.

⁵ OJ L 68, 22.3.1971, p. 18

⁶ OJ L 187, 20.07.1999, p. 70

⁷ OJ L 97, 12.4.1997, p. 28

The Sectoral Dialogue Committee gathers the social partners.

The members of ACFA are appointed by the Commission following proposals from the organisations set up at Community level. The consumers' representative is proposed by the consumers' committee.

In agreement with the Commission, the participants in the Working Groups are chosen according to the agenda of each meeting by the most representative organizations at Community level and by the Contact Group of the Non Governmental Organizations which are members of the Working Group.

The scientific experts in the fields of biology and of economy are chosen by the Scientific, Technical, and Economic Committee for Fisheries (STECF).

The Commission may, according to the agenda, or at the request of one of the European organizations, designate additional experts.

The link between the Plenary committee, assigned to direct the work of ACFA and to express opinions, and the Working Groups charged with preparing these opinions, was reinforced in 1999 and renewed in 2004 upon accession of the 10 new Member States.

Since then, the Committee was composed of 21 members representing 11 different interest groups concerned with the CFP:

- Professional organizations represent the production sector (private shipowners, co-operative shipowners, producer organisations, mollusc/shellfish farmers, fishfarmers, fishermen and employees), the processing industry and trade in fishery and aquaculture products;
- Non-professional organizations represent the interests of consumers, the environment and development.

Experts of the fisheries sector representing scientific and/or economic bodies, banking and first point-of-sale are also represented.

The following also have a seat on the Committee: the chairman and the vice-chairman of the Fisheries sectoral dialogue committee, the chairman and vice-chairman of Working Groups 1, 2, 3 and 4.

The representatives of the Commission services take part in the meetings of the Committee, the bureau and of Working Groups for which the Commission provides the secretariat.

The Committee meets according to an annual work program adopted in agreement with the Commission.

In order to give the representatives of the fishery products and aquaculture industry together with the other groups concerned a greater role in the design, drafting and implementation of the CFP, **Council Regulation (EC) N° 657/2000** of 27 March 2000⁸ established a closer dialogue with the fishing sector and other groups affected by the CFP and made the entire decision-making process more transparent, especially in the preparatory stages.

The organization of ACFA meetings and the communication to the groups concerned on issues at stake and results achieved had to be improved.

To that end, Community financial support is given for:

- Meetings of the European professional organizations preparing meetings of the ACFA;

⁸ OJ L 080 , 31.03.2000, p. 7

- Producing and disseminating information material to all the groups concerned on the initiatives planned and the objectives and details of the different CFP measures, and in particular Commission proposals.

Given the rapid growth of European aquaculture, it was appropriate to better represent the interests of this sector within ACFA.

- Therefore, Commission **Decision 2004/864/EC** of 16 December 2004⁹ extended ACFA membership to 21 members so as to include also the vice-chairman of Working Group 2.

3. OBJECTIVES OF THE EVALUATION

The intermediate evaluation must provide the Commission the necessary information for preparing the preliminary reflections on the future of ACFA.

The evaluation consists out of two parts:

1. An assessment of the representativeness of the fisheries organisations and other stakeholders concerned by the CFP in the EU;
2. An evaluation of the extent to which ACFA meets its objectives.

4. SCOPE OF THE EVALUATION

Various Commission Decisions and Council Decisions and Regulations have been adopted relating to ACFA (see nr. 1.1).

The evaluation will cover the development of ACFA from its inception on by Commission Decision 1999/478/EC.

→ Although the evaluation will focus on its present situation, the evaluation must consider the medium and long-term impacts since the establishment of ACFA in 1999.

| The evaluation will cover the set-up and inputs, outputs in terms of the number and quality of ACFA's advice and recommendations and their impacts on the political, legislative and budgetary decision-making by the Commission on the proposals concerned.

| The evaluation should also look at other, comparable systems established by the Commission in other policy fields, by other EU-institutions, in EU Member States, third countries and/or international organizations if needed to set the development and performance of ACFA into context.

⁹ OJ L 370, 17.12.2004, p. 91

5. COMMISSIONING BODY AND USERS OF THE EVALUATION RESULTS

The evaluation is commissioned by the Commission, represented for this purpose by DG FISH.

The evaluation is intended to provide the Commission with information on the representativeness of stakeholders concerned by the CFP in the EU, and on the extent to which ACFA meets its objectives.

The evaluation results will contribute to an informed decision-making on the future of ACFA. The evaluation results will form part of the inter-service consultation on the Commission's proposal.

The main findings of the evaluation will be summarised in the Explanatory memorandum, explaining the manner in which the evaluation has influenced the proposal.

The final evaluation report is attached to the proposal when submitted to the Commission for adoption. It is adopted by the Commission as a Working document of the services and will be made public as such.

6. TASKS TO BE PERFORMED BY THE CONTRACTOR

6.1. DESCRIPTION AND ASSESSMENT OF THE REPRESENTATIVENESS OF THE FISHERIES ORGANISATIONS AND OTHER STAKEHOLDERS CONCERNED BY THE CFP IN THE EU

The Contractor will describe in detail the stakeholders concerned by the CFP in the EU and assess whether they are appropriately reflected in ACFA's composition.

6.1.1. Description of the stakeholders

The Contractor will provide a comprehensive study of the fisheries organisations and other stakeholders concerned by the CFP in the 27 Member States of the EU as from 1 January 2007 on.

A special emphasis should be put on the following stakeholder groups:

- NGOs in the field of Development and Environment (already included in ACFA since the reform of 1999);
- Trade unions that organise aquaculture workers (not represented);
- Consumer organisations (difficulties in finding representatives);
- Recreational fishing (not represented);
- Small-scale fishing (not represented);
- Ornamental Aquatic Industry (not represented).

6.1.2. Assessment of stakeholder representativity

The Contractor will provide an assessment of the representativity of the different stakeholder groups as defined under task nr. 6.1.1.

The assessment will include areas where potential shortcomings in representativity have already been observed, such as:

- The representation of workers;
- The ability of European organisations to attract national associations, in particular in the 12 new EU Member States (EUR 10 + EUR 2);
- National organisations that have not been accepted as members in European organisations;
- The representativity of NGOs represented in ACFA through the Contact Group.

6.2. EVALUATION OF THE EXTENT TO WHICH ACFA MEETS ITS OBJECTIVES

In its article 27(1) the Financial Regulation states that “budget appropriations shall be used in accordance with the principles of economy, efficiency and effectiveness”.

The intermediate evaluation will examine the effectiveness and efficiency of ACFA, i.e. whether and to what extent its objectives as defined in Commission Decision 1999/478/EC¹⁰ and Council Regulation 657/2000¹¹ have been achieved, and the way in which resources were used to produce the effects.

The evaluation will also answer evaluation questions relating to the relevance and coherence.

The Contractor will be guided by the following evaluation purposes:

1. An assessment of ACFA's effectiveness and efficiency as a tool for consultation, information and fostering dialogue between stakeholders;
2. An assessment of the Community financial support granted to the European organisations represented in ACFA for their preparatory meetings and the use of this grant;
3. An assessment of the effectiveness and efficiency of ACFA's organisation and working methods;
4. Any other topic relevant to the possible review of ACFA (for instance, how to improve ACFA's effectiveness by the utilisation of a single Rapporteur for ACFA's advices or recommendations).

¹⁰ OJ L 187, 20.07.1999, p. 70

¹¹ OJ L 080, 31.03.2000, p. 7

6.2.1. Assessment of ACFA's effectiveness and efficiency as a tool for consultation, information and fostering dialogue between stakeholders

A. Consultation

Consultation requires considerable resources from the Commission and the members of ACFA. The evaluation should therefore cover both, the Commission input and the output from the members of ACFA.

The factual description needs to be complemented by an account of how the different elements of the consultation are perceived from both sides.

Commission input:

- Factual description of areas where the Commission has consulted ACFA and the modalities for consultation;
- Timeliness: at what stage of the decision-making process was ACFA consulted;
- Purpose of the consultation and clarity of Commission input;
- Feedback to ACFA after completion of the consultation.

ACFA outputs:

- ACFA's responses to Commission consultations: oral comments in meetings, separate written replies, ACFA opinions;
- Relevance and timeliness of oral and written advice;
- Assessment of the value of ACFA's advice, compared to contributions from individual members.

Impact on the policy:

- Assessment of the extent to which ACFA's advice has an influence on the Commission proposals concerned.
- Which monitoring arrangements are in place within the Commission and ACFA (periodical status report on the actions undertaken in the framework of the Financial support).

B. Information

ACFA is a forum for informing the sector of work at EU level (outward information flow), and for the sector to inform the Commission about the situation 'on the ground' (inward information flow).

Outward information flow:

- Factual account of the oral and written information provided by the Commission to ACFA, its relevance, quality, timing and frequency;
- Assessment of the information dissemination from ACFA to the fisheries and aquaculture sector via the European organisations;

- Assessment of the effectiveness and efficiency of using ACFA as a channel for information to the sector (including perceptions by the national organisations).

Inward information flow:

- Factual account of how information is collected from the sector and conveyed to ACFA (via the preparatory meetings of the European organisation, letters to the secretariat or other means);
- Assessment of the procedure for the nomination of experts in different organisations, and the selection criteria;
- Assessment of how ACFA is a source of information about the fisheries and aquaculture sector to the Commission.

C. Fostering dialogue between stakeholders

- Assessment of the dialogue between different parts of the same sector (analysis of the effectiveness and efficiency of preparatory meetings);
- Assessment of the dialogue between different sectors (through ACFA meetings, initiatives that require co-operation between secretaries-general, and written communication).

6.2.2. Assessment of the Community financial support granted to the European organisations represented in ACFA for their preparatory meetings and the use of this grant

- Level of Community grants and their utilisation (type of costs covered; type of beneficiaries and their needs);
- Usefulness of the Community grants for preparing ACFA's meetings by the European organisations;
- Preparatory meetings: number of participants per Member States involved;
- Is the Community financial support sufficient to cover the costs of interpretation and room hire for preparing ACFA's meetings;
- The utilisation of the Community financial support (for the participation of ACFA's representatives in other Scientific or Economic Bodies);
- Legal base and the Community financial support to include the NGOs in the Community grants in order to coordinate their work and organise preparatory meetings within their contact group;
- How could the Rapporteur be included in the costs of Community financial support allocated to the Organisations?

6.2.3. Assessment of the effectiveness and efficiency of ACFA's organisation and working methods

A. General evaluation questions

- How can a right balance be guaranteed between on the one hand, the inclusiveness of all parties with a real interest in the CFP and, on the other hand, the efficiency of discussions and the quality of decision-making in the ACFA Working Groups and Plenary Committee?
- To what extent are the different interests represented well reflected in ACFA's composition and working practice?
- What are the impacts of the incorporation of the professional aquaculture sector and non-professional organisations (e.g. NGOs) into ACFA on its functioning and outputs?
- Which factors influence significantly on the quality of ACFA functioning and its outputs?
- To what extent are the ACFA operating rules (appointment of members; observer participation ; appointment of substitutes ; drafting, distribution and translation of minutes, etc.) satisfactory?
- To what extent is the cooperation between the Commission and ACFA satisfactory?
- To what extent are the working arrangements between the Plenary, the Bureau and the four Working Groups satisfactory?
- To what extent is there an interaction and complementarity between and an overlapping or duplication of the work of ACFA and other consultative bodies, in particular the Regional Advisory Councils (RACs)?
- To what extent is there scope for synergies, improved coordination and links to be established?
- Are there any differences in the impact of the opinions adopted by ACFA and by the RACs?
- To what extent is there a need to have a single rapporteur (member of ACFA or external expert – possibly remunerated for work done) to summarise opinions or positions emanating from European organisations in order to prepare an ACFA's advice?
- To what extent a periodical status report showing the manner in which ACFA's advices have been taken into account would reinforce the external and internal (i.e. within the member organisations) views on ACFA's effectiveness?

B. Working Groups

The effectiveness, efficiency and potential of the Working Groups must be assessed, addressing evaluation questions such as:

- To what extent could the productivity and resources of Working Group II be better exploited by the Commission?
- To what extent is the high number of “update” items on Working Group III relevant from a Commission perspective?
- To what extent is the potential of Working Group IV as a mini-ACFA Plenary fully exploited?
- What possible restructuring of Working Groups could be foreseen? For example: creating one general Working Group (merging Working Groups I and IV) and having two specialised Working Groups (Working Groups II and III), or changing the domain of competence of Working Group IV.

C. Plenary meetings

- What are the advantages and disadvantages of reducing the number of ACFA Plenary meetings?
- If the number or frequency of ACFA Plenary meetings were to be reduced, how could the decision making process of ACFA be adapted?

D. ACFA resolutions, opinions and advice

- Description of the procedure;
- Description of the outputs, results and impacts;
- Assessment of the relevance and pertinence from the perspective of the Commission and the ACFA members;
- Number of own initiative opinions versus consultations launched by the Commission.

E. Written procedure

- Description of the written procedure, its modalities, frequency and results;
- Assessment of its usefulness – does it properly reflect ACFA's opinion? Do all members contribute and provide their input?

7. EVALUATION METHOD AND TASKS

The evaluation will be organised with the following phases and will have a total duration of 6 months:

7.1. Structuring

During this first evaluation phase, the Contractor will elaborate the following elements:

- Establish an inventory and description of the measures taken relating to ACFA and the changes of these over time: regulatory framework, implementing rules, working practice, etc.;
- Establish the intervention logic of ACFA linking the following elements by means of a logical diagram or another appropriate analytical tool: the needs to satisfy/problems to solve, the objectives to be achieved, resources invested and effects (outputs, results and impacts) obtained;
- Scrutinise and refine the evaluation questions, define the key terms of the questions, the judgement criteria, indicators and, where appropriate, target levels;
- Develop the appropriate tools for data collection, data analysis and judgement (for example: interviews, questionnaires, case studies, benchmarks, cost- effectiveness analysis¹²).

A period of maximum 1 month after the kick-off meeting will be allocated to this evaluation phase. *early Jan.*

The outputs of this evaluation phase have to be validated by the Commission before the next evaluation phase starts.

The outputs of this phase will form the basis of the further evaluation phases.

7.2. Observing

During this evaluation phase, the Contractor will – based on the outputs of the previous phase – elaborate the following elements:

- Identify the sources (quantitative and qualitative) for primary and secondary data to answer the evaluation questions: desk research, people to be interviewed, etc.;
- Create the appropriate data collection tools: interview guides, questionnaires, guidelines for case studies, etc.

¹² Cost-effectiveness analysis is understood here as "an analysis which compares several interventions or several options in terms of both implementation cost and the achievement of the intended result/impact". Thus, costs are not only compared to the outputs.

The costing approach focuses on the budgetary allocations. However, administrative costs and overheads are also considered.

The outputs will have to be validated by the Commission before the data collection starts. Data (facts and opinions) are collected in accordance with the tools chosen.

The outputs of this evaluation phase will be submitted with the interim report. The outputs of this phase have to be validated by the Commission before the next evaluation phase starts.

The outputs of this phase will form the basis of the further evaluation phases.

7.3. Analysis

In this evaluation phase the Contractor drafts the answers to all the evaluation questions.

7.4. Judgement

In addition to answering the evaluation questions, the Contractor will have to provide a judgement on the policy that is the subject of the evaluation, in the form of conclusions and recommendations, including options for change.

The conclusions should be based on and summarise the main results arising from the evaluation questions.

The Contractor will also present lessons learnt from the evaluation.

8. DELIVERABLES AND QUALITY ASSESSMENT

The Contractor needs to produce the following reports in three paper copies and in Word format.

All deliverables are to be submitted in English or French.

They are written in clear and easily understandable language and meet commonly recognised standards for deliverables intended for publication.

The deliverables will be examined by a steering group established by DG FISH.

On advice of the steering group, DG FISH may ask for additional information or propose changes in order to redirect the work if necessary.

DG FISH shall have 20 working days from receipt to approve or reject the deliverables.

The Contractor shall have 20 working days in which to submit the additional information or a new report.

8.1. Inception report

The inception report draws to a close the structuring phase of the evaluation.

As such, it contains as a minimum:

- A detailed roadmap of the work, based on the terms of reference of the evaluation, the tender, and the documents and information received from DG FISH at the kick-off meeting;
- A description of the measures taken relating to ACFA, the intervention logic, the proposed evaluation method and outputs of the work;
- The proposed detailed structure of the final report.

8.2. Intermediate report

The intermediate report draws to a close the observing phase of the evaluation. It contains an advanced draft of the outputs of the tasks performed relating to the data collection and the evaluation tools created and used.

In addition, the intermediate report gives an advanced draft of the answers to all the evaluation questions.

8.3. Draft final report

The draft final report contains the draft final output of the tasks performed, including at least:

- A description of the assignment and its context;
- A description of the measures taken relating to ACFA and its intervention logic;
- The final draft of the answers to the evaluation questions.

The answer to each of the evaluation questions should include:

- * interpretation and comprehension of the key terms of the evaluation question;
 - * indication of the judgement criteria allowing to answer the question and, if necessary, the quantitative level to be reached;
 - * validity of the quantitative and qualitative information used;
 - * description of the evaluation method applied and indication of its limitations;
 - * a detailed description of the reasoning followed, indicating in particular the underlying hypotheses and validity limits;
- The evaluation conclusions and recommendations;
 - The lessons learnt from the evaluation (problems encountered, etc.).

A draft of the executive summary (see hereinafter) must be submitted.

8.4. Final report and executive summary

The final report represents the full evaluation results, including in particular conclusions and recommendations.

The report will be completed after the draft final deliverable has been accepted by DG FISH.

It should incorporate all the comments made by DG FISH.

The final report shall be formally approved by DG FISH.

The final report should not exceed 150 pages (annexes not included). Statistical and background information will be given in annex to the report.

The executive summary of the final report should not exceed 15 pages and must be presented in both, English and French.

It should include a brief presentation of the evaluation work and the method used, together with a summary of the conclusions and recommendations.

The Contractor may be asked to present the evaluation results using a slide presentation in English and/or French of maximum 30 minutes.

It will be submitted together with the draft final report.

The final report and executive summary (not the slide presentation) must be submitted in ten copies (including one "master" for reproduction) and in an electronic form compatible with the Commission's computer facilities.

9. QUALITY STANDARDS AND QUALITY ASSESSMENT

The intermediate evaluation must be carried out in accordance with:

- The Commission Evaluation standards, in particular standards D1 to D5 on conducting evaluations (SEC/2007/213 of 21 February 2007);
- The Commission guidelines "Evaluating EU Activities – A practical guide for the Commission services (DG BUDG, 2004)¹³;
- The generally accepted evaluation standards and good practice.

The final evaluation report will be subject to a quality assessment by the steering group. This quality assessment will be based on the Commission's "Evaluation quality assessment framework".¹⁴

In the event of publication, the final evaluation report may be accompanied by the results of this quality assessment.

10. STEERING GROUP

For the Commission side, a steering group will be set up, consisting of officials from various Commission services concerned.

The steering group is responsible for monitoring the evaluation work, identification of aspects to consider, discussion of the evaluation method, commenting on the draft and final deliverables submitted and assessing the quality of the evaluation.

The Contractor will participate in the steering group meetings in accordance with the timetable set up in the kick-off meeting.

11. AVAILABLE DOCUMENTATION AND INFORMATION

The following documents are at the disposal of the Contractor:

- Overview of Community legislation on ACFA;
- Reports of earlier studies¹⁵;
- Opinions, recommendations, resolutions and other statements of ACFA;
- Minutes of ACFA meetings;
- Annual work programmes of ACFA;
- Annual financial reports of the European organisations for the preparatory meetings of ACFA.

¹³http://ec.europa.eu/budget/evaluation/Key_documents/evalguides_en.htm

¹⁴ http://ec.europa.eu/budget/evaluation/Key_documents/evalguides_en.htm

¹⁵ - A study on the fisheries organisations at national and European level (Nautilus) carried out to prepare the ACFA reform of 1999.
- An on-going study on the representativeness of the European social partner organisations and the state of the social dialogue covering the fishing industry sector in the 27 EU Member States and Turkey.

12. BUDGET AND DURATION OF THE EVALUATION

The maximum budget for this evaluation is € 300 000 (three hundred thousand euros).

The evaluation work shall start from the date of entry into force of the specific contract to be signed between DG FISH and the Contractor.

All tasks, deliverables and final reports must be available to DG FISH not later than 6 (six) months later (see nr. 7). The period of execution of the tasks may be extended only with the express written agreement of both parties before this period elapses.

13. AWARD CRITERIA - EVALUATION OF TENDERS

13.1. Technical award criteria

13.1.1. Tenders will be assessed according to the following technical award criteria (max. 100 points):

- | | |
|--|----------------|
| (QC1) Understanding of the services to be provided and general approach to the work to be performed: | max. 25 points |
| (QC2) Proposed evaluation method and tools: | max. 50 points |
| (a) Global method proposed | max. 25 points |
| (b) Tools envisaged (and rationale) | max. 25 points |
| (QC3) Approach proposed for the management of the work: | max. 25 points |

Tenders which do not obtain at least 50% of the maximum score for each award criterion and at least 60% of the overall score for all criteria, will not be admitted to the next stage of the evaluation procedure.

13.1.2. Information to be provided

In order that their position in relation to the award criteria can be verified, tendering parties should provide the necessary information and documents with their tender, enabling the assessment to be made:

- (QC1) Understanding of the services and general approach to the work:
Tendering parties should describe in their tender their understanding of the services to be provided and the work to be performed thereto.
- (QC2) Proposed evaluation method and tools:
Tendering parties should describe in their tender the method and tools proposed for undertaking the evaluation, giving also detailed indication on the following issues:
- The time and costs to be spent on the different tasks;
 - The evaluation tools to be developed and used. The information must, as much as possible, be quantified (e.g. types and number of interviews, volume and type of

questionnaires, number of case studies, etc). To this purpose, tenderers could also explain the tools used for comparable evaluations they have carried out in the past.

(QC3) Approach proposed for the management of the work:

Tendering parties should describe in their tender the composition of the team to be assigned to the evaluation, describing at least the following:

- The number of staff (or the time/people equivalent) allocated;
- The type of profiles of its members;
- The role and contribution of each team member;
- The allocation of tasks between the team members and how the work will be coordinated.

13.2. Financial award criteria

Each offer will be assessed in terms of the total price for the proposal on the basis of the specific unit prices set in the Framework Contract, broken down by categories of experts and travel and mission expenses.

13.3. Award of the contract

The contract will be awarded to the most economically advantageous tender. This will be determined on the basis of the price and the quality of the tender.

14. TERMS OF PAYMENT

Payment may take the form of a pre-financing payment followed by interim payments and payment of the balance.

14.1. Pre-financing

Following the signature of the specific contract by the last contracting party, within forty five (45) days of the receipt by the Commission of a request for pre-financing, with a relevant invoice, a pre-financing payment of an amount equal to 30% of the total amount of the specific contract will be made.

The pre-financing will be deducted from subsequent payments in such a way that it is fully recovered on exhaustion of the funds provided for such payments.

14.2. Interim payments and payment of the balance

DG FISH shall have 20 working days from receipt to approve (with or without comments or reservations) or reject a deliverable and request a new report.

If DG FISH does not react within this period, the report shall be deemed to have been approved. Approval of the report does not imply recognition either of its regularity or of the authenticity, completeness or correctness of the declarations and information enclosed.

The Contractor shall have 20 working days in which to submit the additional information or a new report.

Within 60 days of completion of the tasks referred to in nr. 8 of these specifications, the Contractor shall submit to the Commission a formal request for payment accompanied by the following documents:

- The deliverable in question (inception report / intermediate report / final evaluation report);
- The relevant invoices, indicating the reference number of the Framework Contract and of the Specific Contract to which they refer.

Within 45 days of the date on which the deliverable is approved by the Commission, payment corresponding to the relevant invoices shall be made.

2 Detailed findings on representation

2.1 Representation of the catching sector

Member State / National organisation	Member- ship 1=Europ 2= EAPO 3=Cogeca	Total num- ber of member vessels	Member vessels <12m	National fleet Total ¹	National fleet - Sha- re coastal vessels ²	Level of represent- ation (es- timate)
Belgium				107	1%	100%
Rederscentrale	1,2	114	0			
Boerebond (Farmers Union)	3	n/a				
Cyprus				874	92%	0%
Germany		1588		2017	81%	~80%
DFV	1,3	1570	1100			
DHFV	1	9	0			
Seefrostvertrieb	2	9	0			
Denmark³		-		3139	74%	~100%
Dk Fiskeriforening	1	n/a				
Dk Fiskeres PO	2	1559	900			
DK Pelgiske PO	2	8	0			
Skagen F.PO	2	70	0			
Association of Fishmeal and Fishoil Manufacturers ⁴	3	n/a				
Estonia				995	81%	
Estonian Chamber of Agricul-	3	n/a				

¹ Source: Eurostat, data 2006

² Source: LEI / Framian, Employment in the fisheries sector: current situation, data 2002-2003, coastal vessels are defined as vessels <12m using passive gears and vessels < 10m using active gears.

³ The Fiskeriforening represents all vessels in Denmark, except for the community of Grenå and Bornholm (which is few). Total fleet of 3139 includes small non-commercial boats. Almost 100% of the fleet is represented.

⁴ The Association of Fishmeal and Fishoil Manufacturers represents. 4 member companies

Member State / National organisation	Member- ship 1=Europ 2= EAPO 3=Cogeca	Total num- ber of member vessels	Member vessels <12m	National fleet Total ¹	National fleet - Sha- re coastal vessels ²	Level of represent- ation (es- timate)
ture and Commerce (EPKK)						
Spain		16232		13391	72%	~100%
Cepesca ⁵	1	1600	1100			
FNCP	1	13000	13000			
OPAGAC	2	13	0			
OPPF-4/OPPC-3	2	119	0			
Unión Nacional de Cooperati- vas del Mar de España (UNACOMAR) ⁶	3	1500				
Finland ⁷				3196	95%	0%
France ⁸		+5200		5407 ⁹	68%	+50%
ANOP / From Bretagne	2	1000	0			
Fedopa ¹⁰	2	1447	n/a			
From Nord	2	n/a	n/a			
OPBN	2	279	150			
Proma	2	291				
Socosama	2	73	45			
UAPF	1	110	0			
Confédération de la Coopéra- tion, de la Mutualité et du Crédit Maritimes (CMCM)	3	2000				
Greece				18045	93%	1%
PEPMA	1	320	0			
Confédération Panhellénique des Unions des Coopératives Agricoles (Paseges)	3					

⁵ Cepesca equals FEABP and FEOPE since 2007. The 1100 small vessels represented in Cepesca are also represented in FNCP.

⁶ Represented by Cooperativa de Armadores de Vigo (ARVI) ⁽¹⁾ Atlantic regions and UCOMAR for the Mediterranean.

⁷ Only 300-400 vessel are commercially active, Source: Annual report on 'Economic Performance of Selected European Fishing Fleets', 2004

⁸ It is not clear how many vessels of the National fleet are commercially active. (Only 2400 are members of POs...). Most vessels > 12m are represented. Situation regarding the <12m fleet is unclear. Fedopa represents 11 POs.

⁹ Source : LEI/Framian, France only, excl Drom (Figure in Eurostat includes Drom)

¹⁰ Socosama an OPBN are also members of FEDOPA.

Member State / National organisation	Member- ship 1=Europ 2= EAPO 3=Cogeca	Total num- ber of member vessels	Member vessels <12m	National fleet Total ¹	National fleet - Sha- re coastal vessels ²	Level of represent- ation (es- timate)
Ireland		346		1809	67%	~20%
Irish Fish PO	2,3	200	n/a			
Irish S-W Fish PO	2	90	9			
Kilybegs Fishermen Ass.	2	56	9			
Italy		-		14127	64%	~100%
Feder OP It	2	1286	n/a			
FederPesca	1	n/a	n/a			
AGCI-PESCA	3	~40000 fishermen				
FEDERCOOPESCA DI CONFCOOPERATIVE	3					
LEGA-PESCA	3					
Lithuania				266	69%	0%
Latvia				897	79%	0%
Malta		470		1415	91%	~20%
APEX	1,3	470	270+			
Netherlands¹¹		515		840	28%	~100%
CPO	2	32	13			
PO Mossel	2	70	0			
PO Oost	2	90	0			
Redersvereniging	2	13 ¹²				
SNV	1,3	310	0			
Poland¹³		2		883	63%	0%
N. Atlantic		2				
National Union of Farmers' Cir- cles and Agricultural Organisa- tions (KZRKIOR)	3					
Portugal				8754	91%	0%
Sweden		2432		1586	78%	100%
Gavlefisk	2	78	75			

¹¹ SNV unites all Dutch fishing vessels – cutter, freezer trawler and mussel fleet. About 400 vessels are commercially active. None of them <12m. SNV covers almost 100% of the commercial fleet. This includes also the four organisations member of EAPO.

¹² Source: LEI, Visserij in cijfers 2007

¹³ Polish Baltic fleet is not represented at all. The Polish distant fleet only consists of 3 large vessels.

Member State / National organisation	Member- ship 1=Europ 2= EAPO 3=Cogeca	Total num- ber of member vessels	Member vessels <12m	National fleet Total ¹	National fleet - Sha- re coastal vessels ²	Level of represent- ation (es- timate)
Halland F. PO	2	56	¹⁴			
Sv. Fiskeres Forbund ¹⁵	1	1485	n/a			
Sv. Fiskarnes PO	2	813	582			
Slovenia				171		0%
Chamber for Agriculture and Forestry	3					
United Kingdom		1526		6819	80%	~30%
Anglo-Scottish	2	50	10			
Fife	2	31	4			
NESFO	2	54	2			
NFFO	1	1000	250 ¹⁶			
North Sea Fishermen Org	2	40	n/a			
SFO	1,2	300	n/a			
Shetland Fish PO	2	35	5			
The Fish PO Ltd	2	16	0			

Source: Unless otherwise specified, the source of data is the national organisations, which have been contacted individually

2.2 Overview of organisations representing non-professional interests

2.2.1 Environment NGOs

Birdlife International	
27 member organisations from 27 EU countries	
<i>MS</i>	<i>Member organisation</i>
Austria	BirdLife Austria
Belgium	BirdLife Belgium
Bulgaria	Bulgarian Society for the Protection of Birds (BSPB)
Cyprus	BirdLife Cyprus
Czech Republic	Czech Society for Ornithology (CSO)
Denmark	Dansk Ornitologisk Forening (DOF – BirdLife DK)

¹⁴ 29 trawlers and 22 gillnet boats

¹⁵ SFR represents 95% of Swedish vessels.

¹⁶ Vessels divided at 10m

Estonia	Estonian Ornithological Society (EOS)
Finland	BirdLife Suomi ry
France	Ligue pour la Protection des Oiseaux
Germany	Nature And Biodiversity Conservation Union (NABU)
Greece	Hellenic Ornithological Society (HOS)
Hungary	Hungarian Ornithological and Nature Conservation Society
Ireland	BirdWatch Ireland
Italy	Lega Italiana Protezione Uccelli (LIPU)
Latvia	Latvian Ornithological Society (LOB) is the BirdLife Partner A.K.
Lithuania	Lithuanian Ornithological Society (LOD)
Luxembourg	Lëtzebuerger Natur- a Vulleschutzliga (LNVL)
Malta	BirdLife Malta
Netherlands	Netherlands Society for the Protection of Birds (VBN)
Poland	Polish Society for the Protection of Birds (OTOP)
Portugal	Portuguese Society for the Study of Birds (SPEA)
Romania	Romanian Ornithological Society (SOR)
Slovakia	Slovak Ornithological Society/BirdLife Slovakia (SOS/BirdLife Slovakia)
Slovenia	BirdLife Slovenia (DOPPS)
Spain	SEO/BirdLife
Sweden	Swedish Ornithological Society (SOF)
United Kingdom	The Royal Society for the Protection of Birds (RSPB)

European Bureau for Conservation and Development (EBCD)	
<i>EBCD is not a member organisation</i>	
<i>MS</i>	<i>Member organisation</i>
Not applicable	

Greenpeace International	
<i>Offices in 21 member states</i>	
<i>MS</i>	<i>Member organisation</i>
Austria	Not Applicable
Belgium	N/A
Czech Republic	N/A
Denmark	N/A
Finland	N/A
France	N/A
Germany	N/A
Greece	N/A

Hungary	N/A
Italy	N/A
Luxembourg	N/A
Malta	N/A
Netherlands	N/A
Poland	N/A
Portugal	N/A
Romania	N/A
Slovakia	N/A
Spain	N/A
Sweden	N/A
United Kingdom	N/A

Oceana	
<i>300,000 members worldwide</i>	
MS	<i>Member organisation</i>
No national representation	

Seas at Risk		
<i>10 members in 8 MS</i>		
MS	<i>Member organisation</i>	
Belgium	Bond Beter Leefmilieu	
Denmark	Danmarks Naturfredningsforening	
France	Keep It Blue	
Germany	Aktionskonferenz Nordsee	
Netherlands	Stichting De Noordzeedenvereniging	De Wad-
Portugal	Liga para a Protecção da Natureza do Território e Ambiente	Ordenamento
Sweden	Svenska Naturskyddsforeningen	
United Kingdom	Marine Conservation Society	

WWF	
<i>Family Offices in 16 MS</i>	
MS	<i>Member organisation</i>
Austria	Not applicable
Denmark	N/A
Finland	N/A

France	N/A
Germany	N/A
Greece	N/A
Hungary	N/A
Ireland	N/A
Italy	N/A
Latvia	N/A
Netherlands	N/A
Poland	N/A
Portugal	N/A
Romania	N/A
Sweden	N/A
United Kingdom	N/A

2.2.2 Development NGOs

Coalition for Fair Fisheries Arrangements (CFFA)	
<i>No national offices/members</i>	
<i>MS</i>	<i>Member organisation</i>
Not applicable	

International Collective in Support of Fishworkers	
<i>No national offices/members</i>	
<i>MS</i>	<i>Member organisation</i>
Not applicable	

The Fisheries Secretariat	
<i>No national offices/members</i>	
<i>MS</i>	<i>Member organisation</i>
Sweden	The Swedish Society for Nature Conservation WWF Sweden The Swedish Anglers Association

2.2.3 Consumer interests

Bureau Européen des Unions de Consommateurs - The European Consumers' Organisation (BEUC)	
<i>41 members in 27 MS</i>	
<i>MS</i>	<i>Member organisation</i>
Austria	Verein für Konsumenten-information - VKI

	Arbeitskammer - AK
Belgium	Association Belge des Consommateurs - Test Achats
Bulgaria	Bulgarian National Consumers Association - BNAP
Cyprus	Cyprus Consumers' Association
Czech Republic	SOS – Consumers Protection Association
Denmark	Forbrugerrådet - FR
Estonia	Estonian Consumers Union - ETL - Eesti Tarbijakaitse Liit
Finland	Kuluttajat-Konsumenterna ry - KK Suomen Kuluttajaliitto - SK Kuluttajavirasto
France	UFC - Que Choisir Consommation, Logement et Cadre de Vie - CLCV Organisation Générale des Consommateurs - OR.GE.CO
Germany	Verbraucherzentrale Bundesverband - vzbv Stiftung Warentest
Greece	Association for the Quality of Life - E.K.PI.ZO Consumers' Protection Center - KEPKA General Consumers' Federation of Greece - INKA
Hungary	National Association for Consumer Protection in Hungary - NACPH - OFE
Ireland	Consumers' Association of Ireland - CAI
Italy	Altroconsumo
Latvia	Latvia Consumer Association - PIAA
Luxembourg	Union Luxembourgeoise des Consommateurs - ULC
Malta	Għaqda tal-Konsumaturi - CA Malta
Netherlands	Consumentenbond - CB
Poland	Polish Consumer Federation National Council - FK Association of Polish Consumers - SKP
Portugal	Associação Portuguesa. para a Defesa do Consumidor - DECO
Romania	Association for Consumers' Protection - APC
Slovakia	ZSS - Association of Slovak Consumers
Slovenia	Zveza Potrošnikov Slovenije - ZPS
Spain	Confederación de Consumidores y Usuarios - CECU Organización de Consumidores y Usuarios - OCU
Sweden	The Swedish Consumers' Association
United Kingdom	xxx National Consumer Council - NCC

2.3 Overview of non-represented national organisations

This appendix provides additional information on identified organizations that are *not* represented in ACFA. The information in this appendix is gathered

mainly via internet and attempts were made to establish contact to the organizations. In many cases, however, language and communication barriers hindered access to detailed information from the organisations. For this reason, data is not complete.

During the research focus has been on the countries that from the outset had low representation in ACFA, namely, the countries marked with white in table 4-1 in the main report. This includes a few of the 'old' MS and all the new MS.

Additional organizations are presented per country. Countries where no additional organisations have been identified are Austria, Bulgaria, Czech Republic, Cyprus, Luxembourg, Romania, and Slovenia. The reason is mainly that their fishery sector is too small.

The following sections will present the additional organizations. It should be noted that organizations represented in ACFA are *not* included here. Therefore, this appendix gives an impression of the extent to which organizations exist that are not represented in ACFA.

The presentation is structured in tables of organizations related to the national fleets, the processors and traders, and to aquaculture. Note that organizations relating to representation of fishermen are presented in the first grouping 'fleet', however, it is unknown whether these organization represent vessel owners or crewmen. Each table has a column named 'relation to the EU' (furthest to the right). This column display whether a given organization has any other relation to the EU, e.g. RACs. When this is empty, there was no indication of any relation to the EU.

A few organizations explained why they are not represented in ACFA. These brief explanations are included for the relevant countries (Lithuania and Portugal).

Estonia

Organisations in fleet:

Name of organisation	Number of members (vessels)	Relation to the EU (if any)
Eesti Kalapüügiühistu (PO)	n/a	
Eesti Kutseliste Kalurite Ühistu (PO)	n/a	
Eesti Traalpüügi Ühistu (PO)	n/a	
The Estonian Fishermen's Association	n/a	

Organisation in Aquaculture:

Name of organisation	Number of members	Relation to the EU (if any)
The Estonian Fish Farmers Association (for aquaculture producers, small-scale hobby farmers, scientists and government officials)	n/a	

Finland*Organisations in fleet:*

Name of organisation	Number of members (vessels)	Relation to the EU (if any)
The Federation of Finnish fisheries association	n/a	

Greece*Organisations in fleet*

Name of organisation	Number of members	Relation to the EU (if any)
Αλιευτικός αγροτικός συνεταιρισμός γριγκρί Βολου Παγασητικός (Coop. «Paghassitikos»)	n/a	
Όστρια Α.Ε. («OstriA S.A.»)	n/a	
Μακεδονία («Makedonia»)	n/a	
The Confederation of Greek Fishermen	n/a	
The Pan-Hellenic Federation of Fishing Workers.	n/a	

Hungary*Organisations in fleet*

Name of organisation	Number of members (vessels)	Relation to the EU (if any)
The Federation of Trade Unions in Agriculture, Fishing and Water Industry	n/a	
Association of Hungarian Producer's Sales and Service Co-operatives	n/a	

Latvia

From the 'Latvian Fisheries Marketing and Information Centre' (http://www.zic.lv/new/index_en.php?), it appears that the country has a substantial activity within the fishery and aquaculture sector. Although the website does not list the organisations related to the industry, some do exist:

Organisations representing the fleet:

Name of organisation	Number of members	Relation to the EU (if any)
NACIONALAS ZVEJNIECIBAS RAZOTAJU ORGANIZACIJA (PO)	n/a	
LATVIJAS ZVEJAS PRODUKTU RAZOTAJU GRUPA (PO)	n/a	
Latvian Fisheries Association	n/a	
The Latvian Fishermen Federation	n/a	
Fishermen Association of Fishermen of Kurzeme region	n/a	
Latvian Trade Union of Employees of Fisheries and Food sector	n/a	
Organization "Rīgas Šprotes"	n/a	

Organisations in processing and trading:

Name of organisation	Number of members	Relation to the EU (if any)
Union of Latvian Fish Processors	n/a	

Organisations in Aquaculture:

Name of organisation	Number of members	Relation to the EU (if any)
Latvian Fish Farmers Association	9 farms (represent 90% of annual production in the sector)	None - however, participates in INTERCAFE (EU project to join the sector)
Latvian Crayfish and Fish Farmers Association	n/a	

Lithuania

The Lithuanian sector is characterised by few organisations in the fishery sector. However, still approximately 50% of the sector is represented by national organisations. The primary reasons for not joining the EU-level organisations appear to be an economic one, as membership fee is too high, and a predomi-

nant language barrier. Furthermore, an issue was that the organisations lacked information about the possibilities at EU-level.

Organisations in fleet:

Name of organisation	Number of members	Relation to the EU (if any)
LITHUANIAN FISH PRODUCTS PRODUCERS ASSOCIATION	15 open sea fishery enterprises, 44 coastal fishery enterprises (all vessels <12m) (represents app. 50% of national fishing in value and volume)	None - tried to join Europeche , but it was too expensive
Associations of fishery enterprises LAMPETRA	69 enterprises (lagoon, inland and few in coastal area) (represents app. 10% of coastal fishery)	None - does not apply membership due to language and membership fee

Organisations in processing and trade:

Name of organisation	Number of members	Relation to the EU (if any)
Latvian Fisheries Producer's Association	n/a	
Confederation of Fishermen and Fish Processors of West Lithuania	n/a	

Organisations in Fish Farming:

Name of organisation	Number of members	Relation to the EU (if any)
NATIONAL ASSOCIATION OF AQUACULTURE AND PRODUCERS OF FISH PRODUCTS	18 aquaculture companies (100 % representation), 9 processors (as their organisation broke down, representing 50% production)	None - language barrier and lack of information about the EU organisations

Malta*Organisations in fleet:*

Name of organisation	Number of members	Relation to the EU (if any)
The Maltese Fishermens Coop.	n/a	
The Fishermen Ltd.	n/a	
The National Cooperative of Fishing Ltd.	n/a	
The Cooperative Society of Fishing Ltd.	n/a	

Poland*Organisations in Fleet*

Name of organisation	Number of members	Relation to the EU (if any)
Polish Fisheries Association	n/a	-

Organisations in Aquaculture

Name of organisation	Number of members	Relation to the EU (if any)
Polish Trout Breeders Association	n/a	

Portugal

For fishing, the Portuguese industry is participating in the CCR.S (RACs), as it is generally found to represent the Portuguese interests the best.

Organisations in fleet:

Name of organisation	Number of members (vessels)	Relation to the EU (if any)
AAPNZ - Associação de Armadores Pescadores da Nazaré	n/a	
ACV - Associação de Armadores da Pesca Artesanal e do Cerco do Sudoeste Alentejano e da Costa Vicentina	85	CCR.S
ADAPI - Associação dos Armadores das Pescas Industriais	74	CCR.S
ADAPLA - Associação dos Armadores da Pesca Longinqua	11	
APPCE - Associadas dos Pescadores Profissionais do Concelho de Esposende	n/a	
AAPABA - Associação de Armadores da Pesca Artesanal do Barlavento Algarvio	n/a	
AAPC - Associação de Armadores e Pesadores de Cascais	27	
AAPCS - Associação de Armadores da Pesca do Centro e Sul	84	
AAPG - Associação de Armadores de Pesca do Guadiana	n/a	
AAPL - Associação de Armadores da Pesca Local, Costeira e do Largo do Centro Litoral	50 (47<12m)	CCR.S
AAPLCLZO - Associação de Armadores da Pesca Local, Costeira e do Largo do Centro Litoral	159 (119<12m)	CCR.S
AAPN - Associação de Armadores de Pesca do Norte	100 (all<12m)	
ADAPSA - Associação de Armadores de Pesca do Sotavento do Algarve	12 (4<12m)	
ADEPA - Associação de Empresas de Pesca do Algarve	12	CCR.S
AMAP - Associação Mutua Financeira Livre de Armadores da Pesca Geral Centro	112(35<12m)	
AMAPA - Associação de Pescadores Mutua de Armadores da Pesca de Angeiras	n/a	
APROPESCA - Organização de Produtores de Pesca Artesanal	86(36<12m)	
PROPEIXE OP- Cooperativa de produtores de peixe do Norte	22	

Name of organisation	Number of members (vessels)	Relation to the EU (if any)
APARA - Associação da Pesca Artesanal da Região de Aveiro	n/a	
APPRMM - Associação de Profissionais de Pesca do Rio Minho e do Mar	n/a	
ASAPCCN - Associação do Sul dos Armadores da Pesca Costeira e Construção Naval	n/a	
AVP - Associação Vila Cha de Pesca	11	
Confederação das Organizações Representativas da Pesca Artesanal	82(32<12m)	

Organisations in processing and trade:

Name of organisation	Number of members	Relation to the EU (if any)
ACOPE - Associação dos Comerciantes de Pescado	147 (50% of sector)	
AIB - Associação dos Industriais do Bacalhau	21 (75-80% of sector)	CCR.S

Organisations of Fish Farming:

Name of organisation	Number of members	Relation to the EU (if any)
APAA - Associação de Produtores em Aquacultura do Algarve	1	
APRA - Associação de Piscicultores da Ria de Aveiro	n/a	
Associação de Aquacultores de Portugal	4	
Foz-Sal - Cooperativa de Produção de Peixe e Sal da Figueira da	3	
Formosa - Cooperativa de Viveiristas da Ria Formosa	329	

Slovakia

Organisations in fleet

Name of organisation	Number of members	Relation to the EU (if any)
The Slovak Fishermen's Association	n/a	

Organisations in Aquaculture

Name of organisation	Number of members	Relation to the EU (if any)
Slovak Fish Farmers Association	17 (represents 66% of Slovakian total fish production)	

Sweden*Organisations in fleet*

Name of organisation	Number of members	Relation to the EU (if any)
Matfiskodlarnas Producentorganisation	n/a	
Sveriges Pelagiska Producentorganisation	n/a	
Swedish Pelagic Group Producers Organisation	n/a	
Swedish Coastal and Lake Fishermen's Federation	n/a	

3 Findings on the 48 evaluation questions on performance

This section provides the findings related to the 48 evaluation questions and issues raised in the TOR in relation to the performance of ACFA. Each evaluation question/issue is treated separately; however, in some cases where the questions are highly interrelated, questions are addressed together. In these cases, a reference to the relevant section, where the question is dealt with, is provided.

3.1.1 Factual description of areas where the Commission has consulted ACFA and the modalities for consultation

According to Article 9 of the ACFA Decision "the Committee shall be required to give an opinion on the proposals formulated by the Commission as well as on the subjects appearing in its work programme".

Modalities

The work programme and agendas of ACFA distinguish between three different items: Consultation, debate and information. Whereas consultation items normally entail a formal consultation where the Commission expects an opinion from ACFA, debate and information items may also involve a *process* of consultation with exchange of views, etc. between ACFA and the Commission. Thus while this section concentrates on the formal consultation processes, it also looks at the general dialogue between ACFA and the Commission.

In addition to these modalities, there is a written procedure, which is described in Box 3-1 below.

Box 3-1 The written procedure for consultation

The written procedure is described in the working rules of ACFA part 11 and is to be applied in the following two circumstances:

- if the Commission requires an opinion within a very short period of time; or
- if the Chairman of the Committee is seeking an opinion on a matter raised on the initiative of ACFA

In these circumstances the Secretariat shall consult the 11 interests represented in the Plenary. The written procedure implies that the issue that needs to be discussed, i.e. the subject of the consultation, is sent by e-mail to the Secretaries General of the member organisations. A copy of the e-mail is to be sent to the ACFA members. Information on the deadline for submitting comments and the subject of the consultation shall also be submitted to

the ACFA Secretariat. This must be done ten days after date of dispatch according to the working rules section 11.

The rapporteur must then gather the comments and observations received as part of the consultation and prepare an opinion designated by the European organisations or by the chairman. The opinion is then sent to the Commission, with a copy to all ACFA members, by the Chairman.

Source: working rules of ACFA part 11

There are different sources for investigating the areas where the Commission has consulted ACFA. These include the work programmes, the meeting agendas as well as the records kept by the ACFA Secretariat. Below, the consultations according to these sources are described.

Consultation according to the work programmes

A review of the work programmes and comparison with agenda items shows that not all consultation items in the work programmes have in fact been put on the meeting agendas as shown in Table 3-1. The difference varies from year to year and for 2004, the number of consultation items on the meeting agendas was actually larger than predicted in the work programme.

Table 3-1 Consultation items on work programmes and agendas, 2002-2007

	2002	2003	2004	2005	2006	2007
Consultation work programmes	21	20	13	15	19	23
Consultation Agendas	15	7	17	13	4	10

Note: Based on annual work programmes and meeting agendas/minutes provided by the Secretariat

A detailed analysis of work programmes and meeting agendas in 2007, (see Appendix 8), shows that the items in the meeting agendas do not always correspond to those in the work programmes. The ACFA Secretariat has confirmed that meeting agendas are developed based on the current policy context rather than what is stated in the work programmes.

The discrepancies between the work programme and the actual items on the agenda thus reflect that the work programmes are seen as and used as guidelines for the year but not as rigid activity plans to be strictly followed. The advantages lie in the flexibility and ability to adapt to the current situation and needs. The e-survey and interviews with stakeholders indicate that stakeholders appreciate the flexibility and value that new policy initiatives are brought to the attention of ACFA in the early stages. On the other hand, concerns have also been raised during the interviews with ACFA members that the discrepancies between the work plan and what is actually covered during the meetings are too large.

Consultations according to meeting agendas

The agendas of working group meetings during the period 2002-2007 have been analysed with a view to establishing an overview of the areas, where the Commission has consulted ACFA. Table 3-2 provides an overview of the different types of agenda items and how often they occur. It appears from Table

3-2 that, in total during the period, ACFA has been consulted on 66 occasions. The consultation items on the agendas are listed in Appendix 7.

Table 3-2 *Agenda items, all WGs, 2002-2007*

	2002	2003	2004	2005	2006	2007	Total
WG1							
Consultations	8	2	6	10	0	2	28
Debates	7	14	9	6	2	2	40
Information	18	20	19	13	3	5	78
WG2							
Consultations	2	0	6	2	0	2	12
Debates	13	12	11	15	13	16	80
Information	12	21	15	16	18	15	97
WG3							
Consultations	3	1	1	1	1	2	9
Debates	9	16	11	9	7	7	59
Information	13	20	12	19	12	18	94
WG4							
Consultations	2	4	4	0	3	4	17
Debates	10	7	8	12	14	9	60
Information	4	7	8	9	12	11	51
Total							
Consultations	15	7	17	13	4	10	66
Debates	39	49	39	42	36	34	239
Information	47	68	54	57	45	49	320

Note: Based on meeting agendas/minutes provided by the Secretariat.

Table 3-2 also shows that 239 debates have been held. In the case where the Commission puts a debate item on the agenda, it is not a formal consultation, but carries characteristics that are similar to that of a consultation.

Consultations
according to the
ACFA Secretariat

The ACFA Secretariat has provided a listing of consultations for the purpose of this evaluation (see Appendix 6). The list includes both consultations initiated by the Commission as well as "consultations" initiated by ACFA and totals 66 consultations for the period 2000-2007. The number of consultations initiated by the Commission during the period 2000-2007 totals 44 (34 for 2002-2007), i.e. lower than the number of consultation items in the meeting agendas of the working groups (ref Table 3-2 above). There are several explanations for this difference, including the following:

- Some consultations have been on the agenda for more than one meeting within the same working group

- Some consultations have been on the agenda in more than one working group (e.g. Reform of the CFP and IUU)

Subjects of consultations

The subjects of the consultations are quite varied and, according the Secretariat list, include amongst others: CFP reform/maritime policy, TACs and quotas, technical measures, EFF, IUU, and fishing opportunities. Appendix 7 provides the full list.

When comparing the content of the overview of consultations in Appendix 6 and Appendix 7, it appears that it is not always possible to establish a clear link between the consultations as they are presented on meeting agendas (Appendix 7) and the consultations as they are summarised by the ACFA Secretariat (Appendix 6). There are several possible reasons for this:

- Differences in the title of the consultation as presented in meeting agenda vs. the overview by the ACFA Secretariat
- Some consultations appear not to have been discussed in a working group but only in the Plenary
- Some of the consultations listed by the ACFA Secretariat arose from "debate" items on the agenda and are therefore not included in the list of consultation items on agendas
- Some items listed as consultation items on agendas, in fact, were not recorded as a consultation - but were maybe seen more as a debate.

The use of the written procedure

The written procedure has only been used on two occasions in the period 2000-2007 according to the listing provided by the ACFA Secretariat. It is, however, used in several of the consultations launched in 2008 as indicated by Table 3-3 below.

Table 3-3 Consultations launched according to written procedure/web-consultation

ORIGIN	CONSULTATION	DATE OF ADOPTION BY ACFA	STATE OF PLAY
EC-FISH	Better regulation		Web consultation
EC-FISH	Sustainable future for European aquaculture	October 2007	Web consultation. Responses from the aquaculture members directly. Non ACFA consolidated paper.
EC-FISH	Guidelines on the Management of Deep-sea Fisheries in the High Seas	29-01-2008	Oral contribution WG1
EC-FISH	COMMUNITY ACTION PLAN FOR SHARKS	15-02-2008	Written consultation procedure; Opinion plus annexes
EC-FISH	CAPACITY MANAGEMENT	Deadline: March2008	Written consultation procedure. Comments expected in March

ORIGIN	CONSULTATION	DATE OF ADOPTION BY ACFA	STATE OF PLAY
EC-FISH	CONTROL	Deadline: 5 May 2008	Written procedure just launched. Discussion of 1st draft in WG IV of 24/4/2008
ACFA-WG2	THE AVAILABILITY OF TREATMENTS FOR FARMED FISH		Draft resolution will be discussed in WG2 of 13/3/2008. If adopted, written procedure will follow
ACFA-WG2	A PAN-EUROPEAN MANAGEMENT PLAN FOR THE CONTROL OF CORMORANTS		Draft resolution will be discussed in WG2 of 13/3/2008. If adopted, written procedure will follow
ACFA-WG2	SUPPORT FOR THE DEVELOPMENT OF TRADITIONAL AQUACULTURE IN EUROPE		Draft resolution will be discussed in WG2 of 13/3/2008. If adopted, written procedure will follow

Note: Based on meeting agendas/minutes provided by the Secretariat

3.1.2 Timeliness: at what stage of the decision-making process was ACFA consulted

The interviews with members of ACFA indicate that they are generally satisfied with the process of consultation. When asked "*Is the consultation process between ACFA and the Commission working satisfactorily?*" most ACFA members indicate that they find the process to be acceptable. No members indicate that timeliness in relation to the decision-making process is an issue as such; however, several mention the importance of informing and consulting ACFA early in the decision-making process.

One ACFA member states that the situation has improved and that "now ACFA is consulted upstream, meaning before a proposal is finally drafted which gives better scope for influence". Another member states that "The Commission should be credited for increasingly informing us early – the Commission should do that even more". This is also expressed in the "Initial reflections by ACFA on the effectiveness of its work" (EP (06)186final) stating that members are pleased that the Commission is "increasingly consulting the sector upstream of Commission proposals". However, ACFA also emphasise that there is room for improvement, for example by the Commission providing earlier and more detailed information. The case studies on EFF and IUU support the above assessment that ACFA is consulted in a timely manner taking into account the decision making process (see Appendices 12 and 13).

3.1.3 Purpose of the consultation and clarity of the Commission's input

From the review of the work programmes and agendas for meetings, it emerges that it is not quite clear from the information supplied to ACFA what the outcome of the debate or consultation should be. The topic is usually described in a title and it is then up to ACFA to decide what should or should not be included in the opinion or recommendation.

Despite the lack of specification of the consultation items in the agendas, a majority of the representatives of ACFA members interviewed state that the input from the Commission is clear, when posed the following question: *Is there adequate clarity in the Commissions input?*

Out of the 14 interviews with representatives of ACFA members where this subject was covered, 9 respondents indicated that there is clarity in the input from the Commission, 4 indicated the opposite, and 1 interviewee stated that that there is clarity in the input from the Commission but not in the role of ACFA. One of the sceptical respondents expressed it this way: *"It is not always clear what the questions are and what the EC expects"*¹⁷.

From the interviews carried out with Commission officials and ACFA members, it is clear that the perceptions of ACFA's role as a consultative body differ substantially¹⁸ and hence, the understandings of the purpose of consultations are also very different.

Commission officials tend to focus on the technical aspects and would like ACFA to provide technical advice based on the on-the-ground knowledge of the professionals represented. Secondly, the Commission also see the rationale of ACFA as a means to have a dialogue with the sector on long-term strategies as well as to generate commitment from the sector to proposed measures.

The members of ACFA, on the other hand, regard the objective of ACFA as providing a channel for political influence – and secondly as a forum for discussion of technical aspects of the CFP and related legislation.

When topics on agendas are not specified and it is not made clear which technical and/or political issues the Commission would like ACFA to respond to, the formulation of the advice/opinion will be left at the discretion of ACFA. this may lead to a gap between the information sought by the Commission and the output from ACFA. this is returned to in section 3.1.8.

3.1.4 Feedback to ACFA after completion of the consultation

Frequency of
feedback

The list of consultations provided by the ACFA Secretariat also provides information about feed-back from the Commission and indicates that feed-back from the Commission after completion of a consultation is very rare. Only 2 out of the 58 consultations listed for the period 2000-2007 has some form of feed-back been given, one of which is a letter of receipt.

On this basis, it is somewhat surprising that the e-survey shows that more than one third of ACFA participants consider feed-back to be given often or almost always as illustrated in Table 3-4 below.

¹⁷ Interview with representative of ACFA member

¹⁸ This difference in perceptions is described in more depth in Section 3.1.8

Table 3-4 E-survey responses to the following question: "In your opinion, how often does ACFA receive feedback from the Commission after completion of a consultation?"

Response	No. of responses	In %
Almost never	2	3%
Rarely	11	15%
Sometimes	20	27%
Often	17	23%
Almost always	10	14%
Do not know	13	18%
Total	73	100%

Source: E-survey

Table 3-4 indicates that there are large differences in how the respondents perceive the frequency of feedback. Looking at the answers relative to interest group affiliation, there is no clear tendency signalling differences in perception among the interests.

The results of the e-survey are not consistent with the results of the interviews with representatives of ACFA members. The interviews show very clearly that feedback is perceived to be close to non-existing, which is also in line with the record of consultations in Appendix 6. During interviews with representatives of ACFA members it was frequently stated that there is a good dialogue with the Commission until the end of the consultation – once the advice is submitted to the Commission, the dialogue stops. It is also argued that when there is feedback, this is not timely and must be requested by ACFA. ACFA is not the only advisory committee facing this challenge. According to our case study on the CAP advisory committees the indicate that there is uncertainty on the degree to which the Commission use the advise and that it is difficult to track the decision making process.

The perceived importance of feedback

As shown in Table 3-5 below, 79% of the respondents in the e-survey state that feedback is important (50%) or very important (29%). This position has been clearly confirmed during interviews with representatives of ACFA members.

Table 3-5 E-survey responses to the following question: "To what extent is feedback from the Commission important?"

Response	No. of responses	In %
to a very low extent	0	0%
to a low extent	2	3%
to some extent	13	18%
to a high extent	31	42%
to a very high extent	23	32%

Response	No. of responses	In %
do not know	4	5%
Total	73	100%

Source: E-survey

In the e-survey, we also asked why feed-back is important. 71 of the 73 respondents who replied to the question in Table 3-5 above responded to this question. Table 3-6 below provides an overview of the replies, which indicate that feed-back is considered important for combination of reasons, with increased dialogue with the Commission topping of the list.

Table 3-6 Reasons for feedback from the Commission being important, in %

Feedback is important....	Of no importance	Of little importance	To some extent	Rather important	Of high importance
...to motivate participation in ACFA meetings	3	4	21	31	41
...to provide feedback to national organisations	1	6	17	35	41
...to monitor the work of the Commission	0	8	17	39	35
...to increase dialogue with the Commission	0	1	17	32	49
...to increase ownership over the CFP	1	6	25	34	34

Source: E-survey

The e-survey also gave the respondents the opportunity to state other reasons than those mentioned in Table 3-6 above. 8 respondents did so and the main reasons provided include:

- to provide clarity on Commission policy;
- to maintain ACFA at same level as RACs, where feed-back is mandatory;
- to increase the possibilities for serious preparation from the ACFA members and thus increasing the effectiveness of ACFA.

The self evaluation presented by ACFA in 2006 (EP/(06)186 final) "demands that [...] written explanations must be given to ACFA by the Commission when it does to take [ACFA's opinions] into consideration" as is done for the RACs.

The Commission officials interviewed, generally, express that feedback should be given to a larger extent than what is the case today. However, at the same time, they also express doubts as to whether improved feedback would make any noticeable difference in ACFA's functioning.

3.1.5 ACFA's responses to Commission consultations; oral comments in meetings, separate written replies, ACFA opinions

Responses to consultations initiated by the Commission

In the list of consultations provided by the ACFA Secretariat (Appendix 6), ACFA's contributions and state of play is described. Out of the 58 consultations listed for the period 2000-2007, 41 were initiated by the Commission (40 by DG Fisheries and 1 by DG SANCO) and 3 are marked as initiated by the Commission and ACFA together. The table below illustrates the outputs from ACFA resulting from these 44 consultations.

Table 3-7 ACFA responses to Commission consultations

Output	EC-MARE	EC-SANCO	EC-FISH/ACFA-WG4	EC-WG2	Total
Opinion	18		1		19
Oral comments	14	1			15
Individual written replies / web-consultation	5				5
Position	1				1
Recommendation				1	1
Resolution				1	1
CODE	1				1
None specified	1				1
Total	40	1	1	2	44

Source: List of consultations from ACFA Secretariat

Table 3-7 shows that written opinions and oral comments during meetings are the most commonly used forms of response from ACFA to Commission consultations making up 80% of all responses to consultations initiated by DG MARE. Individual replies / web-consultations are also used on some occasions corresponding to 13% of all DG MARE consultations.

Table 3-8 shows the number of consultations launched by the Commission from 2000 to 2007 and the number of opinions that have resulted from these consultations per year.

Table 3-8 Number of written opinions relative to consultations launched by the Commission

Origin	Input/output	2000	2001	2002	2003	2004	2005	2006	2007	Total
DG MARE and SANCO*	Consultations	3	5	4	5	3	9	4	11	44
	Opinions	1	2	3	2	-	1	4	6	19

Source: List of consultations from ACFA Secretariat; *SANCO initiated only one consultation which did not lead to a written opinion;

The number of consultations initiated by the Commission seems to be increasing as do the number of opinions resulting from the consultations. From three to four consultations per year in 2000-2004 and 2006, the number has increased to eight in 2005 and 11 in 2007. And, over 60% of the opinions have been adopted since 2005. In first quarter 2008 there has been launched four consultations indicating that the total number of consultations launched may be relatively high.

As indicated by Table 3-7 there are a total of 15 oral comments provided, hereof 14 to DG MARE. However, according to interviews, stakeholders perceive oral comments to have only limited influence on the decision makers, compared to written opinions.

The procedure for elaborating opinions

The procedure for elaborating opinions is, as mentioned under question 3.1.29 not clearly specified in the working rules, and the procedure presented here is based in both the working rules and information gathered through the interviews. The most common procedure for elaborating opinions is listed in Appendix 5.

"Consultations" initiated by ACFA

In addition to the consultation processes initiated by the Commission, Appendix 6 also lists "consultations" initiated by ACFA itself. For the period 2000-2007, 14 such "consultations" are listed. The outputs of these are summarised in Table 3-9 below.

Table 3-9 ACFA responses to ACFA "consultations"

Output	ACFA consultations
Resolution	9
Memorandum	2
Oral comments	2
Declaration	1
Total	14

Source: List of consultations from ACFA Secretariat, see Appendix 6.

Table 3-9 shows that the ACFA initiated "consultations" typically result in resolutions – and on a few occasions memoranda, oral comments and declarations. There is no prescribed procedure for the elaboration of these. Table 3-10 shows the number of own initiative consultations relative to the number of written positions that these consultations resulted in. The written positions in the table covers memorandums (2), resolutions (9) and declarations (1) as well as one opinion resulting from a consultation initiated in common accord with the Commission.

The table indicates that the number of consultations launched by ACFA annually varies, and that it is primarily working group II that initiates consultations on behalf on ACFA. Between 2000 and 2007 the ACFA launched 14 consultations, out of which 12 resulted in a written statement equal to 70% as seen in Table 3-10 below.

Table 3-10 Number of written positions relative to consultations launched by ACFA

Origin	Input/output	2000	2001	2002	2003	2004	2005	2006	2007	Total
WG I	Consultations			1						1
	Positions			1						1
WG II	Consultations					3	2	2	1	8
	Positions					3	2	2	1	8
WG III	Consultations									-
	Positions									-
WG IV	Consultations					1				1
	Positions					1				1
ACFA	Consultations		1			1	1	1		4
	Positions		-			-	1	1		2
Total	Consultations		1	1		5	3	3	1	14
	Positions		-	1		4	3	3	1	12

Source: List of consultations from ACFA Secretariat, see Appendix 6.

Comparing Table 3-8 and Table 3-10 points to a greater continuity in the launch of consultations from the Commission and that the number of consultations is significantly higher than the consultations launched by ACFA. However, when a consultation is initiated by ACFA, the probability of a written output resulting from the consultation is much higher.

As mentioned above in connection with Table 3-1, a large number of debate items have figured on the agendas of the working groups. It seems that a few of these items have subsequently been regarded as consultations and included in the list of consultations in Appendix 6. This indicates that the distinction between consultations and debates is not always completely clear.

When looking at the outputs produced by ACFA, the oral comments during meetings which are associated with debate points on the agenda should hence also be taken into account. The overview of meeting agendas for the working groups in the period 2002-2007 (see Table 3-1) indicates that 227 debates were held during that period.

3.1.6 Relevance and timeliness of oral and written advice

Timeliness

Table 3-11 shows that e-survey respondents generally provided a positive assessment of the timeliness of ACFA's advice. Only 14% of the respondents regard timeliness to be low or very low.

The results from the e-survey correspond well with the results from interviews with representatives of ACFA members as well as Commission officials. Timeliness is not raised as an issue by either party. However, several representatives of ACFA members have pointed to the long process of debating issues, resolving the disagreements and forming opinions. This process is illustrated in the

case study of the consultation processes on EFF and IUU (see Appendices 12 and 13).

Table 3-11 E-survey responses to the question: In your opinion, to what extent does ACFA provide timely advice/opinions to the Commission?

Response	No. of responses	In %
to a very low extent	3	4%
to a low extent	8	10%
to some extent	28	35%
to a high extent	24	30%
to a very high extent	5	6%
do not know	13	16%
Total	81	100%

Source: E-survey

Relevance

The e-survey results show quite a spread in the assessment of the relevance of ACFA's opinions and resolutions as shown in Table 3-12. It should be noted that no interest group stand out with a particular positive or negative assessment.

Table 3-12 E-survey responses to the question: "In your opinion, to what extent do ACFA resolutions and opinions provide the Commission with relevant information?"

Response	No. of responses	In %
To a very low extent	2	3%
To a low extent	9	12%
To some extent	23	32%
To a high extent	25	34%
To a very high extent	10	14%
do not know	4	5%
Total	73	100%

Source: E-survey

During interviews, Commission officials have questioned the relevance of ACFA's advice. The two main issues put forward are:

- ACFA's response to consultations is often political where the Commission is really looking for technical advice based on the professional, on-the-ground experience – "bringing the available knowledge forward"
- The Commission's point of departure is the CFP and the long-term sustainability concerns and ACFA does not take this sufficiently into account

Judging from the interviews, the members of ACFA have a different point of departure. They view ACFA primarily as one means among many for representing the interests of their constituency vis-à-vis the Commission (this is also seen in the e-survey, ref. Table 3-13). Their measuring stick when it comes to relevance is the degree to which the output of ACFA is relevant from their perspective, i.e. represent the interests of their constituency.

This, again, illustrates the different perceptions of what ACFA is and should be and how they influence the assessment of the functioning of ACFA today.

Table 3-13 E-survey responses to the question: "Through which measures, other than ACFA, does your organisation strive to gain influence on the Common Fisheries Policy?"

Response	No. of responses	In %
National policy makers	65	80%
Direct contact with DG Fish (meetings, letters)	61	75%
Participation in the public debate, e.g. press releases	50	62%
Participation in other consultative bodies	44	54%
Participation in EU consultations	60	74%
Participation in conferences	69	85%
Other, please specify	10	12%
Total	359	443%
Base	81	100%

Source: E-survey

3.1.7 Assessment of the value of ACFA's advice compared to contributions of individual members

The question of value of the advice is closely linked with the perception of relevance of the advice (see section above) and the impact of the advice (see section below).

According to the e-survey, the degree to which the stakeholders consider that resolutions and opinions in general reflect their opinions today, differ as seen in Table 3-14 below. 67% state that their organisations view is reflected to some or a high extent.

Table 3-14 E-survey responses to the question: To what extent do ACFA resolutions and opinions reflect the opinions of your organisation?

Response	No. of responses	In %
to a very low extent	7	10%
to a low extent	10	14%
to some extent	27	37%
to a high extent	22	30%
to a very high extent	5	7%
do not know	2	3%
Total	73	100%

Source: E-survey

The interviews with representatives of ACFA members indicate that in many consultation processes, it has been very difficult for the members to reach consensus. In some cases this has meant that the critical points of an opinion/resolution have been taken out in order to reach consensus. In some cases, individual positions have been submitted by some members further clarifying their positions.

As is also mentioned above, the Commission officials question the relevance of the opinions/advice provided by ACFA and, in this context, have also expressed that the Commission does not necessarily look for consensus-based advice and that sharp statements from individual stakeholders are also interesting.

The written procedure

During the interviews with stakeholders, it is clearly expressed that a lot of time is used on meetings, both in ACFA and in other consultative fora initiated by the Commission and increased effectiveness is requested. The written procedure has been used only to a limited extent and it is therefore difficult to come with conclusions on how it functions. However, increased use of written, possibly electronic, communication has been requested by several stakeholders during the interviews. As also indicated in section 3.1.1 increased use of written communication is a possibility to use efficiency in ACFA.

The written procedure is one possible alternative to make the time during meetings more effective, while still allowing the different stakeholder organisations to provide their input. However, this requires that the different inputs are taken into consideration on an equal basis.

3.1.8 Assessment of the extent to which ACFA's advice has an influence on the Commission proposals concerned

The case studies of IUU and EFF have shown that it is difficult to objectively assess whether specific positions brought forward by ACFA have been implemented in Commission proposals. ACFA's contribution is one among many and it is not possible to separate its impact from other contributions. In the case of IUU, many of the proposals made by ACFA were, in fact, included in the

Commission proposal. However, the extent to which the same proposals were made by other, official and unofficial, sources and the relative weight attached to these are not known. The assessment is therefore, to a large extent, based on perceptions from the involved parties.

Table 3-15 below shows how respondents to the e-survey have assessed the impact of ACFA's advice.

Table 3-15 Responses to e-survey question: To what extent are ACFA advice/opinions taken into consideration in the policy process?

Response	No. of responses	In %
To a very low extent	6	8%
To a low extent	21	29%
To some extent	31	42%
To a high extent	7	10%
To a very high extent	2	3%
Do not know	6	8%
Total	73	100%

Source: e-survey

Table 3-15 shows that ACFA stakeholders are generally quite sceptical with regard to the impact on the policy process. Only 13 % of the respondents consider that ACFA advice is taken into account to a high or very high extent. There is no clear tendency of some stakeholder groups considering advice to be taken more or less into account than other groups.

The lack of visible impact on the policy process is in the interviews reported as a source of dissatisfaction with ACFA. It is argued by the stakeholders, primarily the professional interests, that the effort put into this process is not reflected in policy outcomes.

Another question in the e-survey related to the perceived value-added of participation in ACFA to the interest representation of the organisation. Considering the scepticism concerning the impact of ACFA's advice, it could be expected that stakeholders consider value added to be low, however, as shown in Table 3-16, this is not the case. On the contrary, Table 3-16 illustrates that 52% of respondents consider participation in ACFA to add value to a high or very high extent. This suggests that the value added to interest representation stems from other sources, e.g. the broader conception of ACFA as a forum for dialogue and information exchange (see chapters 3.1.10 to 3.1.16).

Table 3-16 E-survey responses to the question: To what extent do you consider that participation in ACFA adds value for the interest representation of your organisation?

Response	No. of responses	In %
to a very low extent	3	4%
to a low extent	7	10%
to some extent	23	32%
to a high extent	30	41%
to a very high extent	8	11%
do not know	2	3%
Total	73	100%

Source: E-survey

Interviews with Commission officials indicate that the Commission, like the stakeholders, does not regard ACFA's opinions to have a large impact on Commission proposals. Again, the lack of technical advice and a sense that the stakeholders are not aligned with the CFP are arguments mentioned. Commission officials also express that they find a lack of innovation and feel that the positions of the stakeholders have not changed overtime and opinions are predictable.

This sense of being at an impasse is also put forward by some stakeholders in connection with the e-survey and interviews. One respondent to the e-survey formulated it this way: "A vicious circle has emerged in which low quality positions have earned the contempt of the Commission, who then ignore ACFA's views. ACFA then feels that the Commission has ignored it and its members are unlikely to invest more time in working on ACFA papers".

3.1.9 Which monitoring arrangements are in place within the Commission and ACFA (periodical status report on the actions undertaken in the framework of the Financial support)

Considering the set-up of ACFA, there are four areas which seem relevant for the monitoring of the performance and output of ACFA.

- The first area concerns monitoring of the extent to which work programmes are implemented, i.e. the relation between activities/topics in the work programmes and activities/topics actually implemented and discussed at meetings (which could be verified by minutes of meetings). Such monitoring is not carried out presently. Considering that the work programmes are only used as guidelines and do not have the status of activity plans, it does not seem relevant to closely monitor their implementation. On the other hand, the lack of monitoring may partly explain why work programmes are not used as a planning instrument. It is likely that the func-

tioning of ACFA would benefit from a more focused agenda-setting and more follow-up on work programmes throughout the year.

- The second area is the monitoring of outputs in the form of opinions, resolutions, etc. compared to meeting agendas, i.e. does ACFA produce the outputs intended. This monitoring is not carried out systematically at present, but the Secretariat does have a list of consultations and outputs as described in the sections above (see Appendix 6). At present, the link between meeting agendas and the list of consultations and outputs is not completely clear. A more developed information system would contribute to transparency and understanding of the processes and outputs of ACFA.
- Thirdly, an area for monitoring would be the impact of ACFA's opinions / advice. At present, no systematic feed-back is given by the Commission as described above, but if such feed-back was given it would provide a better basis for assessing the policy impact of ACFA's advice. See also sections 3.1.4 and 3.1.36.
- A fourth area for monitoring is the preparatory meetings of the stakeholders and the actions and expenditure undertaken in framework of financial support under Regulation 861/2006. For this area, a monitoring system is in place whereby the organisations send annual financial reports and activity reports concerning the meetings held and the associated expenditure section 3.1.16. These procedures seem to work well and reports from the stakeholders are quite detailed although the level of detail varies somewhat. The Terms of Reference for this evaluation raised questions about the number and nationalities of participants at preparatory meetings, which it was not possible to answer accurately on the basis of the available data from the annual reports provided by the organisations. If it is felt that there is a need for monitoring and evaluation of specific indicators, it is suggested that a template for the annual report is provided to the organisations encompassing the required indicators.

3.1.10 Factual account of the oral and written information provided by the Commission to ACFA, its relevance, quality, timing and frequency

Information from the Commission is provided either orally, presented by a representative of the Commission at working group meetings or as a written document disseminated to the members of ACFA or participants in the working groups. The table below shows the number of information points on the agenda for working group meetings from 2002 to 2007.

The number of information points on the agendas differs from working group to working group and from year to year. Working group II has over these six years had the most information points on the agenda, 97, while WG IV has had only 51.

Table 3-17 Number of information points on the working group agendas 2002-2007

	2002	2003	2004	2005	2006	2007	Total
WG I	18	20	19	13	3	5	78
WG II	12	21	15	16	18	15	97
WG III	13	20	12	19	12	18	94
WG IV	4	7	8	9	12	11	51
Total	47	68	54	57	45	49	320

Note: Based on meeting agendas/minutes provided by the Secretariat. In WG I, 2006 and 2007, WG II 2007, WG III 2006 and in WG IV, there are points on the agenda where the modality is not indicated. The number of information points is thus likely to be higher than indicated in the table.

The type of information differs somewhat but can mainly be characterised as information on:

- Policy changes, at the following stages;
- Preparation of, or reports, from meetings, for instance in the Council or with third parties;
- Follow up of issues discussed at prior meetings.

Information on policy changes concerns various steps in the policy life circle from before the proposal through impact assessment, implementation, and/or policy review. Follow up issues are discussed further in section 3.1.38.

As regards frequency of the information, the working groups meet 3-4 times a year, thus the oral information points are limited to these meetings and timing between the meetings and the policy process is not always possible. In contrast Member States have meetings with DG MARE on weekly bases and are thus much better informed in some cases. The fact that ACFA is only one out of many sources of policy information is also stressed by the stakeholders during the interviews.

Nevertheless, interviews indicate that the stakeholders in general consider the information to be relevant and it adds value for their interest representation. However, the relevance of the information to a large degree depends on the timing of the information. To the stakeholders it is important to get the information early in the policy process, i.e. preferably before a draft proposal is elaborated, as this increases their possibilities for influencing the policy process.

The quality of the information depends on the dossier holder and on when and how much information he or she is willing to provide to ACFA. According to interviews with ACFA members, the quality of the discussions following the information could be improved if more information was presented to the stakeholders in written before the meetings thus providing time for preparation. This could also increase efficiency during meetings. Increased use of written information has been requested by several stakeholders, in order to make meetings more effective than today.

3.1.11 Assessment of the information dissemination from ACFA to the fisheries and aquaculture sector via the European organisation

One of the objectives of ACFA is to create a closer dialogue between the Commission and the stakeholders. The core of this question is whether submission of information to the sector via the European organisations is satisfactory.

Information dissemination to the sector

Information from ACFA to the sector is to be distributed through the European and national organisations. This implies that information from ACFA is disseminated to the organised stakeholders in the sector, and not to the unorganised as such it can be argued that the potential value of ACFA as a channel for information to the sector increases with the number of stakeholders represented in the national and European interest organisations.

Following the restructuring of ACFA in 1999, the distance from the national representatives to ACFA has increased as the national experts in the former ACF were replaced by a European spokesman for each interest group. Although this has many advantages ACFA (EP(06)186final) emphasises that several national members of the European organisations regret that they no longer have the ability the exchange views with DG MARE through ACFA in a formal consultation framework. In order for ACFA to serve as a channel for information to the sector the internal communication and information dissemination in the European organisations is thus pivotal.

The e-survey shows that the stakeholders report back to their constituency in several ways and organisations use more than one mode of communication with the national organisations and their members. According to the e-survey, the most common method is informal information to the national member association (37%) as indicated in Table 3-18.

Table 3-18 *E-survey responses to the question: How do you report from ACFA meetings?*

Response	No. of responses	In %
I forward official MoM to all national member organisations	21	28%
I forward official MoM to national member organisations particularly interested in subjects discussed	20	26%
I inform the national member organisations informally	28	37%
I do not report from ACFA meetings	5	7%
Other (please specify)	20	26%
Total	94	124%
Base	76	100%

Source: E-survey

28% of the members forward to official MoM to all the national member organisations, while 26% forward official MoM to national member organisations

with a particular interest in the issues discussed at the meeting. Another 26% state that they use other means than the above mentioned. The most frequent being that information is provided to the national organisations through the board, or that the representative informs his/her own organisation.

7% of the participants state that they do not report from the meetings. These are 7% are individuals from several interests and it is thus not a sign of one interest consequently not reporting from the meetings. It is thus a minor issue in relation to the information dissemination.

According to the interviews, the information flow from AFCA via the European organisations to the sector functions relatively well, mainly by passing on of information from the Minutes of ACFA meetings. Another example of information dissemination is EAPO, which has a weekly newsletter distributed to its members, where relevant news is presented. However, news from ACFA is only included when there is relevant information for the members and according to the interviews, this is rarely the case. Therefore, ACFA is not very commonly known among EAPOs member e.g. compared to the RACs.

Another aspect of the discussion is language. The Minutes of Meetings are elaborated in English, French and Spanish, thus speakers of these languages can read the minutes. Cost of translation to other languages is not covered, which may limit dialogue with the sector in certain countries, hereunder Greece and Italy.

The Secretariats General also participates in ACFA meetings, as observers and information may be disseminated via them to the national organisations.

Value of the information

Most interviewees express that the information provided is valuable to some extent. On the other hand, there are other channels that provide information to the sector but ACFA e.g. many organisations are in contact with national authorities. Interviewees state that the information provided to the stakeholders could be more specific and that the Minutes of Meetings should be more elaborate, indicating that there is room for improvement in order to secure that information is distributed to the sector.

As mentioned under previous evaluation questions, it has been suggested, during the interviews, to increase the use of written information. In doing so the stakeholders will have time to prepare and the time can be used for discussion/dialogue rather than presentation by the Commission. Moreover, written information may facilitate information dissemination to the sector. A precondition is however, that translation is available in order for the stakeholders to be able to understand the information provided.

3.1.12 Assessment of the effectiveness and efficiency of using ACFA as a channel for information to the sector (including perceptions by the national organisations)

This question is addressed under section 4.2.11

3.1.13 Factual account of how information is collected from the sector and conveyed to ACFA (via the preparatory meetings of the European organisations, letters to the secretariat or other means)

The European organisations to a large extent consult national member organisations when preparing ACFA meetings as indicated in Table 3-19 below. This is important for the statement of the organisations to be representative and authorised by the sector.

Table 3-19 Responses to the e-survey question: How do you prepare for ACFA meetings?

Response	No. of responses	In %
I consult with national member organisations that are particularly interested in the subjects discussed	38	49%
I consult with all national member organisations	25	32%
The consultation is informal and pragmatic	29	37%
The consultation is formal and systematic	18	23%
I do not consult with national member organisation	8	10%
Other (please specify)	12	15%
Total	130	167%
Base	78	100%

Source: E-survey

10% state that they do not consult with national organisations in the preparation for the meetings. However, some respondents state that they do not consult the national interests directly but that they state the opinion of the organisation based on policies already agreed upon. 10% is not a significant number and it is not as such problematic for the representation of ACFA.

The preparatory meetings are also indicated to be part of the preparation. The organisations are encouraged to hold preparatory meeting prior to the working group or Committee meetings. These meetings are to be used for preparation to the meeting and for allowing national representatives to contribute with their views in elaborating the position of the European organisation. In some organisations information is also collected electronically, by distributing draft opinions for commenting among the members where after the comments are integrated to the extent possible and the draft is redistributed for a second reading. This constitutes a dynamic approach of information gathering that is seen i.a within Europêche.

The European organisations agree upon their position at the preparatory meetings and these are presented at the working group meetings, where they are discussed or decisions for further action is taken.

When the European organisation cannot agree upon a common statement in the preparatory meetings, it is, according to interviews, common that the national organisations themselves carry the topic on outside the formal cadre of ACFA.

3.1.14 Assessment of the procedure for the nomination of experts in different organisations, and the selection criteria

Nomination of experts for the working groups

In contrast to the Plenary, there are no appointed persons to hold seats in the working groups. For each meeting the European organisation nominates experts to represent them in the working group meetings.

According to the working rules, the working group member organisations are to submit a list of the members that they propose to represent them at the next meeting WG meeting. This list is based on a long list prepared at the annual meeting of each European organisation and must be submitted to the ACFA secretariat within eight days from the receipt of the agenda. The secretariat confirms participation by sending the meeting participants convocation. Also the Commission Security Service is notified (Rules on the work of the Advisory Committee on Fisheries and Aquaculture (3)). Subsequently, it is only possible to replace an expert by written request to the secretariat eight days prior of the meeting.

A nominated representative expert must be a member of the European organisation and may not work for another European institution or a national administration of a Member State (Rules on the work of the Advisory Committee on Fisheries and Aquaculture (3)).

There is, however, no prescribed procedure for the internal nomination procedure in the organisations and it is thus up to the organisations to decide how they do this and the procedure differ from organisation to organisation.

The development NGOs have a number of representatives based in Brussels and these representatives consider the agenda first to see whether there are issues interesting from a 'development' point of view and if so they propose a representative based on a list of contacts and organisations. This list includes NGOs or small scale fishing communities. In cases when it is unclear who the issue is most relevant for the agenda is circulated the organisations may volunteer for participation. In practice it is though most often participants from Brussels or proximity that participates and according to one interview selection is based on geographical proximity to Brussels rather than expert knowledge on the specific issues discussed at the meetings.

For consumers, the ACFA decision stipulates that a representative should be appointed by the Consumers Committee. This is however replaced by the European Consumers Consultative Group (ECCG). The consumer representative in ACFA, participating in both the Committee and working groups, is appointed by BEUC, who is a representative in ECCG. BEUC has in general little focus on fisheries policy and there is no specific procedure for how the representative is selected. Their representative is thus selected based on a personal interest in

fisheries rather than a consolidated selection process within the consumer group.

3.1.15 Assessment of how ACFA is a source of information about the fisheries and aquaculture sector to the Commission

Part of the dialogue with the Commission in ACFA is to provide the Commission with information about the sector, which issues are important to the sector and where it is necessary to increase focus for the Commission. According to interviews with Commission officials, ACFA is seen as a platform for dialogue and as a forum for testing ideas from the Commission and discuss them with the stakeholders. The Commission gets information from ACFA through participation in the Committee, in the working groups and by the written statements submitted to the Commission.

In the meetings oral comments or statements are made to all points on the agenda. Written information is mainly submitted in the ACFA opinions, but also in ACFA memorandums or resolutions, although these are issued relatively seldom. The minutes of meetings indicate that ACFA also is reactive regarding the information points and to a certain extent also the debate points on the agenda.

Anyhow, the perception of ACFA advice differs within the Commission. On the one hand the information is characterised as being clear, relevant and useful while on the other hand it is indicated as being irrelevant and not meeting the needs of the policy agenda. It must however be kept in mind that ACFA is a stakeholder forum and not a scientific advisory body. Scientific advice is provided by other advisory bodies e.g. STECF.

The value of information from ACFA is perceived to be highest from DG MARE officials. There are however also here different opinions regarding the value and usefulness of the information. This again differs according to issues, and the interviews indicate that information from ACFA has greatest value from WGs II and III. This should be seen in light of the complexity and scope of the working groups as well as the potential overlaps with information from the RACs regarding WGs I and IV.

It is stressed that consensus in ACFA should not be strived for at any cost. When there are disagreements this should be visible. This should be followed up by better argumentation and as far as possible the information should be more detailed. The Commission officials seek increased input on technicalities, and it is expressed that the discussions sometimes are too political.

3.1.16 Assessment of the dialogue between different parts of the same sector (analysis of the effectiveness and efficiency of preparatory meetings)

As mentioned under 3.1.13 the European organisations are encouraged to have preparatory meetings. In the preparatory meetings representatives from both the

European and the national organisations attend to discuss and agree upon the position of the organisation. According to the interviews, the European professional organisations hold preparatory meetings prior to the meetings, on a more or less regular basis of ACFA. This is also indicated by the financial statements that are supplied to the Commission, covering cost and level of participation of preparatory meetings. These reports serve as a basis for reimbursement of eligible cost. From the Commission, the consultant has been given access to some of these financial reports. The content of the financial reports differs somewhat. The tables below provide information on the preparatory meetings in five professional organisations. The different content of the tables reflect the varying information provided by the financial reports. As indicated from the tables some organisations hold joint preparatory meetings. This includes AIPCE and CEP and Europêche and Cogeca "pêche". The latter two has also had a joint meeting with FEAP. This indicates that the preparatory meetings are also a source of communication between different sectors. This is returned to in section 3.1.17 below.

Table 3-20 Preparatory meetings AIPCE-CEP autumn 2006 to spring 2007

Preparatory meetings		WG/P*	Number of participants		
Year	Date		Total	AIPCE	CEP
2006	6.6	WG	5	2	3
	21.6	WG	8	6	2
	6.7	P	5	2	3
	9.10	WG	6	2	4
	16.10	WG	5	2	3
	6.12	P	7	3	4
	2007	14.2	WG	7	3
	1.3	WG	5	3	2
	26.3	P	16	10	6

*WG: preparation for Working group meeting; P: preparation for plenary meeting

Table 3-21 Preparatory meetings of FEAP autumn 2004 to spring 2006 indicating participation of representatives from both new and old Member States

Preparatory meetings		Number of participants		
Year	Date	Total	New MS*	EU-15
2004	1.7	6	-	6
	1-2.10	16	2	14
	29.11	12	2	10
2005	10.2	4	-	4
	19.5	26	7	19
	27.9	7	-	7

Preparatory meetings		Number of participants		
	28.11	2	-	2
2006	29.3	6	1	5
	25-26.6	23	3	20

*New Member states that joined the EU in the enlargements in 2004 and 2007;

Table 3-22 Preparatory meetings of EAPO spring 2005-spring 2006

Preparatory meetings		Content of preparatory meeting*	Participants
2005	20.5	WG III and Plenary	6
	7.6	Meeting with Commission regarding WG I and IV meeting	3
	15.6	WG I	6
	21.6	Meeting with EP representative	3
	28.6	Preparation seminar and WG III meeting	5
	10.9	WG I	4
	20.11	Meeting with Commission in preparation of WG I meeting	4
	27.9	WG I	4
	29.10	WG III	29
	20.10	Meeting with Commission	3
	30.10	WG I	5
	15.11	WG I	12
	5.12	Plenary	5
2006	14.2	WG III	5
	4.4	Plenary	7
	7.4	Plenary	4
	12.4	WG I	12

* WG: preparation for Working group meeting; Plenary: preparation for Plenary meeting

Frequency and objective

The frequency of the preparatory meetings is different in the various organisations as is the focus of the meetings. AIPCE-CEP have one preparatory meeting prior to ACFA meetings, in either the Committee or working groups, whereas EAPO seems to have a broader focus. As seen in the table above EAPO has preparatory meetings with the Commission and participation in meetings of other bodies, e.g. ICES.

Table 3-23 Indication of number of preparatory meetings per year

Year	AIPCE-CEP	EAPO	FEAP	Europêche/Cogeca
2004	2*	n.a.	3**	8****
2005	N.a.	15	4	9
2006	6	11	2***	10

*only February and March; from July and onwards; **until end of June; ****until end of April

Representation and coordination

The number of participants in the preparatory meetings varies greatly. The consultant does not have access to complete data on participation, but based on the available information the key findings are the following:

- Participation in preparatory meetings for WGs differs greatly. For instance EAPO had 29 participants in their preparatory meeting on 29.10.2005 for WG III, whereas their next preparatory meeting of the same working group only gathered five participants.
- The number of participants in preparatory meetings for Plenary meetings is, with the exception of a few meetings, between four and seven participants. The majority of representatives in the preparatory meetings are from EU-15. However, information from FEAP shows that in some meetings more than 25% of the participants are from new member countries. These are representatives from Cyprus, Hungary, Czech Republic and Poland.
- Information supplied from the organisations indicates that it is mainly Europêche and, to a lesser extent, Cogeca and EAPO, that are participating in RAC/ICES/STECF meetings as ACFA designated experts. All organisations have emphasised the importance of continued funding for this purpose.

Output

According to the interviews with members of ACFA considerable efforts are put into the preparatory meetings and in agreeing on a common position of the European organisation before presenting the position in ACFA. The objective is to come to an agreement of a position that is representative of all the national organisations.

Participation of observers in ACFA meetings

Participants of the preparatory meetings may, in accordance with conditions of the work programme, attend the meetings of the working groups. This strengthens the sectoral dialogue as it allows organisation members participating at the preparatory meetings to observe that positions are presented as agreed prior to the meetings. According to the information collected during the interviews this is perceived as positive. Observers have been known to be allowed to participate actively in the meetings. This does however imply that the indented number of seats designed to each interest is not complied with in practise.

ACFA (EP (06)186final) state that it is a problem that senior representatives of the organisations are increasingly busy and therefore may avoid the preparatory meetings and leaving attendance to the representatives nominated to attend of-

ficial meetings. This may result in decreased dialogue between different parts of the organisation.

Non-professional organisations

Among the non-professional organisations, there is a less clear tendency of preparatory meetings. Here it is stated that efforts are put into information sharing, but based on the interviews there is no indication of there being a formalised process for preparation and agreeing on common positions neither internally in the three interest groups nor among them as is seen with the professional interest representations. This may be due to a number of reasons. Lack of financing for preparatory meetings is mentioned as one reason (see section 3.1.18). Members based beyond the outskirts of Brussels may not prioritise to use funds for participation in ACFA or preparatory meetings. A less formalised structure of the organisation of the NGOs is another reason identified through the interviews.

3.1.17 Assessment of the dialogue between different sectors (through ACFA meetings, initiatives that require co-operation between secretaries-general, and written communication)

The main forums for dialogue are the Plenary, the working groups and the Bureau, however, the Secretaries General also cooperate, particularly in the elaboration of the ACFA opinions.

According to the e-survey, ACFA contributes to increase the dialogue between the sectors, as indicated in the table below.

Table 3-24 E-survey responses to the question: To what extent does ACFA contribute to increased sector dialogue?

Response	No. of responses	In %
to a very low extent	3	4%
to a low extent	9	12%
to some extent	22	30%
to a high extent	27	37%
to a very high extent	9	12%
do not know	3	4%
Total	73	100%
Base	73	

Improved dialogue between the different sectors is considered to be one of the key roles of ACFA. Among the participants in the working groups the processors and traders perceive the contribution to sector dialogue to be the most significant. 88% of the processors perceive ACFA's contribution to be high (50%) or very high (38%) and 83% of the traders (33% and 50% respectively). Also

within the aquaculture sector the contribution is considered to be significant, while respondents representing Environment, Development, Biology and Banks see the least contribution of ACFA to sector dialogue.

Nevertheless, the interviews indicated that ACFA is believed to have increased the dialogue and understanding between the professional representatives and the NGOs. Although there are conflicts and contradicting opinions between these groups there is now a dialogue that is stated to be absent before the non-professional interests were included in ACFA in 1999. Moreover, ACFA has contributed to create contacts between the sectors that are used also outside the formal set up of ACFA. Nevertheless, some representatives of the professional organisations have mentioned in the interviews that they do not see the purpose of NGO participation.

As also indicated by in section 3.1.16, preparatory meetings has also lead to increased dialogue between the sectors, i.a. due to coordinated meetings and coordination of statements. Also, organisations occasionally cooperate on press releases as responses to Commission policy e.g. through coordination in the Bureau as e.g. seen October 6 2006 (EAPO, 2005 financial report)

According to ACFA's own initial reflections on its effectiveness (EP (06)186 final) the inclusion of aquaculture associations contribute to broaden the inter-sectoral dialogue and broadens the debate on fisheries products.

3.1.18 Level of community grant and their utilisation (type of costs, cost covered; type of beneficiaries and their needs)

Council Regulation 861/2006 establishes Community financial measures for the implementation of the CFP and the Law of the Sea. These financial measures include measures in the area of governance (ref. Art. 12) of which the following two are relevant to ACFA:

"Art. 12 a) travelling and accommodation costs of members of the European trade organisations required to travel in order to prepare meetings of the Advisory Committee on Fisheries and Aquaculture (ACFA);

Art 12 b) the cost of the participation of the representatives designated by the ACFA to represent it at meetings of the Regional Advisory Councils (RACs);"

Eligible expenditure

It follows from the above that eligible expenditure covers travelling and accommodation costs associated with preparatory meetings and costs of participation at RAC meetings of the ACFA designated representative as well as costs for attending meetings of STECF or ICES. It is not made specific in Art. 12 a) whether it concerns preparatory meetings for Plenary meetings or working group meetings or both. The ACFA working rules refer to "ACFA meetings" (Section 13), which indicates that the interpretation is that preparatory meetings for both types of meetings are eligible.

Art 12 b) provides no specification of the eligible types of expenditure associated with participation in RAC meetings. The ACFA working rules (Section 16) specify that travel expenses and daily allowances are covered, which seems well in line with the intentions in the Regulation as it concerns the same types of expenditure as under Art. 12 a).

The ACFA Rules of Work (Section 15) specify that where an invitation has been extended by ICES / STECF to attend, the costs of up to two experts elected by the Plenary may represent ACFA at ICES / STECF meetings, and that: "*For this purpose, the European professional organisations may use, under the same eligibility and responsibility conditions, the funds that are made available to them by the Commission to cover the travel expenses and daily allowances incurred by their members when attending preparatory meetings for the ACFA meetings.*"

Eligible beneficiaries It follows from Art 12 a) as quoted above that eligible beneficiaries for support to preparatory meetings are the members of the "European trade organisations". The Regulation does not provide a definition of "European trade organisation" but it can be reasonably assumed that this term covers the employers (i.e. vessel owners, producer organisations, aquaculture and downstream companies) and employees (i.e. trade unions). Article 18, which establishes the rate of financing, further specifies that financing agreements are to be made with each of such trade organisation **as are in membership of the ACFA Plenary** (ref. Box 3-2 below). This confirms that experts representing banks and auctions and ports are not eligible, since they are not members of the Plenary. It follows that the organisations representing the interests of environment, development and consumers are not eligible, despite their membership of the Plenary, since they cannot be regarded as trade organisations.

Box 3-2 Article 18 Rates of financing of travelling accommodation cost of ACFA members

1. As regards Community financial measures referred to in Article 12(a) and (b), the rate of financing shall be determined in accordance with paragraphs 2 and 3 of the present Article.
2. Drawing rights will be allocated, under a financing agreement with the Commission, to each trade organisation which is a member of the ACFA plenary, in proportion to entitlements within the plenary committee of the ACFA and depending on the financial resources available.
3. Those drawing rights and the average cost of a journey by a member of a trade organisation shall determine the number of journeys for which each organisation may be financially responsible for the purpose of preparing meetings. Some 20 % of the amount of the drawing right shall be retained at a flat-rate by each organisation to cover its organisational and administrative costs strictly linked with the organisation of the preparatory meetings.

Source: Council Regulation 861/2006, Art. 18

Funding of participation in ACFA meetings	In addition to the financial measures described above, the Commission also reimburses the costs of participation in ACFA meetings of the appointed representatives of the European organisations (not observers) ¹⁹ . For this funding, all ACFA members are eligible. This funding is separate and is not subject to this evaluation and thus not mentioned further.
Budget	The total budget was in 2005 increased from €400,000 to the current level €500,000.
Expenditure	<p>From the financial reports of ACFA spending from 2001-2007, it is evident that the following organisations have received support:</p> <ul style="list-style-type: none"> • Europêche • Cogeca • ETF • AEOP • FEAP • AEPM • AIPCE • CEP

Table 3-25 below provides an overview of the spending in the period 2001-2007. It indicates that the expenditure is in the range of 30-50% of the budget.

Table 3-25 ACFA grant, total expenditure, 2001-2007, EUR

	2001	2002	2003	2004	2005	2006	2007
1. EUROPECHE	53.104	71.293	61.064	38.072	60.957	38.393	60.990
2. COGECOA	6.298	22.676	18.674	16.816	25.281	23.034	19.833
3. ETF		4.992	29.698	24.359	44.626	19.879	34.027
4. AEOP	1.972	23.956	22.669	37.917	60.162	41.630	22.752
5. FEAP	24.924	24.925	22.873	25.756	20.346	18.007	23.899
6. AEPM	10.209	8.680	9.273	28.148	29.912	21.169	
7. AIPCE	12.055	14.902	27.739	32.044	30.225	24.126	26.180
8. CEP	6.263	11.208	15.534	17.081	15.416	8.811	11.077
Total	114.825	182.630	207.525	220.193	286.925	195.050	198.758
Total budget	400.000	400.000	400.000	400.000	500.000	500.000	500.000

Source: Based on annual reports from organisations and information supplied by the ACFA Secretariat

¹⁹ This is done in accordance with the rules on the reimbursement of expenses incurred by experts coming from the outside to the Commission for meetings, which were updated at the end of 2007 and entered into force on 1/1/2008. These rules also specify the per diem rates to be applied.

Output and impact of financial measures The output of the financing measures can be measured in concrete terms through the number of preparatory meetings held, the number of participants in these meetings and the number of occasions on which ACFA appointed representatives have participated in RAC/ICES/STECF meetings. In a wider perspective, the output and impact can be seen in the significance of the preparatory meetings and participation in RAC, ICES and STECF meetings in facilitating dialogue and information exchange and thereby affecting the effectiveness and efficiency of ACFA as a tool for consultation, information and fostering dialogue.

The Consultant has reviewed the annual reports provided by the European organisations receiving funding. The consultant has only had access to a limited number of annual reports during 2000-2007. Further, the reports vary a great deal with regard to the level of detail provided. Section 3.1.16 above provides an overview of the information available in the reports made available to the consultant and reflects the varying information provided in the reports. From the review and additional information obtained through interviews with the organisations, it emerges that:

- The frequency of the preparatory meetings is different in the various organisations as is the focus of the meetings. AIPCE-CEP has one preparatory meeting prior to ACFA meetings. EAPO by contrast may hold several meetings in advance of an ACFA meeting – for example with the Commission and with the European Parliament – but eligible costs only apply to that meeting convened specifically to address EAPO's position with respect to the forthcoming ACFA meeting.
- Participation in preparatory meetings for WGs differs greatly. For instance EAPO had 29 participants in their preparatory meeting on 29.10.2005 for WG III, whereas their next preparatory meeting of the same working group only gathered five participants.
- The number of participants in preparatory meetings for Plenary meetings is, with the exception of a few meetings, between four and seven participants. The majority of representatives in the preparatory meetings are from EU-15. However, information from FEAP shows that in some meetings more than 25% of the participants are from new member countries. These are representatives from Cyprus, Hungary, Czech Republic and Poland. This corresponds to the findings on membership of the organisations in the analysis of representation
- Information supplied from the organisations indicates that it is mainly Européche and, to a lesser extent, Cogeca and EAPO, that are participating in RAC/ICES/STECF meetings as ACFA designated experts. All organisations have emphasised the importance of continued funding for this purpose.

In regard to the wider impact of the financial support, the interviews with the ACFA members representing the professional interests show that the financial support is highly valued and it is a general perception that it is very important

for the participation in ACFA. The important role of the preparatory meetings in promoting dialogue and supporting the information flow between the Commission and the sector is illustrated in the above sections on ACFA as a tool for consultation, information and dialogue. The organisations have generally emphasised the high importance of the financial support given their limited own resources for conducting preparatory meetings.

On the basis of the findings presented above, it is assessed that the financial support has played a very important role in supporting the effectiveness of ACFA as a consultative body. With a fairly limited level of expenditure in the area of EUR 200,000 per year, the ability of the European organisations to act as representatives of the national organisations has improved.

The interviews with professional members of ACFA indicate a high level of satisfaction that travel and accommodation costs are covered. At the same time, they also emphasise that the 20% allowed for organisational/administrative costs associated with the preparatory meetings is not sufficient to cover all the necessary costs. Having larger scale preparatory meetings require renting of meeting facilities and translation, which is too costly to be covered under the 20%.

The organisations argue that the fact that they do not have the means for financing room rent and translation constitutes a barrier for participation of non-English speaking members at e.g. preparatory meetings. Only few organisations spend own resources on translations, e.g. EMPA.

The evaluation finds that further strengthening preparatory meetings by supporting a greater number of participants seems to be in the interest of both the Commission and the organisations. Therefore, options for financing of room rent and translation should be explored. A certain level of co-financing from the organisations seems reasonable seen as it is also in their interest. Considering that existing budget is not fully utilised, it seems possible that such financing could be made available within the current budget or at least without large expansions. However, it would be necessary to revise the eligibility criteria as defined in Council Regulation 861/2006.

3.1.19 Usefulness of the Community grants for preparing ACFA's meetings by the European organisations

Based on the interviews with the ACFA members representing the professional interests, the financial support is highly valued and it is a general perception that it is very important for the participation in ACFA. This was also stressed by ACFA in its 2006 reflections (EP (06)186final) stating that "the total amount of the subsidy is deemed very satisfactory", but that most organisations did not use the full amount and shift in cost eligible for reimbursement should be considered, to include cost of room hire and translation as is returned to in section 3.1.21.

The opinion (EP (06)186final) states however that the per-diem allowance is too low and has not increased for seven years i.e. 1999. This is also mentioned in some of the interviews. The interviewees stress that cost for travel and accommodation should be covered, as it is today, but some point to a need for adjusting the per diem rates to reflect actual prices. Moreover, there is demand for covering the costs related to interpretation as well as cost for practicalities, such as rent of venue, for the preparatory meetings.

3.1.20 Preparatory meetings: number of participants per Member States involved

This question is addressed in section 3.1.16.

3.1.21 Is the Community financial support sufficient to cover the costs of interpretation and room hire for preparing ACFA's meetings?

This question is addressed in section 3.1.18.

3.1.22 The utilisation of the Community financial support (for the participation of ACFA's representatives in other Scientific or Economic Bodies)

This question is addressed in section 3.1.18.

3.1.23 Legal base and the Community financial support to include the NGOs in the Community grants in order to coordinate their work and organise preparatory meetings within their contact group

The NGOs participating in ACFA cannot benefit from the financial reimbursement outlined in Council regulation 861/2006. It would require an amendment of the Regulation changing the current eligibility criteria in order to allow NGOs to benefit from the same financial re-imbusement as the professional organisations. Their discontent is e.g. expressed through ACFA's opinion on its effectiveness from 2006 stating that "NGOs are asking to be placed on an equal footing in terms of Community subsidy [...] which they need to coordinate their work and organise preparatory meetings within their contact group" (EP (06)186final)

NGOs may however seek to achieve funding from other community funding programmes. Most financing programmes for financing of NGO activities are project-oriented and do not provide funding of operational costs and are thus not comparable with the type of funding provided for ACFA preparatory meetings. The LIFE+ programme does provide funding for operational costs and is open for application from NGOs working with environmental/maritime issues (among others). However, only a limited selection of NGOs receive funding and only on an annual basis.

Box 3-3 LIFE+ programme

In regulation (EC) No 614/2007 of the European Parliament and of the Council of 23 May 2007 amounts has been made available to NGOs promoting environmental goals.

This funding can be achieved both to fund specific projects but also to finance operational costs. In 2007, 30 organisations received in total EUR 8.2 million from LIFE+. A list of the NGOs is provided in Appendix 9.

In preamble 12 it is stated that "Non-governmental organisations (NGOs) contribute to the development and implementation of Community environmental policy and legislation. It is therefore appropriate for part of the LIFE+ budget to support the operations of a number of appropriately qualified environmental NGOs through the competitive and transparent awarding of annual operating grants. Such NGOs would need to be independent and non-profit-making and to pursue activities in at least three European countries, either alone or in the form of an association."

If a NGO satisfies the criteria for funding, Annex 1 of the regulation lists a range of activities that may be funded. This include "(a) operational activities of NGOs that are primarily active in protecting and enhancing the environment at European level and involved in the development and implementation of Community policy and legislation;".

Source: Regulation (EC) No 614/2007 concerning the Financial Instrument for the Environment (LIFE+)

This poses several challenges related to the organisation of non-professional organisations and the EU financial regulations.

- The organisation of environment and development interests in ACFA is different from the professional interests with the contact group organising a number of European organisations. The contact group is not a legal entity and therefore cannot receive funding from the Commission budget. If financial support were to be given for preparatory meetings in the contact group as it is organised today, the link to the national level seems very weak. If the model from the professional organisations is followed, financial support should be given to individual environment/development NGOs, however, this does not seem reasonable considering the existing representation in ACFA, where these organisations do not take individual seats. One option could be to let the contact group be the coordinator of which NGO should take the lead in relation to the individual meetings and then providing financial support for the preparatory meetings organised by this NGO.
- The Financial Regulation and the Council Regulation very specifically state that Community grants are not to finance activity that is financed from elsewhere in the Community budget. The BEUC is partly funded by the EU budget and would probably be excluded from receiving financial support under ACFA. The Environment and Development NGOs involved in ACFA also receive Community funding, but this is mainly project-oriented and thus seems not to conflict with support for preparatory meetings. However, if ACFA financial support were to be given to these NGOs, this should involve a sworn statement that funding is not received from elsewhere. This point is in fact applicable to all organisations receiving ACFA financial support.

3.1.24 How could the Rapporteur be included in the costs of Community financial support allocated to the organisations?

Costs derived from rapporteur attendance are not specifically covered by Council regulation 861/2006. In order for such costs to be eligible, the Regulation would need to be amended. Alternatively, if Secretariat services were to be outsourced on a contractual basis such services could be extended to also include the rapporteur function.

3.1.25 How can a right balance be guaranteed on the one hand, the inclusiveness of all parties with a real interest in the CFP and on the other hand the efficiency of discussions and the quality of decision making in the ACFA WG and Plenary committee

Eligibility criteria

At present there are no clear eligibility criteria governing inclusion in ACFA membership, and this creates unnecessary confusion. This is exacerbated by the inclusion of non-professional organisations in membership, where any interest in the CFP is of a completely different nature to that of the main economic players, and the views held by this group are more likely to be strikingly different to those of the professional groupings than they are likely to be of a similar nature.

Clarification of these issues would strengthen legitimacy of representation, but it would not necessarily alter the nature of any advice being presented to the EC.

Expectations

Clarification of what is expected of ACFA, and the rationale behind its structure and composition would go a long way towards providing more focus to the processes and outputs of ACFA, and arguably improve commitment to, and the dynamism of, the institution.

Promoting debate

All relevant professional organisations are of the view that the introduction of preparatory meetings amongst an organisation's constituency has proved most useful in stimulating debate and developing consensus with each organisation, but it can also be argued that this has weakened the nature and depth of debate that takes place within Working Group meetings. But what is also missing is the promotion of debate between the different professional organisations, and between these organisations and the non-professional organisations. Accordingly, in many rather self-evident cases, the non-professional organisations hold different views to those of the professional organisations, and in the absence of systems to encourage consensus building, the non-professional organisations end up presenting a minority position.

Decision-making at WGs and Plenary

Whilst ACFA opinions need to be ratified by the Plenary, in reality member positions have actually been generally crystallised at the level of the Working Group, and further debate at Plenary adds little to the process. Where consensus has not been achieved at the level of the Working Group, it is really left to the members of the Bureau to determine how best to present the situation, and it is here that most negotiation is likely to take place. On this basis, the Plenary can be a rather poor and/or unnecessary decision-making forum in respect of opinions and advice.

Technical focus of debate

But there is also some confusion as to how to balance out Commission expectations that ACFA will present technical as well as political advice. The structures of ACFA are poorly designed to address technical issues, and though such issues are regularly addressed, particularly in Working Groups II and III, it can be argued that they are not done so in the most efficient manner. Agendas at Working Group and Plenary sessions could be slimmed down considerably if technical issues were to be addressed by small ad hoc Working Groups established for this specific purpose, and to which relevant expertise and knowledge (such as STECF and special interest representatives) could be invited.

Anomalies of representation

There are currently some anomalies in respect of membership of ACFA:

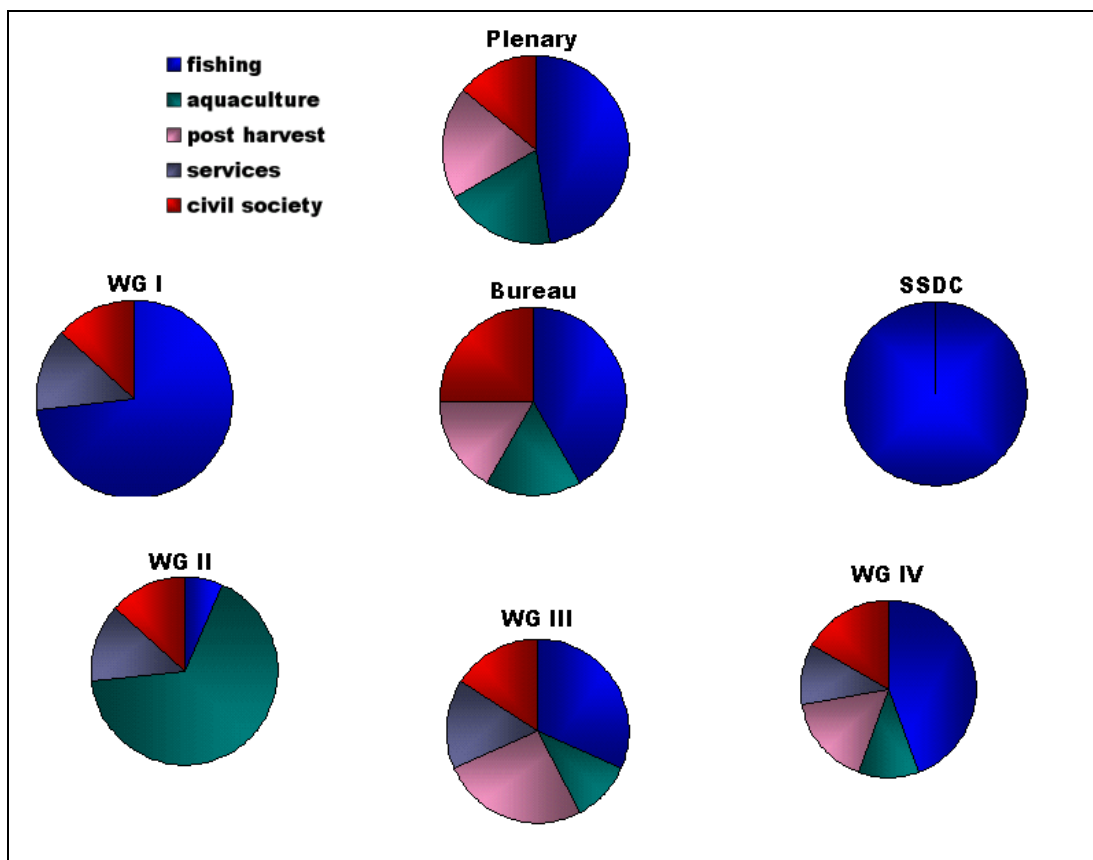
- Amongst the professional organisations, Europêche and Cogeca effectively represent the same stakeholder group. In a similar vein AIPCE and CEP represent different but closely related stakeholder groups. It may though be considered appropriate to retain the four organisations and for planning purposes these couplings should be viewed as single stakeholder groups.
- The cooperative banks no longer appear to have legitimacy as relevant members of ACFA. The same could be said of representation of ports and auctions, and of consumer representation.
- The whole area of non-professional representation needs to be clarified, but in addition there are questions concerning the scale and constituency represented by at least some of these organisations.

3.1.26 To what extent are the different interests represented well reflected in ACFA's composition and working practice

Figure 3-1 gives an indication of the composition of the various ACFA structures. Here membership has been divided according to fishing, aquaculture, post-harvest, services (banks & ports and auctions), and “civil society” interests. The Sea Fisheries Sectoral Social Dialogue Committee (SSDC) has also been included (comprising 50% representatives of Europêche / Cogeca, and 50% ETF).

In general, and on the basis of current understanding of what ACFA is for, the current conformation of representation on the various ACFA structures is appropriate.

Figure 3-1 Balance of representation on committee structures of ACFA



Source: elaborated by consultant

It should be noticed that:

- Service organisations (banks & ports and auctions) are not represented on either the Plenary or the Bureau – which is appropriate;
- Fishing interests dominate WG I and aquaculture interests WG II – as is appropriate;
- All interests are represented on WGs III & IV – also appropriate;
- “Civil society” is represented on all structures – which is appropriate on current understanding.

But if a range of fishing agenda items from WG I were to be left to the RACs (see arguments in next section), and greater use were to be made of ad hoc Working Groups, then it becomes much more logical to merge WGs I & IV, distributing non-conforming agenda items outside the scope of the new WG I to the other two WGs.

Under these conditions, it would make sense to drop the “services” element from all these Working Groups (ports and auctions could be brought into ad hoc WGs where appropriate). It might also be appropriate to add post-harvest representation to both WG I and II – because these interests get their raw material from both capture fisheries and from aquaculture, although once again their particular interests and expertise might yet be better funnelled through appropriate ad hoc Working Groups. It has become “politically correct” to include civil society social and environmental interests in such debates, but there needs to be purpose to their inclusion. As matters stand this purpose is not clear. To make better use of the expertise and interest represented by this grouping, there needs to be much better definition of what constituencies are being represented, and how their input is expected to improve the advice and opinions being presented by ACFA to the Commission. If this can be shown to be positive, then procedures need to be introduced that encourage more constructive dialogue between the professional and non-professional organisations.

The constituency of “consumer” representation remains problematic. Most consumers are not members of any organisation, but they do have a general interest in knowing that acceptable trading standards, quality, and labelling are promoted across the fisheries sector, and that their rights are respected. In most cases these characteristics are represented through statutory bodies. Arguments for retaining consumer representation on ACFA are considered weak. There is some suggestion that consideration should be given to extending ACFA membership to include seafood retail and catering interests, recreational anglers, and more focused representation of small-scale fishing interests. This is elaborated further in the Conclusions and Recommendations of the main report.

3.1.27 What are the impacts of the incorporation of the professional aquaculture sector and non professional organisations (e.g. NGOs) into ACFA on its functioning and its outputs

The 1999 reform of ACF into the present ACFA (1999/478/EC) extended the group of interests that were eligible for ACFA participation, and in practice this meant that *aquaculture* and *non-professional organisations* were included. It is thus relevant to find out what the impact of this change has meant in terms of ACFA's functioning and outputs.

The inclusion of aquaculture interests in ACFA has been most useful in providing a clear platform for aquaculture interaction with the Commission. The workload of deliberations through WG II has been full, relevant and effective, and the Working Group has done well to incorporate interests from other DGs, and to deal with some particularly technically oriented and dense issues.

Because, however, aquaculture dominates the workload of WG II, that there is relatively little overlap with the areas of interest of the other Working Groups (particularly so in respect of WG I and WG II), and this it is relatively self-sufficient, in principle this Working Group could work just as well within another Advisory Committee structure, or as a stand-alone organisation.

In this regard, the positioning of aquaculture within ACFA is no better or no worse than in other locations. It has been noted, however, that at Plenary aquaculture issues can take up a significant part of the agenda, and this can sometimes sit badly with the capture fishery interests – an area of irritation rather than friction. But this is an issue that also plagues the agenda of WG IV, where individual participants may only have an interest in one or two agenda items, yet need to sit through the whole meeting.

Because of the particular technical orientation of key issues debated within WG II, this is where the establishment of ad hoc Working Groups would be most useful.

The inclusion of the aquaculture group is strongly reflected in the work of WG II. The key observations are that this WG works very well (see also section 3.1.37). Many stakeholders have referred to it as the WG with the highest output and many simply state that it works better than the others (although WG III is also being said to perform rather well). It can be observed that this particular WG is both quite homogenous in terms of participants, and the aquaculture industry is also relatively new and well organised as compared to fisheries in general. FEAP, the main driver behind this group, was set up in 1994, and one of its strongest mandates is to influence policy – specifically through ACFA, but also through other relevant bodies. Indeed, FEAP has expressed through interviews that it is quite happy with using ACFA as a platform for policy dialogue. Some stakeholders interviewed also state that in the discussion of ACFA and RACs, this is clearly an area where ACFA has a distinct role to play. All in all the impact of including aquaculture in ACFA seems to have had a good impact since one part of the industry is very satisfied with this opportunity (and has few alternative platforms to use), and none of the "old" interest groups have expressed any major reservations towards the inclusion of aquaculture.

In relation to NGOs the picture is more mixed. Most stakeholders interviewed (and not being NGO representatives) have indicated that the inclusion of NGOs has made the work process more complicated and cumbersome, and for some more frustrating. However, many of the same stakeholders also state that this should be tolerated. The problematic issue concerning the NGOs seems to be that many fisheries matters are of technical-practical nature, which requires specific sector knowledge that many representatives of the NGOs simply do not possess. On the other hand, the legitimacy of the NGOs seems to rest in the fact that a sustainable long-term development path for the fisheries sector also depends upon how it is able to tackle all the concerns lying in the periphery of its working area. The NGOs themselves express concerns that they are under-prioritised in terms of seats in some WGs (for example, it is argued that there is a need to include development NGOs in WG2), in terms of financial resources for preparatory work, and generally in terms of work procedure as reflected in setting the agenda and developing work plans. Some NGOs refer to this situation as "an uneven playing field". All in all the impact of including NGOs is not surprising in terms of adding more conflicting views to the process resulting in more complexity and less agreement. Regarding the impact on efficiency this question is harder to answer, as this infers weighing up the benefits of opin-

ions/advice resulting from a broader stakeholder dialogue against the costs of running this more cumbersome dialogue.

3.1.28 Which factors influence significantly on the quality of ACFA functioning and its outputs?

This question builds on the findings to a number of questions and is addressed in the conclusions in the main report.

3.1.29 To what extent are the ACFA operating rules (appointment of members; observer participation; appointment of substitutes; drafting, distribution and translation of minutes, etc.) satisfactory?

The operating rules of ACFA are laid down in the "Rules of the work of the Advisory Committee on Fisheries and Aquaculture (Article 8 (4)) of Decision 1999/478/EC" of November 21 2007. ACFA states in its opinion from 2006 (EP (06)186final) that the operating rules are "generally acceptable and therefore generally accepted". However some points of criticism are mentioned and these are returned to below. In general, the working rules focus on the interaction between ACFA, hereunder the secretariat, and the European interest organisations.

Issues covered

The table of contents of the operating rules is listed in the table below.

Table 3-26 Subjects of the Rules of work of ACFA

1	Main areas covered by the working groups
2	Implementation of the work programme
3	Nomination of experts as members of the working groups
4	Attendance of experts appointed by the Commission
5	Participation of observers in ACFA meetings
6	Attendance to meetings and participation in debates
7	Preparations of meetings of the Bureau, the Committee and the working groups
8	Proceedings of meetings of the Bureau, the Committee and the working groups
9	Summary records and conclusions
10	Draft, positions and opinions adopted by the Committee
11	Recourse to the written consultation procedure
12	Chairmen. Deputies
13	Preparatory meetings for ACFA meetings
14	Coordination meetings with the Secretaries General
15	Participation of ACFA as an observer in meetings of ICES, STECF etc. and reimbursements
16	Participation of ACFA as an observer in the meetings of RAC and reimbursements

Source: Rules of the work of the Advisory Committee on Fisheries and Aquaculture (Article 8 (4)) of Decision 1999/478/EC"

As the table indicates the working rules cover a wide range of issues, from the scope of the working groups to rules of proceedings and participation of ACFA representatives in other advisory bodies. Only the parts where the degree to which the working rules are working satisfactory may be questioned will be discussed in the text below. The issues not mentioned are described satisfactorily in the present working rules.

Elaboration and implementation of the work programme

The working rules stipulate the rules on the implementation of the work programme. These are as follows:

Box 3-4 Rules on the implementation of the work programme

The Committee shall instruct the bureau to carry out the annual work programme, which the Committee has drawn up in agreement with the Commission. On a proposal from the secretariat, and taking into account the available budget, the bureau shall lay down, for that year, the dates and agendas of the meetings of the working groups and Committee required for the implementation of the annual work programme.

As soon as the list, the dates and the agendas of the meetings scheduled for this year are finalised, the secretariat shall send them to the member organisations of the working groups defined below.

Source: Rules of the work of the Advisory Committee on Fisheries and Aquaculture (2)

These rules are rather specific. What is not specified is how the working programme is created, a part from it being prepared in cooperation between the Plenary and the Commission. According to the interviews with the stakeholders, there is some uncertainty on how it is drawn up, and particularly among the NGOs there is an impression of overly attention to the professional interests when the work programme is created.

Elaboration of the agenda

A similar criticism is raised in regards to the elaboration of the agendas for the meetings. There is no procedure for how the meeting agendas are created and this should be included in the work programme. Under Part 8 of the working rules, Proceedings of the bureau a, the Plenary and the working groups, it is stated that the Chairman, of ACFA, is to adopt the final agenda after consultation with the member organisations. There is no further specification for how the agenda is elaborated.

Appointment of members and experts

The appointment of members of the Plenary is regulated by the ACFA Decision, and is not regulated by the working program. However, nomination of experts, i.e. participants for the working groups, is regulated by part 3 of the working rules.

The working rules thus stipulate the interaction between the organisations and the secretariat in the selection process i.e. the practicalities for the nomination. The only requirement is that the selected expert is a member of the organisation that he or she is to represent. The expert must not work in European institutions

or national administrations. The working rules provide no requirement for how the organisations are to nominate their representative.

Observer participation

The objective of permitting observers to participate is to "enable the representatives of the sectors affected by the CFP to experience the functioning of ACFA meetings". Part 5 of the Rules of work stipulates the conditions under which observers are permitted to participate in ACFA meetings. The conditions for participation and the role of the observer are stipulated in the rules. Participation of an observer should not be on a permanent basis and should always attend the preparatory meeting of the European organisation in which he, or she, is member.

Some organisations feel that participation of observers should be more flexible and the abolition of the eight days' notice and the numerus clausus. The rules on participation of observers imply that those interest groups may have an equivalent number of observers to the seats they are allocated hence many seats – many observers. On the other hand, interests which have only few or no seats, have limited possibility of sending observers. Particularly in the light of the fact that observers are allowed to participate in discussions and debates when they are invited to do so by the Chairman given that there is sufficient available time. An observer must though never participate on a personal basis and their comments should not be included in the summary record of the meeting.

Minutes of meetings

The elaboration of minutes of meetings is regulated by Part 9 on summary records and conclusions and is to be drawn up by the secretariat. According to the interviews the participants are satisfied with this and the work of the secretariat. However, ACFA's opinion of its working (EP (06)186final) emphasises that some members feel that the secretariat should distribute the minutes of meetings shortly after the meetings and preferably within a defined time delay. Today it takes too long before the members get the minutes. It is though emphasised that they are satisfied with the quality of the minutes (EP (06)186final).

In practice the minutes are approved, and possible amendments made, in the following meeting of the Plenary or the working group respectively. This is however required in the working rules but can be considered good practice. The Working rules should be more specific in this regard.

Preparation of opinions

In part 10 of the working rules contains rules for "Drafts, positions and opinions adopted by the Committee" and it contains the procedure for presenting the positions of the working groups in the Plenary and how the chairman of ACFA should endeavour a debate in order to reach a common position and the secretariat is to draft a summary of each discussion on the agenda in summary conclusions. Here there is no specified procedure for how the opinion is to be drafted, and this may be considered not to be satisfactory. However, part 14 on "Coordination meetings with the Secretaries General" makes further specifications on coordination between Secretaries General as part of the process of developing an opinion. Nevertheless, the working rules is recommended to be more specific on the procedure for preparation of opinions

Preparatory meetings Part 13 of the working rules confirms that the professional organisations are entitled to reimbursements of travelling and accommodation cost and touches briefly upon grant for preparation of the preparatory meetings. The paragraph also states that the meetings shall conform to the agenda of ACFA meetings and unless otherwise is justified the meetings should be held in Brussels. If the meeting is held outside Brussels the accruing cost must also be approved in advance. From an economic point of view this pre-approval can be considered rational as cost may vary according to where within the community the meetings are held. Holding meetings outside Brussels may though also be efficient as travelling time for many stakeholders may be reduced by choosing another location.

Overall ACFA is stating that they are content with the operating rules, nevertheless interviews reveal that there is discontent with several aspects and the analysis has shown that there is a need for improvement of several aspects. Particularly improvements are needed on the following subjects:

- specification of the elaboration of the work plan and agenda
- evaluation of the rules for participation of observers
- deadline for submission of minutes of meetings
- clarification of procedure for elaboration of opinions

The specification of working rules is further mentioned in the recommendations of the main report.

3.1.30 To what extent is the cooperation between the Commission and ACFA satisfactory?

Whether the cooperation between the Commission and ACFA is satisfactory depends largely on the expectations and perceptions of the process and the results. During the interviews held with the representatives of the stakeholders and Commission officials it became apparent that perceptions of what ACFA is or should be and expectations of what it should deliver are widely different. This is one of the fundamental causes of a certain level of discontent among those involved. The achievements of ACFA are measured against expectations, which are not always justified in view of ACFA's institutional position, purpose and possibilities.

In the e-survey, the stakeholders were asked how they would describe the cooperation between the Commission and ACFA. The results are shown in the Table 3-27 below.

ACFA members Among the industry representatives (mainly catching and processing sector) there are two seemingly contradictory views. On one hand people value ACFA as platform for dialogue among themselves and with the Commission and they recognize that it faces major limitations. On the other hand, there is feeling of not being listened to (or taken seriously) as many practical (and political) considerations are not taken into account in the policy making process. The industry representatives expect a more visible role and impact of their advice in the adopted policies, without apparently truly realizing that ACFA is an advisory

body to the Commission and that consequently the Commission is free to do with their advice whatever it pleases.

Table 3-27 How would you describe the cooperation between the Commission and ACFA

Response	No. of responses	In %
Very poor	0	0%
Poor	5	7%
Acceptable	43	61%
Good	20	28%
Very good	3	4%
Total	71	100%
Base	71	

Source: E-survey

It must be stressed that the representatives of the aquaculture sector hold an entirely different and much more positive view. According to their spokesmen a significant part (80%) of their recommendations are adopted. They consider ACFA as a very useful platform to meet staff of the various DGs and to discuss their views. While the fishing industry complains that on some occasions it gets information too late (or only after it has been submitted to the MS), the aquaculture sector prides itself of being consulted before Commission's proposals are presented for broader discussion.

From the non professional interests the perceptions also varies somewhat, but is mainly positive. It is though stressed that the dialogue stops after the completion of a consultation and the value of the advice to the Commission is questioned. According to the e-survey respondents from development, environment and consumer representatives' answers range between acceptable and very good. None of the NGO representative has in the e-survey ranged the cooperation as poor.

European Commission The following section refers to DG MARE in relation to the catching sector. Other DGs are only to a much lesser extent involved in ACFA, and in general found it difficult to assess the cooperation.

DG MARE has constituted ACFA and continued with it, at least partly, because it was and still is politically correct to consult the stakeholder. Furthermore it is easier to create than to abolish such bodies. In ACFA DG MARE is regularly confronted with political statements from the catching sector, which have been repeated over and over again (e.g. see case study on EFF). This has led to certain fatigue on the part of the Commission staff and a generally held view that ACFA is not likely to deliver constructive innovative contributions when it come to marine fisheries. On the other hand dialogue with the aquaculture sector is viewed much more positively. It is likely that issues related to the aquaculture are less controversial and EU policies do not have such far reaching impact as in the case of the catching sector.

In constituting ACFA DG MARE was hoping to:

- meet professional fishermen and obtain their views,
- be able to reflect on and to develop long term management strategies, and
- generate a commitment from the industry to proposed measures.

It must be seriously questioned whether these expectations are realistic. Instead of gathering professional fishermen, ACFA is composed of professional representatives and this seems logical and efficient. It is comparable to any other institutionalized dialogue. It must be questioned to which extent individual professional fishermen would be willing and able to reflect on issues beyond those directly related to their personal business. Furthermore it is clear that such individuals cannot claim to be speaking on behalf of an organized constituency, which would again raise the question of representativeness. Speaking on behalf of a sector requires often other qualities than running successfully a business in that sector.

A similar argument applies to the development of long term strategies. If ACFA is to facilitate a mutual dialogue (two way street) than concerns of both parties must be addressed in a balanced way. Agenda cannot be set by one only. The professional representatives attend meetings to voice the concerns of their constituency. These concerns are first of all of short term nature, certainly in the catching sector which has been facing continuous reduction of fishing opportunities, even if it may have been partly result of their own actions. For individual companies survival on the short run is a precondition to survival on the long run. Consequently the 'tragedy of the commons' has its impact on the nature of the discussions in ACFA. Conciliation of short term concerns of the industry and long term concerns of the policy makers proved more difficult than expected as their concerns take place in different dimensions.

DG MARE expected that the representatives of the catching sector would be able to commit themselves to specific policies and subsequently convince their constituency to adhere to those policies. Apparently it was not properly appreciated that such commitment can only come from the constituency itself and that the representatives are only expressing the interests of their constituency. There are at least two other constraints to achieve the desired agreement. First, the time available is probably mostly too short to generate the support from the members. Second, the Commission itself cannot commit itself in the same manner as it also has to consult the MS and the Parliament. Consequently, the expectations of satisfactory mutual commitment seem fundamentally unrealistic.

In addition the DG MARE staff questions the representative value of (at least some of) the individuals who attend the ACFA meetings. It doubted, whom they represent, to which extent they pass on information to their members and whether they speak on their own behalf or whether they consulted their constituency on the views to be put forward. Having dialogue with and obtaining advice from a group which is not entirely trusted creates a difficult situation. In the opinion of the evaluator this mistrust is not justified as far as those present in ACFA today are concerned. It is an entirely different issue that some parts of the fishing sector are not present at all, mainly because they are not organized

either nationally or at EU level (e.g. Greek small scale fleet). There are indications that this situation has persevered for many years (possibly since 1999). It is therefore somewhat surprising that the Commission in cooperation with the ACFA members did not take any steps to address them.

Similarly, the industry representatives are very satisfied with some of the EC staff in their open and frank approach to the dialogue with ACFA, but they are equally dissatisfied with other EC staff members who do not always master the dossier on which they are speaking or who are not willing to share information, which in some cases has reached the industry already via the national authorities.

3.1.31 To what extent are the working arrangements between the Plenary, the Bureau and the four working groups satisfactory

This question is addressed in sections 3.1.41 and 3.1.42.

3.1.32 To what extent is there an interaction and complementarities between and an overlapping or duplication of the work of ACFA and other consultative bodies, in particular the Regional Advisory Councils (RACs)

The RACs address issues dealing with Regional Seas; ACFA deals with generic, horizontal and strategic issues that relate to the European Union as a whole, or at a scale that is beyond that of a single RAC. These differences are clear in concept, but ACFA retains elements, or gets involved in elements, that could be judged as better addressed at the level of the RACs.

The RACs deal with issues that focus on capture fisheries, and thus they do not deal with issues addressed by ACFA Working Group II, and the overlap with issues addressed by ACFA Working Group III is also limited.

The non-professional organisations have indicated that much of RAC meetings are taken up with issues that address annual TACs and quotas. Their position on these matters is largely addressed by wishing the relevant authorities to apply best scientific advice – i.e. TACs should strongly reflect the advice provided by ICES. Their input to debates on quota allocation is largely inappropriate. On this basis, their input to the minutiae of TACs and quota debates is limited (which the professional organisations sometimes see as the non-professional organisations picking and choosing what they debate and what they do not debate), and therefore their presence at such debates of limited value.

But TACs and quotas are issues that are also brought up on the ACFA agenda, and whilst there are very likely to be some generic, strategic and horizontal dimensions to these issues, many (not just the non-professional organisations) question the appropriateness of debating these issues again at the level of

ACFA, particularly bearing in mind that most organisations are also represented at the RACs, and in such debates at national levels.

Two issues arise:

- There are issues that are debated at both RAC and ACFA meetings, but given that more or less the same sorts of groups are represented at both types of meeting, this is an inefficient use of resources, with limited added value;
- There are issues that are debated at both RAC and ACFA meetings where different dimensions are rightly and properly debated – such as discards, IUU fishing, control and enforcement; here emphasis needs to be placed on exposing and focusing on the different approaches taken in the different forums, so that duplication and overlap is avoided.

On balance, there is in fact limited overlap between coverage by RACs and ACFA. But, as a means of improving the efficiency of operation of ACFA, large areas of work that are tabled for WG I that are also addressed by the RACs, could be removed from the agenda of the former without any loss in the effectiveness or quality of the advice provided to the Commission, or the process of dialogue. If this were done, it would also provide clearer rationale for moving most of the areas covered by WG IV into WG I, with the remainder being shifted to WG III.

In terms of overlap with other consultative bodies, the only area of possible confusion relates to overlaps between aquaculture within ACFA and those bodies dealing more generally with animal health and medicines, and a similar situation could exist in dealing with fishery and trade matters. In both cases, aquaculture and the seafood trade have unique characteristics that support their separate treatment, but in the former, it is less clear whether that aquaculture better resides within a fisheries body or a livestock husbandry body.

Interactions between the RACs and ACFA are limited to one or two joint meetings a year, primarily scheduled to allow the some limited dialogue between these bodies and the Commission on TACs and quotas, but also to address wider issues that are on the Commission's policy agenda – such as discards, IUU fishing, control and enforcement, etc.

In addition, however, because there are six RACs, with a seventh planned, plus a number of Working Groups and ad hoc groups under each RAC, the growing complexity of this consultative structure is requiring more concerted coordination and management. This has prompted the establishment of inter-RAC meetings with the secretariats, and movement towards the more formal establishment of a coordinating structure. The growing complexity of this structure is a cause for growing concern at a number of levels – efficiency, resource allocation, etc. – though all participants are of the view that RACs are a “good thing”, that they provide an effective debating chamber, and that they are more efficient and effective than ACFA.

3.1.33 To what extent is there scope for synergies, improved coordination and links to be established?

In 2007, excluding ACFA preparatory meetings, there were 97 meetings involving RAC and ACFA structures. The number of these meetings is now placed severe pressure on the limited human and financial resources of representative organisations – both in the fisheries sphere and civil society organisations. It can be argued that this number has already lead to the need to establish an inter-RAC structure to attempt to better coordinate the subjects and timing of debates. By the same argument there is also a need to rationalise ACFA meetings – indicated in the paragraphs above where it is proposed to hand sole responsibility for debating various fishery resource issues on the agenda of ACFA WG I to the RACs.

Synergies of both forums can be achieved if attention is given to formulation of different sets of specific questions regarding same agenda topics, which would allow exploiting the strength of each organisation and avoiding duplications. Fewer meetings can be held if more effort is devoted to their preparation and organisation. This being said, the scope for synergies and coordination depends on the future set-up of ACFA. As illustrated in the scenarios presented in Chapter 6 of the main report, there are a number of different development options and the relation to the RACs differ quite substantially depending on the model selected.

3.1.34 Are there any differences in the impact of the opinions adopted by ACFA and by the RACs?

Anecdotal evidence suggests that in matters relating to capture fisheries, the Commission is able to make rather more of advice / material provided by the RACs than by ACFA – but this is very difficult to determine on a more factual basis. (According to Commission officials the RACs seem to be covering the need of the Commission more effectively than ACFA. At the same time the e-survey showed that ACFA members only to a limited extent are of the impression that ACFA advice is taken into consideration in the policy process.)

It should also be noted that there are different standards of performance amongst the RACs – in part reflecting how long each RAC has been in operation, and in part the size of the RAC (the Pelagic RAC is considered to perform very well, but it also has a small and very focused constituency).

This should also be seen in relation to the different status of ACFA and the RACs, and the different obligations of the Commission laid out in the legal basis respectively Commission Decision 1999/478/EC and Council Decision 2004/585/EC. RACs have a much clearer structure and mandate in the eyes of stakeholders than ACFA, and stakeholders have a greater sense that what is debated at RAC meetings does in reality hold influence with the Commission, and contributes to policy formation. In reality the outputs of the RACs may have no greater influence than the outputs from ACFA, but the “branding” exercise for RACs has been very successful for RACs, but is almost non-existent for ACFA

except amongst a rather small and select group of European and national representatives.

3.1.35 To what extent is there a need to have a single rapporteur (member of ACFA or external expert – possibly remunerated for work done) to summarise opinions or positions emanating from European organisations in order to prepare an ACFA's advice?

The issue of a single rapporteur has been raised in regards to securing the quality and consistency of written advice provided by ACFA and in regards to reducing the administrative workload of the members of ACFA. Europêche/Cogeca has i.a. raised the issue as they frequently draw up positions and opinions following meetings, however the organisation is no longer certain that a single rapporteur is the solution or even feasible. This reflects the general opinions expressed during the interviews with the members of ACFA. There is more or less 50% for and 50% against having a single rapporteur, and all have comments and conditions to such rapporteur. The following main issues were raised:

- The qualifications of the rapporteur – it is perceived necessary to find a rapporteur with detailed insight into the sector hence have an understanding of the issues discussed.
- The independence of the rapporteur – NGOs have emphasised a such rapporteur should not be from the industry lobby but from the secretariat while some of the professional organisations have expressed that it could be one of the responsibilities of the member organisations.
- The question of whether it should it be one rapporteur for all topics or the responsibility should be shared among several specialized individuals.
- Remuneration – the rapporteur should be remunerated and it is not possible to provide financing for this under the envelope of financial support currently provided.

The Consultant assesses that the question of a single rapporteur relates mainly to a question of efficiency and relieving the work load of some organisations (notably Europêche/Cogeca). It is not likely that a single rapporteur would add to the quality of advice produced, which stems primarily from the quality of the consultation documents provided by the Commission and the input provided from the organisations – not from the procedure by which it is documented. In view of the need for increased flexibility, it could be considered to attract an external (remunerated) rapporteur, when necessary.

3.1.36 To what extent a periodical status report showing the manner in which ACFA's advices have been taken into account would reinforce the external and internal (i.e. within the member organisations) views on ACFA's effectiveness?

This raises the question of the value of a periodical status report (PSR) as a form of feedback. The e-survey clearly shows that ACFA members find a periodical status report to be useful. More than 70% of the respondents indicate that such a report would be useful to a high or very high extent.

Table 3-28 E-survey responses to the question: To what extent would a periodical status report from the Commission of the manner in which ACFA's advice have been taken into account be useful?

Response	No. of responses	In %
to a very low extent	1	1%
to a low extent	2	3%
to some extent	13	18%
to a high extent	28	38%
to a very high extent	24	33%
do not know	5	7%
Total	73	100%
Base	73	

Source: e-survey

In the interviews, some of the ACFA members indicated that on the one hand they would appreciate a PSR, but at the same time they had difficulty in indicating how such a report could impact on ACFA's effectiveness. It is interesting to note that representatives of the aquaculture sector, which is very positive about its effectiveness, saw little need for a PSR as they could evaluate themselves how their advice was accounted for. On the other hand the catching sector and processing and trade would like to see a justification of why its views were ignored.

On the basis of the above, this evaluation finds that feedback from the Commission concerning consultations can be characterised as irregular and unsystematic. As is also discussed above, it is very difficult (if not impossible) to provide a detailed account of the impact of each piece of advice provided in a consultation process where it involves numerous inputs from many different stakeholders. For this reason, it is not assessed as relevant to induce an obligation for detailed reporting on the outcomes of each consultation from the Commission. But, ACFA being a consultative forum established by the Commission, it is considered relevant for the two to have a continuous dialogue on the impact of the advice provided by ACFA.

There is scope for improvement in the clarity of the consultation documents provided by the Commission. An improvement in this respect is likely to lead

to better opportunities for providing feedback to ACFA (and other consultative forums), as an improved benchmark for the advice sought would be established.

3.1.37 To what extent could the productivity and resources of Working Group II be better exploited by the Commission?

In the course of work on the intermediate evaluation of ACFA, it has become evident from interviews with stakeholders, that there is a relatively strong perception of Working Group II (WGII) performing better than other Working Groups (WGs). Furthermore, WGII is different from other WGs in terms of a relatively large involvement of other DGs (notably DG SANCO, but also DG ENV, and DG TRADE). Finally, issues concerning aquaculture are not dealt with in the Regional Advisory Committees (RACs). For these reasons, a case study on WGII was carried out in order to better understand if Working Group II had a special role to play (see Appendix 15).

The case study found that a combination of factors might explain why WGII perform better than other WGs, even though the evidence is not in so strong on all points:

- WGII is the smallest group in terms of members, and the spread of interests is smaller than for the other groups.
- According to respondents interviewed, NGO interests are less in conflict with industry interests in WGII. This could facilitate more agreement when making decisions in WGII.
- The fundamental difference between WGII and other WGs is that it is less politically sensitive and controversial, and it does not bear the historical heritage of discussions on fisheries management. Consequently, it does not have to engage in the delicate political debates that have to do with agreeing on e.g. TACs and quota. The subjects that WGII is dealing with are thus mostly technical. As WGII is mainly dealing with aquaculture, and as aquaculture is one of the few areas that are not covered by the RACs, WGII has a central role to play. These different factors do provide WG2 with a strong mandate, and a clearer focus on mostly technical matters.
- As a measure of "productivity", but perhaps also as a measure of the relevance and importance of WGII, factual evidence indicates that WGII undertakes significantly more debates (about 25% more) than any other WG. On the other hand, it undertakes fewer consultations. In spite of this, factual evidence points out that WGII is far more active in initiating consultations compared to the other WGs.

WGII is different from other WGs in terms of a relatively large involvement of other DGs (notably DG SANCO, but also DG ENV, and DG TRADE). This is further elaborated in the case study on working group II enclosed in Appendix 15.

Since there are many indications that WGII performs better than other Working Groups, it is relevant to ask if the other groups can learn anything from this, or if resources of WGII can be better exploited by the Commission? As much of the analysis shows, some of the reasons for the efficiency of WGII have to do with the fewer interests involved, the technical nature of its work, and the fact that it does not have to deal so much with politically sensitive issues. This does not suggest that WGII is a model that can be used as a proxy for the other WGs, since their subjects and compositions are different. Moreover, and despite the fact that WGII is working so well, it is difficult to say anything definite about whether its full potential is being fully exploited. We know that many members of other WGs attend meetings of both ACFA and RACs, which is not the case for WGII members (except perhaps for the non-professional interests), and this could indeed suggest that they have fewer meetings to attend.

As mentioned in the findings to several other questions, the current set-up with four permanent working groups is assessed as inflexible and does not provide for the most effective method to deal with the many and varied subjects put before ACFA. This is also a valid argument for WGII, which could increase its effectiveness by dealing with subjects through setting up various ad-hoc working groups. This would be one way to make better use of the resources in the working group.

3.1.38 To what extent is the high number of "up date" items on working group III relevant from a Commission perspective

The up-date items on the agenda mainly constitute information from the Commission to the stakeholders and are put on the agenda as an information point possibly combined with a debate. The large number of follow ups indicates that a lot of time during the meetings is used for follow up information from the Commission on formerly discussed issues.

The interviews with Commission officials did not indicate that this is an issue that requires further discussion and there was no indication of this point of the agenda being considered particularly important.

Nevertheless, the evaluation has shown that there is a need for greater efficiency and that information could be disseminated in written, possibly electronically, in advance of the meeting as to increase efficiency.

3.1.39 To what extent is the potential of Working Group IV as a mini-ACFA Plenary fully exploited?

WG IV and Plenary differ potentially in two respects – composition of the membership and the agendas. As for the membership, the number of representatives from each organisation is very similar. The most important differences regard organisations which are not represented:

- EAFPA and STECF biology is on neither of the two meetings
- STECF and the Banks are not member of the Plenary

- Social Dialogue C. is not member of the WG IV.

Some individuals participate in both meetings, albeit representing different bodies. Furthermore, MoMs of the meetings indicate that the numbers of those present sometimes exceed the numbers of representatives allowed according to the ACFA Decision.

Comparison of the Agendas in 2007 (see Appendix 11) suggests that the meetings overlap on two topics: IUU and Maritime Policy. However, the role is different. WG-IV discussed contents of these topics in order to prepare a document, while the Plenary adopted the relevant documents, which were a result of efforts of several WGs.

The ‘terms of reference’ of both meetings are different. Art. 8.4 specifies the tasks of the plenary as follows: *In agreement with the Commission, the Committee shall draw up rules concerning the implementation of the work programme, the preparation of meetings, the location of meetings, reports, positions or conclusions and the formulation of opinions or recommendations.* The Commission Decision does not specify the tasks of the WG IV, except for its title.

According to the interviews, part or the agenda of the Plenary could be eliminated, namely the reports of the Chairmen from the various WGs. It would be sufficient to distribute these reports digitally. The most important part of the Plenary is the presentations by the Commissioner or one of the DGs. The most important tasks of the Plenary are of organizational and political nature. However, some of the organisational topics could be possibly transferred to the Bureau, leaving only the high level political discussion for the Plenary.

The activities undertaken in WG IV regard relatively broad topics which do not fit well in any of the three other WGs. The findings from the interviews indicate that the important matter of concern is to clearly define the role of the Plenary as the venue for high-level political dialogue and that this is not a role which can be transferred to a working group.

3.1.40 What possible restructuring of Working Groups could be foreseen? For example: creating one general Working Group (merging Working Groups I and IV) and having two specialised Working Groups (Working Groups II and III), or changing the domain of competence of Working Group IV

The TOR of the evaluation provides an example of the restructuring of the WGs. However, this must be viewed in the broader context of the future position and tasks of ACFA including its relation to RACs. Proposals for restructuring is included in the conclusions and recommendations of the main report.

3.1.41 What are the advantages and disadvantages of reducing the number of ACFA Plenary meetings?

The e-survey shows that most respondents (60 out of 81) believe that the present number of plenary meetings is appropriate. Only 7 agree with a reduction, while 14 propose an increase of the number of Plenary meetings. This opinion is largely supported in the oral interviews. Intensity / regularity of the Plenary meetings in the future depend on several considerations:

- The need to hold political debate on on-going policy issues.
- Future role of the Plenary after restructuring of the WGs.
- Relation between ACFA and RACs.

The advantages of a reduction of the number of Plenary meetings are (from oral interviews):

- Time saved by the representatives and Commission staff
- Possibly achieving greater focus during the meetings

The disadvantages perceived by the e-survey respondents are:

- Less time can be devoted to important details.
- Close follow-up of the policy development becomes more difficult.
- Less opportunity to explain to the Commission industry concerns and realities.

With the establishment of the RACs, the number of consultative meetings has risen considerably. The RAC case study shows that there is considerable overlap in persons attending the meetings of ACFA and the RACs. This has also been brought up in interviews with ACFA members. Interviews have also indicated that some European organisations are finding themselves in situations where they have to prioritise between ACFA and RAC meetings because they do not have the capacity to cover both. This has been brought up by, especially, the environment and development NGOs. However, the high attendance levels at ACFA meetings indicate that the effect on ACFA has been limited.

3.1.42 If the number or frequency of ACFA Plenary meetings were to be reduced, how could the decision making process of ACFA be adapted?

This question is addressed in the Conclusions and Recommendations of the main report

3.1.43 Resolutions, opinions and advice: Description of the procedure

This questions is addressed in section 3.1.5

3.1.44 Resolutions, opinions and advice: Description of the outputs, results and impacts

This question is addressed in sections 3.1.5 to 3.1.8.

3.1.45 Resolutions, opinions and advice: Assessment of the relevance and pertinence from the perspective of the Commission and the ACFA members

This question is addressed in section 3.1.6.

3.1.46 Number of own initiative opinions versus consultations launched by the Commission

This question is addressed in section 3.1.5.

3.1.47 Description of the written procedure, its modalities, frequency and results

This question is addressed in section 3.1.1.

3.1.48 Assessment of the usefulness of the written procedure – does it properly reflect ACFA's opinion? Do all members contribute and provide their input?

This question is addressed in section 3.1.7.

4 Objectives of ACFA

Consultation of stakeholders is an integral part of good governance in the Community and thus of the EC legislative process. The Commission "should [...] consult widely before proposing legislation and, wherever appropriate, publish consultation documents," (Protocol added by the Treaty of Amsterdam on the application of the principles of subsidiary and proportionality).

The Council Regulation (No 2371/2002) on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, further emphasises the importance of consulting stakeholders in the policy process.

Good governance of the CFP is guided by the following four main principles (No 2371/2002 art. 2.2), clearly specifying the involvement of stakeholders:

- a) clear definition of responsibilities at the Community, national and local levels;
- b) a decision-making process based on sound scientific advice which delivers timely results;
- c) broad involvement of stakeholders at all stages of the policy from conception to implementation;
- d) consistence with other Community policies, in particular with environmental, social, regional, development, health and consumer protection policies.

The Action Plan for closer dialogue with the fishing industry and groups affected by the common fisheries policy, from 1999, states that the objective of ACFA since 1971, when the Advisory Committee of Fisheries was established, has been to "consult the industry on legislative proposals relating to the common fisheries policy (CFP)" (XIV/859/99 of 16/02/99). This was further elaborated in Council Regulation 2000/657/EC concerning closer dialogue with the fishing sector and groups affected by the CFP. Although this regulation is repealed and replaced by 861/2006, which is returned to below, the Regulation provides an indication of the objective of ACFA. The preamble specifies that in order "... to give the representatives of the fishery products and aquaculture industry together with the other groups concerned a greater role in the design, drafting and implementation of the CFP, it is necessary to establish closer dialogue with these groups and to make the entire decision-making process more transparent, especially in the preparatory stages" (preamble 1). Furthermore,

"... these objectives of closer dialogue and transparency could be made easier by the introduction of new measures to improve the organisation of meetings of the ACFA, on the one hand, and the communication to the groups concerning of information concerned the issues at stake and the results achieved, on the other" (preamble 2). To improve the nature of dialogue Council regulation 861/2006 establishes a financial support mechanism i.e. for ACFA, that emphasises the importance of ensuring that stakeholders are informed of policy initiatives and that measures taken under the CFP are clearly presented and explained: "...the European professional organisations represented in ACFA should be given financial support to prepare the meetings of ACFA in order to improve the coordination of national organisations at European level and ensure greater industry cohesion on topics of Community interest," (861/2006 preamble 16).

The Commission decision establishing ACFA states that "...the Committee may be consulted by the Commission on or take up, at the initiative of its chairman or at the request of one or more of its members, questions concerning the rules of the CFP and in particular measures that the Commission may take in the framework of such rules as well as economic and social questions in the fisheries sector, apart from those which concern, as social partners, employers and workers" (art. 2). However, the "Committee shall be required to give an opinion on the proposals formulated by the Commission as well as on the subjects appearing in its work programme. The positions of the concerned interests shall appear in a report forwarded to the Commission. If the required opinion is the subject of a unanimous agreement of the Committee, it shall establish joint conclusions which shall be attached to the report" (art. 9).

These statements contribute to determine the scope of ACFA and indicate that the objectives of ACFA are the following:

- To create closer dialogue between the Commission and the stakeholders;
- To increase transparency of the policy process and increase the role of the groups concerned in the design, drafting and implementation of the CFP;
- To improve the coordination among national organisations at European level and to create closer dialogue between the European organisations represented in ACFA;
- To formulate opinions on proposals drawn up by the Commission as input to the policy process; consensus among the stakeholder shall be strived for.

5 Working procedures of ACFA

There are formal procedures for how ACFA shall work and this section provides information on the procedures for establishing the working programme of ACFA, procedures for ACFA meetings and elaboration of advice. Moreover there is a description of the financial mechanism and the legal basis for refunding certain cost to the organisations in relation to meetings.

Running of Plenary

A Chair and two vice chairmen of the Plenary are elected for a three year period, and the election is to take place by a majority of two thirds of the members present (1999/478/EC art 5). Members who are not able to participate in the meeting of the election may submit a vote in writing to the Secretariat or appoint their organisation in writing to vote on their behalf (Rules on the work of the Advisory Committee on Fisheries and Aquaculture (12))

Working programme

The work programme is drawn up by the Plenary in agreement with the Commission (Rules on the work of the Advisory Committee on Fisheries and Aquaculture (2)). The secretariat prepares a draft work program which is then discussed in the bureau. If needed the organisations discuss the work program internally. The organisations may send a revised proposal or comments to the secretariat before a specified deadline. The secretariat then makes a revised proposed work plan that the bureau can agree on. This is then adopted by the Plenary. (Based on information retrieved from MoMs of bureau meeting 20051018)

ACFA meetings

The meetings are scheduled and planned in cooperation between the secretariat and the bureau. The secretariat proposes the dates for the meeting, of the Plenary, the bureau and the working groups to the bureau, which then accepts the proposed dates.

Before meetings in the Plenary, bureau and the working groups the secretariat is to send out a notice no the members. This notice shall contain the agenda for the meeting and the preparatory documents. For meetings in the Bureau or the

Plenary, the secretariat shall send copies of this information to the Plenary member organisations and for the working groups meeting copies are to be sent to the working group member organisations. If the 10 day time –limit is not met, the documents may be distributed at the meeting.

The secretariat drafts an agenda for the meetings, in the Plenary, the bureau and the working groups. The bureau then discuss the draft and makes amendments if considered necessary. If there are amendments, these may be submitted to the secretariat who redrafts the proposal.

Additional items to the agenda may be submitted to the secretariat within eight days of the meeting by Plenary member organisations and these issues shall be added to the draft agenda (Rules on the work of the Advisory Plenary on Fisheries and Aquaculture (7))

The chairman is to adopt the final agenda after having consulted the member organisations (Rules on the work of the Advisory Committee on Fisheries and Aquaculture (8))

The secretariat is to draw up summary records of the Plenary meetings. These summary records shall contain the positions of the working groups and of the organisations that makes up the Plenary and shall never include personal opinions (Rules on the work of the Advisory Committee on Fisheries and Aquaculture (9)).

In the working groups, the secretariat that gathers the minutes of meetings which are distributed to the members of the working group for approval on the following meeting.

Preparatory meetings of the working groups

The European organisations are encouraged to have preparatory meetings prior to Plenary and working groups meetings. The members of the Plenary and the working groups should always attend these meetings (Rules on the work of the Advisory Committee on Fisheries and Aquaculture (7)).

The members of the Plenary and experts of the working groups should always attend the preparatory meetings of their respective European organisations.

According to interviews with ACFA members, these preparatory meetings are used to discuss the points on the agenda, and to prepare a position of the European organisation

ACFA opinions

According to article 9 of the Commission Decision (1999/478/EC) "the Committee shall be required to give an opinion on the proposals formulated by the Commission as well as on the subjects appearing in its work programme".

In the terminology of ACFA there is advice and opinions as well as the written procedure. Advice is in ACFA terminology oral and opinions written. Oral advice is to be considered as the statements made in the meetings i.e. the dialogue with the Commission in the working groups or the Plenary. Opinions are on the other hand the written statements submitted to the Commission as a response to their consultation or issues on the work programme. However, the words opinion and advice is used interchangeably meaning the written statements

The standard procedure for elaborating opinions is the following:

- Each organisation drafts their position. This is primarily done in relation to the preparatory meetings.
- The Working groups discuss the position and strive to come to a consensus.
- The Secretaries General of the member organisations meet to discuss and prepare a common position. This will be then discussed in the Bureau and then the Plenary (Working rules section 14). There may be rounds of discussion before agreeing on a statement that may be forwarded to the Plenary for approval
- In the Plenary, the chairmen of the working groups and the Plenary's member organisations are, by the Chairman, invited to give their positions on the items on the agenda.
- The Chairman shall endeavour to direct debate towards a common position
- At the request of the Chairman the Secretariat shall summarize each discussion in the form of summary conclusions.

There is moreover a written procedure to be applied in the following two circumstances:

- if the Commission requires an opinion within a very short period of time;
or
- if the Chairman of the Plenary is seeking an opinion on a matter raised on the initiative of ACFA

In these circumstances the Secretariat shall consult the 11 interests represented in the Plenary. The written procedure implies that the issue that needs to be discussed, i.e. the subject of the consultation, is sent by e-mail to the Secretaries General of the member organisations. A copy of the e-mail is to be sent to the ACFA members. Information on the deadline for submitting comments and the subject of the consultation shall also be submitted to the ACFA Secretariat. This must be done ten days after date of dispatch according to the working rules section 11.

The rapporteur must then gather the comments and observations received as part of the consultation and prepare an opinion designated by the European organisations or by the chairman. The opinion is then sent to the Commission, with a copy to all ACFA members, by the Chairman.

6 List of consultations provided by the ACFA Secretariat

YEAR	ORIGIN	CONSULTATION	ACFA'S CONTRIBUTION	DATE OF ADOPTION BY ACFA	STATE OF PLAY	FEEDBACK FROM THE EC
2000	EC-FISH	ACTION PLAN ON BIODIVERSITY	COMMENTS		ORAL COMMENTS - PLENARY 9/6/2000	
2000	EC-FISH	CONSUMERS INFORMATION (ART ' OF REGUL 104/2000)	INDIVIDUAL COMMENTS			
2000	EC-FISH	GREEN PAPER ON THE CFP AFTER 2002	OPINION	05-10-2000		
2001	EC-FISH	FUTURE POLICY OF THE FLEET			ORAL COMMENTS - PLENARY 27/9/2001	
2001	EC-FISH	DATA COLLECTION	INDIVIDUAL COMMENTS			
2001	EC-FISH	GREEN PAPER ON THE FUTUR OF THE CFP	OPINION	2001		
2001	EC-FISH	ECOLABELLING FOR FISHERIES PRODUCTS	OPINION	02-05-2001		
2001	ACFA	IMPLEMENTATION OF THE "STATEMENT OF CONCLUSIONS FROM THE INTERMEDIATE MINISTERIAL MEETING ON THE INTEGRATION OF FISHERIES AND ENVIRONMENTAL ISSUES" 13-14 MARCH 1997, BERGEN			ORAL COMMENTS - PLENARY 8/6/2001	
2001	EC-SANCO	REVIEW OF COMMUNITY LEGISLATION ANIMAL HEALTH AND ANIMAL HEALTH ASPECTS CONCERNING MOLLUSCS	ORAL CONTRIBUTION AND MEETINGS WITH DG SANCO	02-05-2001		

2002	EC-FISH	CFP REFORM	OPINION	04-12-2002		
2002	ACFA-WG1	PRESTIGE CATASTROPHE	DECLARATION	2002		
2002	EC-FISH	ESTABLISHMENT OF RACS	OPINION	25-04-2002	RACS SET UP	PERMANENT FOLLOW-UP
2002	EC-FISH	PROTECTION OF SHARKS	OPINION	25-04-2002		
2002	EC-FISH	PROPOSAL FOR A COUNCIL REGULATION ESTABLISHING MEASURES FOR THE RECOVERY OF COD AND HAKE STOCKS	ACFA'S COMMENTS	2002		
2003	EC-FISH	AMENDING REGULATION (EC) N° 850/98 AS REGARDS THE PROTECTION OF DEEP-WATER CORAL REEFS FROM THE EFFECTS OF TRAWLING IN CERTAIN AREAS OF THE ATLANTIC OCEAN				
2003	EC-WG2	AVAILABILITY OF VETERINARY MEDICINES	RECOMMENDATION	29-04-2003		
2003	EC-FISH/ACFA-WG4	EVALUATION OF ACFA'S FUNCTIONNING	OPINION	2003		
2003	EC-FISH	BEST PRACTICES CODE IN FISHERIES AND AQUACULTURE	CODE	11-09-2003		
2003	EC-FISH	COMMISSION COMMUNICATION ON FISHERIES PARTNERSHIP	OPINION	29-04-2003		
2004	ACFA	CONFERENCE IN BUNDORAN (FIFG)			PLENARY OF 18/06/2004: ORAL COMMENTS	
2004	EC-FISH	DISCARDS			PLENARY OF 18/06/2004: ORAL COMMENTS	
2004	EC-FISH	SIMPLIFICATION			PLENARY OF 18/06/2004: ORAL COMMENTS	
2004	EC-FISH	TECHNICAL MESURES IN THE MEDITERRANEAN			PLENARY OF 18/06/2004: ORAL COMMENTS	

2004	ACFA-WG2	AVAILABILITY OF MEDICINES FOR FARMED FISH	RESOLUTION	18/062004		
2004	ACFA-WG2	THE TRANSPORT OF LIVE FISH	RESOLUTION	18-06-2004		
2004	ACFA-WG2	DECLINE OF THE EUROPEAN EEL (ANGUILLA ANGUILLA) IN EUROPEAN WATERS	RESOLUTION	27-10-2004		
2004	ACFA-WG4	IMPACT OF ACTIVITIES OTHER THAN FISHING AND AQUACULTURE IN COASTAL AREAS AND FURTHER FOLLOW-UP	MEMORANDUM	10-12-2004	NO ADOPTED BY NGOS	
2005	EC-FISH	PROPOSAL FOR A COUNCIL REGULATION ON EFF (COM(2004)497 FIN)	OPINION	10-03-2005		
2005	EC-WG2	RESOLUTION ON AQUACULTURE	RESOLUTION	10-03-2005		
2005	ACFA	IMPACT OF ACTIVITIES OTHER THAN FISHING AND AQUACULTURE ON THE VIABILITY AND SUSTAINABILITY OF THE SECTOR	MEMORANDUM	06-07-2005	CONSOLIDATED DOCUMENT INCLUDING NGO'S POSITION	
2005	EC-FISH	POSSIBLE MODIFICATION TO THE STRUCTURE AND TIMETABLE OF THE REGULATION ON TACS AND QUOTAS	POSITION	06-12-2005		
2005	ACFA-WG2	EUROPEAN ACTION PLAN ON EELS	RESOLUTION	06-12-2005		
2005	ACFA-WG2	ADEQUATE CONTROL MEASURES FOR COMMUNITY IMPORTS OF FARMED FISH FROM 3RD COUNTRIES	RESOLUTION	06-12-2005		
2005	EC-FISH	DRAFT GUIDELINES ON POSITIVE ENVIRONMENTAL INITIATIVES WITHIN THE FISHERIES SECTOR			NO WRITTEN DOCUMENT; ORAL COMMENTS	
2005	EC-FISH	TECHNICAL MEASURES REVIEW			NO WRITTEN DOCUMENT; ORAL COMMENTS	
2005	EC-FISH	ANNEX IV OF TACS AND QUOTAS			NO WRITTEN DOCUMENT;	

		REGULATION			ORAL COMMENTS	
2005	EC-FISH	REVISION OF THE COMMON ORGANISATION OF THE MARKETS			NOT CONSOLIDATED DOCUMENT. INDIVIDUAL CONTRIBUTIONS	
2005	EC-FISH	BETTER REGULATION			WEB CONSULTATION.	
2005	EC-FISH	MANAGEMENT OF THE CAPACITY OF FISHING BY THE LIMITATION OF THE VOLUME OF THE FISHING LICENCES			NO WRITTEN DOCUMENT; ORAL COMMENTS	
2006	EC-FISH	THE 2006-2008 ACTION PLAN FOR SIMPLIFYING AND IMPROVING THE CFP (COM(2005)647)	OPINION	05-04-2006		
2006	EC-FISH	SUSTAINABLE FISHING SCHEMES (COM(2005)275) "LAUNCHING A DEBATE ON A COMMUNITY APPROACH TOWARDS ECOLABELLING SCHEMES FOR FISHERIES PRODUCTS	OPINION	05-04-2006		
2006	ACFA-WG2	REGULATION OF EEL FISHING IN EUROPE	RESOLUTION	07-07-2006		
2006	ACFA-WG2	AVAILABILITY OF VETERINARY MEDICINES IN EUROPE	RESOLUTION	07-07-2006		
2006	EC-FISH	COMMISSION'S COMMUNICATION TO THE COUNCIL AND THE EP ON IMPLEMENTING SUSTAINABILITY IN EUROPEAN UNION FISHERIES THROUGH MAXIMUM SUSTAINABLE YIELD (MSY) (COM(2006)360 FIN)	OPINION	07-12-2006		
2006	EC-FISH	FISHING OPPORTUNITIES FOR 2007 - POLICY STATEMENT FROM	OPINION	07-12-2006		

		THE EC (COM(2006)499 FIN)				
2006	ACFA- ACFA	INITIAL REFLECTIONS BY ACFA ON THE EFFECTIVENESS OF ITS WORK	RESOLUTION	07-12-2006		
2007	EC- FISH	CHANGING TIMING AND IMPROVING SCIENTIFIC ADVICE AS WELL AS CURRENT STRUCTURES	OPINION	31-01-2007		
2007	EC- FISH	Suggestions on the future recasting of provisions on Control (2008)		01-03-2007	ORAL COMMENTS IN WG4	
2007	EC- FISH	The future implemen- tation of Council Regulation on ERS/VDS (Electronic Logbook): in which situations ships could be exempted from cer- tain obligations since the ERS system is in place?		01-03-2007	ORAL COMMENTS IN WG4	
2007	EC- FISH	A NEW STRATEGY ENVISAGED BY THE COMMISSION FOR THE FIGHT AGAINST ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING	OPINION	30-03-2007		
2007	ACFA- WG2	REGULATION ON ANIMAL TRANSPORT	RESOLUTION	05-07-2007		
2007	EC- FISH	EUROPEAN COMMISSION'S GREEN PAPER ON THE FUTURE EU MARITIME POLICY	OPINION	05-07-2007		
2007	EC- FISH	REPLIES TO THE COMMISSION QUESTIONNAIRE TO ACFA MEMBERS ON DISCARDS	OPINION	05-07-2007		LETTER OF RECEIPT
2007	EC- FISH	Measures to be pro- posed to the Council and Parliament on the U.N.G.A. Resolutions ©		18-09-2007	ORAL COMMENTS IN WG1	

2007	EC-FISH	SUSTAINABLE FUTURE FOR EUROPEAN AQUACULTURE		OCTOBER 2007	WEB CONSULTATION. RESONSES FROM THE AQUACULTURE MEMBERS DIRECTLY. NON ACFA CONSOLIDATED PAPER	
2007	EC-FISH	COMMISSION COMMUNICATION REGARDING THE RIGHTS-BASED MANAGEMENT TOOLS IN FISHERIES (COM(07)73)	OPINION	28-09-2007		
2007	EC-FISH	Consultation on the Commission Non-paper on Annex II of the TAC and Quota regulation		13-11-2007	ORAL COMMENTS IN WG1	
2007	EC-FISH	POLICY STATEMENT FROM THE EC ON THE FISHING OPPORTUNITIES FOR 2008 (COM(2007)295)	OPINION	28-09-2007		
2008	EC-FISH	Guidelines on the Management of Deep-sea Fisheries in the High Seas		29-01-2008	ORAL CONTRIBUTION IN WG1	
2008	EC-FISH	COMMUNITY ACTION PLAN FOR SHARKS	OPINION	15-02-2008	WRITTEN CONSULTATION PROCEDURE; OPINION PLUS ANNEXES	
2008	EC-FISH	CAPACITY MANAGEMENT		DEADLINE: MARCH 2008	WRITTEN CONSULTATION PROCEDURE. COMMENTS EXPECTED IN MARCH	
2008	EC-FISH	CONTROL		DEADLINE: 5 MAY 2008	WRITTEN PROCEDURE JUST LAUNCHED. DISCUSSION OF 1ST DRAFT IN WG4 OF 24/4/2008	

2008	ACFA-WG2	THE AVAILABILITY OF TREATMENTS FOR FARMED FISH			DRAFT RESOLUTION WILL BE DISCUSSED IN WG2 OF 13/3/2008. IF ADOPTED, WRITTEN PROCEDURE WILL FOLLOW	
2008	ACFA-WG2	A PAN-EUROPEAN MANAGEMENT PLAN FOR THE CONTROL OF CORMORANTS			DRAFT RESOLUTION WILL BE DISCUSSED IN WG2 OF 13/3/2008. IF ADOPTED, WRITTEN PROCEDURE WILL FOLLOW	
2008	ACFA-WG2	SUPPORT FOR THE DEVELOPMENT OF TRADITIONAL AQUACULTURE IN EUROPE			DRAFT RESOLUTION WILL BE DISCUSSED IN WG2 OF 13/3/2008. IF ADOPTED, WRITTEN PROCEDURE WILL FOLLOW	

7 List of consultation items on meeting agendas of working groups 2002-2007

The following table lists the consultation items as they appeared on the agendas of the working groups. Items appearing on the agendas of several meetings within the same year are only mentioned once.

	Consultations 2002	Consultations 2003	Consultations 2004	Consultations 2005	Consultations 2006	Consultations 2007
Working Group 2 - Aquaculture: Fish, shellfish and molluscs	<p>Regulation on Biotoxins</p> <p>Activities/Recommendations of the Aquaculture sub-Committee of the COFI: Comments on the report and preparation of the draft agenda of the next meeting</p>		<p>Presentation of working document on regulating introductions, transfers and containment of aquatic organisms in aquaculture</p> <p>Review of community legislation concerning aquaculture animal health: Follow-up. Draft proposal for an "Animal Health" directive</p> <p>Consultation of the working document on regulating introductions, transfers and containment of aquatic organisms in aquaculture</p>	<p>Review of Community Legislation concerning Aquaculture animal health: Follow-up. Draft Proposal for an "Animal Health" Directive</p>		<p>Consultation on certification and quality labels for aquaculture</p> <p>Consultation on a sustainable future for European aquaculture</p>

Working Group 3 - Markets and Trade Policy	<p>Listeria and microbiological criteria for foodstuffs</p> <p>Forthcoming legislative proposals relating to food safety and their effects on fisheries and aquaculture</p> <p>Fixing of the guide prices for the 2003 fishing year</p>	2004 Guide price	2005 Guide price	2006 Guide prices	Guide prices 2007	<p>Consultation on IUU Package (access to EU fishing ports and to EU market via other means and trade related measures)</p> <p>2008 Guide prices</p>
Working Group 4 - General Questions: Economic and sectoral analysis	<p>Socio-economic impact of the implementation of community regulations (mainly conversion of vessels and of fishermen)</p> <p>Communication from the commission on the reform of the CFP (Roadmap)</p>	<p>Communication from the commission on and integrated framework for fisheries partnership agreements with third countries</p> <p>Code of practices for sustainable and responsible fisheries</p> <p>Code of practices for sustainable and responsible fisheries</p> <p>Protection of deep waters habitats</p>	<p>Management measures for the sustainable fishing in the Mediterranean</p> <p>Financial Instrument for Fisheries Guidance. First draft documents for: Sustainable development, Aquaculture, fish products processing, Management of the fleet, Implementation and monitoring of the new financial instrument</p> <p>Socio-economic analysis of the community processing and trade sector of fisheries and aquaculture products, notably canning and preserves</p> <p>European marine strategy</p>		<p>Autorisations pour les activités de pêche des navires de pêche communautaires en dehors des eaux communautaires et pour l'accès des navires de pays tiers aux eaux communautaires</p> <p>Gestion inter-annuelle de la consommation des quotas</p> <p>Séminaire sur les aspects économiques de la pêche: Consultation sur le programme</p>	<p>The future implementation of council regulation on ERS/VDS: In which situations ships could be exempted from certain obligations since the ERS system is in place?</p> <p>Suggestions on the future recasting of provisions on control (2008)</p> <p>Consultation on IUU package</p> <p>ACFA's advice on maritime policy for the European Union: Horizontal questions</p>

8 Detailed analysis of implementation of work programme for 2007

In working group I there were 18 items put on the work programme for debate purpose and 33 items for information purpose. 9 items are chosen for consultation purpose and other 9 items are classified as related to RACS. It is interesting to point out that only:

- 17% of items planned for debate purpose (3 out of 18)
- 36% items planned for information purpose (12 out of 33)
- 55 % of items planned for consultation purpose and only (5 out of 9)
- and 55% of items related to RACs (5 out of 9)

were in fact taken up during the working group meetings of 2007, while the rest of the items did not appear on the agenda. This could indicate some flexibility and ability to adapt to the current situation and needs. But it could also disclose lesser interest for some specific issues, which result in some dissatisfaction from some of the stakeholders' side and question the relevance of the working plan as it is constructed and applied today. Concerns have also been raised during the interviews with ACFA members that there are large discrepancies between the work plan and what is actually covered on the meetings.

It should also be noted that out of the three items related to the environment planned in the work programme, none were put on the agenda during the year. For instance implementation of shark fining regulation was put to in the work programme for the purpose of debate. This issue was not been debated during the three meetings held in working group I, according to the summary records. But looking at the summary records of the meetings reveals that other relevant environmental issues have been taken up and discussed during the working group meetings. The same is true for some other issues like the items planned under Technical measures. None of the three planned items were taken up during the meetings in 2007.

In order to analyse whether the same problem exists in other working groups, we have carried a similar exercise with the working group II. The reason why we chose working group II is that some interviewees have explained that working group II functioned better in this regard.

Working group II is specifically concentrating on aquaculture and the work programme for 2007 included four following themes:

- A. Pathologies of livestock farming and food hygiene
- B. Food and livestock-farming standards
- C. Structural measures and monitoring of the sector
- D. Aquaculture and environment.

There are a total of 25 items in the work programme. According to the summary records the working group held 4 meetings during 2007, where 15 out of the above mentioned 25 items were put on the agenda. Again here it should be noted that some items in the work plan are marked both for information consultation and/or debate purposes. This means that total number of items in the working plan is smaller than the number we get if we put the three categories of consultation, debate and information together. It should be added that no items were marked as related to RACS.

Our comparison exercise shows that there were:

- 7 items for consultation purpose out of which 43 % of items (3 out of 7) were taken up in the meetings
- 15 items for debate purpose out of which 73 % of them (15 out of 15) were debated
- 17 items for information purpose out of which 65 % of them (11 out of 17) came up during the working group in 2007

This comparison shows also that while all but one item under Pathologies of livestock farming and food hygiene (theme A above) were taken up in one or more of the working group meetings, the issues under Structural measures and monitoring of the sector (theme C above) were not prioritised as much. Out of ten items under the last mentioned theme only four of them came on the agenda for information, debate or consultation purposes.

9 NGOs receiving support under LIFE+ in 2007

Operating grants for 2007 under the Financial Instrument for the Environment (LIFE+) - Regulation (EC) No. 614/2007 of the European Parliament and of the Council of 23 May 2007			
Results of Call for the submission of proposals from European non-governmental organisations primarily active in the field of environmental protection			
	Organisation awarded	Country	Amount awarded in EURO
1	Naturfreunde Internationale	Austria	300.487
2	Umweltorganisation WWF International Danube Carpathian	Austria	274.120
3	Eurogroup for Wildlife and Laboratory Animals	Belgium	195.136
4	Friends of the Earth Europe	Belgium	777.818
5	WWF European Policy Programme AISBL	Belgium	632.675
6	Health and Environment Alliance Network (HEAL)	Belgium	383.338
7	European Federation for Transport and Environment	Belgium	238.184
8	Climate Action Network Europe asbl	Belgium	207.047
9	Reuse and Recycling European Union Social Enterprises	Belgium	40.938
10	European Environmental Bureau	Belgium	844.807
11	European Landowners Organisation asbl	Belgium	133.978
12	CEE Bankwatch Network	Czech Republic	418.161
13	AGREE.NET	Czech Republic	281.354
14	Vereniging Health Care Without Harm Europe	Czech Republic	296.504
15	International Network for Sustainable Energy - INFORSE Europe	Denmark	107.949
16	Association Internationale Forêts Méditerranéennes	France	74.432
17	EUROPARC - Fédération der Natur- und Nationalparke Europas e.V.	Germany	118.609
18	Mediterranean information Office for Environment, Culture and Sustainable Development	Greece	355.407
19	Danube Environmental Forum	Hungary	31.262
20	Central and East European Working Group for the Enhancement of Biodiversity	Hungary	269.099
21	Biedrība "Baltijas Vides forums" (Baltic Environmental Forum Latvia)	Latvia	334.946
22	Coalition Clean Baltic	Sweden	252.155
23	Euroste	The Netherlands	300.846
24	Stichting Birdlife Europe	The Netherlands	379.605
25	Stichting FERN	The Netherlands	117.334
26	Justice & Environment - European Network of Environmental Law	The Netherlands	169.736
27	EUCC - The Coastal Union	The Netherlands	138.258
28	Women in Europe for a Common Future	The Netherlands	305.173
29	Pesticides Action Network	United Kingdom	85.850
30	European Forum on Nature Conservation and Pastoralism Ltd.	United Kingdom	134.790
Total amount awarded			8.199.998

10 Documents by SSDC for Sea Fisheries

- 1 Prevention of accidents at sea and the safety of fishermen (2007)
- 2 Joint opinion regarding the Green paper on the future EU maritime policy (2007)
- 3 Position paper from social partners of the Sectoral Social Dialogue Committee "Sea Fishing" on the European Commission Communication "Improving the economic situation in the fishing industry" (COM(2006)103 final)
- 4 Position of the Social Dialogue Committee in the fisheries sector regarding the Commission's proposal for a Council regulation on the European Fisheries Fund (COM(2004) 497 final)
- 5 Joint statement from the Social Dialogue Committee on ILO labour standards for the fishing sector (2004)
- 6 Final declaration by the social partners in the maritime fishing sector of the EU and the candidate countries adopted during the round table on the sectoral social dialogue an enlargement (2002)
- 7 Position of the social partners of the sea-fishing sector on the socio-economic dimension of the Common Fisheries Policy and within the framework of the Commission's Action plan to counter the social, economic and regional consequences of the restructuring of the EU fishing industry (2002)
- 8 Les partenaires sociaux ont convenu d'établir un état des lieux succinct de la réglementation en vigueur à l'heure actuelle au sein de l'UE en matière de temps de travail (2002)
- 9 Social clause to be inserted in the fishing agreement with third countries (2001)
- 10 Observations du comité de dialogue social sectoriel "pêche maritime" sur les aspects socio-économiques du Livre Vert de la Commission sur l'avenir de la politique commune de la pêche (version papier) (2001)
- 11 Main results of the European forum on the mutual recognition of certificates in the maritime fisheries sector in Europe (2000)
- 12 Resolution of the social partners of the fisheries sector on the fuel crisis (2000)

11 Comparison of Plenary and WG IV

Table 11-1 Number of seats in WG IV and the Plenary respectively

	WG IV	Plenary	Total WG IV	Total Plenary
Europêche	Chair + 3	Chair WG-I, Chair WGIV + 1	4	3
Cogeca	2	Vice-chair WGI + 1	2	2
EAP0	1	Vice-chair WGIII + 1	1	2
AIPCE	Vice-chair + 2	Chair WGIII + 1	3	2
CEP	1	Vice chair WGIV + 1	1	2
FEAP	1	Chair WGII + 1	1	2
EMPA	1	1	1	1
EAFPA				
NGO envir.	1	1	1	1
NGO devel.	1	1	1	1
Consumers	1	1	1	1
ETF	2	1	2	1
Banks	1		1	
Soc. Dial. C.		Chair + Vice chair - Fisheries		2
STECF – eco	1		1	
STECF - biol				

Table 11-2 Comparison of the agendas of WGIV and Plenary in 2007²⁰

WGIV	Plenary
March 1 2007	March 30 2007
<p>Frontloading: Reform of the decisional procedure of the management measures mainly in the Fisheries Management Regional Organisations ®</p> <p>Future implementation of Council Regulation on ERS/VDS (Electronic Logbook): in which situations ships could be exempted from certain obligations since the ERS system is in place? ® ©</p> <p>Suggestions on the future recasting of provisions on Control (2008) ® ©</p> <p>The simplification/homogenisation possibilities of the conversion factors used by the various Member States ®</p> <p>Consultation on IUU Package ©</p> <p>ACFA's Advice on Maritime Policy for the European Union: horizontal questions ©</p>	<p>Adoption of the following documents:</p> <ul style="list-style-type: none"> • ACFA's Advice on the initiatives envisaged by the Commission to improve the fight of the European Community against IUU . • ACFA's Advice on the proposal to change the timetable for Scientific Advice. • (Possible) ACFA's Advice in the framework of the consultation on Maritime Policy <p>Renewal of ACFA (30 of April 2007)</p> <p>Statement from the Director General for Fisheries and Maritime Affaires</p> <p>Reports by the chairmen of the ACFA Bureau, Working Groups and Dialogue Social Group:</p> <p>Summary of previous meetings.</p> <p>Issues which are being discussed or which will be analysed during next meetings</p> <p>Report by the ACFA's representative in STECF (B. Deas) on the meeting held in March (Hamburg, 26-30) on cod recovery measures</p>
May 22 2007	July 4 2007
<p>Green Paper on Maritime Policy (I) ®</p> <p>Debriefing on the meeting on Integrated Coastal Zone Management (1 June 2006) (I)</p> <p>Combating the IUU Fishing – measures already taken, progress and measures to be taken ®</p> <p>Debriefing on the Seminar of 11 and 12 of May 2006 on Energy Savings in Fisheries (I)</p> <p>Improvement on the decision-making process for measures related to management of the resources, at internal and international level ® (If the document for the Council is already finalised)</p> <p>Image of the sector (I) ®</p> <p>Image of the Fishing products: reaction to the articles on the supposed OMEGA 3 oils negative effects (I) ®</p>	<p>Election of the Chairman and Vice-chairmen of ACFA</p> <p>Adoption of the following documents:</p> <ul style="list-style-type: none"> • ACFA's Advice in the framework of the consultation on Maritime Policy • ACFA's Advice on eliminating discards • ACFA's Resolution on Animal Transport (Resolution presented by WG2) <p>Statement from the Director General for Fisheries and Maritime Affaires and debate</p> <p>Reports by the chairmen of the ACFA Bureau, Working Groups and Dialogue Social Group:</p> <p>Summary of previous meetings.</p> <p>Issues which are being discussed or which will be analysed during next meetings</p> <p>Report by the ACFA's representative in the Study trip with the RACs on the elimination of Discards (Iceland, Norway, 18-22 June)</p> <p>Organisation of future works:</p> <p>Adoption of the Schedule of meetings for the second semester of 2007.</p>

²⁰ 'Adoption of Minutes and Agenda' and 'Any other business' are not presented.

WGIV	Plenary
	<p>Consultation on Right Based Managements</p> <p>Organisation of the consultation on the Policy Statement on fishing Opportunities for 2008 (deadline: 30 September)</p> <p>Ratification of the Work Programme and Internal Regulation of ACFA</p>
November 20 2007	December 6
<p>Adoption of the agenda and of the minutes of the last meeting.</p> <p>Combating IUU (I) ®</p> <p>Communication from the Commission: the way forward for a Maritime Policy : political conclusions on the consultation of the Green Paper (I) ®</p> <p>Simplification: State of play (I)</p> <p>Impact Assessments: State of play (I)</p> <p>New Draft Treaty (I)</p> <p>Any other business</p> <p>Council Regulation 2847/93 from 12 October 1993: Implementation of the Declarations of first sales system in the Member States (I) ®</p> <p>Information on the new organisational structure of DG Fisheries</p> <p>Position of the Commission on the Report Sissenwine/Syme</p> <p>Update on the study of ACFA's evaluation</p> <p>Work Programme for 2008</p>	<p>Adoption of agenda and approval of the minutes of the previous meeting (5/7/2007)</p> <p>Adoption of ACFA's Work Programme for 2008 and of the Schedule of meetings for the first semester of 2008</p> <p>Reports by the chairmen of the ACFA Bureau, Working Groups and Dialogue Social Group:</p> <p>Summary of previous meetings.</p> <p>Issues which are being discussed or which will be analysed during next meetings</p> <p>Report by ACFA's representative in the meeting of STECF on assessment of the effects on the current fishing effort management schemes defined in Annex II to Regulation (EC) N° 41/2007 (24-28 September 2007)</p> <p>Report by ACFA's representatives in the RACS on meetings held from July to end of November 2007</p> <p>Statement from the Commissioner of Fisheries and Maritime Affaires and exchange of views</p>

12 Case study on EFF

1 Objective of the case study

The EFF case study aims to analyze the functioning of ACFA in relation to the preparation of ACFA's opinion regarding the Commission's proposal on the European Fisheries Fund for the years 2007-2013. The topics to review are:

- Representation / stakeholder participation
- Effectiveness
- Efficiency
- Timeliness

In particular the EFF case study reviews the process of a written procedure.

2 General description of the process

ACFA WGs 1 and 4 discussed modernization of the fishing fleets, a topic closely related to FIFG²¹ and EFF in May 2004, shortly before the Bundoran Conference²² where the Commission consulted with a broad spectrum of stakeholders on the principles and directions of the EFF. At this occasion the Commission received a large number of written contributions from EU and national organizations as well as individuals. The Commission's proposal was subsequently published on 14.7.2004, i.e. less than two months after the consultation.

At the Bureau meeting of 17/6/2005 the secretariat proposed that ACFA members provide also their Bundoran contributions to ACFA. According to the text of the ACFA's opinion, the Commission requested such opinion. This is supported by the contribution of EMPA, which indicates that such request was made in the Bureau meeting of 30.3.2004. However, the MoM of that meeting do not mention any such request. EFF was not on the agenda. The request was probably made during one of the informal meeting between the Commission and de SGs of the EU organizations in the middle of 2007. The agendas of the WGs present EFF as an item for reflection @, not for consultation ©. In the

²¹ Financial Instrument for Fisheries Guidance, structural funds for 2000-2006.

²² Conference: "Steering towards 2007-2013 - What financial support for the common fisheries policy and coastal zone development?" 27-29 May 2004, Bundoran, Donegal County, Ireland

aforementioned Bureau meeting Européche suggested to prepare an ACFA reaction after the Commission's proposal would be published.

Between the publication of the EC Proposal (14/7/2004) and the delivery of the ACFA opinion (10.3.2005) a total of 6 WG's meetings were held. The chronological overview of all relevant meetings with EFF (or closely related topics) on the agenda, and several important other statements (*in italics*) on EFF can be summarized as follows:

- WG-1 05/05/2004
- WG-4 12/05/2004
- Bundoran 27-29/05/2004
- Bureau 17/06/2004
- EC Proposal 14/07/2004
- WG-1 30/09/2004
- Ancona
- WG-4 29/10/2004
- WG-2 30/11/2004
- WG-3 14/01/2005
- WG-1 03/02/2005
- WG-2 11/02/2005
- WG-4 18/02/2005
- Bureau 09/03/2005
- Plenary 10/03/2005 – delivers ACFA's Opinion
- WG-2 09/06/2005
- Com. of the Regions 05/07/2005
- Eur. Econ.&Soc. Com. 27/12/2005
- WG-4 23/02/2006
- WG-2 30/03/2006
- EP 06/07/2006
- Plenary 07/07/2006
- Council Decision 27/07/2006

From the documents it appears that ACFA Bureau decided that the Secretaries General of the EU organizations would prepare ACFA's Opinion on EFF and the SGs of Européche and EMPA would draft this opinion on the basis of written contributions from ACFA members. Their aim was to draft a text on which all ACFA members could agree.

The report of the WG-4 of 29.10.2004 specifies the following procedure to develop an ACFA opinion:

- National organisation will communicate their opinions to European Associations. Européche would do this by 15/12/2004.
- Definition of a common position by European associations.
- Establishment of a drafting group made up of the SGs
- Drafting of a synthesis of the positions of the European associations
- Transfer of the synthesis to the ACFA WGs for review
- Transfer to the Plenary
- Adoption of the opinion of ACFA by February / March 2005.

Despite the logic of the above outlined procedure, it proved to be rather to follow this plan. In practice, according to the reports from the WGs held between 29.10.2004 and 10.3.2005, the Commission staff briefed ACFA on the progress of the EFF discussion in the Council and with the MS. The contributions from the various ACFA members contained mostly critique of the EFF proposal as it developed. There is no mention of any synthesis of the positions of the EU organisations. In the meeting of WG-4 on 18/2/2005 the chairman indicated that the SGs would hold an informal meeting on 22.2.2005 where they will decide on the production of the summary document. The representatives of the various organizations summarized their organization's position in relation to EFF during this meeting.

From the notes of the Bureau meeting of 9.3.2005 it is apparent that the positions of the individual EU organisations had also been submitted to the Commission in separate statements. The plenary adopted the ACFA opinion on 10.3.2005.

3 Representation / stakeholder participation

This section deals with three questions:

- Were the views of all the relevant interests reflected in the ACFA opinion?
- What were the conflicts between them?
- How was compromise achieved and how satisfactory was the process and the result?

All main European professional organizations have prepared written statements for the Bundoran conference. These statements were subsequently used as a basis for the formulation of the ACFA opinion. The following statements were submitted at Bundoran by EU and associated national organizations:

- **Europêche/COGECA** - Discussion memorandum on the impact of the growth in certain non-fishing activities on the permanence of fishing for the meeting of ACFA group 4 on 12 May 2004
 - Shipowners' cooperative of the port of Vigo - Future of the FIFG 2007-2013
 - Dutch Fish Board - Targeting the FIFG III Round 2007-2013 - Point of view
 - Spanish Association of fishing vessel owners - Review of the FIFG policy for the period 2007-2013
 - Union of French Shipowners - Contribution
- **EAPO/AEOP** - Proposal on the evolution of financial support to the fisheries sector, steering towards 2007-2013
- **AIPCE-CEP** - Comments on Building our common Future with respect to "Steering towards 2007 - 2013 What support for the common fisheries policy and coastal zone development"
- **EMPA** - Structural measures
- **EMPA-FEAP** - Structural needs of European Aquaculture

- The Federation of Scottish Aquaculture Producers - FIFG Support for Scottish Finfish Aquaculture 2007-2013
- NGOs
 - BirdLife International -The case for promoting the environmental dimension in the review of fisheries structural funds (FIFG) 2007-13
 - Coalition for Fair Fisheries Arrangements - Financing EU Distant Water Fishing in Developing countries
 - Seas at Risk - Contribution

The rapporteurs on the EFF Opinion received further position papers and various contributions²³ from the EU organizations (dated):

- Europêche / Cogeca, 14.2.2005, 7p.
- Copa-Cogeca – Aquaculture section, 7.12.2004, 2p.
- EAPO, August 2004, 8p.
- Comments from ETF, 9.3.2005, 3p.
- Banks, 25.2.2005, 3p.
- FEAP, February 2005, 1p. (with reference to FEAP/EMPA document)
- FEAP / EMPA, 10.4.2004, 10p.
- EMPA, 8.2.2005, 5p.
- AIPCE, 11.1.2005, 2p.
- NGOs (dev and envi), Feb. 2005, 2p.
- NGO envi, Dec. 2004, 4p..
- NGO dev., undated observations

ACFA's opinion was a result of these written contributions, together with the statements made in the WGs and the discussions among the SG of the EU organizations. Review of the various documents shows that all parties in principle agree with need to pursue equilibrium between stocks and fleets. The differences arise with the level of details of the comments and proposals made:

- Representatives of the fishing industry would like to see greater stress on economic arguments and fear further reductions of the fleet. Some are even in favour of reintroduction of support of vessel construction and modernization. The position of the banks is close to the fishing industry.
- The aquaculture sector is overall positive. In general it wishes to improve the definition of aquaculture and make the text clearer that aquaculture is included in certain sections mentioning 'fishery sector'. Number of specific aquaculture concerns, e.g. support to vaccination schemes, are put forward.
- ETF points out that the regulation is mainly concerned with firms and owners, but does not give any attention to 'workers', who will be victims of fleet reductions.
- AIPCE / CEP stress above all the necessity of economic viability and future prospects, rather than selection of beneficiaries on the basis their size or location.
- NGOs are in general positive about the set priorities, but would like to see obligatory imposition of some of the measures.

²³ These documents were not available to the evaluation team.

NGOs plead strongly for support of small scale coastal fisheries, which is in line with EC's proposal to focus the support on micro and small enterprises. Professional organizations, however, favoured support to firms independently of their size. Consequently NGOs abstained from voting on the article 9 of the opinion.

In conclusion, the various families of stakeholders made a contribution to the ACFA's opinion on EFF in written and oral form, with the exception of EAFPA and consumers. ACFA's opinion reflects the spirit of the received contributions although specific items are difficult to retrace. The SGs of the EU organizations strived for and succeeded in a formulation which would be acceptable to all members of the Plenary and consequently had to settle for more 'general' formulations. The Commission was aware of the specific positions of the various organizations as they also submitted their thoughts separately.

4 Effectiveness

The extent to which ACFA's opinion influenced the subsequent policy process can be seen from the positions assumed by other bodies which produced their recommendation in the following months, in particular the Committee of the Regions, the European Economic and Social Committee and the European Parliament. Evidently, it is not possible to ascertain that the statements of ACFA were of decisive importance to the position of these institutions, but the overview in the following table shows that on many topics ACFA was not 'standing alone'. These institutions have taken similar positions also on various other issues, although not as explicitly.

Table 12-1 ACFA's opinion in relation to other institutions

Position of ACFA – main points		Com. of the Regions <i>Recommendation</i>	European Economic and Social Com. Article	European Parliament <i>Amendment</i>
Nr.	Main issues			
General remarks				
1	EFF offers little prospect for the future.			
2	Interesting innovations			
3	Concern about consequences of fleet reduction			
4	Need for consistency among CFP pillars			
5	Financial allocation is too low.		3.3.4.2	
6	High uncertainty and need to attract young people and to innovate			68
Specific points				
1	Socio-economic measures		3.5.1.4	63
2	Improve safety, working conditions, hygiene		3.5.1.b, 5.1.3	
3	Promote environmentally friendly fishing techniques			48, 55, 57
4	Introduce environmental incentives			
5	Fisheries to be replaced by 'fisheries and aquaculture' and FAO			Various

Position of ACFA – main points		Com. of the Regions <i>Recom- mendation</i>	European Economic and Social Com. <i>Article</i>	European Parliament <i>Amande- ment</i>
Nr.	Main issues			
	definitions should be used			amend.
6	Inland fisheries should be eligible.		3.5.2.8	86
7	Support of aquaculture POs			
8	All new entrants should be supported, not only fishermen			
9	Support to micro and small businesses should be expanded to all, irrespective of size ²⁴ .	2, 30, 33	3.5.2.7	17 and 92
10	Mentoring young entrants should be introduced			
11	Definition of pollution incidents to be broadened to cover shellfish farming, trade and processing.			
12	Aid for vaccination campaigns			
13	Collective interest measures should be more flexible			
14	Collaboration between science and industry		3.5.4.1	
15	Product promotion with official quality labels			122
16	Operation of guarantee funds should be adjusted			
17	Population size should not be a criterion for regional eligibility	23	3.5.4.3	136
18	Regional development of the fisheries industry should be considered as well as reconversion.			

Various points put forward by ACFA and other bodies were incorporated in the final Council Decision. For example, the population size of 100,000 as a regional eligibility criterion was dropped and the maximum size of the enterprises was increased to include also 'medium' sized companies. A new article has been added to include also support for inland fisheries.

It is interesting to note that some of the institutions, e.g. EESC and the EP, pleaded much more strongly for the interests of the industry by stressing the need for support of modernization investments in engines and even vessels, subject to availability of resources.

In conclusion, ACFA was the first EU advisory body to deliver an opinion on EC's proposal. It has pleaded for various issues which were also supported by other advisory bodies and in the end the Council Decision was adapted accordingly at least in some areas. The process illustrates that it is not possible to ascertain the importance of ACFA's opinion to the decisions made.

5 Efficiency

Efficiency questions whether the effort made to produce the Opinion was commensurate with the result? This means in practical terms:

- how many meetings were devoted to it
- how many persons have participated in them.

²⁴ NGOs abstained from voting on this topic.

- how was the discussion guided to achieve progress

As indicated above, while various WGs have discussed the EFF, the role of the SGs of the EU organizations in general and the two rapporteurs (Europêche and EMPA) in particular was of decisive importance to the process and the outcome. The actual text of the opinion was discussed in the Plenary where it was also adopted by voting, but not in the WGs, as originally planned.

A total of 10 meetings, having EFF on the agenda, was held between the Bundoran conference and the ACFA Plenary of 10.3.2005. These meetings were attended by a total of 107 persons, and (based on the agendas) an average of 1 hour was devoted to the topic. The informal meetings of the SGs and the preparatory meetings are not included in this overview.

It can be assumed that the persons attending the meeting relatively more often have been also most influential in the discussion. Fourteen out of the 107 attendants (13%) were present four times or more. On the other hand 79 persons were sitting on meetings where EFF was discussed only once or twice.

These numbers raise questions about the efficiency of the overall procedure. While the preparation of the actual document was probably prepared with a very reasonable input of time of the two rapporteurs and other SGs, the discussion in the WGs was not equally interesting for all the representatives present there.

Table 12-2 Frequency of attendance of the ten meetings, between 17.6.2004 and 10.3.2005 (number of persons, incl. observers)

Organization	Frequency of attendance								Total
	1	2	3	4	5	6	7	8	
AIPCE	2	3	1	1	1				8
Banks	1	2							3
CEP	3		1						4
Cogeca	2	5	2		1				10
Consumers	1								1
EAPO	4		2				1		7
EMPA	9	2						1	12
ETF	3	4	1						8
Europêche	8	4	3	1	1			1	18
FEAP	10	2	2	1	1	1			17
NGO devel.	1			1					2
NGO envir.	10		2	1					13
Soc. Dial. C.	1	1							2
STECF	1						1		2
Total	56	23	14	5	4	1	2	2	107

In conclusion, on one hand an efficient approach was taken by appointing two rapporteurs who would draft a text acceptable to all ACFA members. On the other hand, EFF was discussed in various WGs, which led to a certain amount of repetitions of statements by the Commission as well as by the stakeholders. A large number of attendees had only a marginal, if any, input to the discussion.

6 Timeliness

The preparations of a new regulation for the structural funds for the period 2007-2013 were well known. Many stakeholders, including some of the members of ACFA (and the national members of the EU organizations) delivered their views to the Commission during the Bundoran conference. It was a logical choice that ACFA waited to see the specific proposal from the Commission and give a reaction to it, instead of holding general discussions on structural funds without knowing the directions which the Commission was going to propose.

The chronological overview shows that ACFA wanted to play a role in the consultation process and that it decided early to do so. As the Commission did not ask for an opinion in this case, ACFA was not faced with a specific deadline. ACFA has taken its own initiative and set its own deadline, to which it also adhered.

ACFA was clearly aware that other important forum would speak out on the structural funds in general and EFF in particular, especially the Com. of the Regions, the Economic and Social Com. and the European Parliament. It was undoubtedly a conscious choice to call on these bodies to take ACFA's opinion into account. For this purpose ACFA delivered its opinion very well in time.

7 Functioning of the written procedure

In case of the EFF opinion, the written procedure has shown several advantages and disadvantages, which can be summarized as follows.

Advantages:

- Clear first statement can be delivered to the rapporteur.
- For some of the organizations, already existing documents can be used, at least partly.
- Efficient communication, involving only the directly concerned individuals.

Disadvantages

- Written procedure did not replace the oral discussions, which generated important contribution to the opinion.
- Written procedure allows each organization to focus on its own priorities, without necessarily responding to arguments of others. Consequently, written procedures cannot replace oral discussion, unless held in several rounds.

Further comments

- The fact that written opinions of the various stakeholders exist leads quickly to communication of these opinions to the Commission and other institutions (e.g. EP, etc.). This may affect the significance and the uniqueness of the ACFA's opinion.
- Contributions to the Bundoran conference were delivered by Européche, EAPO, AIPCE/CEP, EMPA and FEAP. Only the AIPCE contribution is partly based on a larger background study²⁵. In case of the other contributions it is not clear on which sources of information they have drawn. The contributions made in the beginning of 2005 were not available to the evaluators to assess.
- The WGs did not present own statements on EFF.
- Most statements from the ACFA members are rather general. The differences may lie in truly different view, but also in interpretations of different contexts (e.g. having different fisheries, species, etc. in mind).

²⁵ Nautilus Consultants, Impact of the impact of FIFG on fish processing industry, Study for EC, November 2003.

13 Case study on IUU

1 Introduction and objective of the case study

The case study aims to analyze the functioning of ACFA in relation to a specific topic in order to identify strengths and weaknesses of the procedures in terms of:

- Representativeness / stakeholder participation
- Effectiveness
- Efficiency
- Timeliness

The structure of this report is that, first, a factual description of the process and discussions relating to IUU in ACFA is made. Secondly, an analysis of each of the above four issues is made.

2 General description of the process

The issue of IUU has been on the international agenda since the publication of the FAO Code of Conduct in 1995 and the International Plan of Action in 2001. EU published an Action Plan in May 2002²⁶, which was adopted by the Council in June of that year. IUU was the topic International Conference in Santiago de Compostela in November 2002. Taking into account the results of the Conference, EU's position was presented to FAO in February 2003.

During this process IUU appeared two times on the agenda of the ACFA Working Groups. First at the WG-1, 22.11.2000, agenda item FAO Plan of Action against IUU, where some attention was devoted to it as one of five items in the afternoon. Subsequent discussion was to be held in the meeting of the WG-1 on 8.11.2001 but possibly due to lack of time the item was 'postponed for the next meeting'.

²⁶ COMMUNICATION FROM THE COMMISSION, Community action plan for the eradication of illegal, unreported and unregulated fishing COM(2002) 180 final, Brussels, 28.5.2002

In the subsequent three years IUU was put on the Work Programme of the Working Groups 1 and 4, but it was not put on the agenda for any meeting and apparently not explicitly discussed. The Work Programmes aimed for the following discussions:

- 2001 - WG-1 Follow-up of the work of FAO (I)
- 2002 - WG-1 Follow-up of the work of FAO (I). EU response to the question raised by FAO regarding the activities of vessels flying a convenience flag, not regulated and not controlled. (I, ®)
- 2003 - WG-1 EU response to the question raised by FAO regarding the activities of vessels flying a convenience flag, not regulated and not controlled. (I, ®)
- 2004 - WG-4 Plan of action against IUU.

These discussions did not take place as IUU was not on the political agenda of the Commission and the agenda of ACFA was already overloaded. However, related topics, in particular related to responsible fishing, sustainability and eco-labeling did appear on ACFA's agenda.

Although the discussions leading to ACFA's Opinion on IUU started at the end of 2006, various working groups did explicitly discuss IUU during 2005 and 2006:

- WG-1 26.9.2005 – Imports of fish from states with substantial IUU fishing.
- WG-4 8.11.2005 – Combating and eradicating illegal unregulated and unreported fishing (IUU)
- WG-3 15.2.2006 – Follow-up of Commission communication relating to Ecolabelling.
- WG-3 26.6.2006 - Illegal activities in fisheries and import of illegal fisheries products from third countries

The above overview show that attention was in particular given to trade aspects and it is somewhat surprising that this topic was also on the agenda of WG-1, which focuses on access to resources and management.

The main thrust of the EU and ACFA discussion on IUU took place December 2006 and March 2007. This was preceded by the Ministerial Conference held on 9.6.2006²⁷. The progress of the discussion leading to the completion of ACFA's Opinion on IUU can be summarized as follows (based on documents available in the archives of DG Fish):

²⁷ 11th North Atlantic Fisheries Ministers Conference, Norway, 9 June 2006

Table 13-1 Progress of discussion leading to ACFA's Opinion on IUU

Date	Actor	Action
29.9.2006	AIPCE	adopts new procedures to better counteract illegal fishing (IUU) at it General Assembly in Dublin
6.12.2006	ACFA Bureau	Commission briefs on the preparation of EU legislation and public consultation, incl. timing of the process. The Bureau decides which WGs should discuss the topic and when.
21.12.2006	Commission	Publishes Consultation Paper on the initiatives envisaged by the Commission to improve the fight of the European Community against Illegal, Unreported and Unregulated fishing. The deadline of the consultation was set to 12.3.2007. All interested stakeholders are invited to put their views forward.
26.1.2007	Europêche	Discussed IUU briefly and the secretariat is requested to prepare a position paper based on a contribution from Spain.
31.1.2007	ACFA WG-1	Devotes approx. 2 hours to discussion of IUU
2.2.2007	Commission	Launches the public consultation with a deadline of 12.3.2007
15.2.2007	ACFA WG-3	Devotes approx. 2 hours to discussion of IUU
26.2.2007	ETF	Discusses IUU during a preparatory meeting
28.2.2007	Europêche	Discusses draft 3 of the ACFA Opinion (CCPA-EP(07)rev3., in particular in relation to the position of FEOPE to be presented to WG-4 the next day.
1.3.2007	ACFA WG-4	Discusses IUU.
21.3.2007	EU Orgs	General Secretaries of the EU fisheries organizations discuss IUU
29.3.2007	Europêche	Discusses version 8 of ACFA opinion at length.
29.3.2007	ACFA Bureau	Prepares final version of the ACFA Opinion
30.3.2007	ACFA Plenary	Adopts the Opinion, apparently after further discussions in the corridors before the meeting.

The legislative process is completed in October 2007 by the publication of a Proposal for a Council Regulation²⁸, followed by a declaration of the Ministerial Conference in Lisbon on 29.10.2007. The Proposal was submitted to the Council on 26-27.11.2007.

In the meantime ACFA WGs discussed again the progress of the IUU dossier:

- WG-4 22.5.2007 Combating the IUU fisheries and their eradication (I) ® - Three -Yearly Inspection Report
- WG-3 9.10.2007 State of Play on the debate on the Commission Communication relating to Eco-Labeling– new rules for the fishing sector and follow-up. Communication COM (2005) 275

²⁸ Proposal for a COUNCIL REGULATION Establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing Brussels, 17.10.2007 COM(2007) 602 final 2007/0223

- WG-4 20.11.2007 Combating illegal fishing. This discussion focused on the IUU Proposal to be submitted to the Council and number of critical remarks were made by the industry representatives.

Representativeness / stakeholder participation

This section deals with three questions:

- Were the views of all the relevant interests reflected in the ACFA opinion?
- What were the conflicts between them?
- How was compromise achieved and how satisfactory was the process and the result?

The available reports clearly indicate that intensive discussions were held till the very last moment before the adoption of the document. Several interviews give the impression that the views of the various stakeholders were reasonable reflected in the ACFA Opinion, evidently within the practical possibilities of compromise which had to be formulated.

Judging from the available meeting reports two types of ‘conflicts’ can be distinguished:

- Issues on which various stakeholders held opposing views. This regards especially the question to which extent EU vessels, which may not entirely adhere to the CFP regulations should be indiscriminately classified as IUU vessels, just as vessels fishing entirely illegally under convenience flags. The representatives of the EU fishing industry the relevance of making well founded distinctions, while some of the NGO representatives favored a more generic approach.
- Competition for priority. This regards specific topics which were not so much disputed among the ACFA members, but rather were high on the priority list of some members, while others preferred to focus on other areas. For example the ETF representative repeatedly stressed the poor record of IUU vessels in relation to working and hygiene conditions, while the NGO development brought the small scale coastal fishing in conflict with international fleets into forefront.

These ‘conflicts’ were resolved in two ways. First, the Opinion followed closely the format of the Commission’s Consultation Paper addressing the nine fields of action in detail. In this way all views could be taken into account which fit under the specific headings. Furthermore, six actions which did not fit the format were specified separately in the last part of the Opinion. Secondly, evidently, precise wording was discussed at length – a usual process in such situations.

In case of the IUU, ACFA's Opinion was a part of the Consultation process. This means that all stakeholders also had an opportunity to submit their own views directly to the Commission. In practice, many, although not all, did so as is apparent from the following list of contributions:

- Professional organizations
 - CNPMM (Fr)
 - ANFACO (Sp)
 - ANABAC-OPTUC (Sp)
 - PEPMA (Gr)
 - AIPCE-CEP
 - EAPO
- Others
 - Consumers – J. Godfrey
 - EACB
 - NGOs
 - Greenpeace
 - WWF
 - Ocean Care
 - Birdlife International

3 Effectiveness

Effectiveness deals with the question whether ACFA's Opinion delivered what was expected or required either by the Commission or by the ACFA members. Effectiveness can be promoted by inter alia:

- Specification of an objective or clear formulation of the question
- Provision of information
- Influence on EU policy

A clear objective does not seem to have been specified explicitly, neither by the Commission nor by the stakeholders. It is characteristic of the functioning of ACFA that 'a topic' is put on the agenda, indicating whether this is only for information of the ACFA members (I), for reflection ® or for consultation ©, but is not quite clear what the outcome of the reflection or consultation should be. IUU was usually characterized by a consultation ©. It is then up to ACFA members to decide what should or should not be included in the Opinion.

The Commission is implicitly asking an 'expert opinion' from ACFA, which should reflect the consensus achieved by the various stakeholders, with their different interests. An expert opinion may be based either on prior in-depth experience with the topic or on judgments regarding additional information. From the ACFA files it seems that no factual information regarding IUU has been provided by the Commission nor have the ACFA members asked for it. There are also no references to information sources which would support the various views, with the exception of a film produced by NGO contact group in WG-3 (26.6.2006) regarding the IUU in Guinea and Canary Islands. Consequently it is difficult to assess whether statements made by the various stakeholders were based on 'facts' or on 'opinions'.

It is particularly difficult to assess whether specific ideas brought forward by ACFA in its Opinion or in the discussions have been adopted by the Commission in its Proposal to the Council. ACFA's Opinion was one of 25 contributions to the consultation and to separate its impact from other contributions is not feasible. Report of the discussion held in the WG-4 on 20.11.2007 seems to imply that particularly the industry representatives were rather critical regarding the feasibility of implementation. However, a review of the Accompanying document²⁹ shows that many proposals made by ACFA (and possibly by others) are also in the EC Proposal, for example:

- Assurances that fish landed in or imported to the EU has been legally caught e.g. by certification and traceability.
- Measures against illegal transshipment.
- Creation and maintenance of white and black lists.
- Support to RFMOs in the area of vessel monitoring and surveillance.
- Reinforcement of capacities of developing countries to eradicate IUU.

4 Efficiency

Efficiency questions whether the effort made to produce the Opinion was commensurate with the result? This means in practical terms:

- how many meetings were devoted to it
- how many persons have participated in them.
- how was the discussion guided to achieve progress

As indicated above the main thrust of the discussion took place in five meetings of the Bureau, WG-1, WG-3, WG-4 and the Plenary between December 2006 and March 2007. Furthermore, IUU was on the agenda of the preparatory meeting of the European organizations, as illustrated above in case of Européche, AIPCE-CEP and others. The WGs devoted approximately 2 hours each to the topic.

The five meetings were attended by a total of 70 persons from various organizations, of whom 13 attended the meetings 3-5 times, 14 two times and 43 once (ref. Table below). On the basis of the review of the minutes of the meetings, the following impressions arise:

- It can be assumed that the persons attending the meeting relatively more often have been largely driving the discussion.
- The positions of the various organizations have been tabled repetitively in the various meetings of the WGs, for ex.:

²⁹ COMMISSION STAFF WORKING DOCUMENT, Accompanying document to the Proposal for a COUNCIL REGULATION establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, Annex 1, Brussels, 17 October 2007, SEC(2007) 1310

- Organizations of the vessel owners stress the need to distinguish between operations within EU waters, by vessels flying an EU flag which are already being structurally controlled, and IUU vessels flying a convenience flag and fishing in international waters.
- AIPCE/CEP focused on trade issue and called for certification of vessels allowed to export to the EU.
- ETF stressed the poor working conditions on board of IUU vessels.
- A significant number of industry representatives and other stakeholders participated in the discussions on IUU only once, which made repetitions unavoidable.
- For some representatives the discussion was beyond their direct scope of interest (e.g. FEAP and EMPA). However, this was unavoidable as IUU was only one of 8-10 topics on the agenda of the meetings and not all topics are equally relevant to all participants.

Table 13-2 Frequency of attendance of the five main meetings (number of persons)

Oganisation	Frequency of attendance					Total
	1	2	3	4	5	
Europêche	8	2	1	1	1	13
Cogeca	4	1	1			6
EAPO	4	1		2		7
AIPCE	4	2	2	1		9
CEP	1		1			2
FEAP	3	2				5
EMPA	4	1				5
EAFPA	1					1
ETF	2	2	1			5
Banks	3	1				5
Consumers		1				1
NGO devel.	2			1		3
NGO envir.	5	1				6
Soc. Dial. C.	2					2
STECF			1			1
Total	43	14	7	5	1	70

The development of the ACFA Opinion on IUU seems to have taken place quite efficiently, although evidently further improvements would be feasible. It could be considered that for specific items like this one an ad hoc working would be created, composed of a fixed group of experts / representatives who

would deliver a report to the Plenary for final review. Such approach would avoid repetitions and representatives not involved with the topic would not have to participate in it. Furthermore, part of the exchanges could take place by e-mail or teleconferencing.

5 Timeliness

ACFA was informed well in time of the intentions of the Commission and in principle delivered its Opinion well in time so that it could be taken into account during the subsequent stages of the policy preparations.

The Bureau was informed on 6.12.2006, i.e. two weeks prior to the publication of the Consultation Paper. The Bureau acted equally swiftly by specifying the 'roadmap' to formulate ACFA's Opinion. This was done by putting IUU in the agenda of the meetings of the WGs 1, 3 and 4 which took place in the first quarter of 2007. The Bureau stipulated also that the Opinion would be adopted in the Plenary session at the end of March 2007. This planning was fully implemented.

The Public Consultation on IUU closed on 12.3.2007. Although ACFA delivered its opinion more than two weeks later, it was still put on the EC website among the other documents. The fact that ACFA did not meet the deadline of the Consultation does not seem to be of importance:

- The Commission was aware of the ACFA's planning and did not insist on obtaining the Opinion earlier.

The Commission's Proposal was published on 17.10.2007. Even accounting for some time required for the administrative procedures between completion and publication of the Proposal, the Commission still received ACFA's Opinion.

14 Case study on RACs

1 Introduction

This case study seeks to tease out the basis of comments received from a number of interviewees that there is considerable and unnecessary overlap between matters debated in the Working Groups of ACFA and on the agendas of the various Regional (Fishery) Advisory Councils. In the context of the intermediate evaluation, this focus explores issues of duplication and redundancy, but, as will become clear in the following text, it also addresses issues of representation, resource allocation, and effectiveness.

To examine the interaction between the Commission and these various advisory bodies, and the extent of any overlap, we have focused on ACFA Plenary and Working Group 1 (with some attention paid also to WGIII and WGIV), and the North Sea and Baltic Sea RACs Executive Council and General Assembly meetings relating to the year 2007. The North Sea RAC (NSRAC) was the first to be formed (in 2002), is one of the most developed and effective, and was able to take advantage of systems laid down in a similar organisation established some years earlier. The Baltic Sea RAC (BSRAC) was only formed in 2005, and has been chosen on the basis that it has developed well but also includes Member States that have only recently joined the European Union. Both RACs have well-developed operating structures and systems, and well-developed and transparent web-sites.

2 RACs and ACFA

Structure

ACFA: The Advisory Committee on Fisheries and Aquaculture (ACFA) was established in 1999 by Commission Decision 1999/478/EC replacing the Advisory Committee for Fisheries (ACF) which expired July 31, 1999. The objective of ACF was to "obtain the opinion of all major groups of stakeholders involved in the CFP at European level and to encourage the formulation of analysis and joint positions". It was, however, considered opportune to extend the framework of the ACF and to broaden the dialogue to include the sector for aquaculture as well as non-professional organisations (1999/478/EC preamble 3). Hence ACFA was set up and entered into force August 1, 1999.

The structure of ACFA is laid down in the Commission Decision 1999/478/EC which establishes a plenary committee, referred to as the Committee, and four working groups (1999/478/EC art 1.1). Moreover, a Bureau of the Committee is established (1999/478/EC art 5). ACFA's secretariat function is provided by the Commission.

The Committee may be consulted by the Commission on the rules of the CFP, particularly concerning:

- the framework of rules for CFP, and
- economic and social questions in the fisheries sector, apart from those which concern employers and workers as social partners.

The Committee is "required to give an opinion on the proposals formulated by the Commission" and on the subjects listed in the annual work programme (1999/478/EC art. 9). There is thus no requirement for the Commission to consult ACFA, but ACFA is required to elaborate an opinion when consulted. The Committee may also at the initiative of the chair or at the request of one of the members provide the Commission with information (1999/478/EC art. 2).

RACs: The legal foundation of the RACs was laid down by the Council in Council Decision 2004/585/EC, 19th July 2004, though it is up to stakeholders to actually set each RAC up. Interested parties must send a documented request for the creation of a RAC to the authorities of the Member States concerned and the Commission. After advice from the Member States concerned, the Commission adopts a Decision stating the date from which the RAC can be operational.

Initially, RACs benefited from start-up aid on a degressive basis only for their first five years of their operation. Given the important contribution of RACs to the development of the CFP, however, the Commission decided to propose an amendment (2007) to the RAC Council Decision in order to declare them as bodies pursuing an aim of general European interest. Adopted by Council in the June Fisheries Council 2007, this change means that RACs will benefit from permanent funding of €250,000 every year.

Seven RACs have been established to cover the following areas or fisheries:

- North Sea RAC (operational since November 2004)
- Pelagic stocks (blue whiting, mackerel, horse mackerel and herring) in all areas (operational since August 2005)
- North-western waters (operational since September 2005)
- Baltic Sea (operational since March 2006)
- Distant water fisheries (operational since March 2007)
- South-western waters (operational since April 2007)
- Mediterranean Sea

The European Commission meets with the already operational RACs on a regular basis to discuss priorities and ensure coordination of issues that concern all RACs. In part reflecting the growing complexity of this advisory structure,

RACs have met once a year to coordinate their activities, and this is in the process of being formalised as an inter-RAC committee where the chairs of the various RACs meet to discuss agendas and working procedures.

Objectives

ACFA: The objective of ACFA from a Commission perspective is to ensure greater industrial cohesion on CFP topics of Community interest, improve co-ordination of national organisations at European level, and give the representatives of the fishery products and aquaculture industry, together with the other groups concerned, a clear role in the design, drafting and implementation of the CFP by organising and financially supporting their participation in ACFA.

North Sea RAC Objectives: The principal objective of the NSRAC is to prepare and provide advice on the management of the fisheries of the North Sea on behalf of stakeholders in order to promote the objectives of the Common Fisheries Policy. This will be done within the general aim of attaining the sustainable management of fisheries, incorporating an ecosystem based approach and based on the precautionary principle.

Baltic Sea RAC: The BS RAC has been established by the European Council to increase stakeholder involvement in the development of a successful Common Fisheries Policy. The main aim of the BS RAC is to prepare and provide advice on the management of Baltic Sea fisheries in order to achieve a successful running of the EU's Common Fisheries Policy. The BS RAC consists of representatives from the fishing sector and other interest groups affected by the Common Fisheries Policy. These include fisheries' associations, producer organisations, processors, market organisations, environmental NGOs, aquaculture producers, consumers, women's networks and recreational and sports fishermen.

Institutional differences

The various bodies differ in a number of important ways:

- **geography** - ACFA membership is at an explicitly European level, RACs at a regional seas level
- **focus** – ACFA has an explicitly European or sector-wide perspective where national or fishery specific interests should be subsidiary to the European interest; by contrast RACs have a much more parochial focus, where fishery specific and indeed national issues are to the fore
- **emphasis** – there is generally a more overt commercial interest in fisheries allocations in RAC fora, and a more policy / strategic orientation at ACFA fora, but the distinction is difficult to tie-down other than in the approaches taken in addressing agenda issues as recorded in reports
- **expertise** – representation in meetings of both types of organisation is generally by professional representatives, not economic actors, though sector representatives at RAC meetings tend to be that much closer to fishermen than sector representatives at ACFA meetings

- **information base** – the addressing of issues at RAC meetings tends to draw on explicit explanatory documentation more frequently than seems the case at ACFA meetings;
- **agenda setting** – it is expected that RAC agendas should be established by their membership, whilst those of ACFA are prompted by the Commission and debated and agreed by the ACFA Bureau; in practice, RACs tend to be reactive to Commission requests, whilst if anything ACFA tends to have more input in setting its agendas;
- **location of meetings** – ACFA meetings all take place in Brussels, as also do most of the preparatory meetings held by fishery interests; by contrast, almost all RAC meetings take place within the relevant region, and shift location within that region;
- **common areas** – both RACs and ACFA are consulted on their views in the run-up to the December Council meeting when the TACs and quotas for the forthcoming year will be decided; the views of both groupings also tend to be canvassed on “big” issues such as IUU fishing, on discards, and on the Marine Bill.

Content overlap

On the 2007 ACFA agenda, a number of items were marked as requiring attention by both ACFA Working Groups and the RACs. These are shown in **Table 1**. Eight items were tabled for the provision of an opinion, three as the subject of debate, and three for information.

Of those presented for the preparation of an opinion, four dealt with TACs and quotas. This is an area of common interest to ACFA and RAC members, and one dealt with to some degree through a joint RAC / ACFA meeting. Nonetheless, it still appears on the agendas of various ACFA working groups, despite the fact that these issues have a very clear regional dimension.

It is not clear where ACFA might add value to such debates, except perhaps in advising on overall policy as it relates to TAC formation. The information base from which Council of Ministers discussions generally commence are details of the previous year’s TACs and uptake, and the scientific advice on the subject provided by ICES. The Ministers then take on board political advice incorporating social and economic considerations, and national negotiating strategies. There is little to suggest that ACFA has any coherent advice on these matters that is not already adequately dealt with through national and RAC debates. On this basis, there seems little purpose to be served by the Commission placing these issues before ACFA – i.e. this is unnecessary duplication.

Of the other items presented for the development of ACFA opinion, two deal with IUU fishing (WGs I & IV), one with discards, and one with control. Each of these have both European and local dimensions, and minutes covering these debates suggest that these issues are dealt with in a different and entirely appropriate manner by the RACs and ACFA Working Groups – i.e. there is no indication that this is duplication.

For the three items presented to ACFA for debate, these deal with the data collection and scientific advice, fishery recovery and management plans, RFMO (Regional Fishery Management Organisations) performance. These can reasonably be adjudged to have both regional and European level dimensions, though in practice it is not really clear how the proceedings of the ACFA might be materially different from that of the RACs. The RACs tend to deal with these topics at a more detailed, technical and regionally relevant level, and thus there is an argument for leaving the matter to them. But then having the same issues debated by seven regional organisations rather than by one European level organisation might be deemed inefficient and a poor use of scarce resources. On this basis it might be better if these issues were debated by ACFA and not by RACs.

Table 14-1 Items on ACFA agendas for 2007 that were also applied to RACs

Consultations		debate	consultation	information	RACS
WGI	Communication on the Fishing Opportunities for 2008: Policy statement from the European Commission © (2nd quarter 2007) (+RACs)		*		*
WGI	Commission Communication on the TAC and quotas package for 2008, including the frontloading © (November) (+ RACS)		*		*
WGI	Annex II to TACs and quotas © (+ RACS)		*		*
WGI	Proposal on multi-annual TACs and quotas © (+ RACS)		*		*
WGI	Communication on a policy for a progressive elimination of discards in European Fisheries: Impact Assessment © (+ RACS) (feb 2007)		*		*
WGIV	Consultation on IUU Package © (Sanctions, Impact Assessment) (January/February 2007) (+LD RAC)		*		*
WGIII	Consultation on IUU Package © (Access to EU fishing ports and to EU market via other means and Trade related measures) (January/February 2007) (+ LD RAC)		*		*
WGIV	Framework Regulation on Control and Enforcement (art. 37 of CE Treaty). (I). Timing © (+RACS)		*	*	*
Debate					
WGI	New proposal for a Framework Regulation for data collection and scientific advice © RACS, info ACFA	*			*
WGI	Proposal for a Council Regulation amending articles 5 and 6 of Council Regulation (EC) 2371/02 as regards fisheries recovery plans and management plans © (I) (3rd quarter 2007) (+ RACS)	*			*
WGI	Debate on RFMO performance in relation to the forthcoming Conference to review the UN Fish Stocks Agreement (May 2006). © (ACFA info RACs)	*			*
Information					

WGIII	Tuna farming: discussion on economic, social and environmental dimension, status in the Mediterranean (I) (report from WG2 + info RACS)			*	*
WGIV	Simplification (Action Plan 2006-2008 – State of Play) (I) (+RACS)			*	*
WGIV	Framework Regulation on Control and Enforcement (art. 37 of CE Treaty). (I). Timing © (+RACS)		*	*	*

Of the three items presented as matters of information:

- it might be argued that the item covering tuna farming might under normal circumstances be addressed by the Mediterranean RAC (yet to be established);
- the item on simplification seems an appropriate horizontal issue, and a specific presentation to each of the RACs may offer no added value to the Commission (it is assumed that electronic circulation of this information would suffice); and
- the presentation of information on control and enforcement simply accompanies the request to ACFA for an opinion on this topic.

On this basis the evidence suggests that there is limited point to ACFA debating TAC and quota issues unless they have a clear and specific European dimension. It should also be noted that the non-professional organisations represented at both ACFA and the RACs find that they have little to add to discussions concerning TACs and quotas. In general their views on these matters are well established and promulgated – primarily that TACs should follow the precautionary principle (i.e. should be set on a conservative basis) and should follow best scientific advice. Because so much of RAC meetings are tied up with issues of TACs and quotas – the key focus of interest of the fishery industry representatives – representatives of non-professional organisations find themselves unable to participate productively in large parts of these meetings, which can be a poor allocation of scarce manpower resources.

For the rest, there appears to be not much overlap, though all parties could probably benefit from a clearer specified rationale for the RACs and ACFA to address the issues presented to them. This is no passing comment. At times it is not clear what input the Commission is seeking from both ACFA and RACs on the issues placed before them – or presented in reverse, it is not clear that the Commission has clearly identified its rationale for presenting matters to these organisations, and that in many cases no specific questions or set of questions is being presented, but rather a whole dossier relating to a forthcoming policy initiative is being presented. This lack of clear focus on the part of the Commission can lead to frustration, inefficient use of scarce resources, and the drafting of inadequate, ineffective and/or poorly focused responses.

On balance, then, there is relatively little evidence of overlap where the Commission places questions before ACFA and the RACs, but there is evidence of

poor focus and inefficiency. Nonetheless, this does not adequately reflect the strength of feeling of overlap by Committee members. The second area of possible overlap worthy of some attention is that the same issues are being addressed by the same individuals and organisations through different committees – with a view that this is an inefficient use of scarce human / organisational resources.

Resource overlap

Table 2 shows the diary of meetings for ACFA and the RACs for 2007.

Though the Distant Water RAC and the South West Water RAC were formed in spring 2007, they have not yet established websites, and so diary details are not readily available. Matters that might pertain to a Mediterranean RAC are still dealt with by ACFA.

The Sectoral Social Dialogue Committee, which brings employers and employees together, reports to WGIV of ACFA.

Overall, recorded meetings of these committees, excluding ACFA preparatory meetings, numbers 97 during the course of 2007. The 25 meetings associated with ACFA were held in Brussels; the vast majority of the remaining 72 meetings were held outside Brussels in locations across the European Union.

Commission officials are expected to be present at most meetings – typically as observers or invited to make presentations. For those meetings held in Brussels, it is possible for Commission officials to attend meetings only for those agenda items that concern them. This is reflected in the relatively high numbers of Commission officials recorded in the minutes for these meetings. Rather fewer Commission officials are recorded as attending RAC meetings. This finding is highly relevant to the evaluation, since many European organisations and their constituent members record that access to Commission officials is a key benefit of continued membership of ACFA and participation in its meetings.

For the rest, many representatives of European level organisations and non-professional organisations attend both ACFA and RAC meetings. Some members of national fishery organisations attend RAC

Table 14-2 Schedule of stakeholder consultation meetings - 2007

		J	F	M	A	M	J	J	A	S	O	N	D
ACFA													
	Plenary			*				*					*
	Bureau			*				*					*
	WGI	*			*					*		*	
	WGII			*			*				*	*	
	WGIII		*				*				*		
	WGIV			*		*						*	
North Sea RAC													
	General Assembly										*		
	Executive Committee						*				*		
	demersal WG				*		*			*		*	
	gillnet sub-group		*									*	
	Kattegat & Skagerrak WG				*		*						
	nephrops WG					*							
	deepwater gillnet science sub-group			*									
	spatial planning WG		*										
	long-term management WG		*		*		*						
	control & compliance conference		*										
	cod recovery conference		*										
Baltic Sea RAC													
	General Assembly		*								*		
	Executive Committee	*		*		*	*						
	pelagic WG										*		
	demersal WG	*		*		*							
	salmon / sea trout WG		*										
	control & compliance conference			*									
North West Water RAC													
	General Assembly									*			
	Executive Committee				*					*		*	
	WGI	*					*				*		
	WGII	*					*				*		
	WGIII	*					*				*		

	WGIV	*					*				*			
	MSY meeting					*								
	symposium on cod recovery			*										
	cod recovery sub-regional meetings							*						
	deep water gillnet focus group						*							
Pelagic RAC														
	General Assembly									*				
	Executive Committee		*					*		*		*		
	WGI - herring & mackerel		*			*	*			*	*			
	WGII blue whiting, horse mackerel and other spp		*			*	*				*			
	SAFMAMS meeting		*											
	MCAP/MIRAC meeting		*											
South West Water RAC														
Mediterranean RAC														
Distant Water RAC														
Social Dialogue Committee - Sea Fishing Sector														
	Plenary				*									
	WG		*					*		*				
Coordination meetings														
	Joint RAC				*		*						*	
	ACFA / RAC												*	
	RAC / ICES		*											
		1	1	1	7	7	1	5	0	8	1	7	4	9
		0	2	0			5			2			7	
				3			2			1			2	
				2			9			3			3	

In terms of organisational representation, Tables 3, 4 & 5 show the membership of the Executive Committee of each of ACFA, the NSRAC and the BSRAC. On inspection, each of the fishing interest groups are represented in each forum, with most represented at the national participating level, but with AIPCE (processors and traders), ETF (labour unions) and EAFPA (ports & auctions) represented at European level. Variation between the RACs and ACFA is evident in the representation of other interest groups. Here the RACs are overtly structured to have 2/3 fisheries and 1/3 other. Most of these “other interests” places are taken by European level organisations, and because rather more seats are provided for this grouping on the RACs than on ACFA, a rather wider

group of interests are represented, including some bodies not represented at ACFA level (anglers and EUCC being two key examples).

Table 14-3 ACFA members

Plenary				
	Full Members	Alternate Members		Seats
	Mr. B. Deas	Mr. J.M. Gonzalez Gil De Bernabe	Private Shipowners	1
	Mr. G. Van Balsfoort	Mr. J. R. Fuertes Gamundi	Co-Operative Shipowners	1
	Mr. C. Olesen	Mr. J. Suárez Llanos	Producers' Organisations	1
	Mr. G. Fucci	Mr. A. Baekgaard	Mollusc/Shellfish Farmers	1
	Mr. I. Stephanis	Mr. P. A. Salvador	Fish Farmers	1
	Mr. G. Pastoor	Mr. P. Commere	Processors	1
	Mr. P. Bamberger	Mr. T. F. Geoghegan	Traders	1
	Mr. R. Otero	Mr. A. Macedo	Fishermen And Employees	1
	Mr. J. Godfrey		Consumers	1
	Mr. E. Dunn	Mrs. C. Phua	Environment	1
	Mr. J. Guyen	Mrs. B. Gorez	Development	1
Working Groups				
	Chair	Vice-Chair		Seats
	Mr. J. Garat Pérez	Mr. J.-L. De Feuardent	Group I : Access To Fisheries Resources And Management Of Fishing Activities	2
	Mr. R. Flynn	Mr. G. Brest	Group II : Aquaculture: Fish, Shellfish And Molluscs	2
	Dr. M. Keller	Mr. S. O'Donoghue	Group III : Markets And Trade Policy	2
	Mr. N. Wichmann	Mr. J. A. Mozos	Group IV : General Questions: Economics And Sector Analysis	2

Table 14-4 North Sea RAC Executive Committee

Members				
	Hugo Andersson	SFR)		Chairman (non voting)
<i>Fishing sector (2/3)</i>				
	Mickael Andersen	Danmarks Fiskeriforening	DK	
	Peter Breckling	DFV	BE	
	Emiel Brouckaert	Rederscentrale	BE	
	Pierre-Georges Dachi-court	CNPMEM	FR	
	Barrie Deas	NFFO	UK	
	Javier Garat Pérez	FEOPE	ES	
	Henrik Svenberg	SFR	SW	
	Patrice Leduc	UAPF	FR	chairman of the General As- sembly
	Peter Sans Mortensen	ETF	EU	
	Mickael Park	SFF	UK	vice-chairman
	Guus Pastoor	AIPCE	EU	
	Nathalie Steins-Oosterling	SNV	NL	
	Wim De Boer	SNV	NL	
	Pim Visser	EAFPA	EU	
	Niels Wichmann	Danmarks Fiskeriforening	DK	
	Jaroslav Zielinski	PNAP	PO	
<i>Other interests (1/3)</i>				
	Christine Absil	Seas at Risk	EU	vice-chairman
	Euan Dunn	BirdLife International	EU	
	Matthew Gianni	EUCC	EU	
	Nicki Holmyard	NSWN	EU	
	Courtney Hough	FEAP	EU	
	Despina Symons	EBCD	EU	
	Jan Willem Wijnstroom	EAA	EU	
<i>Secretariat (non voting)</i>				
	Ann Bell	NSRAC Secretariat		secretary
	Tony Hawkins	Loughine Ltd		rappporteur
	Joyce Walker	NSRAC Secretariat		secretary

There is only a small level of overlap in the named individuals, but inspection of minutes of meetings, showing attendance of members and observers, shows that the actual overlap in attendance across these meetings is much greater. Many interviewees have indicated that because of this high level of overlap, their respective organisations are having to review the number of such meeting that they seek to send representatives to. The basis on which prioritisation is not clear, but most are of the view that however inefficient or ineffectual ACFA might be, the contact that participation allows with the Commission warrants attendance. At the level of the RACs, most are of the view that these provide a more flexible and responsive forum for expression of views, and thus that participation in these is more productive. In this case, and resource limitation will probably be done on the basis of the content of scheduled debates.

Table 14-5 *Baltic Sea RAC Executive Committee*

Fisheries				
	Birger Rasmussen	(sub. Henrik Hammer Jensen)	Association of Danish Fishermen´s Associations	DK
	Kim Kær Hansen	(sub. Michael Andersen)	Danish Fishermen´s Association	DK
	Mihkel Undrest	(sub. Margo Purru)	Estonian Fishermen Association	EE
	Vesa Karttunen	(sub. Malin Lönnroth)	Federation of Finnish Fisheries Associations	FI
	Kim Jordas	(sub. Seppo Partanen)	Finnish Fishermen´s Association	FI
	Lothar Fischer	(sub. Norbert Kahlfuss)	German Cutter-and Coastal-Fishermen´s Association	DE
	Peter Breckling	(sub. Gretel Flindt)	Union of German Cutter Fishery	DE
	Inarijs Voits		Latvian Fisheries Association	LV
	Alfonsas Bargaila	(sub. Vaida Sakaite)	Lithuanian Fisheries Producers´ Association	LT
	Witold Nowak	(sub. Ryszard Malik)	Association of Fishermen´s of Sea- PO	PL
	Aleksander Bialic	(sub. Maciej Dlouhy)	Polish Fisheries Chamber	PL
	Henrik Svenberg		Swedish Fishermen´s Federation	SE
	Gunnar Asplund		Swedish Fishermen´s Federation	SE
	Karsten Kristensen		European Transport Workers' Federation	EU
	Ivar Koefoed-Nielsen	(sub. Pim Visser)	European Association of Fishing Ports and Auctions	EU
	Alex Olsen	(sub. Peter Bamberger)	Federation of National Organisations of Importers and Exporters of Fish	EU
Other interest groups				
	Klaus Melvin Jensen	(sub. Jeppe Juul)	Alliance of Social and Ecological Consumer Organizations	EU
	Gunnar Norén		Coalition Clean Baltic	EU
	Peter Mohnert	(sub. Robert Vollborn)	European Anglers Alliance	EU
	Gunnel Edman-Blom	(sub. Lena Talvitie)	Nordic Coastal and Fisherwoman	EU
	Bengt Ingerstam		Swedish Consumers´ Coalition	SE

Niki Sporrang	(sub Magnus Eckeskog)	The Fisheries Secretariat	SE
Ewa Milewska	(sub. Ottilia Thoreson)	World Wide Fund for Nature	EU
?		The Sportsfishermen's Association	DE

15 Case study on working group II

1 Introduction

While undertaking the intermediate evaluation of ACFA, it has become evident from interviews with stakeholders, that there is a relatively strong perception of Working Group 2 (WG2) performing better than other Working Groups (WGs). Furthermore, WG2 is different from other WGs in terms of a relatively large involvement of other DGs (notably DG SANCO, but also DG ENV, and DG TRADE). Finally, issues concerning aquaculture are not dealt with in the Regional Advisory Councils (RACs). It was thus considered relevant by DG MARE to undertake a case study on WG2 in order to better understand if this Working Group has a special role to play.

The case study seeks mainly to explain why there could be a difference in the performance of WG2, compared to the three other WGs, by exploring a number of issues such as: size and composition of WGs, the subjects and meeting agendas of WGs, and productivity in terms of activities and outputs.

Section 2 presents the key findings of the case study. Section 3 presents some of the perceptions of stakeholders regarding the performance of WG2. Finally, Section 4 presents an analysis of factual data concerning the features of the WGs as well as the work of the WGs in terms of their meeting activities.

2 Key findings

The key findings point to a combination of factors that might explain why WG2 performs better than other WGs, even though the evidence is not in so strong on all points:

- WG2 is the smallest group in terms of members, and the spread of interests is smaller than for the other groups.
- According to respondents interviewed, NGO interests are less in conflict with industry interests in WG2. This could facilitate more agreement when making decisions in WG2.
- The fundamental difference between WG2 and other WGs is that it is less politically sensitive and controversial, and it does not bear the historical heritage of discussions on fisheries management. Consequently, it does not

have to engage in the delicate political debates that have to do with agreeing on e.g. TACs and quota. The subjects that WG2 is dealing with are thus mostly technical. As WG2 is mainly dealing with aquaculture, and as aquaculture is one of the few areas that are not covered by the RACs, WG2 has a central role to play. These different factors do provide WG2 with a strong mandate, and a clearer focus on mostly technical matters.

- As a measure of "productivity", but perhaps also as a measure of the relevance and importance of WG2, factual evidence indicates that WG2 undertakes significantly more debates (about 25% more) than any other WG. On the other hand, it undertakes fewer consultations. In spite of this, factual evidence points out that WG2 is far more active in initiating consultations compared to the other WGs.

3 Perceptions of WG2 and other WGs as observed through interviews on ACFA in general

For the evaluation, a significant number of interviews aiming at addressing key evaluation questions have been undertaken with a range of stakeholders. One of the questions that have been posed concerns the workload of the WGs, and whether this is satisfactory, but also questions related to the role of the different WGs in relation to the Plenary Committee, the Bureau and the RACs have been addressed. Some points emerging from the interviews are relevant to mention here.

WG2 has a more clearly defined work area than other WGs?

When examining what issues are covered by the WGs, then some respondents mention that it is problematic that there is overlap between the work of the WGs. WG2 and 3 seem well delimited, but for WG 1 and 4 there is a need for clarification. One respondent argues that WG3 tends to cover the broadest of issues, and it is problematic to have to sit through lots of topics that may not be of interest. Along the same lines, some respondents mention that it is not simple obtaining consensus in the WGs, where there is greater divergence between the views of members. This could be different in WG2, which is relatively more homogenous than the other WGs (see Table 1.1). Moreover, as pointed out below, the aquaculture interests are not as much in conflict with eNGOs as might be the case with marine fisheries.

WG2 more horizontal and technical than other WGs?

Some respondents mention that WG2 is working on more horizontal and technical issues than WG1 and 4. If horizontal is to be understood in terms of geography, then it is correct that the aquaculture issue is not covered by the RACs, where some of the WG1 and WG4 issues might be discussed. For some people this is also an argument for keeping WG2 in its present form in case a restructuring is done to other WGs (as some suggest). However, it might be so that WG2 is dealing with issues that are horizontal, but at the same time also quite technical in nature (see Table 1.2).

WG2 more proactive than other WGs?

Some working groups are said to be more proactive than others, and here it is pointed out that especially WG2 and to some degree WG3 is very proactive. This is explained by some respondents as having to do with which organisa-

tions the members come from. Members under WG2 from the Federation of European Aquaculture Producers (FEAP) are pointed out as especially active.

WG2 interests in less conflict with environmental interests?

When interviewing members of FEAP they clearly state that ACFA is the major channel for interaction with the EC in terms of policy, and therefore its position on WG2 is particularly important. However, FEAP also has considerable interest in WG3 – trade and market issues. FEAP members mention that they are probably less diametrically opposed to eNGO positions than other organisations might be, so they are not unhappy with the mix in terms of representativeness in WG2. For this reason, it might be easier to reach consensus in this Working Group.

4 Analysis of factual data of WG2 compared to other WGs

The composition in terms of representation and the role of each Working Group is spelled out in Commission Decision 1999/478. According to this Decision each Working Group is supposed to discuss issues presented by the Commission and prepare a common position to be discussed in the Committee.

As can be observed from Table 1.1, the Working Groups vary slightly in size, but more importantly, they vary in terms of spread of interests. WG2 is most concentrated in terms of interests, where two interest groups (stock breeders and mollusc and shell fish breeders) occupy 10 out of 15 seats. WG2 also operates with the smallest number of different interests groups (7) compared to WG1 (8) and WG3 (14) and WG4 (13).

Table 15-1 ACFA Working Groups: number of seats per interests concerned.

WG1	WG2	WG3	WG4
Private ship owners (5)	Employed fishermen (1)	Private ship owners (1)	Private ship owners (3)
Cooperative ship owners (3)	Stock breeders of fish (6)	Cooperative ship owner (1)	Cooperative ship owners (2)
Employed fishermen (2)	Mollu./shellf. stock bred. (4)	Employed fishermen (1)	Employed fishermen (2)
Producer organisations (1)	Consumers (1)	Producer organisations (3)	Producer organisations (1)
Environment (1)	Environment (1)	Stock breeders of fish (1)	Stock breeders of fish (1)
Development (1)	Biology (1)	Moll./shellfi. stock bree. (1)	Moll./shellf. stock breed. (1)
Biology (1)	Economy (1)	Processors (3)	Processors (2)
Economy (1)		Traders (2)	Traders (1)
		Consumer (1)	Consumer (1)
		Environment (1)	Environment (1)
		Development (1)	Development (1)
		Economy (1)	Economy (1)
		Banks (1)	Banks (1)
		Auctions and ports (1)	
Total: 8 interests, 15 seats	Total: 7 interest, 15 seats	Total: 14 interests, 19 seats	Total: 13 interests, 18 seats

Source: Commission Decision 1999/478/EC.

A broad overview of the main areas covered by each of the Working Groups is presented below in Table 1.2. This division of main working areas indicates that WG 1 and WG4 are covering a broad range of issues. WG1 covers some very big issues in terms of principles and general rules for the fisheries sector including TACs and quota, whereas WG4 covers general questions and economic and sectoral analyses, which by its very nature can include many topics. Thus, from this "subjects-based" point of view, WG2 and WG3 do have a more narrow focus on technical matters within a specialised sector (aquaculture) and within a special policy area (markets and trade policy related to fisheries). This could be one reason for having more focused discussions in WG2 and 3, which is a good basis for being more productive in terms of output.

Table.15-2 Working groups and their main working areas

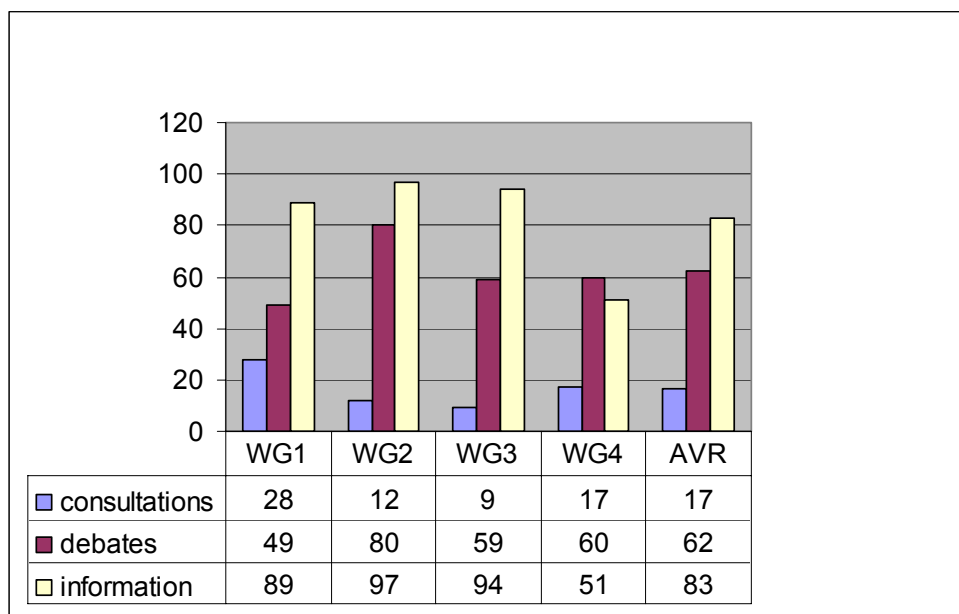
Working group	Main areas covered by the working groups
1. Access to fisheries resources and management of fishing activity	<p><u>Principles and bases of the general rules in the fisheries sector</u> (Regulation (EC) No 2371/2002 on conservation and sustainable exploitation of fisheries resources)</p> <p>Relative stability, Environmental issues, The precautionary principle: medium- and long-term management objectives and strategies, Technical measures (selectivity), Fishing rights: Fishing licence and permit arrangements</p> <p><u>Domestic waters:</u></p> <p>TACs and quotas, Fishing effort, Fishing capacities, Multi-annual management plans and recovery plans</p> <p><u>External waters:</u></p> <p>Law of the sea: straddling stocks, Cost-benefit analysis of fisheries agreements, Access to territorial waters or management areas (regional organisations), Access to the waters of third countries and fisheries agreements, Cooperation and development</p>
2. Aquaculture: fish, shell-fish and molluscs	<p>General rules on fish farming conditions (handbook)</p> <p>Environmental issues: coastal areas, drainage basins and maritime fish farming, Epizootics and pathologies and treatments. Animal welfare.</p>
3. Markets and trade policy	<p>Common organisation of the markets (COM), Role of producer organisations, Quality systems (labels), Responsible fishing certification (eco-labelling), Promotion of fishery products, Health issues relating to fishery products, Trade policy (WTO), Supply policy, Processing issues</p>
4. General questions: economics and sectoral analysis	<p>Research and development programmes, Control and enforcement measures, Data systems on the characteristics and activities of the sector, Socio-economic analysis of the chain of production, Public aid schemes and structural measures, Decentralisation of the implementation of the CFP/ RACs, Public relations and image of the sector</p>

Source: 1999/478/EC Annex and Rules on the work of the Advisory Committee on Fisheries and Aquaculture (1)

It is difficult to establish the "productivity" of each of the Working Groups, since there is no obvious yardstick to single out as measurement. However, an examination of the meeting agendas of the four Working Groups for the period 2002 - 2007 reveals that WG2 undertook about 25% more *debates* than any of the three other groups (Figure 1.1). On the other hand, WG2 (and WG3) is less involved in *consultations*. Regarding the 20 *opinions* that have been made dur-

ing the period, it is difficult to ascertain to which degree the different Working Groups have contributed to these. Moreover, there is likely to be good reasons for one Working Group to work more on a certain opinion than other Working Groups, and this is not necessarily related to performance.

Figure 15-1 Features of the work of the Working Groups (as indicated in meeting agendas for 2002-2007)

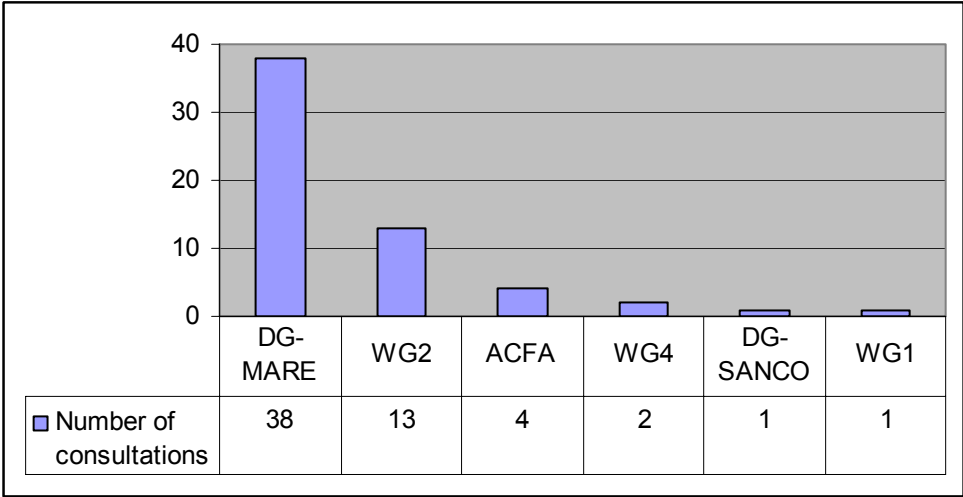


Source: data submitted by DG MARE.

Note: AVR = average.

An examination of the number and origin of consultations concerning the ACFA interest area for the period 2000-2008 shows that DG MARE has initiated most of the consultations, which is not surprising (Figure 1.1). However, of the four Working Groups, WG2 seems to have been significantly more active in terms of initiating consultations. It should be noted here, that when the numbers in Figure 1.1 and Figure 1.2 do not match each other, then this is because some consultations have been on the agenda for more than one meeting within the same Working Group, and some consultations have been on the agenda in more than one working group (e.g. Reform of the CFP and IUU).

Figure 15-2 Number and origin of ACFA-related consultations for the period 2000-2008



Source: Data submitted by DG MARE.

16 Comparative study on CAP and ETP

1 Summary

The table below gives a summarized view on the similarities and dissimilarities between ACFA, the advisory committees under Common Agricultural Policy (CAP) and European Technology Platforms (ETP).

Table 16-1 Comparison of ACFA, the Advisory Committees under CAP and ETPs

Issue	ACFA	CAP groups	EATIP
Main interests of stakeholders	Political: to influence EU policy on CFP	Political: To influence EU policy on CAP	Research and Innovation within specific areas
Expected to focus mainly on	Providing policy advice	Providing policy advice	Medium to long term research and innovation
Who are members?	Interest organisations (industry, trade unions and NGOs)	Interest organisations (industry, trade unions and NGOs)	Specialists and research institutions
Communication from EC to the platform/committee	Very often (direct)	Very often (direct)	Very limited (indirect)
Communication from the platform/committee to the EC	Very often (advice and consultation)	Very often (advice and consultation)	Very limited ad hoc advice
Established by	European Commission Decision	European Commission Decision	Encouraged by EC but established and regulated by the stakeholders decision
Role of the relevant DG in the meetings	Observers (several)	Observers (several)	Observer (one)
Secretariat	EC provides secretariat function	EC provides secretariat function	Independent with own secretariat
Economic support (Per diem and travel allowances for meetings)	Support through EC budget	Support through EC budget	None. Expenditure covered by the stakeholders.
Economic support for preparatory meetings	Per diem and travel allowance financed by EC budget for trade organisations.	None	None

Source: elaborated by consultant

1.1 Key observations: Comparing ACFA with CAP committees

As this analysis of the CAP advisory committees is building on few observations rather than a deeper organisational evaluation, the conclusions must of course be assessed in this light.

The role of the CAP advisory committees is in many ways similar to that of ACFA - providing a forum for stakeholder consultation in relation to policy development. The CAP advisory committees have also to some extent organised their work in a way that is similar to that of ACFA, and yet, the "CAP policy domain" is much larger reflecting numerous product markets and support schemes. In general terms, the CAP advisory committees seem to be dealing with some of the very same questions on efficiency and representation. As the efficiency problems of the CAP groups have not been tackled yet, there are few concrete lessons to learn from that can be used as inspiration for improving upon the ACFA process. The most striking observation is perhaps that the CAP advisory committees do not distinguish between the different stakeholders in terms of financial support, and consumer organisations and environmental NGOs thus have less reason to feel dissatisfied on this particular point. However, these groups do feel that they are underrepresented, and they also argue that a wider approach to stakeholder consultation is needed (e.g. include animal welfare groups, etc.). It is also interesting to observe, that the stakeholders interviewed report that there is little knowledge of how the Commission is using the input of the advisory committee meetings, and that it is difficult to see the impact at the other end of the policy process. Apparently, DG AGRI has not established a way of dealing with this issue.

1.2 Key Observations: Comparing ACFA with ETPs

The main conclusions in this part is based on few observations rather a deeper study of European Aquaculture and Technology Innovation Platform (EATIP) and Global Animal Health (GAH). Therefore the conclusions must be seen in that light.

The technology platforms of GAH and EATIP have in many ways different characteristics than those of ACFA. For instance the main interests of the platforms are research, product development and innovation in case of EATIP, while ACFA is mainly concerned about influencing EUs policies on Common Policy on Fisheries. In the same way the EC expect that ACFA comes up with advice on policy issues, but the technological platforms are very rarely expected to give advice.

Another striking difference is the composition of stakeholders³⁰: While in the case of the technology platforms the stakeholders are scholars and researchers from research institutes and universities, the stakeholders in ACFA are mainly interest groups from trade unions, industries and NGOs.

³⁰ For instance this view was expressed by Mr. Jacques Fuchs, EU Commission.

Similarly the European Commission encourages the idea of establishing technology platforms, while the stakeholders themselves outline the regulations for establishing and managing the platform. In contrast to this a Commission Decision regulates the mission and activities of ACFA in details. However it should be mentioned that the EC shows keen interest to both platforms and ACFA. EC observers participate in meetings of both EATIP/GAH and ACFA.

2 Analysis of similar structures in details

This Chapter looks first at the CAP structure and thereafter at the two ETPs way of functioning. A broad range of questions have been addressed by interviewing key informants listed at the end of this annex, and by studying relevant information material and Commission decisions.

2.1 Advisory committees - CAP

The Agricultural Committees were established in the early years of the European Community as an instrument in defining and implementing the Common Agricultural Policy (CAP), which was the first of the EC's common policies, developed in the 1960's.

The Agricultural committees are briefly described at the website of DG AGRI³¹, while the legal circumstances concerning them are laid down in Commission decision 2004/391/EC. The three main European institutions: The Council, the Parliament and the Commission have established a number of committees contributing to the process of adopting and implementing the CAP. The Treaty and The Council Decision of 28 June 1999 governs the submission of draft instruments to a committee and the procedure to be followed.

Committees working with the Commission

The Commission is represented on three main types of committee. The role of each type of committee is the following:

Management committees give their opinion on market management measures on the proposal of the Commission. The committees comprise representatives from the Member States dealing with specific areas such as cereals, milk, beef-meat, etc. giving opinions on export refunds, minimum selling prices etc.

Regulatory committees have a similar role to that of the management committees for decisions about rules to be used in areas like food law and common standards.

Depending on the policy area concerned the Commission must consult a management committee or a regulatory committee.

Advisory committees comprise representatives of the relevant social and occupational groups appointed by the Commission on a proposal from Community-wide interest groups. This enables the Commission to learn the views of

³¹ http://www.ec.europa.eu/dgs/agriculture/index_en.htm

these circles on the major various sectors of agricultural production, rural development, etc. Another type of advisory committee, the scientific committee, gives advice on technical matters. The advisory committees are consulted at the Commission's discretion.

2.2 Set-up of advisory committees

The advisory committees, or advisory groups, may be consulted by the Commission on all matters relating to the CAP or rural development policy. The chairman of each committee can propose that the Commission consult the committee on a matter for which it is responsible. When the committee adopts an opinion unanimously, the Commission communicates the results of the committee's deliberations to the Council if the committee so proposes. The Commission is not bound by the opinion of these committees, but it highly appreciates them, and informs committee members how it has taken account of their views.

The advisory structure has existed since 1962 but following the reform of the common agricultural policy in 1999 and 2003 and in light of the 2004 enlargement of the Union it was necessary to review the structure.

All in all 30 advisory groups have been set up dealing with a broad array of issues from products as milk or beef meat to socio-economic measures such as "women in rural areas"

All 30 advisory groups are referring directly to the Commission. Most committees are referring to DG AGRI but some committees are referring to DG SANCO (see below).

Table 16-2 CAP Advisory Committees



Working groups are described below.

Membership of Advisory Committees

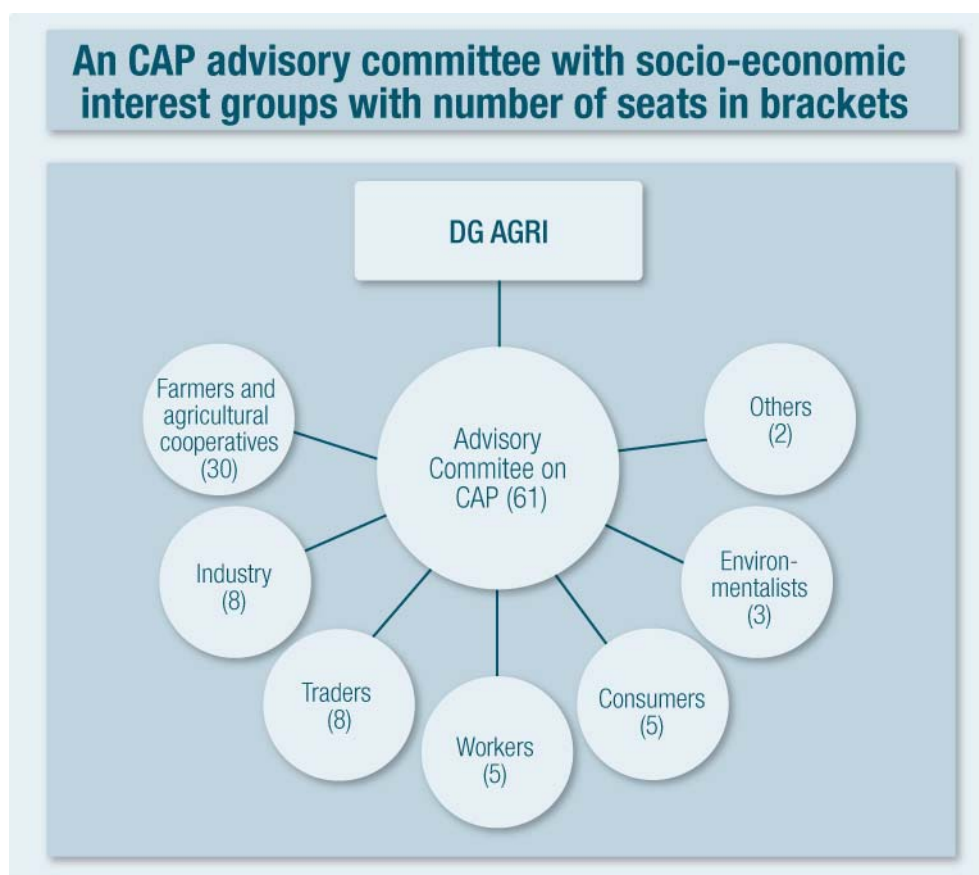
The advisory committees are representing specified socio-economic interest groups consisting of:

- agricultural producers and agricultural cooperatives (like farmers)
- agricultural and food-manufacturing industries (like canned fruit producers)
- agricultural products and foodstuffs trade (like wholesalers and retailers)
- farm workers and workers in the food industry, consumers and environmentalists

The Commission invite the socio-economic interest groups to designate experts to the advisory committees. The groups entitled to designate experts are those listed in the Commission's register of interest groups.

The size of the advisory committees varies according to their subject. For example the advisory committee on the common agricultural policy have 61 members (of these 5 consumer seats, 3 environment seats, and 2 other seats) whereas the advisory group on beekeeping only have 13. There is also a specific advisory group on agriculture and environment, where 8 out of 41 seats are covered by environmentalists.

Table 16-3 Advisory committees with socio-economic interest representation



In nearly all advisory committees, the agricultural producers and agricultural cooperatives have the majority or close to the majority of seats, which of course indicates the importance that the Commission puts on the interests of the producers against other interests.

The committees may invite experts to attend and make presentations at the meetings.

2.3 Working groups

The advisory committees, in conjunction with the Commission, may establish working groups.

There are 14 more or less permanent forecast working groups on topics like market data analysis, market forecast - production, import/export, consumption etc. within the following sectors: Fruit and vegetable; animal meat products, rural development, forestry, oenological practices, environment and cereals. They meet with varying intervals, most frequently the forecast working groups in the meat sector and fruit and vegetable sector.

Ad-hoc working groups have been established on the situation in the cereal sector, fruit and vegetable issues or the WTO negotiations developments.

- Chairing the committees and working groups
- For each committee, a chair and two vice chairs are elected by the committee members. In some cases, the chair and the two vice chairs form the management team or bureau of the committee
- The chair should not serve for more than two two-year terms. The next chair should not originate from the same socio-economic sector as the predecessor.
- A major part of the present chair persons are on their second two year term and many of these chair persons represent the producers. The second two year term will expire on 1 May 2008 and the Commission is anxious to observe whether the change to a chair person from a different sector will have any influence on the efficient management of the advisory committees.
- The Commission can consult the advisory committees on any matter relating to the CAP or rural development policy. The chair person in cooperation with the Commission and in consultation with the other interest groups determines the agenda for the next meeting in the advisory committees.
- The chair person may suggest that the Commission consult his committee on any matter within the committee's competence. The advisory committees do not vote. Instead the various sectors represented at a meeting have an opportunity to express their views and concerns. The chair is responsible for the record of the proceedings. The Commission is in a position to amend the chair persons draft report prior to the distribution and approval of the draft report. The minutes for the meetings in the advisory committees are not publicly available and are distributed to the members only. Consequently, the minutes have not been studied for this analysis.
- The future for the advisory committees
- For many years, the CAP has been based on market systems for specific products. This is also reflected in the composition and work of the advisory committees related to specific topics like beef and sugar. However, the agricultural policy is increasingly opening up to liberalisation and thus gradually changing from complex market support systems to new kinds of support favouring rural development and environmentally good farming practices. These changes might reduce the need for advisory committees with specific but narrow topics.
- The Commission has no official plans yet to change the system of advisory committees, but it is concerned with the effectiveness and efficiency of the present system, which it believes is time consuming and expensive in terms of travel expenses. For example, at meetings in the advisory committee on poultry-meat and eggs, 10 - 15 representatives from the Commission attend. Thus with many committees, Commission officials have to attend a multitude of meetings. To solve the problem, the Commission is aiming at having a single advisory committee instead of the present 30 committees, according to producers interviewed. In disapproval of this argument, the producers point out that a single advisory committee would have difficulties in discussing the large and diverse amount of topics in any detail.

It should also be mentioned here that the Commission's current "Health Check" on the CAP could be a driver of reform of the committees, as the health check is looking at ways to trim and adjust the bodies dealing with the CAP.

2.4 Stakeholder viewpoints on the working process of the committees

How do the advisory committees organise their preparatory work?

The initiative to call for meetings and prepare the agenda lies with the Commission (DG AGRI Unit K3 (External relations and non-government organisations)) even though the chairperson may suggest to the Commission that the advisory committee should be consulted on a specific topic.

On the producers' side, working groups are established which matches the Commission's advisory committees and adopt a working program also matching the working program and priorities of the Commission.

The agenda, including possible back-ground notes, is circulated by mail to the members who are asked whether there are other topics that want to add to the agenda. Prior to sending out the agenda, the Commission will consult other Commission services and units. The meeting documents are often sent rather late, but also often contain substantial amounts of documentation already known by the members.

Some of the groups organise pre-meetings with their members before the meeting in the advisory committee. This in particular is the case for the producer's organisation COPA-GOGECA. At these pre-meeting the producers will prepare themselves to present their case to the Commission and their representatives are given a mandate to present during the meeting in the advisory committee.

It can be quite demanding for the members to prepare for the meetings in the advisory committees. The producers seem to have the necessary resources for doing the preparatory work involving a number of their own experts and the organisations. However, members representing for example consumers express difficulties in engaging in preparatory work to the same extend as the producers, due to far fewer resources.

How do the advisory committees form opinions and advise?

The meeting in an advisory committee take form as an open discussion with no voting at the end. The discussion is merely an exchange of viewpoints, where members have their platforms for letting the Commission know their concerns.

According to the producers it is important for the committee members to take on their "European hat" and avoid discussions based on representation of national interest. However, it does appear to be a problem that some committee members are pursuing national interests.

There are presentations on all issues on the agenda from all sectors (producers, industry, consumers etc.) represented in the meeting. Therefore, the advisory committee is seldom able to - or necessarily intended to - form a single opinion on the matters under discussion.

A long standing member of an advisory committee explains that for a substantial number of years the Commission has only on 2 - 3 occasions raised high priority issues where the Commission has requested an opinion.

On basis of the consultation the Commission uses whatever it can get from the advisory committee. According to the sources spoken to outside the Commission, it is not transparent how the Commission makes use of the consultation and how the consultation is later reflected in the Commissions' work.

Finally there is an issue about transparency of how the Commission make use of the information, advise or opinion given by the advisory committees

What are the framework conditions for the advisory committees?

DG AGRI Unit K3 is responsible for the management of the majority of advisory committees. For this, K3 have allocated a staff of four. Unit K3 coordinates the work of the 30 advisory committees and a number of working groups. With an average of two meetings per advisory committee this amounts to 60 meetings a year. There is an average of 31 members per committee. The number of Commission representatives attending meeting in the advisory committees varies, however, in some committees 10 - 15 Commission representatives participate in the meetings.

The experts taking part in the advisory committee meetings are reimbursed for their travel expenses and are paid a per diem allowance. Any necessary interpretation costs are covered by the Commission budget (general budget), but preparatory work is on members' own account. Moreover, the experts are not paid for their time spent in the advisory committee meetings. All experts, whether they are from producer organisations, consumer organisations or environmental organisations, are receiving the same amount of financial support to cover their costs.

The Commission has a budget of 1 million Euro per year to cover the travel expenses and the per diem allowances. Additional costs are paid by the Commission existing services for interpretation, meeting rooms, staff etc.

To what extend do the advisory committees manage to balance the need for thorough consultation and the need for saving time and money?

The possible answer to the question differs greatly depending on who you ask.

The advisory committees meet in average every six months: Some committees meet only once a year and others meet three times a year. According to the Commission the chair person and the members will prefer to hold more meetings, but the Commission want to restrict the number because of cost considerations.

The Commission finds that the agendas for the advisory committees could be better structured: There are too many points on the agenda of the information type like "News from the Commission on the WTO negotiations", which leads to a situation where the Commission find themselves talking more to the advisory committee whereas the idea was that the committee should be presenting views to the Commission.

The sectors interviewed agree that the advisory committees and the official consultation are important instruments to bring all interest together. The producers lobby the Commission to put a higher priority to the advisory groups in order to allow for more meetings. However, more experts and more sectors already participate in the advisory committee meetings today than in the past.

The situation for the advisory committee for the common agricultural policy explains the situation: Within the last three years only two or three one day meetings have been held as the Commission only wants to use the committee for high policy issues. However, the producers see the committee as an instrument for continued consultation.

The last meeting in this committee took place in December 2007 with 120 participants. The high number of participants makes a fruitful dialogue difficult between the socio-economic groups and the Commission and the meeting was not judged as useful by the producers. Compared to this, the producers find it more efficient to spend more resources on bilateral lobbying with the Commission.

The environmentalists generally find that the meetings in the advisory committees give time for sufficient debate and exchange of views.

It is difficult from the above data to make a judgement of whether the advisory committees in general manage to strike a balance between thorough consultation and saving time and money. But at least the data suggest that there is a need to look further into the resources spent on the preparatory work of the committees to the running of the actual committee meetings compared to what comes out of the efforts in terms of sound consultation.

Are all interest represented in a proper manner in the advisory committees?

The environmentalists state that the Commission need a wider approach to consultancy than offered by the advisory committees. They find the representation in the advisory committees heavily biased in favour of the producers and would like to have representation from e.g. animal welfare groups etc. involved in the implementation of the agricultural policy. On the other hand, the producers question the representation of the NGO's in the agricultural policy. Who do the NGO's represent, they ask.

The above describe the problem of representation in the advisory committees. Well established socio-economic groups feel themselves represented in a proper manner and do not want to see other groups interfering in the formulation and implementation of the agricultural policy. On the other hand less well established groups like environmentalist feel that their views are underrepresented in the advisory committees.

The pros and cons of the present way of managing the advisory committees

The producers, the consumers and the environmentalist all agree that the advisory committees are appropriate instruments to bring a number of different stakeholders together and present point of views to the Commission and thereby influence the agricultural policy.

The socio-economic groups with small resources like consumers and environmentalist have problems in taking full advantage of their membership in the advisory committees due to resources needed for the preparatory work.

Further the environmentalist and consumers have only a limited number of members in the advisory committees making it even more difficult to make use of the committees as a platform to express their views.

How are the views of the committees being used?

A general critic raised concerns the questions of how the Commission actually makes use of the opinions expressed in the advisory committees. It appears that the Commissions' use of the opinions submitted by the advisory committees is a sort of black box as it is not transparent how the views expressed are being utilised in the Commissions' policy making and implementation. It is difficult for the socio-economic groups to trace their opinion in the Commissions policy formulation or implementation.

2.5 Informants

The following persons have contributed with information provided by mail or telephone:

Table 16-4 *informants*

Name	Position	Organisation
Gerard Kiely	Head of Unit	DG Agri, Unit K3
Sebastian Zaleski	Coordinator Advisory Groups	DG Agri, Unit K3
Pieter de Pous	Policy Officer	European Environmental Bureau
Ingeborg Brommé	Policy Advisor	Copa-Gogeca
Arnaud Petit	Senior Policy Advisor	Copa-Gogeca
Maria-Christina Ribera	Senior Policy Advisor	Copa-Gogeca
Niels Lindberg Madsen	Head of Division	Danish Farmers Council
Guida Olivera	Secretary to the Director General	BEUC - The European Consumer's Organisation

3 European Technology Platforms

The European Council in 2003 encouraged the European Commission to support the European Research and Innovation Area by creating European Technology Platforms (ETPs) bringing together technological know-how, industry, regulators and financial institutions to develop a strategic agenda for leading technologies³².

European Technology Platforms are led by the industry. This means that the European Commission does not regulate the ETPs activities by Commission Decision as the case is with ACFA or other advisory committees. The ETPs were established as stakeholders with the objective of defining medium to long-term research and technological objectives and laying down markers for achieving them.

Today there are 34 ETPs established and running, spanning a wide range of technologies which are supposed as key to Europe's growth and competitiveness. Each of the ETPs has brought together relevant stakeholders, created a common vision and established a Strategic Research Agenda (SRA). The European Commission has provided guidance and support to the ETPs, counting on their work to better align EU research priorities with industry needs.

Objectives and role of ETPs

The ETPs have brought together relevant stakeholders and have defined a common vision and a RSA. In order to secure implementation of their respective RSAs, a primary objective of ETPs is "to influence industrial and research policy at EU, national and regional levels, and to encourage public and private investments in Research and Development and innovation in key technological areas"³³.

The decision on the Seventh Framework Programme (FP7) confirms that "European Technology Platforms (ETPs) ... are particularly relevant for industrial research... ETPs help the stakeholders establish long-term strategic research agendas and can further evolve to represent an important mechanism for fostering European competitiveness"³⁴.

Thus the role of ETPs is not only for promoting research and development but also there is an expectation that the ETPs will provide higher returns for European economy through improved competitiveness.

3.1 Global Animal Health (GAH)

GAH includes a range of stakeholders and representatives from industry, research institutes, officials from the veterinary departments from EU member states. Representatives from European Commission, mainly from DG Research

³² Third Status Report on European Technology Platforms, 2007, p.1

³³ Third Status Report on European Technology Platforms, 2007, p.1

³⁴ Decision 1982/2006/EC of the European Parliament and of the Council of 18 December 2006, Published in OJ L 412 of 30.12.2006, p. 1

participate as observers in the meetings of GAHETP³⁵. The GAH Technological Platform has a Steering Committee and an Executive Board.

GAHETP's structure	<p>The aim of GAH is "to facilitate and accelerate the development and distribution of the most effective tools for controlling animal diseases... and thereby improving human and animal health, food safety and quality, animal welfare, and marked access contributing to achieving the Millennium Development Goals³⁶".</p> <p>GAH has an Executive Board (EB) comprises 9 members from industry, users and public bodies and one EC observer from DG research. The EB is responsible to ensure implementation of the recommendations from the Steering Council and that the process is directed in an efficient way. It holds some 8 meetings each year.</p> <p>The Steering Council has 30 members and constitutes a network connecting major stakeholders of the platform. The Steering Council guides and monitors the Technology Platform and acts to move it forward. It holds 2-3 meeting pr. year and the EC participates as observer.</p> <p>The member states are involved through representation of four Chief Veterinary Officers (CVOs) in the Steering Council. The CVOs are responsible for the animal health Policy in their respective state.</p>
Working Groups under GAH	<p>GAH has 62 stakeholders, who are active in three Working Groups (WGs). The WGs focus on research, technology transfer to developing countries, regulatory issues like licenses and global perspective.</p> <p>For instance WG 1 concentrates on basic research and mapping. They hold about 4 meeting during the year. The members are researchers from universities and research institutes, CVOs and representatives of the industry, like manufacturers of medicines and vaccines. However since 2006 where the WGs developed GAHs Action Plan, they have not hold meetings.</p> <p>The available minutes from the meetings (2005) show that the Working Groups take about 12-14 items during one day meeting. This indicates that the meetings are very concentrated as the members use in average around 30 minutes pr item on the agenda. Generally there is consensus during the meetings. Some issues where upon the members may disagree could be for instance which disease is most important to concentrate the efforts on.</p>
How GAH form opinions and advice?	<p>3.2 Stakeholder viewpoints on the working process of the committees</p> <p>GAH is only on ad hoc basis asked to form an opinion or advice by the European Commission. For instance in 2006 while the bird flue was becoming a ma-</p>

³⁵ Third Status report on Technology Platforms, 2007, p. 28

³⁶ European Technology Platform for Global Animal Health, Strategic Research Agenda p 11

major treat to human and animal health, GAH was asked by the European Commission for advice. The question was whether there were other more practical treatment solutions than vaccination. GAH's stakeholders who have researched on the bird flu in many years and have the expertise and knowledge provided their advice through GAH's Steering Committee. The Steering Committee may also express some views on current issues and directives without being asked by the EC. The views may be taken up by the EC or not. In the same way the EC, especially DG research channel relevant information to the stakeholders through GAH.

The Framework
Conditions for the
WG

GAH (and other ETPs) do not receive any secretarial assistance from the EC. GAH has its own secretariat which makes preparation for the meetings and provides administrative support to the organisation. However the EC provides room for GAHs WG meetings and the like.

From mid 2005 to end of 2007, GAH received 300.000 Euro in project support from EC. The amount was also used to cover some secretarial assistance in GAH office. After the end the project funds, GAH has started raising funds among its stakeholders.

The balance between
thorough consulta-
tion and the need for
saving time and
money

Generally the ETPs are not able to cover travel costs or pay pr diem to the members, when the members are invited for the meetings. GAH has in very limited cases provided for costs to the members. The general expectation from GAH side is that the members own organisations cover the travel costs of the participants. This may indicate that stakeholders with stronger financial background and larger interests in GAH are more inclined to participate in the meetings. And smaller research institutes may not be able to participate in the meetings.

From 1st of January, where the funding of GAHs projects has ended, GAH has not arranged any meetings as it used to do before the end of funding. It needs some 40.000 Euro pr year to be able to keep its activities on a reasonable level. At the moment the GAHETP waits to see if some of the members are willing to provide some funds.

Are all the interest
groups represented in
a proper manner?

There are two conflicting views on this question. One view is that the ETPs in general and GAH in particular includes all the interests. According to this view, if any institutions or companies which may meet the requirements of GAH want to join it, would be able to apply and would be given the status of stakeholder.

The other view is ETPs are normally led by industries. The stronger the industries behind an ETP, the better that ETP will function. Industries as such are not representatively entities, because they are not elected bodies. Therefore the ETPs cannot represent all interest within a sector properly. However as ETPs expect the members to cover own costs and even provide contributions to the platforms, it could indicate that ETPs represent mainly the groups of stakeholders who have strong economic support.

The pro and cons of present way of managing GAH

What is useful in GAH is that the stakeholders build consensus and work together constructively. In some cases the debate may end in smaller disagreements. Disagreements could be on priorities because of some difference in interests. One may underline one disease more, while others would like the group to concentrate on other diseases.

It would have been interesting to know the view of some stakeholders on this issue. For this purpose some stakeholders were contacted, but none of them have responded to our queries.

3.3 Informants

The following persons have contributed with information through telephone or e-mail:

Table 16-5 *informants*

Name	Position	Organisation
Mr. Declan O'Brien	Chairman of GAH	International Federation for Animal Health
Mr. Courtney Hough	Secretary General	FEAP
Mr. Jacques Fuchs		European Commission

3.4 European Aquaculture and Technology Platform

The European Aquaculture Technology and Innovation Platform (EATIP) is one of the newly established ETPs, and is still in the development process. It was established at a meeting in Brussels November 8-9, 2007. Presently, the platform is in the process of establishing its operative bodies - the Thematic Areas and Working Groups (WG).

According to the EATIP homepage, it works to bring together industry, science and other stakeholders to establish a common view of which possibilities the future holds and to create a shared vision of the future. Having the vision it will make a Deployment Strategy and a paper on Strategic Development Agenda.

EATIP states its aim as promoting the transformation of aquaculture industry from a resource-intensive to a knowledge-intensive industrial basis - knowledge intensive products, processes and services. When this aim is achieved this platform will improve the industry's competitiveness and its economic contribution to society - and thus supporting the European Union Lisbon strategy.

EATIP's structure

At the moment the EATIP has elected a board of directors. It includes 10 persons from the industry, universities, research institutes and NGOs like consumer organisations. EATIP's governing body is the High Level Group (HLG), which would have 4-8 members. It would have a chairperson and vice-chairperson. The European Commission participates in the meetings as ob-

server. The Secretariat is the executive body of the HLG and is running the day to day activities of the platform.

The Advisory Council is the plenary forum where the stakeholders meet and exchange their views. The EATIP plans to establish Initiative Groups and member states' mirror groups. These groups will in turn submit their recommendations to the Council. Initiative Groups may come in two forms: Working Groups (WGs) which will deal with specific technological issues and topics, and Horizontal Groups (HGs) whose operations will be related to non-technical, industrial and policy-oriented issues.

Objectives	The main objective of EATIP is to influence and facilitate stronger research and investment in technology development and innovation with funding from public and private sources.
Stakeholders	<p>The EATIP includes stakeholders from different sectors like:</p> <ul style="list-style-type: none"> • aquaculture producers and processors • feed manufacturers • pharmaceutical industry • suppliers to aquaculture (from engineering to services) • the financial community • education/training and research institutes • public authorities • civil society and NGOs • consumer organizations <p>The stakeholders could have different roles for instance as members of the Advisory Council, Initiative Groups or in the national mirror groups. They may also participate in implementation of Research Technological Development and Innovation (RTDI) projects.</p>
Working Group under EATIP	According to EATIP's homepage, two Initiative Groups which may come into Working Groups are on the way to be established. This includes Off-shore Aquaculture and Aqua Breeding. These two Initiative Groups would get some funding from DG MARE, and shall start working. The Advisory Council decides which Initiative Groups are to be established.
Does EATIP form opinions and advice?	EATIP does not form opinion or advice to the EC, and it is not a representative body in the way the advisory committees are. Therefore it does not form opinions and advice. It has some communication with the DG Research, but it is mostly about its start-up processes.
The framework conditions for the WG	Currently there are two entities called Initiative Groups which is similar to ad hoc "Working Groups". One is Off-Shore Aquaculture which is led by the Marine Institute from Ireland. The other is Aqua-breeding, which is led by an Italian research institute. The two are working on specific projects and concentrate its activities on research, development and innovation. The two groups work independently, but within the vision of EATIP.

The balance between thorough consultation and the need for saving time and money	One could say that the activities of EATIP are very cost-efficient. All the resources used in the IG or Working Groups come from the stakeholders themselves or their respective organizations. No per diems are paid or travel costs covered.
Are all the interest groups are represented in a proper manner?	Participation in the EATIP is open for all stakeholders with a valid interest in the platform. However according to the chairman of EATIP, the membership criteria are under revision currently.
The pros and cons of present way of managing EATP	According to the chairman, the EATIP is very new establishment, and as such it is too early to say anything about pros and cons of the way the platform is managed.

3.5 Informants

The main source of information in this chapter is EATIPs homepage, that is www.eatpnet.eu and e-mail communication with Chairman of the platform Mr. Gustavo Larrazábal, dated 21. April 2008.

17 Persons interviewed

DG MARE

- 1 Mr. Mastracchio, Director Resources and Relations with stakeholders
- 2 Mr. Jean-Claude Cueff
- 3 Mr. Priebe, Director Conservation Policy
- 4 Mr. Ken Patterson, Stock Management Unit
- 5 Mr. Manos Papaioannou
- 6 Ms. Maria Monroy
- 7 Mr Jacques Fuchs

Other Directorate Generals

- 8 Mr Gerzat, DG Trade
- 9 Mr Martin, DG Environment
- 10 Mr Johanson, Control measures, DG SANCO
- 11 Mr Gerard Kiely, Head of Unit (K3), DG Agri
- 12 Mr Sebastian Zaleski, Coordinator Advisory Groups (K3), DG Agri

Professional organisations

- 13 Mr Javier Garat Perez, Spanish Fishing Confederation/Cepesca
- 14 Mr Courtney Hough, General Secretary, Federation of European Aquaculture Producers (FEAP)
- 15 Mr Peter Bamberger, Chairman, Association of Danish Fish Processing Industries and Exporters
- 16 Mr Sean O'Donoghue, European Ass. of Fish Producer Organisations (EAPO), CEO Killybegs Fishermen's Org. Ireland
- 17 Mr Phillipe Alfonso and Livia Spera, European Transport Workers Federation - maritime transport section
- 18 Mr Jose Angel Mozos, Financial manager, SERPESKA
- 19 Mr Jose Manual Gonzales Gil De Bernabe, Federation Nacional De Cofradias De Pescadores
- 20 Mr Guus Pastor, AIPCE
- 21 Mr Gerard Van Balsfoot, COGECA
- 22 Mr. Guy Vernaev, COGECA
- 23 Mr. Brest, President, Comitte National de la Conchyculture
- 24 Mr. Keller, Chairman, German Association of Fish processors and wholesale traders

- 25 Mr. Dion, EUROPECHE
- 26 Mr. Smidt, ETF
- 27 Mr. Cliff Morrison, AIPCE
- 28 Mr. Paul Piscopo, Chairman of Maltese Fishermen Association
- 29 Mr Flynn, Chairman, Executive Secretary of Irish Farmer's Association - Aquaculture
- 30 Ms Julie Dinimant, General Secretary of European Mollusc Producers Association (EMPA)
- 31 Mr Niels Wichmann, Chairman, Danish Fishermen's Association/EAPO

Non-professional organizations

- 32 Mr John Godfrey, Representative, BEUC
- 33 Mr Kees De Winter, BEUC
- 34 Noëlle Vonthron, EuroCommerce
- 35 Ms. Carol Phua, WWF Europe
- 36 Mr. Euan Dunn, Birdlife International
- 37 Mr. Jan Kappel, European Anglers Alliance
- 38 Ms Beatrice Gorez, Coalition for Fair Fisheries Arrangements

Others

- 39 Mr Koutsikopoulos, professor, University of PATRAS
- 40 Mr. Declan O'Brien, Chairman of GAH, International Federation for Animal Health
- 41 Mr Pieter de Pous, Policy Officer, European Environmental Bureau
- 42 Ms Ingeborg Brommé, Policy Advisor, Copa-Gogeca
- 43 Mr Arnaud Petit, Senior Policy Advisor, Copa-Gogeca
- 44 Ms Maria-Christina Ribera, Senior Policy Advisor, Copa-Gogeca
- 45 Mr Niels Lindberg Madsen, Head of Division, Danish Farmers Council
- 46 Ms Guida Olivera, Secretary to the Director General, BEUC - The European Consumer's Organisation
- 47 Mr. Gustavo Larrazábal, Chairman of the platform, EATP

18 E-Survey

This appendix contains information about the management and handling of the e-survey followed by the e-survey questionnaire.

Management and Handling of the e-survey

The questionnaire was distributed by e-mail to the respondents on March 4 2008. Two reminders were sent out before the e-survey was closed April 21 2008. The respondents were identified through a list of participants submitted to the consultant by the ACFA secretariat. The list contained 281 names of which about 240 were still relevant. The e-survey collected 73 completed questionnaires that provide quantitative data as input to the evaluation, indicating a response rate of 30%. In addition, 29 incomplete questionnaires were also received - incorporating some data that could be used in analysis. Including these, the response rate for certain questions is 43%. When describing findings from the e-survey, the number of respondents referred to is cited in each case.

A quality check was conducted to assess the spread of stakeholders represented amongst the respondents. Respondents included the key actors in ACFA membership, including all members of the ACFA Plenary, a range of experts frequently participating in working group meetings, all interests allocated seats within ACFA, and all Secretaries General of ACFA member organisations. The e-survey is thus considered a reliable source of information in analysing the perceptions of ACFA participants.

The programme TricTrac was used for the technical application of the survey, and the respondents received an e-mail with a link to the questionnaire.

The survey consists of 43 questions (listed below) elaborated based on the ToR. In order to facilitate the management of the e-survey it was strived to use as many closed questions as possible, however it was regarded necessary to have some open questions to allow the respondents to elaborate their answers. In total there are 17 open questions.

Using TricTrac, the results were categorised in tables showing the answers of the all respondents as well as according interest representation, in order to be able to identify potential differences in opinions among the interest groups represented.

The responses received were treated anonymously, however, the identity of each response is known to the project team.

Questionnaire for the e-survey

Participation in the Plenary

- 1. How many Plenary meetings have you participated in?
 - 0, (1-3), (3-5), (5-10), (more than 10)
- 2 In what capacity did you participate in the Plenary?
 - Secretary General of ACFA member organisation
 - Representative of member organisation
 - Working Group Chair/Vice chair
 - Representative of Sectoral Social Dialogue Committee
 - Observer (please specify from which organisation)
- 3 Which of the following interests did you represent in the Plenary
 - Private ship-owners – vessels bigger than 12metres
 - Private ship-owners – vessels smaller than 12metres
 - Co-operative ship-owners – vessels bigger than 12metres
 - Co-operative ship-owners – vessels smaller than 12metres
 - Producers organisations
 - Stockbreeders of molluscs and shellfish
 - Stockbreeders of fish
 - Processors
 - Traders (import/export and wholesale)
 - Fishermen and salaried employees of those companies
 - Consumers
 - Environment
 - Development
 - Other (please specify)

Participation in the working groups

- 4 How many working group meetings have you participated in?

- 0, (1-3), (3-5), (5-10), (more than 10)
 - 5 Which working groups have you participated in?
 - WG 1: Access to fisheries resources and management of fishing activity
 - WG 2: Aquaculture: fish, shellfish and molluscs
 - WG 3: Markets and trade policy
 - WG 4: General questions: economics and sectoral analysis
 - 6 In what capacity did you participate?
 - Secretary General ACFA of member organisation
 - Representative of member organisation
 - Observer (please specify the name of the organisation represented)
 - Other (please specify)
 - 7 Which of the following interest groups do you belong to?
 - Private ship-owners – vessels bigger than 12metres
 - Private ship-owners – vessels smaller than 12metres
 - Co-operative ship-owners – vessels bigger than 12metres
 - Co-operative ship-owners – vessels smaller than 12metres
 - Employed fishermen
 - Producer organisations
 - Stock breeders of fish
 - Mollusc/shellfish stock breeders
 - Processors
 - Traders
 - Consumer
 - Environment
 - Development
 - Biology
 - Economy
 - Banks
 - Auctions and ports
 - Other (please specify)
8. Please specify the name of the organisation you represent

Other measures to influence the Common fisheries policy

- 9 Are you a member of other consultative bodies established under the Commission?
 - No/Yes,
- 10 if yes, which? (Social Dialogue Committee, RACs, STECF, other (please specify))
- 11 Through which measures, other than ACFA, does your organisation strive to gain influence on the Common fisheries policy?
 - National policy makers
 - Direct contact with DG Fish (meetings, letters)
 - Participation in the public debate, e.g. press releases
 - Participation in other consultative bodies
 - Participation in EU consultations
 - Participation in conferences
 - Other

Working procedures and organisation I

1: to a very low extent, 2: to a low extent, 3: to some extent, 4: to a high extent, 5: to a very high extent;

- 12 To what extent are the working arrangements between the Plenary, the Bureau and the working groups satisfactory?
 - 1,2,3,4,5 do not know
- 13 If necessary, how could the working arrangements the Plenary, the Bureau and the working groups be improved?
 - Please explain
- 14 In your opinion, to what extent does ACFA provide timely advice/opinions to the Commission?
 - 1,2,3,4,5 do not know

Working procedures and organisation II

- 15 The number of plenary meetings should be...
 - Increased; decreased; maintained as it is
- 16 If you think the number of plenary meetings should be changed, please specify why

Representation I

1: to a very low extent, 2: to a low extent, 3: to some extent, 4: to a high extent, 5: to a very high extent;

- 17. To what extent are the interest groups currently represented in ACFA well balanced?
 - 1,2,3,4,5
- 18 Please specify why.

Representation II

- 19 Are all relevant fishing sector interests to a sufficient degree represented in ACFA?
 - Yes/No
- 20 If No – please specify relevant interests
 - Retailers
 - Small scale fisheries (vessels under 12 metres)
 - Ornamental Aquatic industry
 - Recreational fishing
 - Other (please specify)

Representation III

- 21 How do you prepare for ACFA meetings?
 - I do not consult with national member organisation
 - I consult with national member organisations that are particularly in-

- terested in the subjects discussed
- I consult with all national member organisations
 - The consultation is informal and pragmatic
 - The consultation is formal and systematic
 - Other (please specify)
- 22 How do you report from ACFA meetings
 - I forward official MoM to all national member organisations
 - I forward official MoM to national member organisations particularly interested in subjects that were discussed
 - I inform the national member organisations informally
 - I do not report from ACFA meetings
 - Other (please specify)

Effectiveness of ACFA I

- 23. In order to fulfil its purpose should the number of ACFA members...
 - ...be reduced
 - ...maintain as it is
 - ...be increased
- 24 Why (please specify)

Effectiveness of ACFA II

1: to a very low extent, 2: to a low extent, 3: to some extent, 4: to a high extent, 5: to a very high extent;

- 25 To what extent do you consider that participation in ACFA adds value for the interest representation of your organisation?
 - 1,2,3,4, 5 do not know
- 26 To what extent is ACFA advice/opinions taken into consideration in the policy process?
 - 1,2,3,4,5 do not know
- 27 To what extent does ACFA contribute to increased sector dialogue?

- 1,2,3,4,5 do not know
- 28 To what extent does ACFA facilitate the sector to formulate a joint position on the fisheries policy of the European Community?
 - 1,2,3,4,5 do not know
- 29 In your opinion, to what extent do ACFA resolutions, opinions and advice provide the Commission with relevant information?
 - 1,2,3,4,5 do not know
- 30 To what extent do ACFA resolutions, opinions and advice reflect the opinions of your organisation?
 - 1,2,3,4,5 do not know
- 31 When you have participated actively in the formulation of resolutions, opinions and advice, to what extent is your perspective is reflected in the output submitted to the Commission?
 - 1,2,3,4,5 do not know

Feedback from the Commission I

1: almost never, 2: rarely, 3: sometimes, 4: often, 5: almost always

- 32 In your opinion, how often does ACFA receive feedback from the Commission after completion of a consultation?
 - 1,2,3,4,5 do not know

Feedback from the Commission II

1: to a very low extent, 2: to a low, 3: to some extent, 4: to a high extent, 5: to a very high extent; - do not know

- 33 To what extent is feedback from the Commission important?
 - 1,2,3,4,5 do not know
- 34 To what extent would a periodical status report from the Commission of the manner in which ACFA's advise have been taken into account be useful?

- 1,2,3,4,5; do not know

Feedback from the Commission III

- 35-39 To what extent do you agree to the statements below? 1,2,3,4,5
Feedback from the Commission is important...
 - ..to motivate participation in ACFA meetings
 - ..to provide feedback to national organisations
 - ..to monitor the work of the Commission
 - ..to increase dialogue with the Commission
 - ..to increase ownership of fisheries policy of the Community
- 40 If you find feedback important for other reasons please specify
 - (open text box)

Cooperation between ACFA and the Commission I

1: very poor, 2: poor, 3: acceptable 4: good, 5: very good;

- 41 How would you describe the cooperation between the Commission and ACFA?
 - 1,2,3,4,5 -do not know
 - If poor or very poor – please specify why

Final comments

42 Please feel free to enter any comments that you may have to the questionnaire or the subject in question

(open text box)