

DG Maritime Affairs and Fisheries

Intermediate Evaluation of the Advisory Committee for Fisheries and Aquaculture (ACFA)

Final report

August 2008



COWI



Nautilus Consultants
Natural resource economists


FRAMIAN



COWI A/S

**Parallevej 2
DK-2800 Kongens Lyngby
Denmark**

Tel +45 45 97 22 11

Fax +45 45 97 22 12

www.cowi.com

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List of Abbreviations

ACF	Advisory Committee for Fisheries (pre-1999)
ACFA	Advisory Committee for Fisheries and Aquaculture
AIPCE	EU Fish Processors Association
BEUC	European Consumers' Association
BSRAC	Baltic Sea RAC
CAP	Common Agriculture Policy
CEP	EU Federation of National Organisations of Importers and Exporters of Fish
CFP	Common Fisheries Policy
COGECA	General Confederation of Agricultural Cooperatives
COPA	Committee of Professional Agricultural Organisations
DG AGRI	Directorate General for Agriculture and Rural Development
DG BUDGET	Directorate General for Financial Programming and Budget
DG ENV	Directorate General Environment
DG MARE	Directorate General Maritime Affairs and Fisheries
DG SANCO	Directorate General for Health and Consumer Affairs
DG TRADE	Directorate for Trade
DSA	Daily Subsistence Allowance
EAA	European Anglers Association
EACB	European Association of Cooperative Banks
EAFPA	European Association of Fishing Ports and Auctions
EAPO	European Association of Fish Producers Association
EATIP	European Aquaculture Technology and Innovation Platform
EC	European Commission
EFF	European Fisheries Fund
EMPA	European Molluscs Producers Association
ETF	European Transport Workers Federation
ETP	European Technology Platform
EU	European Union
EUROPECHE	Association of the National Organisations of Fishery Enterprises in the European Union
FEAP	Federation of European Aquaculture Producers
GLOBALGAP	Global Good Agriculture Practice (supersedes EurepGAP)
IFFO	International Fishmeal and Fish-oil Organisation
IUU	Illegal, unregulated and unreported
MoM	Minute of Meeting
MS	Member States
NSRAC	North Sea RAC

NWWRAC	North West Waters RAC
POs	Producer Organisations
PRAC	Pelagic RAC
RAC	Regional Advisory Council
SSDC	Sectoral Social Dialogue Committee
STECF	Scientific Technical Economic Committee for Fisheries
TOR	Terms of Reference
WG	Working Group

Executive Summary

This mid-term evaluation of Advisory Committee for Fisheries and Aquaculture (ACFA) was carried out in the period from December 2007 and until July 2008. The evaluation has been conducted by COWI (DK), in collaboration with Framian (NL) and Nautilus Consultants (UK).

In carrying out the evaluation, we have consulted a wealth of documentation as well as a wide range of stakeholders. Reports, annual work programmes, agendas and specific agenda items of ACFA were studied in detail together with information on member organisations. Interviews were held with Commission staff, members of ACFA as well as other relevant parties.

In gathering the information, we have been guided by two main evaluation questions regarding representation (the degree to which organisations concerned with the CFP in the EU are represented through ACFA) and performance (the effectiveness and efficiency of ACFA in meeting its objectives), as required by the Terms of Reference. Interview guides, the e-survey and case studies¹ were designed to elicit responses for this purpose.

Below, we first provide an overview of the most important conclusions deriving from the evaluation. Thereafter, we put forward our recommendations based on these conclusions.

Conclusions

Representation

ACFA is a forum for EU interests implying that members are recruited from amongst European organisations. Representation of specific stakeholder groups assumes that these groups at national, regional or individual levels hold membership of the relevant European organisations. Members of the European organisations represented in ACFA consist of a myriad of types of national organisation, with membership drawn from amongst companies, lower level organisations and individual citizens – the latter, for example, would be the norm for NGOs.

The European organisations representing the fleet and the aquaculture industry have achieved a high level of representation in the majority of

¹ Case studies were carried out under the following headings: IUU; EFF, Relation to RACs; small scale fisheries; Working Group II, CAP Advisory Board; and Environmental Technology Platforms

the "old" Member States thus covering a significant share of the total EU constituency. There is, however, scope to improve participation levels from the "new" Member States in all sectors except aquaculture – which is already well represented.

As regards fleet interests, the small scale fisheries remain insufficiently organized in some countries, notably Greece and Portugal, with a consequent lack of representation with regard to those countries in ACFA.

The study concludes that for some members of ACFA their constituency is unclear and their future participation in ACFA should be re-evaluated. The BEUC represents consumers, but the relationship with consumers is weak and the BEUC has not demonstrated any interest in fisheries issues since 1999. The cooperative banks are represented by the EACB but the special role of cooperative banks in fisheries has largely disappeared, and fisheries are only a small client group to them. Their potential contribution is therefore limited and diminishing. The ETF represents the 'employees' in the catching sector, but the ETF draws little of its membership from the fishing sector. Most crewmembers are not typical employees, but are considered instead as 'self-employed', sharing part of the risk. Considering that the ETF has a seat on the SSDC, the value of its presence in ACFA is questionable.

The study has looked into the extent to which relevant other interests should and could be considered for future membership of ACFA, and it is recommended that retailers are considered for inclusion. Other stakeholders, such as the fishmeal and fish-oil industry, can be included on a more ad-hoc basis.

Performance

ACFA is highly appreciated by stakeholders. The networking opportunities that ACFA membership offers are highly welcomed and used and are expressed by many members as a very important value added. ACFA has been an important driver of the European-level dialogue and the dialogue between sectors and interests - including also the dialogue between commercial and non-commercial interests. Members appreciate the timeliness of the consultation process and the flexibility by which meetings and agendas are organized according to policy needs.

At the same time, while ACFA has been instrumental in conducting a number of consultation processes, it is difficult to document the impact of ACFA on Commission proposals. Both ACFA members and the Commission consider ACFA's impact to be limited and less than expected. A fundamental flaw is evident in different perceptions of ACFA's role and objectives, which are not clearly described in the Commission Decision establishing ACFA. Commission officials tend to focus on the technical aspects; to put a strong emphasis on the provision of sound technical advice; and to obtain commitment from the sector to proposed measures. ACFA members on the other hand tend to view ACFA first and foremost as providing a channel for political influence, and secondly as a forum for discussion of technical aspects of the CFP and related legislation.

This being said, Working Group II on aquaculture has performed very well; in terms of process as well as outcome. There are two main reasons for this: It is a Working Group with a relatively narrow and well defined scope and it constitutes the single entry point to the Commission for aquaculture interests.

The financial assistance provided for preparatory meetings of the professional organisations has played an important role in facilitating the dialogues, and also in ensuring a flow of views and information between ACFA members and their members. In the case of the non-professional organisations, no financial contributions are provided for their preparatory meetings. This can be justified and legally motivated if they receive support for the same purpose through other EU budget lines. However, organisations who could document that such funding for preparatory meetings is not provided from other instruments could, and should, be eligible for funding along lines similar to those for the professional organisations.

The evaluation points to specific areas where there is scope for improvement as regards performance and effectiveness. Among those areas are:

- The process of dialogue stands to gain from a more precise formulation of questions to be addressed by ACFA.
- There are limited overlaps (duplication of efforts) between ACFA and the RACs which could be avoided by tabling these issues with the RACs and not with ACFA. There are also areas where it makes good sense to discuss the same topic from a European angle as well as from a regional (RAC) perspective.
- The system with four permanent working groups is inflexible. The functioning of ACFA could be improved by a system allowing for the set-up of ad-hoc working groups.
- There is too great a focus on communicating information to attendees during meetings. Relying more on distribution of written information would free valuable meeting time for debates and dialogue. In particular, there is a need to strengthen the role of the Plenary as the platform for high policy dialogue.
- The Secretariat is performing well under the given framework. To further improve the efficiency of ACFA structures, much greater use should be made of the intranet and internet for the circulation of information and material.

Last, it is worth noting too that, since 1999, the context within which ACFA operates has changed. Important developments include the establishment of the RACs, the reform of the CFP and the recent shift in Commission focus towards integrated maritime policies.

- Recommendations
- Recommendations and scenarios**
- The following recommendations are based on the analysis undertaken during the study, and the conclusions reached.
- Recommendation 1: A clear definition of the role and objective(s) of ACFA**
- Stakeholders and the Commission must develop a common appreciation of what ACFA is and what it should achieve. ACFA's objectives, role and output should be explicitly formulated. It is proposed to formulate ACFA's role and overall objectives along the following lines:
- a platform for dialogue among the stakeholders
 - an instrument for the Commission for stakeholder consultation
 - a channel for exchange of first hand information
 - forum for reflection on and discussion of immediate as well as long term issues related to CFP
 - means to promote and strengthen the relation among the organisations concerned.
- Recommendation 2: Improved formulation of consultation questions**
- Topics on the agenda of ACFA should be accompanied by a brief elaboration of questions to which ACFA is required to respond. When ACFA and RACs are asked to address the same topics, clearly delineated questions, corresponding to their respective roles, should be formulated.
- Recommendation 3: Rationalise and increase flexibility of the organisation**
- Plenary meetings should assume the role of a round table to deal with higher level political dialogue. Ad hoc Working Groups should be set up (and dissolved) to deal with specific topics. Only a small number of ongoing working groups should be maintained to deal with regularly recurring subjects. The working groups should focus on technical discussion and be manned by experts drawn from a long list to be established. Preparation of statements from ACFA should be the responsibility of the working groups, without further interference of the Plenary.
- Recommendation 4: Reconsider the stakeholders to be represented and their balance in the light of an agreed role and objective of ACFA**
- The commitment and competence of ACFA should be improved by re-considering the present membership. Representatives of the fishing sector, NGOs and retailers should be included in the future ACFA. The presence of consumers, banks, labour unions as well as of the 'economy' and 'biology' interests is not considered essential, either for reasons of limited interest and / or due to low levels of representation. An ad-hoc long list of experts should be set up allowing ACFA to draw on specific expertise, whenever necessary, and maintain only a core group of primary stakeholders.

Recommendation 5: Develop clear criteria for membership

All stakeholders should explicitly demonstrate the extent (quality and quantity) that they represent stakeholder groups so that full transparency can be achieved in this respect. Specific criteria are proposed.

Recommendation 6: Improve electronic information exchange and web-site

The efficiency of meetings can be improved by a greater attention to the preparations of these meetings. This can partly be achieved by an improvement of the exchange of information through an ACFA website, access to which is partly restricted to members only. Teleconferencing among the members of the Working Groups should also be promoted.

Recommendation 7: Develop approaches to 'exploit industry knowledge'

The Commission is looking for on-the-ground technical input from the professionals in the fisheries sector. Conditions should be created to allow for compilation, processing, exploitation and dissemination of the knowledge available within the sector. Associated expenditure should be eligible for Commission support.

Recommendation 8: Arrange sufficient translations of documents

Not all representatives of the stakeholders are equally skilled to communicate in English. Therefore translation of documents and availability of interpreters is essential. Sufficient resources should be made available for this purpose to avoid unnecessary barriers for stakeholder involvement.

Recommendation 9: Continue and broaden financial support

The financial support for preparatory meetings and participation in RAC meetings should be continued. Funding of meeting room facilities and translation services should be eligible for reimbursement or by making an arrangement whereby the organisations can use Commission facilities for preparatory meetings upon request. The non-professional organisations should also be eligible for financial support for holding preparatory meetings.

Recommendation 10: Regular evaluation and feedback

The Commission should provide regular (annual) feedback to ACFA on how its output has been used, and ACFA's functioning should be evaluated in order to formulate ways for further improvement.

Recommendation 11: Encourage involvement of organisations in New Member States

The evaluation of the degree to which European organisations represent relevant stakeholders shows that, with the exception of FEAP, the organisations only have limited representation in the New Member States. Increasing the level of stakeholder representation by broadening the membership base should be in the interest of both the organisations and the Commission. Therefore it is suggested that a mutually agreed plan of action is devised.

Recommendation 12: Consider outsourcing of support functions

Depending on the future ACFA structure, it could also be considered to outsource support tasks to an external contractor. In this context, the support functions could be extended to include various other services, e.g. rapporteur, arrangements for interpretation, and organisation of analytical tasks.

Scenarios

ACFA's future role will depend on the priorities of the Commission and opinions of the stakeholders and should be determined in an open dialogue. The study outlines four broad scenarios, which can be further adapted in many different ways to meet the future needs:

Scenario 1: Replacing ACFA with a RAC Coordinating Committee

The main objective of this scenario is to create one comprehensive structure for stakeholder dialogue.

Scenario 2: Smaller ACFA

This scenario pursues EU-wide focus on main issues in the CFP and involvement of only the most relevant stakeholders.

Scenario 3: Larger ACFA: Focus on fisheries

This scenario considers fisheries as the focal point but aims to expand the dialogue to all relevant stakeholders, including other users of the marine space.

Scenario 4: Maritime Consultative Group

This scenario follows the logic of the reorganisation of the DG MARE. The focal point of ACFA would be use of maritime space in the 'broadest' sense. In this scenario the fisheries sector is just one of many users without a privileged position.

Note de synthèse

La présente évaluation à mi-parcours du fonctionnement du Comité Consultatif de la Pêche et de l'Aquaculture (CCPA) a été réalisée entre décembre 2007 et juillet 2008. L'évaluation a été menée par COWI (DK), en collaboration avec Framian (NL) et Nautilus Consultants (UK).

Dans le cadre de l'évaluation, nous avons consulté une vaste documentation ainsi que diverses parties prenantes. Nous avons minutieusement étudié les rapports, programmes de travail annuels, ordres du jour et points spécifiques à l'ordre du jour du CCPA, ainsi que les informations disponibles sur les organisations membres. Des entretiens ont été organisés avec le personnel de la Commission, des membres du CCPA ainsi que d'autres parties intéressées.

Comme le requièrent les termes de référence, nous avons axé notre recherche d'informations sur deux principales questions relatives à la représentativité (mesure dans laquelle les organisations concernées par la PCP sont représentées via le CCPA) et aux performances (efficacité et efficience du CCPA quant à la réalisation de ses objectifs). Des guides d'entretien, une enquête électronique et des études de cas² ont été conçus pour obtenir des réponses à ces questions.

Cette note décrit, dans un premier temps, les principales conclusions tirées de l'évaluation. Elle présente ensuite nos recommandations, formulées sur la base de ces conclusions.

Conclusions

Représentation

Le CCPA est un forum pour les acteurs de l'Union européenne et ses membres sont donc recrutés parmi des organisations européennes. La représentation de groupes d'intérêt particuliers suppose que ces groupes organisés au niveau national, régional ou local soient membres d'une de ces organisations européennes. Les membres des organisations européennes représentées au sein du CCPA proviennent de divers types de structures nationales, dont font partie des entreprises, des organisations locales et des citoyens (les ONG sont, par exemple, représentées par l'intermédiaire de ces derniers).

² Les études de cas ont été réalisées sous les intitulés suivants : INN ; FEP, relation avec les CCR ; petite pêche ; groupe de travail II, comité consultatif PAC ; et plateformes technologiques environnementales.

Les organisations européennes du secteur de la flotte et de l'aquaculture sont largement représentées dans la majorité des " anciens " États membres, couvrant ainsi une part importante de l'ensemble du secteur européen. Néanmoins, il existe une certaine marge pour améliorer les niveaux de participation des " nouveaux " États membres dans tous les secteurs, sauf dans celui de l'aquaculture où ils sont déjà bien représentés.

S'agissant du secteur de la flotte, l'organisation de la petite pêche reste insuffisante dans certains pays, notamment en Grèce et au Portugal. Par conséquent, ces pays ne sont pas suffisamment représentés au sein du CCPA.

L'étude conclut que la représentativité de certains membres du CCPA n'étant pas clairement définie, leur participation future au CCPA devrait être réévaluée. Le BEUC représente les consommateurs, mais son lien avec ceux-ci est faible et le BEUC ne s'est pas intéressé à la pêche depuis 1999. Les banques coopératives sont représentées par le GEBC, mais le rôle particulier joué par celles-ci dans le secteur de la pêche a largement disparu et ce secteur ne représente plus qu'une moindre part de leur clientèle. Leur contribution éventuelle est donc limitée et décroissante. L'ETF représente les " employés " du secteur de la capture, mais peu de ses membres proviennent du secteur de la pêche. La plupart des membres d'équipage ne sont pas des employés au sens classique du terme, mais sont plutôt considérés comme des " indépendants ", assumant une partie des risques. Compte tenu de la place occupée par l'ETF au sein du SSDC, la valeur de sa présence au CCPA est discutable.

L'étude a tenté de déterminer dans quelle mesure d'autres intérêts pertinents devraient et pourraient être pris en compte en vue de la composition future du CCPA. Il est recommandé d'inclure les détaillants. D'autres parties prenantes, telles que le secteur de la farine et de l'huile de poisson, pourraient être associées, au cas par cas.

Performances

Le CCPA est largement apprécié par les parties prenantes. Les possibilités de offertes par une participation au CCPA sont hautement appréciées et exploitées. Nombre de membres y voient une valeur ajoutée cruciale. Le CCPA a joué un rôle moteur dans l'établissement d'un dialogue tant à l'échelon européen qu'entre les différentes parties prenantes, notamment entre les intérêts commerciaux et non commerciaux. Les membres apprécient la ponctualité du processus de consultation et la souplesse d'organisation des réunions et des ordres du jour selon les besoins politiques.

Parallèlement, si le CCPA a contribué à mener plusieurs processus de consultation, il est difficile de documenter son impact sur les propositions de la Commission. Tant les membres du CCPA que la Commission considèrent que l'impact du CCPA est limité et plus faible qu'attendu. On constate une lacune fondamentale dans les différentes manières dont sont perçus le rôle et les objectifs du CCPA qui ne sont pas clairement définis dans la décision de la Commission établissant le CCPA. Le per-

sonnel de la Commission a tendance à se focaliser sur les aspects techniques, à accorder une grande importance à la fourniture de solides conseils techniques et à obtenir l'engagement du secteur vis-à-vis des mesures proposées. En revanche, les membres du CCPA ont tendance à considérer le comité, tout d'abord, comme un canal d'influence politique et, ensuite, comme un forum de discussion sur les aspects techniques de la PCP et de la législation apparentée.

Ceci étant dit, le groupe de travail II sur l'aquaculture s'est avéré très performant, aussi bien en termes de processus que de résultats. La raison est double : sa portée est relativement réduite et bien définie, et il constitue le seul point d'accès à la Commission pour les intérêts liés à l'aquaculture.

L'aide financière fournie pour les réunions préparatoires des organisations professionnelles a largement contribué à faciliter les discussions et à garantir l'échange de vues et d'informations entre leurs membres et ceux du CCPA. Dans le cas des organisations non professionnelles, aucune contribution financière n'est fournie pour leurs réunions préparatoires. Cette absence peut être justifiée et juridiquement motivée dans la mesure où les organisations concernées perçoivent une aide à cette fin via d'autres lignes budgétaires européennes. Néanmoins, les organisations à même de prouver l'absence d'un tel financement pour leurs réunions préparatoires via d'autres instruments pourraient et devraient pouvoir bénéficier d'une aide financière dans les mêmes conditions que les organisations professionnelles.

L'évaluation indique les domaines spécifiques dans lesquels des améliorations pourraient être accomplies en termes de performances et d'efficacité. Entre autres points, on trouve notamment :

- le processus de dialogue pourrait profiter d'une formulation plus précise des questions à soumettre au CCPA ;
- on observe des chevauchements limités (double emploi) entre le CCPA et les CCR, que l'on pourrait éviter en soumettant certaines questions aux CCR et pas au CCPA. Il existe aussi des domaines dans lesquels il convient d'examiner le même sujet d'une perspective européenne et d'une perspective régionale (CCR) ;
- le système actuel reposant sur quatre groupes de travail permanents manque de souplesse. Le fonctionnement du CCPA pourrait être amélioré par la mise en place d'un système permettant la composition de groupes de travail ad hoc ;
- une trop grande importance est accordée à la communication des informations aux personnes présentes aux réunions. Un plus grand recours à la diffusion des informations par écrit libérerait un temps de réunion précieux pour les débats et le dialogue. Tout particulière-

ment, il est nécessaire de renforcer le rôle joué par la Plénière en tant que plateforme de haut dialogue politique ;

- le secrétariat s'avère performant dans le cadre donné. Afin d'améliorer davantage l'efficacité des structures du CCPA, il conviendrait de recourir davantage à l'intranet et à Internet pour la diffusion des informations et des documents.

Enfin, il est à noter aussi que depuis 1999, le contexte dans lequel le CCPA exerce ses activités a changé. Entre autres développements importants, on compte la mise en place des CCR, la réforme de la PCP et le recentrage récent de la Commission sur les politiques maritimes intégrées.

Recommandations

Recommandations et scénarios

Les recommandations suivantes reposent sur l'analyse réalisée durant l'étude et sur les conclusions tirées.

Recommandation 1 : Définir clairement le rôle et le ou les objectifs du CCPA

Les parties prenantes et la Commission doivent développer une appréciation commune du rôle et des objectifs du CCPA. Les objectifs du CCPA, son rôle et ses extrants devraient être explicitement formulés. Il est suggéré de définir le rôle et les objectifs généraux du CCPA dans les optiques suivantes :

- plateforme de dialogue entre les parties prenantes ;
- instrument de consultation des parties prenantes pour la Commission ;
- canal d'échange d'informations de première main ;
- forum de réflexion et de discussion sur des questions immédiates et à long terme liées à la PCP ;
- moyen de promouvoir et de consolider les relations entre les organisations concernées.

Recommandation 2 : Mieux formuler les questions de consultation

Les sujets à l'ordre du jour du CCPA devraient être accompagnés par une brève présentation des questions auxquelles il est demandé au CCPA de répondre. Lorsque le CCPA et les CCR doivent aborder des sujets identiques, il convient de formuler des questions clairement définies, correspondant à leurs rôles respectifs.

Recommandation 3 : Rationaliser et renforcer la souplesse de l'organisation

Les réunions plénières devraient jouer le rôle de table ronde pour permettre un dialogue politique de plus haut niveau. Des groupes de travail ad hoc devraient être formés (et dissous) sur des sujets spécifiques. Seul un petit nombre de groupes de travail permanents devrait être conservé pour traiter des questions récurrentes. Les groupes de travail devraient se

concentrer sur les discussions techniques et être composés d'experts issus d'une liste à établir. La préparation des déclarations du CCPA devrait incomber aux groupes de travail, sans autre intervention de la Plénière.

Recommandation 4 : Reconsidérer les parties prenantes devant être représentées et leur pondération à la lumière du rôle et des objectifs convenus du CCPA

L'engagement et les compétences du CCPA devraient être améliorés en reconsidérant sa composition actuelle. Les représentants du secteur de la pêche, les ONG et les détaillants devraient être inclus dans le futur CCPA. La présence des consommateurs, des banques, des syndicats ainsi que des intérêts " économiques " et " biologiques " n'est pas jugée essentielle, que ce soit en raison de leur intérêt limité et/ou de leur faible représentativité. Une liste ad hoc d'experts devrait être établie, afin que le CCPA puisse recourir à une expertise spécifique selon les besoins et ne conserver qu'un noyau de parties prenantes principales.

Recommandation 5 : Définir des critères d'adhésion clairs

Toutes les parties prenantes devraient explicitement montrer dans quelle mesure (qualité et quantité) elles représentent certains intérêts, de façon à garantir une parfaite transparence à cet égard. Des critères spécifiques sont proposés.

Recommandation 6 : Améliorer l'échange informatique d'informations et le site Web

Les réunions pourraient gagner en efficacité si une plus grande attention était accordée à leur préparation. Cela pourra être obtenu, en partie, en améliorant l'échange d'informations via un site Web dédié au CCPA, dont l'accès serait partiellement réservé à ses membres. Il faudrait, en outre, promouvoir la téléconférence parmi les membres des groupes de travail.

Recommandation 7 : Développer des approches pour l' " exploitation des savoirs faire du secteur " "

La Commission souhaite obtenir des professionnels du secteur de la pêche une contribution technique de terrain. Il faudrait mettre en place les conditions requises pour permettre la collecte, le traitement, l'exploitation et la diffusion des connaissances disponibles au sein du secteur. Le coût y afférent devrait être couvert par une aide de la Commission.

Recommandation 8 : Prévoir une traduction suffisante des documents

Tous les représentants des parties prenantes ne possèdent pas la même maîtrise de l'anglais. C'est la raison pour laquelle, il est essentiel que les documents soient traduits et que des interprètes soient disponibles. Des ressources suffisantes devraient être affectées à cette fin pour éviter des obstacles inutiles à l'implication des parties prenantes.

Recommandation 9 : Maintenir et consolider le soutien financier

Le soutien financier octroyé aux réunions préparatoires et à la participation aux réunions des CCR devrait être maintenu. Le financement des salles de réunion et des services de traduction devrait être remboursé, ou des dispositions devraient être prises qui permettraient aux organisations d'utiliser, sur demande, les locaux de la Commission en vue des réunions préparatoires. Par ailleurs, les organisations non professionnelles devraient pouvoir bénéficier d'un soutien financier pour l'organisation de leurs réunions préparatoires.

Recommandation 10 : Prévoir une évaluation et un retour d'information réguliers

La Commission devrait rendre compte au CCPA d'une manière régulière (annuellement) des suites données à ses recommandations. De même, le fonctionnement du CCPA devrait être évalué afin de proposer des améliorations supplémentaires.

Recommandation 11 : Promouvoir la participation des organisations issues des nouveaux États membres

L'évaluation concernant la représentativité des parties prenantes pertinentes par les organisations européennes montre qu'à l'exception de la FEPA, ces organisations n'ont qu'une implantation limitée dans les nouveaux États membres. Un renforcement du niveau de participation des parties prenantes via un élargissement de la base des membres profiterait tant aux organisations qu'à la Commission. Dès lors, il est suggéré de concevoir et de convenir mutuellement d'un plan d'action.

Recommandation 12 : Envisager l'externalisation des fonctions d'appui

Selon la future structure du CCPA, on pourrait envisager de confier les fonctions d'appui à un fournisseur externe. À cet égard, celles-ci pourraient être élargies à divers autres services, tels que les fonctions de rapporteur, l'interprétation et l'organisation des tâches analytiques.

Scénarios

Le futur rôle du CCPA dépendra des priorités de la Commission et de l'avis des parties prenantes et devrait être déterminé dans le cadre d'un dialogue ouvert. L'étude décrit quatre larges scénarios, susceptibles d'être adaptés de maintes façons différentes pour répondre aux futurs besoins :

Scénario 1 : Remplacer le CCPA par un comité de coordination des CCR

L'objectif principal de ce scénario est de créer une vaste et unique structure de dialogue entre les parties prenantes.

Scénario 2 : Réduire le CCPA

Ce scénario mène à une concentration du travail du CCPA sur des questions principales liées à la PCP et la participation limitée aux parties prenantes les plus pertinentes.

Scénario 3 : Elargir le CCPA en mettant l’accent sur la pêche

Ce scénario considère la pêche comme le point central, mais vise à élargir le dialogue à toutes les parties prenantes pertinentes, y compris d’autres utilisateurs de l’espace marin.

Scénario 4 : Groupe de consultation maritime

Ce scénario suit la logique de la réorganisation de la DG MARE. Le CCPA se concentrerait sur l’utilisation de l’espace maritime au sens « le plus large ». Dans ce scénario, le secteur de la pêche ne serait qu’un utilisateur parmi tant d’autres, sans position privilégiée.

1 Introduction

This is the final report on the intermediate evaluation of the Advisory Committee for Fisheries and Aquaculture (hereafter ACFA). In this chapter, the objective and scope of the evaluation is presented along with an overview of the structure of the report.

1.1 Objective of the evaluation

1.1.1 Background and rationale

The Advisory Committee for Fisheries (ACF) was established in 1971 by Commission Decision 71/128/EEC. The mandate for the Committee expired in 1999 and was renewed under Commission Decision 1999/478/EC, whereby the Committee was renamed the Advisory Committee for Fisheries and Aquaculture (ACFA).

ACFA is essentially an instrument for the Commission to consult with fisheries organisations and other stakeholders concerned with the Common Fisheries Policy (a more detailed description of ACFA is provided in Chapter 3).

An evaluation was carried out in 1997/1998 preceding the renewal of ACFA's mandate, which entailed considerable restructuring of ACFA's organisation and working methods. In accordance with the Financial Regulation, which stipulates that spending activities should be subject to interim and/or ex-post evaluation at a periodicity not exceeding six years, this intermediate evaluation has been commissioned.

The evaluation is also relevant in relation to DG MARE's general objectives for the period 2005-2009, which include "the promotion of better regulation and governance of the Common Fisheries Policy". ACFA can be seen as one instrument employed by the Commission to this end and it is therefore relevant to assess ACFA in this context.

Much has changed since the re-structuring of ACFA in 1999. Key amongst these has been:

- the establishment (over the years 2003 to the present) of the Regional Advisory Councils - which have an explicit mandate to advise

on the regional dimensions of the CFP, an area previously covered by ACFA- and

- the explicit inclusion of aquaculture, environmental and development interests in the structures of ACFA.

In addition to this, a significant review of the CFP was undertaken in 2002, resulting in the further evolution of the CFP to better address issues on stock conservation, over-capitalisation of the fleet, globalisation of the seafood trade, the need to reduce waste (and discards), and wider environmental management and conservation of marine biodiversity. There has also been a shift towards the greater integration of the CFP within a broader marine management framework.

Evaluating how the re-structured ACFA has dealt with these changes is also relevant and timely.

This evaluation was commissioned by the Commission represented for this purpose by DG Maritime Affairs and Fisheries (DG MARE). It was carried out by COWI A/S in cooperation with Framian and Nautilus Consultants. The contract was engaged under the DG-BUDGET framework contract on Ex-Post Evaluations. A Steering Group comprising representatives from a number of Directorate Generals have guided the implementation of the evaluation.

1.1.2 Objective

The objective of this intermediate evaluation of ACFA is to provide the Commission with the necessary information to prepare initial reflections on the future of ACFA. The evaluation results will contribute to informed decision-making on the future of ACFA and will form part of the inter-service consultation on the Commission's proposal.

1.2 Scope of the evaluation

The evaluation is conducted according to the Terms of Reference (TOR) which are included in the Technical Annex Report as Appendix 1.

1.2.1 Main evaluation questions

To meet the objective, the evaluation aims to assess ACFA on two dimensions:

- **Representation:** The degree to which fisheries organisations and other stakeholders concerned with the Common Fisheries Policy (CFP) in the EU are represented through ACFA;
- **Performance:** The effectiveness and efficiency of ACFA in meeting its objectives.

There are three key issues under the evaluation of performance. The evaluation of these three issues has been guided by 48 detailed questions as per the Terms of Reference (see Appendix 1).

- An assessment of ACFA's effectiveness and efficiency as a tool for consultation, information and fostering dialogue between stakeholders;
- An assessment of the Community financial support granted to the European organisations represented in ACFA for the preparatory meetings and the use of this grant;
- An assessment of the effectiveness and efficiency of ACFA's organisation and working methods.

1.2.2 Activities evaluated

The evaluation covers the development of ACFA from its inception by Commission Decision 1999/478/EC until the end of 2007. The activities evaluated are those of the ACFA Plenary, Bureau, Working Groups and the Secretariat as well as the preparatory meetings held by members of ACFA in advance of ACFA meetings.

The evaluation also looks into two comparable systems established by the Commission to set the development and performance of ACFA in context. These systems are: The Common Agriculture Policy (CAP) and the European Technology Platform (ETP).

The evaluation considers ACFA's interactions and co-operation with other related bodies, including the Regional Advisory Committees (RACs), Scientific Technical Economic Committee for Fisheries (STECF), and the Sectoral Social Dialogue Committee (SSDC), but it does not evaluate these other bodies.

1.3 Structure of this report

This report is structured as follows.

- In **Chapter 2** our approach to the evaluation is presented, based on the four phases of the study process: structuring, observation, analysis and judgement.
- In **Chapter 3** we provide a description of ACFA's objectives as well as its internal and external context. The section does not strive to answer the evaluation questions as such but merely to provide background information about ACFA and its context.
- In **Chapter 4**, we present the key findings of the evaluation. We draw out, illustrate, cross-reference and comment on the data collected and present the key findings in regards to representation and performance.
- **Chapter 5** presents the overall conclusions of the evaluation forming the basis for the recommendations as presented in **Chapter 6**.

The main report is supplemented by a **Technical Annex Report** that contains the 18 Appendices with more detailed information on the studies conducted by the Consultant. Appendix 3 provides commentary on the 48 questions related to the evaluation of performance. Reference to this report and the relevant Appendix number is made where appropriate.

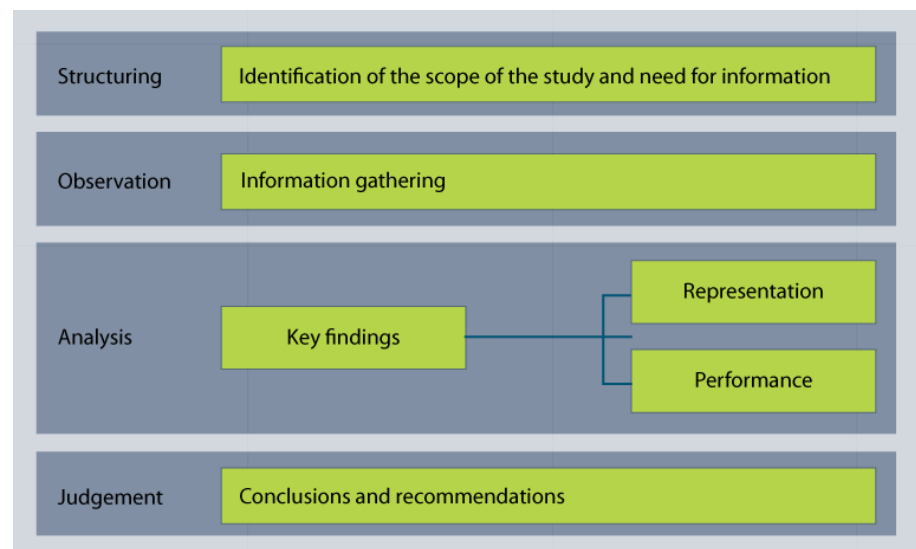
2 Approach to the evaluation

The purpose of this chapter is to show the study process as well as to explain the method used in each of the study phases.

2.1 Study process

The study process divides into four phases which are illustrated below.

Figure 2-1 The study process



Source: Developed by the Consultant

2.2 Methodology

The approach and methodology used during the different phases of the study as outlined in Figure 2-1 are explained below.

2.2.1 Structuring

In the structuring phase, the scope of the study and the need for information were determined. Interview guides and the questionnaire for the e-survey were elaborated, and case studies were selected. An inception report was prepared and submitted to the Steering Committee.

2.2.2 Observation

The evaluation is based both on formal and informal information sources.

Formal information sources

The formal information sources cover relevant legislation and decisions from the Commission, rules and plans on the operation of ACFA as developed by the Commission and ACFA, the output from ACFA, and a range of other studies and reports. The formal information sources used include:

- **Legislation and Decisions**
Community legislation and Commission decisions that contain the legal basis for ACFA and its operations.
- **Rules and plans developed by the Commission and ACFA**
The rules governing ACFA operations, and the work plans outlining the issues to be addressed during a given year.
- **Output of ACFA and the ACFA Secretariat**
This comprises all documents forwarded to the consultant by the European Commission DG MARE, and includes all ACFA documentary outputs, i.e. opinions, recommendations, resolutions and decisions, and minutes and agendas of meetings.
- **Other documents**
Other documents were mainly academic studies and information available on the internet.

Informal information sources

Information on the perceptions and assessments of the people involved in ACFA has been gathered through an e-survey and interviews.

E-survey

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 questionnaire was distributed by e-mail to the respondents on 4 March 2008. Two reminders were sent out before the e-survey was closed 21 April 2008.

The e-survey collected 73 completed questionnaires 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%³.

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

³ This report indicates the number of respondents (base) when referring to data from the e-survey.

member organisations⁴. The e-survey is thus considered a reliable source of information in analysing the perceptions of ACFA participants.

A further description of the methodology for the management and handling of the e-survey is enclosed in Appendix 18.

Interviews

47 face-to-face and telephone interviews were carried out with stakeholders and Commission officials. The interviewees were chosen as representative of ACFA membership, type of organisation, and geographical spread. All Working Group Chairmen were interviewed, as were all the Secretaries General of the European organisations. Moreover, stakeholders that are also represented in other consultative bodies, e.g. SSDC, were interviewed. The listing of interviewees is summarised below, but shown in detail in Appendix 17.

- Commission representatives: DG MARE (7), including the ACFA Secretariat, DG TRADE (1), DG ENV (1), DG SANCO (1) and DG AGRI (2). Commission representatives provided their views on the effectiveness of ACFA. DG AGRI provided input to the analysis of similar structures (the subject of one of the case studies – see Appendix 16).
- Representatives of the professional (19) and non-professional organisations (6) participating in ACFA (both Plenary and Working Groups). The ACFA members provided information on how ACFA functions and on possible improvements.
- Other organisations (10) not represented in ACFA, but having particular knowledge relevant to the evaluation, were interviewed. This covers mainly stakeholders with particular knowledge relevant to the case studies.

In addition to the formal interviews, a large number of national organisations were contacted by e-mail and telephone requesting information for the mapping of the fisheries organisations (see below).

Observation of ACFA meetings

The Consultant observed Working Group meetings: One in Working Group II and one in Working Group IV.

2.2.3 Analysis

During the analysis phase the data and observations were analysed to identify the key findings of the evaluation. The approach used to address the issues and questions in the TOR were different for the two evaluation themes: Representation and performance.

⁴ The non-respondents were thus typically individuals with little involvement in ACFA.

Representation

The analysis aimed to identify the degree to which the European organisations currently involved in ACFA are representative of the interests they are supposed to represent. This covers issues of which stakeholders should have representation on ACFA, and the extent to which such representation has been achieved in the current makeup of ACFA.

The analysis of representation is based on a mapping of European and national organisations. This mapping focuses on the organisations at European and national levels that are already represented, and on selected interests that do not have representation today. This latter group was selected based on interest groups specified in the TOR. The mapping is mainly based on information supplied by organisations contacted by e-mail or phone, complemented by information from the desk studies and other written sources. Information from the 45 interviews and the case study conducted on Small Scale Fisheries was also used as basis for the analysis.

Performance

The analysis of performance was carried out according to eight themes derived from the three purposes and 48 evaluation questions listed in the Terms of Reference. The eight themes are:

- Effectiveness and efficiency of ACFA as a tool for consultation
- Effectiveness and efficiency of ACFA as a tool for information
- Effectiveness and efficiency of ACFA as a tool for fostering dialogue between stakeholders
- The Community financial support
- The organisational structure of ACFA and how this affects effectiveness and efficiency
- Effectiveness and efficiency of ACFA's decision-making process
- Effectiveness and efficiency of procedures and working arrangement
- Relations between ACFA and other consultative bodies concerned with the CFP

The analysis of performance is based upon a triangulation of the observations and data collected from both the formal and informal information sources mentioned above. Particularly, outputs from ACFA - as MoMs and opinions - as well as the e-survey and interviews have provided valuable insights to evaluating the performance of ACFA.

Six case studies have been elaborated to add depth to the core analysis of the evaluation in four particular areas:

- Consultation processes and results: IUU and EFF
- Functioning of Working Groups: Working GroupII
- Interfaces with RACs
- Comparison with similar structures: CAP and ETP

2.2.4 Judgement

The judgement phase consists of drawing conclusions based on the key findings identified in the analysis phase and making recommendations and preliminary reflections on the future of ACFA.

Conclusions	<p>The conclusions follow the overall structure of the TOR and focus on the two aspects of:</p> <ul style="list-style-type: none">• the representation of the fisheries associations and other stakeholders impacted by the CFP in the EU.• the performance of ACFA, i.e. the extent to which the committee meets its objectives.
Recommendations	<p>Twelve recommendations for the future of ACFA arise from the study findings and conclusions. Implementation of these recommendations is couched in a number of possible modifications to ACFA – in terms of its membership, rules of operation, and focus. These are discussed in the context of four contrasting scenarios.</p>

3 Description of ACFA

This chapter provides a brief overview of the main characteristics of ACFA and the internal and external context in which ACFA operates. It is included as background description of ACFA and its context and is not a part of the analysis. The rationale and objective of ACFA is presented in section 3.1. This is followed by the organisation of ACFA in section 3.2, and its external context is found in section 3.3.

3.1 Rationale and objective

ACFA is a consultative forum, where a number of European level organisations with interests relating to the CFP are represented. ACFA was set up by Commission Decision 1999/478/EC (hereafter ACFA Decision) after the mandate for the Advisory Committee on Fisheries (ACF) expired 31 of July 1999. Compared to ACF the scope was expanded and the renewed Plenary also included the aquaculture sector as well as NGOs representing environmental, development and consumer interests.

The objective of ACFA is not clearly specified in the Commission decision. Some key objectives of ACFA can be suggested based on general EU policies as well as the formulations used in the relevant legal framework⁵. Appendix 4 contains a review of relevant sources. The following objectives can be considered relevant to ACFA:

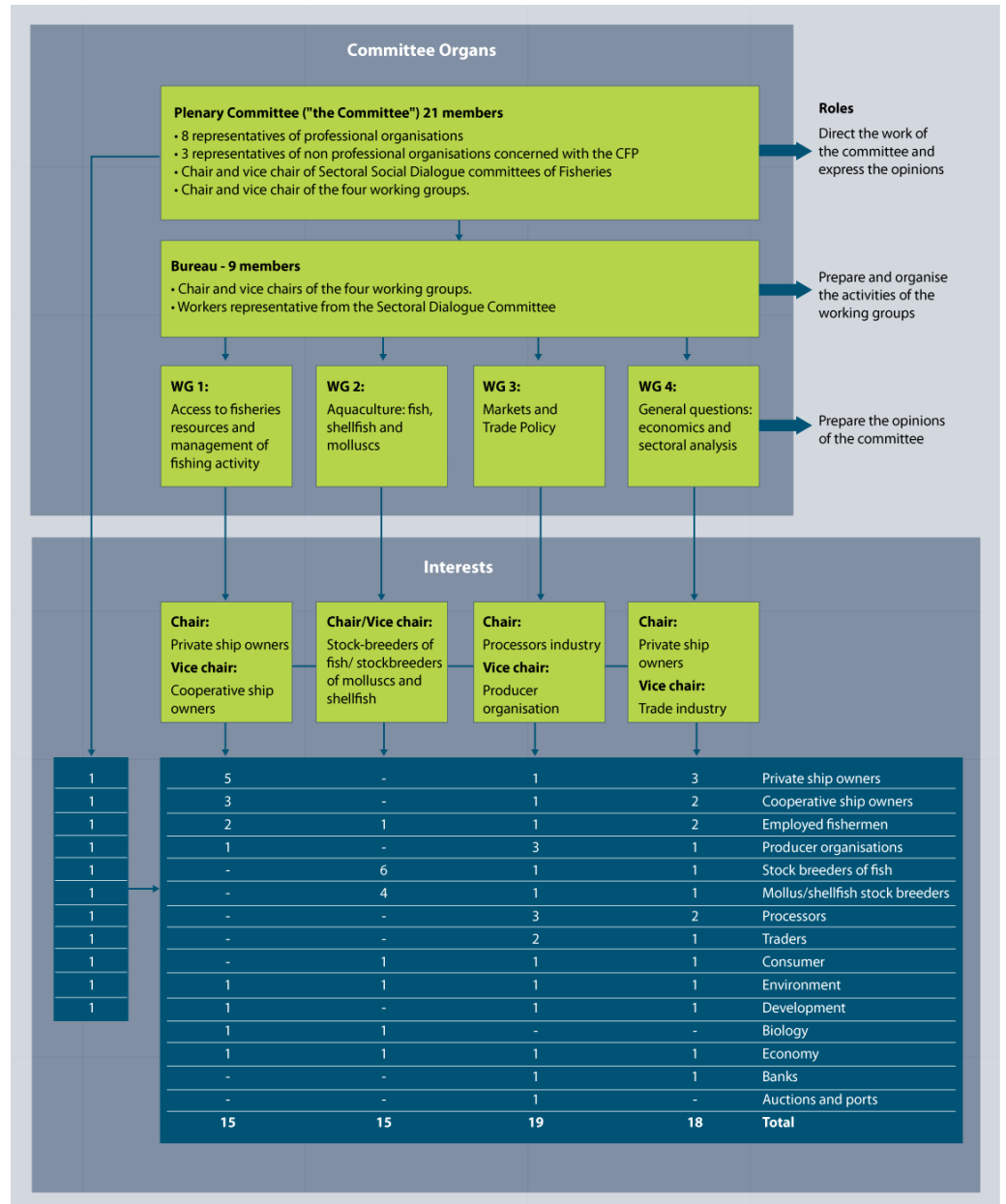
- To create closer dialogue between the Commission and the stakeholders;
- To increase transparency of the policy process and increase the role of the groups concerned in the design, drafting and implementation of the CFP;
- To improve the coordination among national organisations at European level and 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; to seek consensus among the stakeholders.

⁵ E.g. XIV/859/99, 2000/657/EC, 2371/2002 and 861/2006

3.2 The organisation of ACFA

The ACFA Decision establishes a Plenary Committee, a Bureau, and four Working Groups (WGs). ACFA's organisation is shown in Figure 3-1.

Figure 3-1 The organisation of ACFA



Source: Elaborated by Consultant. Based on information from Commission Decision 1999/478/EC and e-mail from DG MARE dated 21.01.2008

Figure 3-1 consists of two parts - the upper part illustrates the organisation of ACFA, i.e. the Plenary Committee, the Bureau and the Working Groups; the bottom part illustrates the interests represented and their respective number of seats in the Working Groups and the Plenary. The Commission services participate in the meetings of the Plenary, and the Working Groups. The Secretariat function is provided by the Commission.

In this evaluation, when referring to "the Members of ACFA", unless otherwise specified, this includes both the members of the Plenary and the experts participating in the Working Groups.

3.2.1 The Plenary – "the Committee"

The role of the Plenary is to develop advice and relay opinions to the Commission. Advice and opinions developed by Working Groups are submitted for the Plenary's approval before submission to the Commission. The Plenary has 21 seats⁶. The members of the Plenary are appointed by the Commission on proposals from the organisations set up at Community level which are most representative of the interests. Each of the 11 interests is allocated one seat and in addition to this the Chair and Vice Chair of the Sectoral Social Dialogue Committee for Sea fisheries and the Chair and Vice Chair of the four Working Groups have a seat on the Plenary. The interests, the organisations currently representing the interests and their respective number of seats in total are listed in Table 3-1.

Table 3-1 *Interests represented in the Plenary*

Interest	Organisation	No. of seats
1) Private ship-owners	Europêche	4
2) Co-operative ship-owners	Cogeca	2
3) Producers organisations	EAPC	2
4) Stock breeders of molluscs and shellfish	EMPA	2
5) Stock-breeders of fish	FEAP	2
6) Processors	AIPCE	2
7) Traders (import/export and wholesale)	CEP	2
8) Fishermen and salaried employees of these companies	ETF	2
9) Consumers	BEUC	1
10) Environment	NGO contact group	1
11) Development	NGO contact group	1
Total		21

Source: Commission Decision 1999/478/EC amended by 2004/864/EC

3.2.2 The Bureau

The Bureau is responsible for the planning and organisation of the Working Groups. The members of the Bureau are the Chairs and Vice-Chairs of the four Working Groups as well as a worker representative from the Sectoral Social Dialogue Committee for Sea fisheries. The Bureau elects its own Chair and Vice-Chair and meets following notice from its Chairman and in agreement with the Commission.

⁶ 2004/864/EC art 1 amending the ACFA Decision

3.2.3 The Working groups

The ACFA Decision specifies that the Plenary shall appoint four Working Groups to prepare its opinions. The role of the Working Groups is to discuss the issues presented by the Commission and prepare a common position to be discussed in the Plenary. These four Working Groups are:

- 1 Access to fisheries resources and management of fishing activity
- 2 Aquaculture: fish, shellfish and molluscs
- 3 Markets and trade policy
- 4 General questions: economics and sectoral analysis

In addition to experts representing the 11 interests in the Plenary, seats are also allocated to experts in biology and economy as well as banks, and auctions and ports. Each interest has a specified number of seats in each Working Group (illustrated in Figure 3-1.)

Participants in the Working Groups are chosen by the most representative organisations at EU level, according to the agenda being addressed, and this is decided in cooperation with the Commission. Representatives covering the fields of economy and biology are selected by the STECF. The Commission may also designate additional appropriate experts according to the agenda.

3.2.4 The Secretariat

The Commission services provide a Secretariat for ACFA to support the administration and work programmes of the Committee, the Bureau and the Working Groups. The Secretariat is responsible for the administration of ACFA. This involves practical arrangements for the meetings, such as venue and security, sending out information, such as agenda and other documents, to the member organisations as well as drawing up minutes of the meetings.

3.2.5 Organisation of the dialogue in ACFA

The dialogue undertaken in ACFA is guided by an annual work programme and the meeting agendas elaborated for each meeting. These are devised in a mutual process between the Commission and the stakeholders. The procedures are described in Appendix 5.

The work programmes and the agendas for the meetings are grouped as three different types of dialogue and, in principle, each point on the agenda is categorised as one (or several) of these:

- (I) = Information
- ® = Debate (or reflection)
- © = Consultation

An **information** point on the agenda implies that the information is supplied by the Commission to ACFA. This is typically updates on the policy process.

A **consultation** is initiated by the Commission and will typically result in oral comments during the meeting and/or a written opinion. Consultations focus on legislation under preparation.

A **debate** can be initiated by the Commission or by ACFA. When initiated by the Commission, debates are typically used to "test ideas". ACFA provides oral comments during the meeting. Debates initiated by ACFA may also result in oral comments during the meeting or in written resolutions.

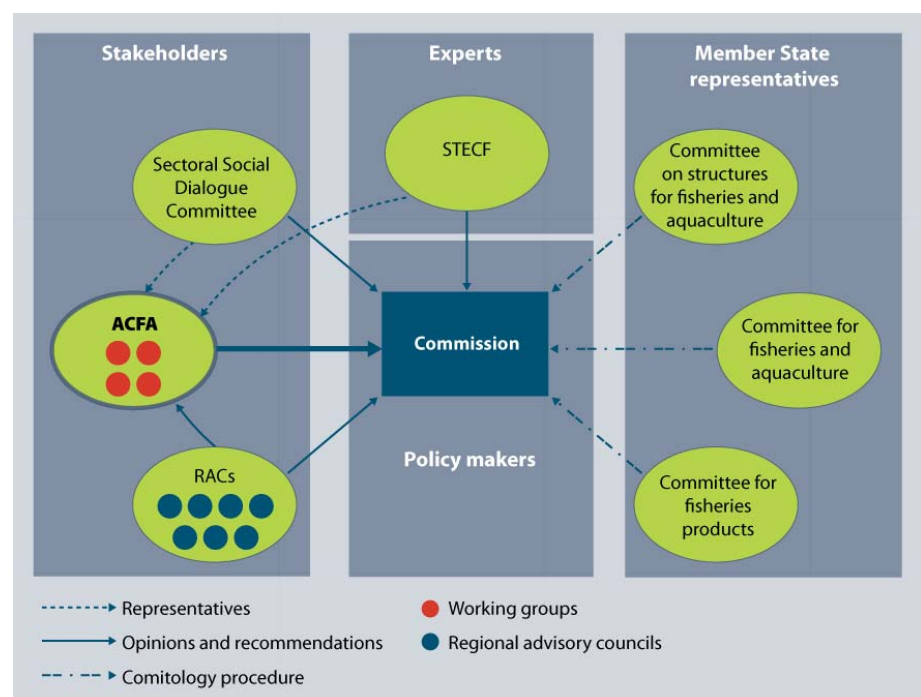
3.3 The external context of ACFA

3.3.1 Other consultative forums

Figure 3-2 below, illustrates that ACFA is one of several entities contributing with information to the Commission – on fisheries issues – and/or to dialogue and stakeholder involvement in relations to CFP.

The figure provides an overall picture of the formal bodies involved in the consultation regarding policy making within CFP. The Comitology procedure, involving representatives of the Member States, has no direct interaction with ACFA. However, STECF, the SSDC for Sea fisheries and the RACs interact with ACFA and are part of the consultation process.

Figure 3-2 External context of ACFA



Source: elaborated by consultant

Regional Advisory Councils (RACs)

The RACs were established as part of the 2002 CFP reform. The RACs are seen as a tool to increase stakeholder participation in the policy process. Representatives of the fisheries sector and other interest groups con-

stitute the RACs. These organisations are relatively autonomous. Their main task is to prepare recommendations and suggestions on fisheries (stock) management related to the geographical area that they cover, and present them to the Commission and/or relevant national authorities. RACs are established for the:

- North Sea (operational since November 2004)
- North-western waters (operational since September 2005)
- Pelagic stocks (operational since August 2005)
- Baltic Sea (operational since March 2006)
- South-western waters (operational since April 2007)
- High seas/long distance fleet (operational since March 2007)
- Mediterranean Sea (under preparation/not operational)

Scientific Technical
Economic Commit-
tee for Fisheries
(STECF)

The STECF consists of experts nominated by the Commission and is to be consulted by the Commission "at regular intervals on matters pertaining to the conservation and management of living aquatic resources, including biological, economic, environmental, social and technical considerations"⁷. The STECF may also on its own initiative provide opinions in the areas of its expertise and it is responsible for an annual report on various aspects of EU fisheries. Representatives from STECF participate in ACFA Working Groups. Members of STECF are mostly scientists (biologists and economists) employed by national research institutes and appointed by the Commission. The new STECF members were appointed in 2007.

Sectoral Social
Dialogue Committee
(SSDC)

The SSDC for Sea fisheries consists of representatives of employers and employees. The sectoral social dialogue is an integrated part of the EU institutional setup and the main task of the committee is to discuss social issues such as working conditions and various aspects of workers' health. The committee produces opinions and position papers that feed in to the policy process. The SSDC has two representatives in the Plenary of ACFA and the representative of the employees has a seat in the Bureau.

3.3.2 Overview of similar structures

In order to put the working of ACFA into perspective, this evaluation has analysed the functioning of similar structures: The Advisory Group structure used under the Common Agricultural Policy (CAP) and the European Technology Platforms (ETPs)⁸. Below a short presentation is provided.

CAP advisory
Groups

The Agricultural Committees were established in the early years of the European Community as an instrument to define and implement the CAP. The advisory committees, now advisory groups, may be consulted by the Commission on all matters relating to the CAP or rural development policy.

⁷ Regulation (EC) 2371/2002 art. 33

⁸ A more detailed analysis of the two structures is enclosed in Appendix 16

European Technology Platforms (ETPs) and the European Aquaculture Technology and Innovation Platform (EATIP)

ETPs are led by industry and the European Commission does not regulate their activities by a Decision. The ETPs were established as stakeholder platforms with the overall objective of defining medium to long-term research and technological objectives and laying down markers for achieving them. The European Aquaculture Technology and Innovation Platform (EATIP) is one of the newly established ETPs, and it is still in the development process⁹.

Comparison ACFA, CAP advisory groups and EATIP

As indicated in Table 3-2 below, there are many similarities between ACFA and the advisory committees under CAP, whereas the ETPs, here exemplified by the EATIP, are quite different.

Table 3-2 Comparison of ACFA, CAP Advisory Committees and EATIP

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

3.3.3 The Common Fisheries Policy and new developments

Since the restructuring of ACFA in 1999 a number of major changes in relation to the CFP have taken place, many of which impact on ACFA and the context in which it operates. First of all, the scope of fisheries policy is getting broader to also include aspects of other policies. It is in-

⁹ 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).

creasingly becoming part of environmental policies. At the same time, financial support to the sector has become less pronounced, in particular moving away from investment subsidies. DGs other than DG MARE bear responsibility for various issues regarding fisheries, in particular DGs ENV, TRADE, SANCO and DG DEV. Biological advice has moved from forecasts to the presentation of management options and the role of economics has also become increasingly recognized and STECF has been expanded accordingly.

Secondly, there is an increasing recognition of the role of the market which can be exploited to achieve sustainability, particularly in following four respects:

- Role of retailers (and especially the large supermarket chains), who are stressing the sustainability issue as a means of strengthening their brand identity, and as a result of NGO and consumer pressure;
- Awareness by the catching sector that it is producing for the market, and therefore has to more readily respond to market requirements and preferences, including overt demonstration of sustainable practice.
- Initiation of the discussion of Rights Based Management, which is likely to lead ultimately to markets in fish production (or user) rights, although the CFP does not yet foresee such an option.
- The role and scale of the COM¹⁰ policy has been significantly reduced and regulation is left in many, though not all, respects to the market forces.

Thirdly, enlargement of the EU to 27 Member States, in at least 4-5 major marine areas (Baltic Sea, North Sea, Atlantic areas, Mediterranean Sea and Black Sea) has led to a more regionalized approach to fisheries and marine management, and institutions are adapted accordingly:

- DG Fish has been transformed to DG MARE, where fishing will be only one of many marine activities;
- DG MARE has been reorganized on a regional basis.
- Six RACs have been set up since 2005.

These changes alter the context in which ACFA operates and must be taken into consideration in evaluating this committee, both in regard to representation and its mandate.

¹⁰ Common Organisation of the Market, see http://ec.europa.eu/fisheries/cfp/market_policy/common_org_markets_en.htm

4 Key findings

This chapter presents the key findings related to the two main evaluation issues - representation and performance - and is organised in two main sections referring to each issue, respectively. The presentation is supported by detailed findings available in the Technical Annex Report and references are made in the text where relevant.

4.1 Findings on representation

This chapter assesses the extent to which the various stakeholder groups are represented by the one of the organisations with a seat on ACFA. The first section provides an EU wide overview and makes a number of general comments about the nature of representation on ACFA, which is less straightforward than it seems. The following sections provide a quantitative assessment of the representation by stakeholder group. The last section discusses the participation / representation of new members.

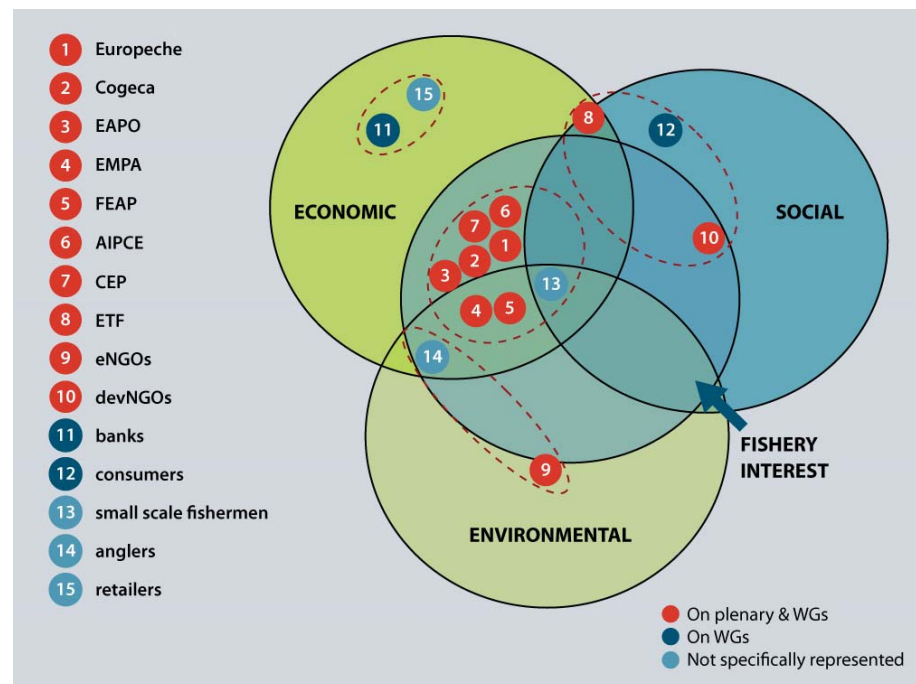
4.1.1 EU overview

ACFA organisations have different interests in the fisheries sector

The European organisations which are members of ACFA may be categorised according to the nature of their interests and involvement in the fisheries sector. The different interests impact on their organisation and the assessment of representation. Figure 4-1 distinguishes three main areas of interest - economic, social and environmental - and places the organisations in the perspective of the three fields, with several new potential stakeholder groups included.

The inner (central) circle in Figure 4-1 represents the 'fishery interest'. The figure shows that the small scale fisheries (13) could be considered as the most centrally located stakeholder group, with interests in all three fields. The organisations representing the catching and processing industries (1, 2, 3, 6, and 7) primarily have economic interests, while the aquaculture organisations (4 and 5) to a larger extent combine the economic and environmental interests and the environmental NGOs (9) are at the edge of the fisheries interest, with the focus on environment. Consumers (12), development NGOs (10) and labour unions (8) are primarily concerned with various social dimensions and fisheries is a side interest to them.

Figure 4-1 ACFA representation by nature of interest



Source: Elaborated by consultant

Obstacles to measuring the level of representation

A first step in assessing the degree of representation is to look at the representation of the organisations in the Member States. This does not say anything about the quality of that coverage in terms of the membership of the organisations in relation to the ‘total population’ of that stakeholder group in the EU. In general it must be stressed that measuring representativeness of the EU organisations faces the following problems:

- The membership of the national affiliates to the EU organisations is composed of a mixture of individual companies and ‘lower level’ professional organisations. Determine the number of members in each organisation would require reviews of the entire structure within each Member State.
- Professional organisations are set up on the basis of regions as well as on the basis of the type of activity (métiers in fishing, types of processing, etc.). Consequently, there are regularly strong links between the various national organisations because one individual company can be a member of several professional organisations and the organisations themselves join each other in higher level associations. This means that it is likely that companies involved in fishing, processing and trade are represented by more than one EU or national organisation.
- In order to assess the representation of a specific organisation it would be necessary to consider several criteria – number of members, value or volume of production and possibly the type of production. Such analysis, however, requires basic data on company level, which is beyond the scope of the present study.

Table 4-1 summarises representation of professional organisations and ETF by "old" and "new" Member States highlighting the Member States with representation in more than six of the organisations.

Table 4-1 Summary of representation by Member State and EU organisations

Member State	Fishing			Aquaculture			Processing and trade		EAFPA	ETF Fishing
	Euro-pêche	Cogeca Fishing	EAPO	EMPA	FEAP	Copa-Cogeca	AIPCE	CEP		
"Old"										
Austria					X	X				
Belgium	X	X	X		X	X	X		X	X
Denmark	X	X	X	X	X	X	X	X	X	X
Finland					X	X	X			
France	X	X	X	X	X	X	X	X	X	X
Germany	X	X	X		X	X	X	X	X	X
Greece	X	X		X	X	X				
Ireland		X	X	X	X	X	X	X		
Italy	X	X	X	X	X	X	X			X
Luxembourg										
Netherlands	X	X	X	X	X	X	X	X	X	X
Portugal					X		X		X	X
Spain	X	X	X	X	X	X	X	X	X	X
Sweden	X		X		X		X			
UK	X		X	X	X		X		X	
"New"										
Bulgaria										X
Cyprus					X	X				
Czech Rep.					X	X				
Estonia						X				
Hungary					X	X				
Latvia										
Lithuania										
Malta	X	X				X				
Poland		X	X		X	X	X			
Romania										
Slovakia						X				
Slovenia		X				X				

Source: Web-sites and data supplied by the organisations

The table shows that nine "old" Member States are best represented being member of 6 or more of the mentioned organisations. On the other hand, the 12 "new" Member States and several "old" ones are represented to a much lower degree. This is partly caused by the fact that the fisheries sector is relatively small in most countries which show a low level of representation, with the exception of Greece and Portugal. Another reason is

lack of capacity of the organisations in the new Member States, e.g. Latvia and Lithuania.

Some national organisations are members of more than one EU level organisation. Furthermore, there are instances where one individual may represent several national organisations (wearing different ‘hats’).

The following sections go into more detail on the level of representation of the organisations in the Member States looking at the organisations interest-by-interest. The underlying data is provided in Appendix 2.

4.1.2 The catching sector

The catching sector is represented in ACFA by three EU associations: *Europêche*, *Cogeca* and *EAPO*.

Europêche unites 16 national federations of fishermen’s associations and vessel owners associations from 11 Member States. Its member organisations represent probably almost all the larger vessels (>12m) from these countries. In some countries its members also represent most smaller vessels (<12m)¹¹ but many local organisations of small-scale fishermen are not affiliated to national bodies, and are therefore not represented by *Europêche*¹². *Europêche* represents the private vessel owners, though many of its member organisations claim to represent both owners and fishermen interests. It is the most influential representation of fishing business interests. With the exception of Malta, no “new” Member States have joined *Europêche*.

*COGECA*¹³ is the umbrella organisation for agricultural and some fishery co-operatives. It draws on membership from all 27 EU countries and from Norway, Switzerland and Turkey. *COGECA* maintains two Working Parties, one on fisheries and one on aquaculture. The working party on fisheries has representatives from 13 Member States, including some new. It cooperates closely with *Europêche* sharing a common secretariat, and the views are often similar. The fisheries cooperatives in the EU are seldom directly related to catching fish but mainly to provision of supplies (nets, fuel, etc.) and, in some cases, marketing.

EAPO - *European Association of Fish Producers Organisations* – draws together several national associations of Fish Producer Organisations as well as individual POs. POs are in charge of the implementation of the regulations under the “Common Organisations of the Market” (COM).

¹¹ From the mapping, data from Belgium, Denmark, Sweden and Spain suggest that their national organisations represents both large and small.

¹² An example is France, where the national organisation in *Europêche* only represents 25% of tonnage - but much less in number of vessels. They represent 110 vessels, all large, and in general France has more than 5000 vessels, but mainly small.

¹³ *COGECA* = Confédération générale de la coopération agricole.

Their members are vessel owners. There are some 200¹⁴ Fish POs covering most Member States. EAPO has 31 members from 11 Member States. It is not clear how many of the 200 POs EAPO represents. With the exception of Poland, no new Member States have joined EAPO. POs also exist in Estonia, Greece, Latvia, Lithuania, and Portugal. EAPO focuses on the narrower domain of market issues: balancing supply with demand, price support, and improving the quality of raw material.

Table 4-2 compares the number of vessels affiliated to the national and EU organisations represented in ACFA to the number of vessels which are on the fishing fleet registers. The detailed table with information on the individual national member organisations is included in Appendix 2.

This approach faces an additional problem to the one mentioned previously: in at least some countries the register contains a significant number of small vessels which are not professionally active. In some cases this is known and has been pointed out, but in countries like France and the UK, comparing the number of members of the organisations to the total registered fleet may lead to the misleading conclusion that the extent of representation is low. For this reason the estimated level of representation as given in the column to the right in Table 4-2 is to be regarded as a tentative estimate.

Table 4-2 Representation of the catching sector

Member State	Total number of member vessels	Member vessels <12m	National fleet Total ¹⁵	National fleet - Share coastal vessels ¹⁶	Level of representation (estimate)
Austria	-		-		
Belgium			107	1%	100%
Bulgaria ¹⁷	-		2534	2485	0%
Cyprus			874	92%	0%
Czech Republic	-		-		
Germany	1588		2017	81%	~80%
Denmark ¹⁸	-		3139	74%	~100%
Estonia			995	81%	

¹⁴ Latest published list dates from 2007. This number includes also some aquaculture POs.

¹⁵ Source: Eurostat, data 2006

¹⁶ 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.

¹⁷ Source: Eurostat, 2007, coastal fleet assumed as vessels < 24.8 GT

¹⁸ The Fiskeriforening represents all vessels in Denmark, except for the community of Grenå and Bornholm (which has few vessels). Total fleet of 3139 includes small non-commercial boats. Almost 100% of the fleet is represented.

Member State	Total number of member vessels	Member vessels <12m	National fleet Total ¹⁵	National fleet - Share coastal vessels ¹⁶	Level of representation (estimate)
Spain	16232		13391	72%	~100%
Finland ¹⁹			3196	95%	0%
France ²⁰	+5200		5407 ²¹	68%	+50%
Greece			18045	93%	1%
Hungary	-		-		
Ireland	346		1809	67%	~20%
Italy	-		14127	64%	~100%
Lithuania			266	69%	0%
Latvia			897	79%	0%
Luxembourg	-		-		
Malta	470		1415	91%	~20%
Netherlands ²²	515		840	28%	~100%
Poland ²³	2		883	63%	0%
Portugal			8754	91%	0%
Romania ²⁴	-		440	423	0%
Sweden	2432		1586	78%	100%
Slovak Rep.	-		-		
Slovenia			171		0%
United Kingdom	1526		6819	80%	~30%

Source: Unless otherwise specified, the source of data is the national organisations, which have been contacted individually (see Appendix 2).

The overview in Table 4-2 leads to the following conclusions:

- The catching sector in most old Member States is well represented. This applies undoubtedly even more to the value / volume of land-

¹⁹ Only 300-400 vessel are commercially active, Source: Annual report on 'Economic Performance of Selected European Fishing Fleets', 2004

²⁰ 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.

²¹ Source : LEI/Framian, France only, excl Drom (Figure in Eurostat includes Drom)

²² 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 in membership of EAPO.

²³ Polish Baltic fleet is not represented at all. The Polish distant fleet only consists of 3 large vessels.

²⁴ Source: Eurostat, 2007, coastal fleet assumed as vessels < 24.8 GT

ings than to the number of vessels, as the larger more productive vessels are usually better organised.

- Several countries with important fishing fleets are poorly or not represented. This refers especially to Greece, Portugal, Poland and the three small Baltic republics. For Portugal, the fishing industry is represented in the South Western Waters RAC, as it is generally found to better represent the Portuguese interests. Lithuania explained its absence from *Europêche* was due to expensive membership fee and language difficulties.
- The countries with numerous fleets and high share of vessels <12m show, in general, lower representation levels, which indicates that the small scale fleet is not well organised.
- Several individual national organisations are members of more than one EU organisation. Additional data show that this overlap is actually larger at the level of companies, i.e. one company through its national memberships may be represented by all three European organisations.

4.1.3 Fish processing and trade

The fish processing and trade organisations are represented by AIPCE and CEP in ACFA.

AIPCE - Fish Processors Association (AIPCE) and *CEP – Federation of European Importers and Exporters of Fish* – represent seafood processors and wholesale fish traders, importers and exporters. AIPCE and CEP are closely related as many processors also act as traders. AIPCE unites 15 members from 13 Member States, including Poland. CEP has 8 members from 6 Member States. National organisations from 3 Member States are members of both AIPCE and CEP.

The constituency of AIPCE and CEP is far from homogenous. Processing ranges from filleting of fresh fish through freezing, smoking and canning to preparation of ready meals and specialties, all based on a large variety species, sourced from fishing and aquaculture and from within and outside the EU. These activities may have similar but also different interests when it comes to issues like international trade agreements, labelling, quality requirements, etc..

Table 4-3 shows that a significant part of the EU fish processing and trade is represented by the two organisations. According to Eurostat, there were some 4,000 firms involved in fish processing and wholesale trade in the EU-27 in 2005²⁵. This number probably does not include a large number of small firms having less than 10-20 employees and general traders. AIPCE and CEP unite probably between 1,500 and 2,000 larger companies in the most significant Member States. These companies may account for more than 80% of the EU production and trade in value and volume.

²⁵ This is based on the SBS sector DA152. Other sources may give for some countries very different figures.

At the same time some interests may not be well represented; in particular companies in new Member States, and probably smaller companies in general²⁶. For example, Latvia and Lithuania have organisations representing processors that are not in membership of AIPCE. It should also be noted that not all companies are European owned and individual companies may be in the hands of non-EU owners and/or have major interests outside the EU (e.g. processing facilities).

Due to variability in data availability and compatibility, it has not been possible to provide a country-by-country estimate of the extent to which traders and processors are represented as provided for the catching sector above.

Table 4-3 Representation of the fish processing and trade

Member State	National organisation	Member of 1=AIPCE 2= CEP	Number of member firms	Total number of firms ²⁷
Austria				5
Belgium	Groepering der Visnijverheden	1	7	62
Bulgaria				35
Cyprus				na
Czech Rep.				30
Denmark	Association of Danish Fish Processing Industries and Exporters	1,2	100	125
Estonia				65
Finland	Finnish Fish Processors' Association (of the Finnish Food & Drink Industries' Federation)	1	13	160
France	Association des Entreprises de Produits Alimentaires Elaborés (ADEPALE)	1	70	492
	Synd. Nat. du Commerce Extérieur des Produits Congelés et Surgelés (SNCE)	2	80	
Germany	Bundesverband der Deutschen Fischindustrie und des Fischgrosshandels e.V.	1,2	120	190
Greece				65
Hungary				11
Ireland	The Irish Fish Processors and Exporters Association (IFPEA)	1,2	n/a	70
Italy	Associazione Nazionale Conservieri Ittici e delle Ton-nare (A.N.C.I.T.) - Fish Products Section	1	n/a	451
	Associazione Italiana Industrie Prodotti Alimentari (A.I.I.P.A)	1,2	6	
Latvia				116

²⁶ Firms with less than 10 employees and turn-over below 2 million EUR (EC Recommendation 2003/361)

²⁷ Source: Eurostat, 2005

Member State	National organisation	Member of 1=AIPCE 2= CEP	Number of mem- ber firms	Total number of firms ²⁷
Lithuania				83
Luxembourg				n/a
Malta				n/a
Netherlands	Visfederatie	1,2	137	120
Poland	Polish Association of Fish Processors - PAFP	1	62	419
Portugal	Associacao Nacional dos Industriais de Conservas de Peixe (ANICP)	1	17	95
	Associacao da Industria Alimentar pelo Frio (ALIF)	1	70	
Romania				41
Slovak Rep.				8
Slovenia				5
Spain	Ass. Nacional de Industrias de Elaboracion de Productos del Mar (ANIEPM)	1	105	745
	Ass. Nac. de Fabricantes de Conservas de Pescados y Mariscos (ANFACO)	1	200	
	Asociación Española de Mayoristas, Importadores, Transformadores y Exportadores de Productos de la Pesca y Acuicultura (CONXEMAR)	2	288	
	Ass. Espanola de Importadores Mayoristas de Alimento del Mar (ALIMAR)	2	286	
Sweden	FISKBRANSCHENS RIKSFÖRBUND	1	70	211
United Kingdom	FDF – Food & Drink Federation – Seafood Group	1	349	388

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

4.1.4 Fish and shellfish farming

Fish farming is represented by FEAP and shellfish farming by EMPA. Furthermore, Cogeca also has an aquaculture working party.

FEAP - Federation of European Aquaculture Producers – comprises the national Aquaculture Associations of European countries, including non-EU countries Norway, Turkey and several others. Many national associations represent both finfish and shellfish growers. FEAP unites 23 national associations from 18 Member States. FEAP achieves high coverage of various interests, which range from traditional farming of carp and trout to new species like salmon, seabass and seabream, cod, tuna, barramundi etc..

EMPA - European Molluscs Producers Association - represents mollusc and shellfish growers²⁸ - notably oyster, clam and mussel growers. EMPA unites 9 national associations from 9 Member States and its members represent a very significant proportion of EU bivalve production.

Cogeca has a Working Party on aquaculture, which theoretically represents the aquaculture cooperatives. However, it does not have a formal seat on ACFA's Working Group II. Its membership is a mixture of national associations of agricultural cooperatives, which are represented by experts with an aquaculture background. According to information obtained the Working Party achieves a high level of coverage, having representatives from 19 Member States. At the same time there are indications that national aquaculture experts are reluctant to participate in the Working Group meetings and at least one 'expert organisation'²⁹ mentioned on Cogeca's list, has little to do with aquaculture and was not aware of being on this list.

Table 4-4 below shows the representation of the fish farming sector. The table indicates that FEAP achieves a rather high coverage of the EU professional fish farming sector, including some new Member States such as Czech Rep., Poland and Hungary. In some cases the number of members appears to be higher than the number of firms which may be caused by membership rules, definitions of firms and ownership relations. Countries that have fish farming organisations, but are not member of FEAP, are Estonia, Latvia, Lithuania, Slovakia, and Portugal³⁰. Due to inconsistencies in data coverage / availability it is not possible to provide a country-by-country estimate of the extent to which the sector is represented by FEAP.

Table 4-4 Representation of the fish farming sector

Member State	National member of FEAP	Number of member firms	Number of firms ³¹
Austria	Verband Österreichischer Forellenzüchter	101	400
Belgium	Union Professionnelle des Pisciculteurs de Belgique (UPPB)		n.a.
Bulgaria			n.a.
Cyprus	Cyprus Mariculture Association		n.a.
Czech Rep.	Czech Fish Farmers Association	68	690
Denmark	Dansk Akvakultur	175	194

²⁸ http://www.euraquaculture.info/index.php?option=com_content&task=view&id=26&Itemid=43

²⁹ This refers to the Danish 'Fishmeal and fishoil manufacturers association'.

³⁰ The Portuguese member of FEAP is ANAQUA, however, this organisation appears inactive. Five other relevant organisations have been identified.

³¹ Source: P. Salz et. al., Review of the EU aquaculture sector, Project FISH/2006/15 – Lot 6 Definition of data collection needs of aquaculture, Interim Report, December 2007, data regards 2005-6 unless otherwise specified.

Member State	National member of FEAP	Number of member firms	Number of firms ³¹
Estonia			n.a.
Finland	Finnish Fish Farmers Association	150	120
	Aland Fish Farming Association	18	
France	Fédération Française d'Aquaculture FFA	300 companies	412
Germany	Verband der Deutschen Binnenfischerei e.V. VDBI	19 associations app. 1000 producers	1058
Greece	Federation of Greek Mariculture	173 members	384
Hungary	Hungarian Fish Farmers Association HFFA	95 companies	318
Ireland	Irish Salmon Growers Association ISGA	11 companies	7
Italy	Associazione Piscicoltori Italiani	330 members	402
Latvia			na
Lithuania			18
Luxembourg			na
Malta			na
Netherlands	Dutch Fish Farmers Associations - (NeVeVi)	40 companies	103
Poland	Polish Trout Breeders Association	110 companies	900
Portugal	Portuguese Fish Farmers Association (ANAQUA)	n/a	214
Romania			na
Slovak Rep.			na
Slovenia			na
Spain	Spanish Association of Marine Fish Farmers (APROMAR)	43 members 33 companies	159
	Spanish Organisation of Freshwater Aquaculture Producers (OPAC)	14 companies/ 24 farms	
Sweden	Swedish Aquaculture Association	n/a	239
United Kingdom	Scottish Salmon Producers Organisation	20 members	292
	Shetland Salmon Farmers Association	46 salmon farms + six smolt hatcheries	
	British Trout Association	80 members	
	British Marine Finfish Association	22 members (companies)	

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

Table 4-5 illustrates that associations of shellfish producers in all major shellfish producing countries are members of EMPA. It is likely that EMPA represents a very large proportion of the EU shellfish farmers.

Table 4-5 Representation of the shellfish farming sector

Member State ³²	EMPA member	Number of members	Number of companies ³³
Denmark	Dansk Skalddyr Opdræt	20	8
France	French National Committee of Shellfish Farming – CNC	3750	3750
	Comite National des pêches maritimes et des élevages marins	n/a	
Greece	SEMYO	n/a	553
Ireland	Irish Shellfish Association	120	234
Italy	Associazione mediterranea d'aquacoltori (AMA)	85	323
Netherlands	PO Mossel	70	50
Portugal			1253
Spain	Consello Regulador del Mexillon de Galicia – CRMG	34	2126
Sweden			110
United K.	Shellfish Association of Great Britain – SAGB	100 ³⁴	331
	Association of Scottish Shellfish Growers – ASSG	60	

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

4.1.5 Ports and auctions

Ports and auctions are represented by EAFPA in ACFA.

EAFPA - European Association of Fishing Ports and Auctions - has 13 members from 9 Member States. Some are individual ports along the Atlantic seaboard and others are associations. On its website EAFPA claims to represent 135 European (incl. non-EU – Iceland and Norway) auctions, which facilitate 70% of the fresh fish landings. EAFPA includes some of the largest ports and auctions in the EU, Peterhead and Urk. However, it is difficult to assess to what extent this organisation is representative of the sector as a whole, not the least because EU-level and national-level data on ports and fish auctions does not exist in a systematic way that allows for comparison with EAFPA membership.

Traditionally, the fish auction formed a key institution and physical infrastructure in ports. Still auctions play an important, although possibly decreasing, role in provision of the required physical infrastructure, marketing and price formation. Based on information obtained from EAFPA, it seems that EAFPA faces difficulty to convince new members of the value of its role.

³² Member States not mentioned in this table have no (or only very low) shellfish production

³³ Source: see number of firm in table 5.4

³⁴ SAGB has 350 members, however, these include trade, scientific and regulatory bodies.

Table 4-6 Representation of ports and auctions

Member State	National organisation / Port / Auction member of EAFPA
Belgium	Zeebrugge / Oostende
Denmark	Thyboron / Bornholm
France	CCI de Quimper (6 auctions in Brittany)
Greece	Etanal (~6 auctions)
Ireland	BIM / Union Hall
Netherlands	NOVA (association of 11 Dutch auctions) / Urk
Portugal	Docapesca (all auctions in Portugal)
Spain	Celeiro
UK	British Port Org. – Fishing port section (all fishing ports)

Source: EAFPA

4.1.6 Labour unions

The crew on board fishing vessels are represented by *ETF - European Transport Workers Federation* – which also represents seamen. Fishermen do not fall into the more usual categorisation of employer / employee. Rather they are joint risk-takers alongside the vessel owner, and treated as self-employed in most instances in respect of taxation and social security. Very few fishermen are actually members of trade unions. The ETF is used as a surrogate representative, since it does represent a large number of merchant seamen, and has special knowledge and expertise in matters of marine employment conditions, safety at sea and law. The ETF maintains a fisheries working group, with members from 9 Member States (see Table 4-7), but also several non-EU countries. The representatives of the organisations were mostly unable to indicate how many fishermen are registered as members.

Table 4-7 Members of ETF Fisheries Working Group

Member State	Organisation
Belgium	ACV-CSC Transcom / Belgische Transportarbeidersbond / Centrale Générale des Syndicats Libéraux de Belgique
Bulgaria	Seamen's Syndicate
Denmark	Fagligt Faelles Forbund
France	CGT Marine Marchande (Fédération des Officiers de la Marine Marchande UGICT CGT) / Fédération 'FO' de l'Équipement des Transports et des Services
Germany	TRANSNET / Ver.di
Great Britain	Transport & General Workers' Union (TGWU)
Italy	FAI CISL / FLAI-CGIL / UILA PESCA
Netherlands	CNV Bedrijvenbond
Poland	National Maritime Section NSZZ 'Solidarnosc' / Seamen's & Fishermen's Trade Unions Federation
Portugal	Seafarers' Trade Union Federation

Member State	Organisation
Portugal	Marine Engineers Trade Union / Sindicato dos Oficiais e Engenheiros Maquinistas da Marinha Mercante (SOEMMM)
Spain	Federación de Comunicación y Transporte de CC.OO / ELA Hainbat / National Federation of Transport Communication and Maritime

Source: ETF

The evaluation finds that continuation of the ETF's membership on ACFA is questionable. Its real constituency (number of crewmen that are members of affiliated national associations) is small. At the same time, the organisations of the vessel owners cannot really claim that they represent the interests of the non-owners as the interests of these two groups are at times conflicting. The ETF sits on the SSDC for Sea fisheries representing the employee bloc (i.e. crew). Putting the interests forward in this forum could be sufficient.

4.1.7 Banks

The banks are represented by the **EACB** – *European Association of Co-operative Banks*, which has members in 23 Member States, where they have played an important role in financing small-scale (and to lesser degree large-scale) agriculture and agriculture supply organisations. In some countries such structures have also been used to support fisheries. These banks now have developed into “normal” commercial banks, with specialist knowledge of those sectors they traditionally served. From the perspective of the banks, the fisheries sector is only a very small client, so that they cannot be realistically expected to devote special attention to it. Furthermore, the cooperative banks have lost their privileged position in relation to financing of the fisheries sector. It is therefore assessed as irrelevant to discuss issues of representation for the banking sector. It is recommended to discontinue the representation of the sector in ACFA Working Groups.

4.1.8 Consumers

Consumers are represented by the **BEUC** (European Consumers' Organisation). In 2007 the members of the BEUC included 41 national consumer organisations from some thirty European countries. In its own words, the BEUC "acts as a sort of “embassy” for these organisations in Brussels" and regards its main task as representing the members and defending the interests of all Europe's consumers at large. However, relatively few consumers are actually members of national consumer organisations. The BEUC has a Food Department and an Environment and Safety Department, but none of these have indicated a particular interest in fisheries policy and the seafood trade. BEUC participates in the European Consumers Consultative Group (ECCG).

The consumer representative in ACFA, participating in both the Plenary and Working Groups, is appointed by BEUC. From interviews, it is ap-

parent that the representative is an individual not employed by the BEUC and with limited organisational and communicative links to the BEUC.

The BEUC as an organisation has demonstrated little or no interest in fisheries issues since 1999 and when contacted for the purpose of this evaluation has indicated that this is not a priority. It is therefore recommended to exclude it from ACFA entirely, or to invite it only on an ad hoc basis.

Two key issues are at stake – consumer rights, and consumer views and preferences:

- An organisation such as the BEUC is well-placed to represent consumer rights, but has little specific interest or involvement in the seafood industry. Current arrangements seem to be a pragmatic approach to achieving representation.
- On the matter of reflecting consumer views and preferences, the lack of explicit constituency or structured interaction is problematic, though in many respects this is no different to the legitimacy of most (but not all) of the NGOs involved with ACFA. In this case, consumer views and preferences might be better represented by members of the retail and catering industry, since they are directly involved with consumers, and invest considerable time and resources in researching consumer views and preferences. Set against this is, however, the likelihood that a retail or catering sector representative is more likely to represent the views of their trade, than those of consumers, particularly since they are not otherwise represented in ACFA deliberations. Securing the expert services of an informed seafood marketing specialist might be an appropriate way around this – though this is by no means a perfect solution to the problem.

4.1.9 Environment and development NGOs

The NGOs with interest in fisheries are united in the *NGO Contact Group* which includes a range of organisations of which some represent national organisations or chapters, and some only exist as European or international structures. Some have clear membership structures, others rely heavily on charitable donations. The Contact Group is an informal grouping that exists to provide a structure for debate between the organisations, and decision-making as to who is to attend which ACFA meetings. Participation in the group changes from time to time and depends on a number of things: current campaigns and policy work, capacity within the organisation, personal motivation of the staff member working on fisheries etc..

There are currently 10 members of the Contact Group. The organisation providing the chair and key organiser of the Contact Group changes periodically. The Contact Group divides into two families of organisations –

environmental NGOs and development NGOs. Table 4-8 provides an overview of the 10 organisations currently in the Contact Group³⁵.

The table illustrates that the constituencies of the NGOs are very different. Some have national members others do not; for some fishing is a higher priority than for others; in some organisations the national chapters have greater freedom to set their priorities than in others etc.. Consequently it is relatively unclear whom the NGOs represent and to what extent the opinions of the representatives in ACFA have been discussed with the 'grass roots'.

It is not possible to make a detailed assessment of the degree to which the NGO sector as a whole is represented as, first of all, it is not clear exactly which interests these organisations are expected to represent (cf. the ACFA Decision). Secondly, even if this were clear, it would be difficult to determine whether the organisations could rightly claim to represent these interests as their constituencies are not well defined.

eNGOs

If it is assumed that environment NGOs are expected to represent "the general public interest" in environmental protection in relation to fisheries, then their potential constituency counts the entire EU population. However, this is far from the membership base of the organisations. On the other hand, the organisations in the contact group are among the most recognised EU and international NGOs and also count among their members and partners important national environmental NGOs. However, there are also important national organisations which are not in any way affiliated or associated with the contact group members. The environment NGOs in the contact group are mostly internationally driven organisations that have set up local branches in various countries. The opposite model with national organisations uniting in a European or international organisation seems only to be implemented by Birdlife International.

devNGOs

If it is assumed that development NGOs are expected to represent the interests of fisheries in developing countries, this opens up to many questions. First of all, the fisheries sector is probably less developed in many third world countries, but is still a multifaceted sector as is the case in the EU (which is also illustrated by the many different interests in ACFA to deal with the European sector). Is it really possible for one or a few organisations to represent all these different interests? Are international or European-based NGOs the right organisations to represent national/regional/local interests in third world countries? It is clear from the data collected in this evaluation that the presence of environment and development NGOs on ACFA is accepted and has become appreciated by the other members of ACFA. Their presence reflects a move towards more integrated approaches taking a point of departure in broader, societal needs and developments - and not only in the commercial interests. Their continued participation is considered relevant but stronger emphasis on criteria for membership seems recommendable.

³⁵ The division into environment and development NGOs was made by the Consultant

Table 4-8 Organisations in the NGO Contact Group

NGO	Reach	National representation	Interests in fishery
Environment NGOs			
Birdlife International	International apex organisation made up of national bird protection organisations.	Represented by bird protection organisations in 27 Member States	Marine / fishery interests are not a high priority. Promotes ecosystem approach to fisheries management.
EBCD (European Bureau for Conservation and Development)	International	No	EBCD's mission is: To ensure the conservation and sustainable use of natural renewable resources including species and ecosystems both for their intrinsic and direct value to the benefit of humanity.
Greenpeace International	Greenpeace is an independent global campaigning organisation	Offices in 21 Member States	In the past years, GP has focused its work on strengthening the content of the EU's Thematic Strategy on the Marine Environment
Oceana	Oceana conducts focused, strategic campaigns.	No, but over 300,000 members worldwide	Campaigns combine scientific, legal, policy and advocacy approaches to reach goals.
Seas at Risk	European association of non-governmental environmental organisations.	11 members among Member States	Seas At Risk aims at the protection and restoration of the marine environment.
WWF	WWF is a global organisation acting locally through a network of family offices.	Family offices in 16 Member States	WWF works to prevent overfishing and various sources of pollution and control of human activities that are putting the European marine ecosystem at risk. Recognising the need for a competitive and viable maritime sector, WWF works to ensure that the environment is put at the heart of the new EU Maritime Policy.
The Fisheries Secretariat	The Stockholm-based Secretariat was set up in 2003 by three environmental NGOs.	The Swedish Society for Nature Conservation, WWF Sweden and the Swedish Angler's Association. They cooperate with other organisations, pursuing a similar goal.	Working towards sustainable fisheries in Europe and worldwide. Long-term goal is healthy seas with thriving fish stocks and great diversity.
Development NGOs			
CFFA (Coalition for Fair Fisheries Arrangements)	European organisation	No	Produces information providing alternative views on the CFP, from social and environmental perspective, mainly looking at small scale fishing communities in developing countries.
ICSF (International Collective in Support of Fish Workers)	International European organisation	No	Supports fishing communities and fish worker organisations, mainly in developing countries, and empowers them to participate in fisheries from a perspective of decent work, equity, gender-justice, self-reliance and sustainability

4.1.10 STECF – biology and economics

The interests of ‘biology’ and ‘economy’ lie in an entirely different dimension, as these cannot be considered as ‘stakeholders’. These are members of STECF and are probably expected to make a contribution from a scientific perspective, although their role is not specified in the ACFA Decision.

4.1.11 New stakeholders

The terms of reference of the study raise the question of the relevance to expand the membership of ACFA to several other interest groups. These interest groups are discussed below.

Retailers

The retailers are composed largely of two groups – supermarkets and specialised fish shops. There is no specific EU organisation of specialized fish shops. In many Member States this group loses its market share to the supermarket chains and even national organisations are weak, if existing at all.

A suitable organisation to represent the large retail chains is EuroCommerce. EuroCommerce is the EU umbrella organisation for national retail and wholesale sectors (in all products) and its members are national associations. Individual companies are affiliated members. The six largest EU retailers are affiliated members of EuroCommerce: Carrefour, Ahold, Tesco, Rewe, Aldi and Metro. Various smaller retail groups are also affiliated member: Delhaize, Casino and El Corte Ingles. Others (e.g. Sainsbury) participate through their national retail organisation. In conclusion EuroCommerce is highly representative of the EU retail trade. It operates 11 special committees, one of which deals with ‘Food Policy and Consumers’. EuroCommerce has experience with other consultation bodies, incl. food, and it participates in working groups of DG Agri, e.g. on wine and on organic farming.

EuroCommerce has not yet been involved with fish-related topics. However, some of the affiliated members are heavily involved in MSC certification (Marine Stewardship Council), e.g. Tesco, Marks&Spencer, Carrefour and some German members. Furthermore, food labelling in general is high on EuroCommerce agenda. A representative of EuroCommerce indicated that if invited to participate in ACFA, EuroCommerce will contact its (affiliated) members to assess their interest and ask them to propose individual experts. The experts will create and take a seat on a EuroCommerce working group on fish. The working group will nominate a representative who will take a seat on ACFA. If the topic is considered sufficiently relevant, the members of EuroCommerce would make sufficient resources available to meet their obligation.

An increasing number of EU retailers assumes an active role in sustainable sourcing of their products and interacts closely with consumers as well as with the production chain by creation of tracking & tracing systems (EurepGap and GlobalGap). Consequently they influence demand and price levels. They can provide expertise in (eco)labelling and product development. Participation of EuroCommerce seems fundamental in the future set up of ACFA.

Recreational fishing The European umbrella organisation of recreational fishermen is the European Anglers Alliance (EAA). There are 18 member states who meet annually at a General Assembly hosted by a member country. The EAA is managed by an elected Board of seven members, including five regional members representing Western Europe (UK, Holland & Ireland); Northern Europe (Norway, Sweden, Denmark & Finland); Central Europe (Austria, Germany, Switzerland, Hungary, Poland, Slovenia, Czech Republic & Macedonia) and Southern Europe (Belgium, France & Italy). Provision for the election of an Eastern European Board member has been made in the Statutes. The European Anglers Alliance (EAA) is a pan-European organisation with 5 million members in 19 countries. The EAA is recognised as a non-governmental organisation by the European Commission and has a permanent office in Brussels and employs a full-time Secretary-General. The EAA has expressed interest in participating in ACFA.

Participation of EAA in ACFA could be relevant on some specific topics, where the EAA could be called in. However, the majority of EAA's members are active in inland fresh water and the marine anglers seldom leave the coastal areas. Recreational fishing is a regionalised activity and their representation on RACs (which is also the case) seems more relevant than on ACFA.

Small scale fishermen

Small-scale fisheries are to some extent represented by the existing professional fishery organisations. There is no European organisation specifically uniting organisations representing the interests of small-scale fisheries. This partly reflects that the level of organisation of small-scale fishermen differs substantially between the Member States and in those Member States where small-scale fisheries are relatively well-organised (Spain, Italy) they are members of the vessel-owners organisations. In other countries (e.g. Greece, Portugal), the level of organisation is poor.

It is estimated that the small scale fishing fleet consists of some 70-75,000 vessel, which are operated by some 100,000 fishermen, of whom most are owners of these vessels³⁶. Most of these vessels and fishermen can be found in the south European Members States – 70% in Greece, Spain, Italy and Portugal and a further 15% in France and the United Kingdom. In other countries the absolute numbers of small scale fishermen is relatively low, although they may still represent a substantial part of a nation's employment in the catching sector.

The representation of the small scale fishermen differs significantly between countries. The representation is well organised in Spain, Italy, but also in Denmark and Germany. France and the UK are cases 'in between'. Spanish 'cofradías'³⁷ (brotherhoods / guilds) have a long historical tradition and a solid legal basis³⁸ and bring together all fishermen in each port, independent of vessel size. They represent large and small vessel owners and their crews in more than 200 locations. The 'prudhomies' on the French Mediterranean coasts are similar 'institutions'. The Italian organisations of cooperatives, with a seat on Cogeca, also claim to represent all Italian fishermen, small and big owners as

³⁶ Source: P.Salz et.al., Employment in the fisheries sector: current situation (FISH/2004/4).

³⁷ There are cofradías for other professional groups as well.

³⁸ E.g. Ley 9/1993, de 8 de julio, de Cofradías de Pescadores de Galicia.

well as the crews. In France, the UK, Germany and Denmark significant numbers of small scale fishermen are represented through several nationwide organisations, as shown in table 4.2.

The representation of small-scale fishermen presents particular problems in two countries: Greece and Portugal. The reasons for the lack of organisation must be probably sought in the specific national and historical conditions in which promotion of common interests was not considered relevant or feasible. According to our case study, at present steps are being taken in Greece to set up a countrywide organisation of small-scale fishermen. It is uncertain how rapidly this initiative will bear fruit. In Portugal several local organisations claim to also represent small-scale coastal fishermen, but the number of their members is very low.

We conclude that significant numbers of small-scale fishermen in many countries are represented through the national fishermen organisations. In view of the fact that access to coastal waters (3-12 mile zones) is legally reserved to smaller vessels (although not necessarily to only those below 12 m loa) the competition with larger vessels is mostly indirect. Consequently it can be expected that the defense of the interests of small scale fleet, against interests of other (non-fishery) users of coastal space can be done effectively by organisations existing at present – though some small-scale interests are of the view that their interests are over-shadowed by the interest of the larger-scale members on most issues. Particular attention needs to be given to interests of small scale fishermen in Greece and Portugal - which are not represented at all for the time being.

Ornamental fish rearing

In relation to regulations regarding transportation and handling of live animals, it could be considered useful to include expertise regarding ornamental fish in ACFA. However, a survey in various Member States conducted for the purpose of this evaluation has not identified any specialised European level organisation in this area, though some national trade organisations do exist. Most ornamental fish is imported to or reared by hobbyists or pet shops where this fish is sold. A proper representation of this activity is not considered feasible at this stage. It is recommended to identify a suitable individual expert who would be invited to participate in the work of ACFA when relevant questions would arise. One organisation that appears to have a well developed structure, and which might be able to identify such an individual is the Ornamental Aquatic Trade Association (OATA), but noting that this is explicitly a UK national organisation.

Representation of interests in new Member States

The overview above shows that the representation of the fisheries sector in the new Member States is in general weak. The data collected for this evaluation shows that there are national organisations in some new Member States which are not represented at European level (Estonia, Slovakia, Latvia, Lithuania, and Poland)³⁹. There are several obstacles which will have to be overcome:

- National organisations do not exist or are weak.

³⁹ See Appendix 3 for details

- The representatives speak only their native language and cannot communicate at EU level. This became apparent during the contacts with the national organisations in the new Member States.
- The appreciation of the representation at EU level seems weak.

In order to address this problem, it will be necessary to stimulate the existing EU organisations to approach their potential new members and to involve them in European dialogue. A plan of action should be designed for this purpose.

Workers in aquaculture sector

The European aquaculture sector is estimated to offer some 50-60.000 jobs, many of which are taken by the owners of small (shell)fish farms and their family members. The number of employees is almost certainly less than 50% of the total number of jobs. Specific unions for aquaculture sector do not exist. Neither is it known to which extent the employees in the aquaculture sector are members of labour unions and of which ones. Representation of this group on ACFA is not feasible.

Fishmeal and fish oil industry

Fishing for species for and manufacturing of fishmeal and fish oil in the EU involves only a small number of companies. Within the European Union, Denmark dominates this industry – though there are many others involved in this business internationally (for example Norway, close by, and Peru, more distant). However, this industry is important in several respects:

- Fishing for fishmeal species (sandeel, blue whiting, etc) withdraws from the food chain very large volumes of fish, which could otherwise serve as food for higher levels in the trophic ladder. As CFP shifts to an ecosystem approach, explicit representation of this industry seems desirable – i.e. this is an EU fishery management issue.
- Fishmeal is an important ingredient of feeds in fish farming. Proper management of the industry may be considered a necessary condition for the development of the EU aquaculture sector – i.e. this is an animal feeds issue.
- Production of fishmeal is one of the technological options to make use of fish offal from fish processing – i.e. a fish processing sector issue.

The Danish Association of Manufacturers of Fishmeal and Fish oil is represented on ACFA through their membership of Cogeca. However, when dealing with issues specific to this industry, it would be relevant to invite a representative of the industry to take part in ACFA meetings. It is recommended that the Danish Association is contacted with a view to identifying such an expert.

4.2 Findings on performance

This chapter provides an overview of the main findings related to the performance of ACFA. It covers the three main purposes as given in the TOR and is divided in eight sub-sections as seen in the list below.

Table 4-9 Structure of the findings on Performance

Purpose	Title	Section
1 – ACFA's effectiveness and efficiency as a tool for consultation, information and fostering dialogue between stakeholder	Effectiveness and efficiency of ACFA as a tool for consultation	4.2.1
	Effectiveness and efficiency of ACFA as a tool for information	4.2.2
	Effectiveness and efficiency of ACFA as a tool for fostering dialogue between stakeholders	4.2.3
2 – Community financial support granted to the European organisations represented in ACFA for their preparatory meetings	The Community financial support	4.2.4
3 – Effectiveness and efficiency of ACFA's organisation and working methods	The organisational structure of ACFA and how this affects effectiveness and efficiency	4.2.5
	Effectiveness and efficiency of ACFA's decision-making process	4.2.6
	Effectiveness and efficiency of procedures and working arrangements	4.2.7
	Relations between ACFA and other consultative bodies concerned with the CFP	4.2.8

4.2.1 Effectiveness and efficiency of ACFA as a tool for consultation

Consultations, debates and information

As was mentioned in Chapter 3, 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.

Overview of consultations held

The ACFA Secretariat has provided a list of consultations for the purpose of this evaluation (see Appendix 6). The list includes both consultations initiated by the Commission, "consultations" initiated by ACFA (these would have appeared as debate items on agendas) as well as consultations initiated by the Commission and ACFA jointly, a total of 58 consultations for the period 2000-2007 as seen in Table 4-10 below.

Table 4-10 Number of consultations by origin and year, 2000-2007

Initiated by	Year	2000	2001	2002	2003	2004	2005	2006	2007	Total
EC-FISH ¹⁾		3	4	4	3	3	8	4	11	40
EC-SANCO			1							1
EC-FISH/ACFA-WG4					1					1
EC-WG2					1		1			2
ACFA			1			1	1	1		4
ACFA-WG1				1						1
ACFA-WG2						3	2	2	1	8
ACFA-WG4						1				1
Total		3	6	5	5	8	12	7	12	58

Source: List of consultations provided by ACFA Secretariat. Note 1: DG FISH is now DG MARE.

Table 4-10 shows a trend of an increasing number of consultations in the period, however, it is not conclusive. The number of consultations initiated by DG MARE is higher in 2005 and 2007. Rather than reflecting a fixed policy of increasing or decreasing the use of ACFA as a consultative forum, the consultant finds that the number of consultations reflects the policy agendas for the years in question. The increased number of consultations indicates that the involvement of ACFA has not decreased as a result of the establishment of the RACs.

The table below illustrates the outputs from ACFA resulting from the consultations and shows that two thirds of the consultations have resulted in a written output. In the years 2004-2007 ACFA seems to have been more 'active' in delivering written and oral opinions and comments than in the previous four years.

Table 4-11 Outputs of consultations

Output	2000	2001	2002	2003	2004	2005	2006	2007	Total
Opinion	1	2	3	2	0	1	4	6	19
Other written form ¹⁾	1	1	1	2	4	6	3	2	20
Oral comments/position	1	3	1	0	4	5	0	4	18
Not specified	0	0	0	1	0	0	0	0	1
Total	3	6	5	5	8	12	7	12	58

Source: List of consultations from ACFA Secretariat, see Appendix 6. Note 1: Includes recommendations, resolutions and individual written replies/web-consultations.

Debates

In addition to the consultations listed by the ACFA Secretariat, a number of debates have been held during ACFA Working Group meetings. During such debates, ACFA members have provided oral comments through their engagement in the dialogue at the meeting. A review of meeting agendas indicates that the number of debate items on the agendas varies from 34 to 49 per year with

Working Groups II and IV having the largest number of debates (see Appendix 3, section 3.1.1).

Subjects of consultations

The subjects of the consultations are quite varied and, according to the Secretariat list, include amongst others: CFP reform/maritime policy, TACs and quotas, technical measures, EFF, IUU and fishing opportunities. Appendix 6 provides the full list.

ACFA delivers opinions as required and in a timely manner

In assessing effectiveness of the consultations, it can be considered whether ACFA delivers advice as requested by the Commission. This evaluation has found nothing to indicate that this is not the case and consequently finds that advice is delivered as required. Further, interviews and case studies confirm that advice is generally provided in a timely manner.

In a broader perspective, effectiveness of consultation can be assessed according to the value added provided for the interest representation of the stakeholders involved and according to the impact of the consultation on Community policies.

ACFA provides added value to its members

Seen from the point of view of interest representation, this evaluation finds that ACFA is an effective tool for consultation. The results from the e-survey and the interviews with ACFA members show that ACFA members generally appreciate ACFA and consider it to provide added value to their interest representation. Table 4-12 illustrates that 52% of the respondents in the e-survey considered participation in ACFA to add value to a high or very high extent.

Table 4-12 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

The interviews with representatives of ACFA members generally show a high level of support to having a consultative body such as ACFA. This is most strongly expressed by the "core" fisheries organisations (vessel owners, producers, stock-breeders, and processors and traders). The members consider ACFA an important venue for representing the interests of their members vis-à-vis the Commission, but at the same time emphasise that it is not the only venue. Many national organisations emphasise the links to their national ministries and possibility of influencing Community policy through the national

channels and argue that this offers better opportunities for achieving an actual impact. Nevertheless, ACFA is still considered to add value, which indicates that it is seen as an important part of the dialogue between the sector and the Commission.

However, the impact of ACFA's advice is limited

In spite of the positive view on ACFA by its members, the members and the Commission alike, consider the impact of ACFA's advice to be limited. Only 13% of the respondents in the e-survey consider that ACFA advice is taken into account in the policy process to a high or very high extent (cf. Table 4-13).

Table 4-13 Responses to e-survey question: To what extent is 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 (Note: There is no clear tendency of some stakeholder groups considering advice to be taken more or less into account than other groups).

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

Difficult to objectively assess impact

This evaluation has found that it is difficult to objectively assess whether specific positions brought forward by ACFA in its opinions and comments have been implemented in Commission proposals. The case studies of IUU and EFF (ref. Appendix 12 and 13) show that 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 that impact is limited is therefore to a large extent based on perceptions from the involved parties as further illustrated in the paragraphs below.

The Commission questions the relevance of ACFA's advice

The dissatisfaction concerning the impact of ACFA on policy outcomes, should also be seen in the light that ACFA members and participants in ACFA meetings regard the advice provided as relevant, whereas representatives of the Commission do not. Results from the e-survey show that half of the respondents regard ACFA's resolutions and opinions to be relevant to a high or a very high extent; and 30% regard them to be relevant to some extent⁴⁰.

Interviews with Commission officials indicate that the Commission, like the ACFA member organisations, does not regard ACFA's opinions to have a large impact on Commission proposals. During interviews, Commission officials have questioned the relevance of ACFA's advice. Two main issues are put forward:

- ACFA's response to consultations is often political where the Commission is really looking for technical advice based on 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

Commission officials also express that they find a lack of innovation and that the positions of the stakeholders have not changed over time 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"*.

Differing perceptions of ACFA's role as a consultative body

The views on relevance of advice presented above illustrate a major finding of this evaluation – namely that the perceptions of ACFA's role as a consultative body and the expectations of what ACFA should deliver differ substantially between the ACFA members and the Commission (and sometimes also differ within these two groups)⁴¹. The evaluation finds that this is one of the fundamental causes of a certain level of discontent with the outcomes of consultations among those involved.

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.

⁴⁰ E-survey results, see Appendix 3, Section 3.1.16.

⁴¹ This difference in perceptions is described in more depth in Appendix 3, Section 3.1.30

The evaluation finds that these differences also reflect the institutional logics of the two parties. While the Commission as a policy-making and law-drafting entity is bound by Community policy and interested in getting facts and technicalities to support the analytical process and to make laws applicable, the interest organisations are by nature political animals bound by their constituencies seeking to protect the interests of their members (whether or not these coincide with existing policies).

Lack of clear objectives for ACFA...

As has been mentioned in Chapter 3, the ACFA Decision does not provide a clear statement with regard to the objectives of ACFA. The evaluation finds that the lack of clear objectives is an important explanatory factor in relation to the differing perceptions and expectations with regard to ACFA's role as a consultative body – when no given objective exists the floor is open to different interpretations.

...and for individual consultations

From our review of the work programmes and agendas for meetings, it emerges that the Commission is generally not specific about the expected outcome of debates/consultations. The topic is usually described in a title and then it is up to ACFA to decide what should or should not be included in the opinion or recommendation. Expectations about specific technical input / output are not made clear.

Seen in this context, the evaluation finds that there is considerable need to clarify the objectives of ACFA and the purposes and expected outputs of individual consultations. This could stimulate the effectiveness of ACFA as a consultative body. However, this obviously requires that the Commission and ACFA members can come to a mutual understanding and find ways to overcome and/or respect current limitations. Two issues stand out:

- The Commission needs to recognise the political nature of interest organisations and accept that the CFP will be an object of continuous dialogue with the interest organisations. This dialogue is actually valued by the interest organisations and can be used by the Commission as an instrument in seeking to increase the understanding of and the political support to the CFP.
- While the professional interest organisations generally have a large network, extending down to the individual vessel owner/firm in many Member States, the organisations do not have the self-motivation or the means to systematically collect and store data on all aspects related to the activities and practical technicalities of the entities they represent. On the other hand, this type of data is in demand from the Commission and would also be of interest to the organisations, which would also be in a good position to coordinate data collection. It would be relevant to explore options for Community funding of such initiatives.

4.2.2 Effectiveness and efficiency of ACFA as a tool for information

This section deals with the information flows connected to the activities in ACFA, i.e. the outward (Commission to fisheries sector) and inward (fisheries sector to Commission) flows of information. In this connection ACFA meetings are one stage in the process but the actual flow involves many activities outside ACFA meetings.

Outward information flow

Information from the Commission is provided in connection with all three types of items on meeting agendas (consultation, debate, information). The consultant's review of meeting agendas indicates that the number of information items on meeting agendas of the Working Groups is in area of 45 to 68 per year (ref. Appendix 3, Section 3.1.1). Information is provided orally (by a representative of the Commission at meetings) and/or as written documents disseminated prior to meetings.

Following the restructuring of ACFA in 1999, the various interests in the sector are represented in ACFA by European organisations. These European organisations are assumed to represent national, regional and local organisations through their members. An effective dissemination of information to the sector is thus dependent on the ability and readiness of the European organisations to act as distributors and intermediaries of information to their members and subsequent distribution of that information through the lower level organisations to the grass roots members.

ACFA members disseminate information to their members

The e-survey shows that the ACFA members do report back to their constituencies and they often 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 as indicated in Table 4-14 below.

Interviews with members of ACFA and national organisations indicate that the information flow from ACFA to the sector functions relatively well, mainly by passing on the minutes of meetings (MoM) from the Working Groups and the Plenary. Some organisations also use their newsletters and add information from ACFA meetings where relevant. The interviews also show that ACFA is regarded as an important source of information and platform for dialogue with the Commission and that having access to early indications of Community thinking is considered valuable, however, ACFA is one out of many sources of information.

Table 4-14 E-survey responses to the question: How do you report from ACFA meetings?

Response	No. of responses	In % ¹⁾	In % ²⁾
I forward official MoM to all national member organisations	21	22%	28%
I forward official MoM to national member organisations particularly interested in subjects discussed	20	21%	26%
I inform the national member organisations informally	28	30%	37%
I do not report from ACFA meetings	5	5%	7%
Other (please specify)	20	21%	26%
Total	94	100%	
Base (respondents)	76		100%

Source: E-survey. Note 1: Relative to number of responses. 2) Relative to number of respondents. The number of responses is higher than the number of respondents signifying that some respondents answered "yes" to more than one method of reporting.

The stakeholders indicate that the quality of the oral contribution from the Commission staff depends significantly on the individual responsible for a specific dossier and his willingness to share information with ACFA. Some are very open and willing to engage in discussion. Others provide only formal statements and the discussion gets stuck in repetitions. ACFA members understand that on some topics information cannot be freely given (e.g. negotiations with third countries). However, for topics where confidentiality is less important, a procedure could be designed to improve the quality of the information provided.

On this basis, the evaluation finds that ACFA is effective as a tool for outward information. Through ACFA a large number of stakeholders can be reached. This is also more efficient than contacting the stakeholders individually.

Inward information flow

An effective inward information flow depends on the European organisations' preparation of ACFA meetings and the extent to which they consult with their member organisations as well as their ability to present information to the Commission in ACFA.

European organisations consult with their members in preparation of ACFA meetings

The e-survey shows that European organisations to a large extent consult national member organisations when preparing ACFA meetings as indicated in Table 4-15 below. More than 80% of the respondents indicate that they consult with all or the interested national member organisations.

Important role of preparatory meetings

The role of preparatory meetings is important in this process of consultation with the national organisations. As elaborated in section 4.2.4 the professional organisations are eligible for financial support for conducting preparatory meetings, whereas the non-professional organisations are not. The interviews show

that the professional organisations generally attach great importance to the preparatory meetings, and that 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.

Table 4-15 Responses to the e-survey question: How do you prepare for ACFA meetings?

Response	No. of responses	In %¹⁾	In %²⁾
I consult with national member organisations that are particularly interested in the subjects discussed	38	29%	49%
I consult with all national member organisations	25	19%	32%
The consultation is informal and pragmatic	29	22%	37%
The consultation is formal and systematic	18	14%	23%
I do not consult with national member organisation	8	6%	10%
Other (please specify)	12	9%	15%
Total	130	100%	
Base	78		100%

Source: E-survey. Note 1: Relative to number of responses. 2) Relative to number of respondents. The number of responses is higher than the number of respondents signifying that some respondents answered "yes" to more than one method of preparation.

The consultant's review of annual reports from the professional organisations (see Appendix 3, Section 3.1.16) indicates that the number of participants at preparatory meetings differs somewhat both among and within the organisations. The number of participants per meeting is 6-8 on average. For instance, AIPCE-CEP had on average six participants, of which AIPCE had an average of 2.8 participants and CEP 3.2, at six their preparatory meetings in 2006 whereas Européche/Cogeca had an average of 8.2 participants at nine preparatory meetings⁴². FEAP on the other hand has hosted in 2005 preparatory meetings with between four and 25 participants. The number of participants at the meetings should be compared to the number of members of the organisation. Seen in this context, the average number of participants is relatively high.

The preparatory meetings and the consultation process conducted by the European organisations is found to work effectively as a "filter", synthesising and generating information based on input and consultation among the national members. In addition this is found to be an efficient approach from the Commission's point of view compared to an approach of holding individual meetings with the national organisations, which would require more resources. However, it is an approach which requires more from the Commission in the preparation phase. If the Commission is conducting bilateral meetings, there is

⁴² There were 10 preparatory meetings in 2006, however the consultant lack information on the number of participants at the preparatory meeting 29.03.2006 and this is therefore not included in the calculated average.

the option of clarifying questions and positions underway. In the other situation, where the interest organisations hold an internal debate based on a request from the Commission, it is necessary that the Commission's request is clear and to the point regarding which information it seeks in order to optimise the value of the information coming out of the process. The point about clarifying purposes of consultation and debates as mentioned in section 4.2.1 above is therefore also relevant in this context.

The extent to which European organisations are representative of national interests is an important factor in relation to information flow

ACFA's ability to act as a channel for information exchange is evidently limited to those who participate directly and indirectly in the system, i.e. firms, local, regional and national professional organisations and NGOs affiliated in one way or another to the EU representatives. The extent of coverage of the EU organisation was assessed in section 4.1.

4.2.3 Effectiveness and efficiency of ACFA as a tool for fostering dialogue between stakeholders

With the restructuring of ACFA in 1999, the membership of ACFA was broadened considerably. This section concerns the degree to which ACFA is effective as a tool for dialogue between the many different "families" or interests represented.

Inter-sectoral dialogue is seen as key output

This evaluation finds that ACFA has contributed significantly to promoting a dialogue between the various sectors represented in ACFA. This is supported by the evidence in the e-survey and the interviews with ACFA members.

Table 4-16 shows that 49% of the respondents considered ACFA to contribute to increased sector dialogue to a high or very extent.

Table 4-16 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	

Source: E-survey

A more detailed analysis of the responses given to the question in Table 4-16 shows that replies vary considerably between representatives of professional and non-professional interests. The professional interests are significantly more positive than the non-professional interests (NGOs).

The interviews with both ACFA members (professional and non-professional) and Commission officials show that ACFA is believed to have increased the dialogue and understanding among the different interests. It is said that the dialogue between professional and non-professional interests was virtually non-existent before the restructuring of ACFA in 1999 and that, gradually, the level of dialogue has increased over the years. However, as elaborated in section 4.2.6 on decision-making processes, this does not necessarily mean that the organisations are able to come to agreements or that they feel that they have a sufficient voice in ACFA.

4.2.4 The Community financial support

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. 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 4-1 below). This means 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 4-1 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)⁴³. For this funding all ACFA members are eligible. This funding is separate and is not subject to this evaluation and thus not mentioned further.

Comparison with similar structures

The study of similar structures shows that there are considerable differences between the CAP advisory committees and the ETPs in relation to financial support. The ETPs are more independent of the Commission and have their own secretariat and there is no reimbursement of costs as seen under ACFA. The Global Animal Health platform received EUR 300,000 in project funding during the period 2005-2007. After the expiry of the project, the platform is raising funds among its stakeholders. The CAP advisory committees are more similar to ACFA and provide per diem allowance for experts participating in meetings. However, there are no financial measures available for funding of preparatory meetings, such as for ACFA. ACFA thus seems to be unique in this respect.

⁴³ 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.

Budget The total budget was in 2005 increased from EUR 400,000 to the current level of EUR 500,000.

Expenditure From the financial reports of ACFA spending from 2001-2007, it is evident that the following organisations have received support:

- Europêche
- Cogeca
- ETF
- AEOP
- FEAP
- AEPM
- AIPCE
- CEP

Table 4-17 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 4-17 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. COGECA	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

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. Appendix 3 (Section 3.1.16) 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 meetings⁴⁴.

Table 4-18 Indication of number of preparatory meetings per year

Year	AIPCE-CEP	EAP0 ¹⁾	FEAP	Europêche/Cogeca
2004	2*	n.a.	3**	8****
2005	N.a.	13	4	9
2006	6	11	2***	10

1) Includes also meetings with the Commission as preparation of WG and Plenary meetings. *only February and March; ** from July and onwards; ***until end of June; ****until end of April

- Participation in preparatory meetings for Working Groups differs greatly. For instance EAP0 had 29 participants in their preparatory meeting on 29.10.2005 for Working Group 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 section 4.1.
- Information supplied from the organisations indicates that it is mainly Europêche and, to a lesser extent, Cogeca and EAP0, 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

⁴⁴ E.g. AIPCE-CEP has one preparatory meeting prior to ACFA meetings. EAP0 by contrast often specify several meetings in their report – for example with the Commission and with the European Parliament (the ACFA Secretariat has informed the evaluation that only expenditure for the meetings convened specifically to address EAP0's position with respect to the forthcoming ACFA meeting is eligible for support).

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.

Based on 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.

Option for the future I: Expanding the criteria for eligible expenditure

The interviews with professional members of ACFA indicate a high level of satisfaction that travel and accommodation costs for preparatory meetings 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 the preparatory meetings. Only a few organisations spend their own resources on translations, e.g. EMPA.

The evaluation finds that further strengthening of the 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 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.

Options for the future II: Expanding the criteria for eligible organisations

A majority of the ACFA members (including notably the non-professional organisations themselves) express the view that the non-professional organisations should have access to financial support for preparatory meetings. This is also expressed in 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). 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.

- The Financial Regulation and the Council Regulation very specifically state that Community grants are not to finance activities that are 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 for the same activity (i.e. preparatory meetings) is not received from other budget lines in the EU budget. This point is in fact applicable to all organisations receiving ACFA financial support.

4.2.5 The organisational structure of ACFA and how this affects effectiveness and efficiency

As described in chapter 3, the ACFA Decision established the organisational structure with the Plenary, the Bureau and the four Working Groups and it indicated the main area of work of each Working Group by providing a title for each Working Group. The areas of work of the Working Groups are further described in the working rules of ACFA (Section 1).

General structure of ACFA considered functional

The e-survey and the interviews with ACFA members show a general approval of the basic structure of ACFA and only in a few instances was this questioned. The main comments to the structure concern uncertainties about the role of the different forums, especially the role of the Bureau versus that of the Plenary and many have commented that they would like to see clearer task descriptions. The ACFA members generally see the Working Groups as the venue for detailed, technical discussions whereas the Plenary is the arena for the broader, more political debates and express satisfaction with this division of tasks. Many would like to see this emphasised even further by completely focusing the attention of the Plenary meetings on the higher level policy discussion with high ranking officials of the Commission, i.e. Director-General and Directors, as well as participation of the Commissioner. The more administrative agenda items like reports from the Working Groups and RACs could be dealt with through written information.

The consultant's review of the ACFA Decision shows that the Decision is not very specific about the respective roles of the Plenary, Bureau and Working Groups. The e-survey and interviews clearly show a significant level of uncer-

tainty among ACFA members. Although no concrete examples of inefficiency resulting from this uncertainty have been put forward in course of the evaluation, it is still considered appropriate to clarify the roles and tasks of the Plenary, Bureau and Working Groups. In this context it is found specifically relevant to focus the Plenary on high-level policy issues.

Concerning the number of Plenary meetings, 75% of the respondents of the e-survey believe that the number has been appropriate. Less than 10% propose a reduction, while almost 20% would prefer to increase the number of Plenary meetings. Stakeholders consider the meetings quite important, which is illustrated by a high level of attendance and the fact that many General Secretaries of the EU organisations are also present.

In conclusion, it is not the number of Plenary meetings which matters, but rather the agenda which should become less administrative and more policy orientated. Decisions could be taken more rapidly with better preparations at the working group level.

Restructuring of the Working Groups is called for

The structure of the Working Groups has been the subject of many comments made by both ACFA members and Commission officials interviewed. Many different proposals for restructuring have come up, including those suggested in the Terms of Reference for this mid-term evaluation (ref. page 10). The most common suggestion made during the interviews is the elimination of Working Group IV leaving Working Group I to deal with "general issues" and Working Group II and Working Group III to deal with more specific issues. Any restructuring of the Working Groups implies review of their membership. Even in the present situation, members who have only observer status in some Working Groups would like to become full member to be able to participate fully in the discussions.

Moreover, a frequent comment made was that the issues of the Working Groups are not sufficiently specific, meaning that the meeting agendas consist of many different topics, which implies that representatives have to sit in on a whole meeting even if only one or two topics are relevant to them. The Consultant also noted this in the two Working Group meetings observed. This is found to be an inefficient use of resources.

Another source of inefficiency emerged from the findings of the case studies on EFF and IUU. In these it was evident that issues presented for consultation are sometimes dealt with by more than one Working Group. It would simplify matters if such items were to be addressed by only one Working Group, but this is not always possible with the current complement of Working Groups.

The functioning of the Working Group II is generally perceived as more effective and efficient by both the ACFA members and the Commission. Working Group II deals with issues which are relatively less politically controversial and more with technical matters, which partly explains the high level of productivity. Moreover, the Working Group is the only venue within the Commission structure where a structured dialogue between the Commission and the aquaculture stakeholders is currently possible.

Present structure is too inflexible

The fixed structure of four pre-defined Working Groups is an inefficient and inflexible means of addressing the wide range of issues presented to ACFA for consideration. A more flexible structure allowing for specific issues to be dealt with exclusively by short-lived ad hoc working groups could be a way of achieving greater focus of debate and output – drawing together those representatives and experts most suited for the task of debating often technical and complex issues. This would be similar to the CAP advisory groups, which can establish ad-hoc technical working groups (ref. Appendix 16).

4.2.6 Effectiveness and efficiency of ACFA's decision-making process

This section looks at the decision-making processes associated with ACFA decisions, i.e. the processes that lead to the concrete outputs of ACFA in the form of opinions, resolutions, etc. The effectiveness and efficiency of these processes is very much linked to the issues of organisational structure and procedures as presented in sub-sections 4.2.5 and 4.2.7, respectively. In this section, the core findings related to how decisions are made and who makes the decisions are presented.

The composition of ACFA, the representation, and relevance is discussed in section 4.1. The organisations assuming seats on ACFA can generally be divided in two groups, which differ with regard to their involvement in the fishery sector and the backgrounds and positions of the individuals representing them in ACFA meetings. There are also large variations between the organisations in each group.

- ‘Group 1’ - Most professional organisations are represented by the Chairmen or general secretaries of the EU umbrella organisations who also assume a similar position within their national organisation.
- ‘Group 2’ - The delegates from NGOs, consumers, banks and labour unions as well as experts in economy or biology are mostly middle level employees of these organisations or affiliated institutions.

This influences the decision-making processes in several ways as is explained below.

Approaches to decision-making

The ACFA Decision does not specify a decision-making approach to be followed, it merely states in Art. 9 that *"The positions of the concerned interests shall appear in a report forwarded to the Commission"* and *"If the required opinion is the subject of an unanimous agreement of the Committee, it shall establish joint conclusions which shall be attached to the report"*. The working rules of ACFA (Section 10) specify that, in the discussions concerning drafts, positions, and opinions in the Plenary *"the Chairman shall endeavour to direct debate towards a common position"*.

Practise (as seen e.g. in the case studies of EFF and IUU) shows that while final decisions regarding topics on the agenda are taken at the Plenary, these deci-

sions are formally prepared, if not taken, at two other levels: Working Groups and Bureau. The meetings of the General Secretaries of the professional organisations also play an important role. Case studies and interviews indicate that there is a considerable focus on reaching consensus. However, specific dissent can be expressed by statement of the minority view or by an indication that a certain stakeholder did not agree with the taken position,

Table 4-19 shows that two thirds of ACFA participants consider, that the opinions of their organisation are reflected in ACFA resolutions and opinions, at least to some extent.

Table 4-19 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%
Base	73	

Source: E-survey

Further analysis of e-survey results and information from interviews shows that the ACFA members in "Group II" (ref. above) are generally more critical towards the decision-making process and argue that it is difficult for them to get their interests and views reflected in the opinions. It felt that there is an "uneven level playing field" with reference to the comparatively low number of seats held by Group II members compared to Group I members.

During interviews with Commission officials, it was expressed that consensus opinions is preferred, however, not at any cost. Hence, it is preferred that individual opinions are included when the stakeholders have significant disparities in views, in order to avoid "watered down" consensus opinions representing only the lowest denominator.

In Table 4-20, we provide an overview of advantages and disadvantages of consensus versus individual opinions in ACFA based on the arguments presented during interviews and our own assessment.

Table 4-20 Advantages and disadvantages of consensus versus individual opinions

	Advantages	Disadvantages
Achieving consensus	Stakeholders are obliged to listen to each other, dialogue stimulated. Consensus may be an indication of 'feasible' approach.	Time consuming Consensus may lead to a grey formulation with little content. Obscures areas where political decisions must be taken. Less influential interests overlooked
Focusing on individual opinions	Potentially more rapid progress to formulation of ACFA statement. Clarity where everyone stands. Clarity where political decisions must be taken. Most exchanges can be made in writing - more efficient.	Less need for dialogue and accounting for mutual opinions. Most exchanges can be made in writing - less networking and personal contacts.

Source: Developed by Consultant

Table 4-20 indicates that there are strong arguments in favour as well as against both approaches in the ACFA context. Therefore, a flexible approach trying to capture the best of both worlds seems quite appropriate. On this basis, it is found that the current practice of attempting a consensus opinion, but opening up for individual statements, is a workable and satisfactory solution. However, it seems relevant to describe the consensus-making model in more detail, to ensure that the stakeholders know their options. The Commission could also consider emphasising in their consultation papers, the degree to which individual opinions in certain subjects are considered important.

Efficiency of the decision making process

The efficiency of the decision making process is closely linked to the efficiency of the operation of ACFA in general. The question is how much effort (person-hours) is required to arrive at a decision. Important topics will be discussed at the national level, in the preparatory meetings of the EU organisations, in the Working Groups and in the Plenary and possibly in the Bureau and among the General Secretaries. These discussions do not only serve decisions by ACFA, but also formulation of positions in other arenas (national, SSDC, EP, etc.). Therefore, an isolated assessment of efficiency cannot be made for ACFA.

The case studies of IUU and EFF show that discussions on these topics seem largely to be driven by a limited number of persons, while a much larger number attended the meetings, where these topics were discussed. Furthermore, the reports from the meetings of the Working Groups give the impression that the oral statements from various stakeholders contain a fair amount of repetition. It is found that the decision making process in the Working Groups could be made more efficient by involving a more limited number of core interests/individuals concerned with the topic (setting up ad hoc working groups).

Commitment, capacity, and competence of decision-makers

The composition of ACFA, the representation and relevance is discussed in section 4.1. While the constituency of the representatives *seems* clear in principle, in practice there is little information on who is represented and who is not.

This topic is addressed in section 4.1. It is implicitly assumed that those who wish to have voice at EU level will also organise themselves accordingly. It is clear that the organisational capacity of the EU organisations will have a large effect on their ability to participate in ACFA meetings and on the way in which they are able to participate. This evaluation has not comprised an organisational capacity assessment of the organisations involved; however, some observations have been made.

Attendance levels are high
The consultant's review of minutes of meetings from ACFA indicates that attendance levels are high, which indicates that the members generally are indeed committed to ACFA and able to participate in decision-making processes.

Number of meetings put strain on resources
With the establishment of the RACs, the number of consultative meetings has risen considerably. The RAC case study (see Appendix 14) 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.

Different organisational strategies and focus areas
The European organisations who are members of ACFA give different priorities to the fisheries sector. In this respect major differences exist between the two 'groups' distinguished above. Fisheries related topics are clearly the top priority in the 'Group 1'. On the other hand, for 'Group 2' fisheries topics represent one area out of many addressed by those organisations and priority given to fisheries depends on broader considerations. A similar argument may apply to the individuals. The representatives of the fishing industry are in relatively high positions and have been selected by their national organisations on the basis of their (manifold) qualities to defend the interests of their constituency on national and international level. It is much less clear how the internal appointment within the other organisations took place.

4.2.7 Effectiveness and efficiency of procedures and working arrangements

This section deals with the procedures and working arrangements guiding the interaction between ACFA and the Commission and the working of ACFA.

ACFA members satisfied with performance
The evaluation finds that, generally, the ACFA members are satisfied with the procedures in place and the cooperation between the Commission and ACFA. This can be seen in the results from the e-survey, where only 7% of the respondents considered the cooperation as "poor" (ref. Table 4-21).

Table 4-21 E-survey responses to the question: 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

During interviews, the majority of ACFA members have emphasised that the Secretariat is considered to function very well. The problems highlighted are to a large extent not associated with Secretariat as "service provider" but with the broader interaction between Commission services and ACFA. Below, the main findings related to procedures and working arrangements for work programmes and meeting agendas, consultations, financial support and meetings are dealt with under separate headings.

Work programmes and meeting agendas

Elaboration of work programmes and agendas

The ACFA working rules (Section 2) provide rules on the implementation of the work programme. There are no specific procedures for the elaboration of the annual work programme (apart from it being prepared by the Committee in agreement with the Commission) or for the agendas (to be laid down by the Bureau). According to the interviews with ACFA members, there is some uncertainty about the procedures and the involvement of ACFA members in the process. Particularly among the Environment and Development NGOs, there is an impression of overly focus on the professional interests when the work programmes and meeting agendas are established. On this basis, it is found that a more elaborated description of the procedures could lead to a better understanding among the organisations involved about the role that they are intended to play. For example, it could be considered whether there should be a formal obligation to consult all members of ACFA when the agenda is prepared and whether the acceptance of the working programme and plan for meeting agendas require unanimous agreement of the Plenary etc.. The decisions about work programmes and agendas are important as this is the stage where the organisations have the ability to influence what is discussed.

Implementation of work programmes and agendas

The annual work programmes of ACFA consist mainly of a listing of issues to be taken up by each Working Group. In fact, a review of meeting agendas compared with work programmes (see Appendix 8 for details) shows that not all these issues are dealt with. Rather, the work programmes are seen as and used as guidelines for the year but not as rigid activity plans to be strictly followed and meeting agendas are developed based on the current policy context rather than what is stated in the work programmes. The advantages of this approach lie in the flexibility and ability to adapt to the current situations 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.

The evaluation finds that these very flexible implementation procedures have advantages, but contribute to uncertainties about agenda setting and options for influence. The annual work programmes seem to a high extent to mirror the "terms of reference" for the Working Groups as set out in the ACFA working rules (Section 1) and represent a "long list" of issues, which might become relevant to discuss. This does not add focus and direction as a work programme ought to and gives little opportunity for those involved to really plan their strategies and participation during the year to come. It seems appropriate to make work programmes more specific and focussed. It is, however, important to keep the working programme flexible. This can be done by allowing for updating of the programme. This would imply making the work programme a dynamic management tool that can be used as guidance for the work of ACFA. The need for a dynamic work programme is further underlined if the recommendation concerning ad hoc working groups is implemented.

Monitoring of implementation

There is currently no monitoring of the implementation of work programmes and meetings, except that the ACFA Secretariat keeps a list of consultations and the outputs resulting from these consultations. Also, the outputs of consultations are available on the web-site of ACFA. Considering that the work programmes are only used as guidelines, it does not seem relevant to closely monitor their implementation in the present set-up. However, more focused work programmes as suggested above would benefit from regular follow-up throughout the year. They would also form a basis against which a short annual report on the implementation could be drawn up. This could serve as a useful evaluation tool and to inform various stakeholders about the working of ACFA and contribute to transparency and understanding of the processes and outputs of ACFA.

Type of procedure

Procedures and working arrangements for consultation

The procedure normally used for consultations in ACFA is that an opinion is prepared by the Working Groups and adopted by the Plenary. The written procedure, where ACFA members are consulted individually, has only been used on two occasions in the period 2000-2007 according to the list of consultations provided by the ACFA Secretariat (Appendix 6). It is, however, used in several of the consultations launched in 2008. During interviews with ACFA members, it was emphasised that discussions at meetings are sometimes very time consuming and increased use of written, possibly electronic, communication was mentioned as a way forward by several stakeholders. This may not be in the form of the written procedure in its pure form as it is described in the ACFA work rules, but to find ways to arrange the consultations and exchange of information and views needed in the most efficient way using both meetings and written documents.

Commission initiation of consultation procedures

This evaluation finds that ACFA members have clearly expressed their satisfaction with the timeliness of Commission input for consultations. An illustrative statement: "The Commission should be credited for increasingly informing us

early - the Commission should do that even more"⁴⁵ (for further references, see Appendix 3, Section 3.1.2). It is also confirmed by the case studies on EFF and IUU that ACFA is consulted in a timely manner taking into account the decision making process (see Appendix 12 and 13). However, it is expressed that there is room for improvement, e.g. by the Commission providing even earlier and more detailed information. As described in Section 4.2.1, the evaluation finds that the Commission is not sufficiently clear about the purpose of the consultations.

Single rapporteur

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 there should 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 Commission⁴⁶ 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.

Feedback from the Commission

The list of consultations provided by the ACFA Secretariat provides information about the incidence of feedback from the Commission on completion of a consultation – and shows that it is a rarity. Only in the case of 2 out of the 58 consultations listed for the period 2000-2007, has some form of feedback been

⁴⁵ Interview with ACFA member

⁴⁶ Section 4.2.1 illustrates that there are significant scope for improvement in this respect

given, one of which is a letter of receipt. 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. In this respect, the situation in ACFA is similar to that of the CAP advisory committees. It appears from the analysis of similar structures (Appendix 16), that members of these Committees also express that it is not transparent how the Commission makes use of the advice.

In the e-survey, 79% of the respondents state that feedback is important or very important (see Appendix 3, Section 3.1.4 for details). This position has been clearly confirmed during interviews with representatives of ACFA members. 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.

Periodical status report?

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 (ref. Appendix 3, Section 3.1.36).

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 in section 4.2.1, 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 parties to have a continuous dialogue on the impact of the advice provided by ACFA.

As pointed out in section 4.2.1, 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.

Procedures and working arrangements regarding financial support

The members of ACFA have generally expressed satisfaction with the procedures for financial support. Stakeholders point out that the DSA has not been increased since the introduction of the system and the present level is not sufficient to cover all expenses. This argument is not valid as new rules for reimbursement, including per diems, entered into force January 1, 2008. Based on a review of annual reports from the organisations made available to the Consultant, it is assessed that the procedures work well and reports from the organisations 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.

Written information prior to meetings	<p>Procedures and working arrangements for the conduct of ACFA meetings</p> <p>According to interviews with ACFA members, the quality of the discussions following provision of information could be improved if more information was presented to the stakeholders in written form before the meetings, thus providing a better basis for preparation. This could also increase efficiency during meetings as time presently used for oral presentation of information could be saved. The evaluation finds that there are important efficiency gains to be found in relying to a greater extent than today on written information and that there is scope to improve and increase the electronic exchange of information. This would require an extended role of the Secretariat compared to the existing situation and, in this connection, it could be considered to outsource certain tasks performed by the Secretariat. However, the Secretariat is also an important link between the Commission services and ACFA and such outsourcing would have to be organised in such a way as to ensure that this link remains strong.</p>
Observer participation	<p>Section 5 of the Rules of Work stipulates the conditions under which observers are permitted to participate in ACFA meetings. Some member organisations feel that participation of observers should be more flexible. The rules on participation of observers imply that interest groups may have an equivalent number of observers to the seats they formally allocated. This suggests, however, that interests with only a few or no seats, have limited possibilities for sending observers. This is pertinent because observers are allowed to participate in discussions and debates at the discretion of the Chairman – not normally refused, time constraints permitting.</p>
Minutes of meetings	<p>The elaboration of minutes of meetings is regulated by Section 9 in the Rules of Work. According to the interviews the participants are satisfied with this and the work of the Secretariat. The Minutes of Meetings are elaborated in English, French and Spanish, thus speakers of these languages can read the minutes. The cost of translation to other languages is not covered, which may limit dialogue with the sector in certain countries, including Greece, Italy and new Member States.</p>

4.2.8 Relations between ACFA and other consultative bodies concerned with the CFP

Three related consultative bodies

This section analyses the interaction between ACFA and the RACs, the SSDC and STECF with particular stress on RACs. The analysis focuses on the interface between these organisations and ACFA, from ACFA's perspective. The independent functions of these bodies are not discussed in detail.

Role of RACs

Interaction with RACs

The Commission Decision establishing RACs⁴⁷ does not specify their objectives, apart from a general reference on stakeholder consultation under the CFP regulation, as stated in the first article of the preamble. In fact, as long as the operation of RACs is consistent with the CFP principles, the founders of each RAC can formulate their own objectives (article 3).

Coordination with ACFA

The RAC Decision specifies that the RACs should coordinate their activities with ACFA stating in the preamble:

"In view of the tasks of the Advisory Committee on Fisheries and Aquaculture renewed by Commission Decision 1999/478/EC, which is composed of representatives of a wide range of European organisations and interests, the work of the Regional Advisory Councils should be coordinated with that of the said Committee, to which they should also send their reports." (2004/585/EC (6))

This formulation illustrates that while coordination is considered desirable, how this coordination should take place is not addressed in the Decision or any other regulation. Interviews conducted show that it is generally recognised among all stakeholders that the RACs should address the regional / local issues while ACFA should concentrate on EU-wide (horizontal) matters. Apart from responding to questions raised by the Commission, the RACs are entitled to put on their agenda any topic which they consider relevant.

Harmonisation between ACFA and RACs has been pursued as follows:

- The work programme of ACFA was re-organised removing many items only relevant to the RACs.
- Agenda items of ACFA also discussed in RACs are designated with "RAC" to indicate that they are also discussed there.
- Proposals on TACs and quota are discussed at a common meeting of ACFA and RACs.
- In concrete cases, there is co-operation concerning individual opinions. For example the NSRAC did not make separate submission on IUU fishing, but noted that it was in agreement with the advice prepared and presented by ACFA.

Despite these efforts ACFA members and the Commission have the impression that duplication of work is a (potential) problem and call for greater clarity in

⁴⁷ 2004/585/EC (6)

the roles of ACFA and the RACs, and guidelines on how to apply, to best effect, the horizontal/regional principle.

Analysis of potential overlaps

This evaluation has analysed the issue of overlaps/duplication of work through a case study on the items on the agendas ACFA Working Groups in 2007 requiring the attention by both ACFA Working Groups and the RACs. On the 2007 ACFA agenda, a number of items were marked as requiring attention by both ACFA Working Groups and the RACs e.g. TACs and quotas. These are shown in Table 4-22. Eight items were tabled for the provision of an opinion, three as the subject of debate, and three for information.

Table 4-22 *Items on ACFA agendas for 2007 also discussed by RACs*

Working group	Agenda item
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)
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)
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)

Source: elaborated by consultant based on work programmes forwarded by the ACFA Secretariat

The following findings emerge from the analysis:

Four agenda items for opinion 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. The Council of Ministers decides on TACs and quotas

on the basis of agreed multi-annual decision rules, ICES advice and, when possible, economic and social considerations. 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.

Of the other items presented for the development of ACFA opinion, two deal with IUU fishing (Working Groups I & IV), one with discards, and one with control. Each of these have both European and regional 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.

The three items presented to ACFA for debate deal with the data collection and scientific advice, fishery recovery and management plans, performance of RFMOs (Regional Fishery Management Organisations). Data collection and RFMOs are largely generic issues, which would lead to major duplication if discussed in RACs. ACFA seems the appropriate forum. The place for the discussion of the management plans depends on the nature of the topic – whether generic or regionally specific.

Three items were presented as matters of information on tuna, simplification and enforcement. It might be argued that the item covering tuna farming might under normal circumstances be addressed by the Mediterranean RAC (yet to be become operational). The item on simplification seems an appropriate horizontal issue. The presentation of information on control and enforcement simply accompanies the request to ACFA for an opinion on this topic. In general it can be expected that items ‘for information’ are distributed to all stakeholders, and unless there is a specific need for discussion, they do not need to take much time in the meeting.

Need for clearly specified rationale and purpose

Although there does not seem to be much overlap in practice, there is a strong feeling of overlap among the participating stakeholders. All parties could probably benefit from a clearly 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. The need for better formulation of questions under each topic has been stressed also elsewhere in this report, as well as in the Commission’s evaluation of RACs⁴⁸.

⁴⁸ Review of the functioning of the Regional Advisory Councils, Communication from the Commission to the Council and the European Parliament, COM(2008) 364 final, Brussels, 17.6.2008

Overlap in organisations and individuals

The impression of overlap arises possibly as 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. The case study shows only a limited overlap in named individuals that hold seats in ACFA and the RACs. However, minutes of meetings confirm what stakeholders say - the overlap in actual attendance is much greater.

RACs – clear structure and mandate

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.

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.

Interaction with the STECF

The role of the STECF is to provide science-based advice to the Commission upon request and in the form of an annual report on the situation as regards fishery resources relevant to the European Community.

Interaction between ACFA and the STECF is assured as members of the STECF hold seats on ACFA Working Groups on behalf of the interests of ‘economy’ and ‘biology’. The STECF provides primarily science-based advice to the Commission and there does not seem to be any overlap with ACFA. In practice it does not seem feasible that the STECF would also provide scientific support to ACFA as the STECF does not have the required resources and organisational/operational structure.

Interaction with the SSDC

The SSDC is composed of representatives of Europêche, Cogeca and ETF. Interaction between ACFA and the SSDC is assured as members of the SSDC hold seats on the ACFA Plenary. Also, the SSDC organisations are all represented in the ACFA Plenary individually.

The SSDC occasionally produces documents on various fisheries related issues. Since 2000, SSDC has produced 12 such documents (see Appendix 10). These mainly concern the social partners and improvement of working conditions. Some documents do, however, have direct relevance to ACFA, such as:

- Joint opinion regarding the Green paper on the future EU maritime policy (2007)

- 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)
- 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)

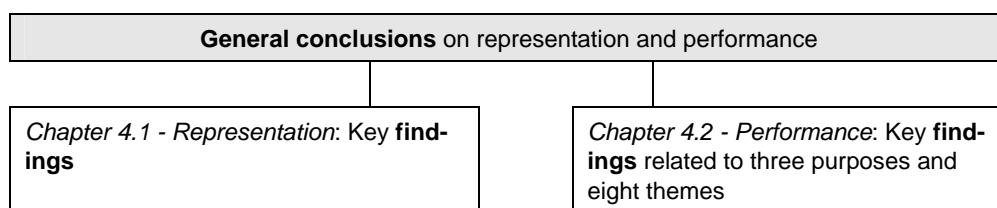
The SSDC has thus addressed a number of topics that also were discussed in ACFA. However, overlaps between SSDC and ACFA were not a matter of concern to the stakeholders during the interviews.

5 Conclusions

Purpose of chapter

While the previous chapter presented key findings to the evaluation purposes, this chapter applies a birds-eye perspective and presents the overall and condensed conclusions on the two key evaluation issues - representation and performance of ACFA as illustrated in Figure 5-1 below.

Figure 5-1 Drawing general conclusions - on the basis of specific findings



5.1 Overall results of the evaluation

ACFA is not a 'perfect' institution. Its performance varies according to topic addressed, but also according to the views of individuals involved. Its relevance lies in its existence itself and the process of dialogue which it facilitates. The evaluation shows that ACFA is open to change reflecting evolving ideas and perceptions on the relation between the fisheries sector and the society at large (e.g. increased focus on long-term sustainability). Based on lessons learned from the achievements made, this evaluation can be used as a basis for ensuring among all parties concerned a better understanding of the raison d'être of ACFA.

This evaluation points in particular to the need to formulate objectives and adapt structure of ACFA in the light of new conditions and requirements: establishment of the RACs, the coming reform of the CFP, and the shifting focus of Commission services from a single sector approach towards integrated maritime policies. It proposes streamlining the organisation and working procedures to increase effectiveness, efficiency and responsiveness.

In the following, the detailed conclusions regarding representation and performance are provided.

5.2 Representation

Assessing the level of representation faces several problems, which are at least partly caused by the lack of clear objective of what ACFA should achieve. The members of the EU organisations (professional as well as NGOs) are a myriad of national organisations, whose members are individual companies, lower level organisations or individual citizens, as in the case of some NGOs. As for the professional organisations, the report compares the number of member firms to the total number of firms in the specific sector in each country. Several methodological comments are made regarding the interpretation of this comparison, the most important being that the number of firms does not necessarily reflect the economic role. In practice, the larger firms tend to participate more in professional organisations, so that representation in terms of numbers of firms underestimates the representation in terms of value of output.

The three organisations representing the fleet (Europêche, Cogeca and EAPO) have in general close ties and assume similar positions. While there is a slight overlap in participating national organisations, there is a much larger overlap at the firm level. A high level of representation is achieved in many old Member States, but this not the case for the new Member States. The representation of small scale fishermen is very different depending on country. While broad representation has been achieved for Spain and Italy, small scale fishermen from Greece and Portugal are poorly organized and therefore not represented.

The fish processing and trade industry is represented by AIPCE and CEP, which are closely related as processors are by definition also traders. These two organisations represent probably more than 80% of the sector in terms of value of output. The constituency of these two organisations is rather heterogeneous, due to a wide variety of specialisations.

The fish and shellfish farming sector is represented by FEAP and EMPA. These two organisations achieve a very high coverage of their respective constituencies, including the new Member States in case of FEAP. Copa-Cogeca also has a Working Party on Aquaculture, however its membership relies heavily on representatives from the farming sector and a mixture of experts of different backgrounds. Copa-Cogeca does not play a pronounced role in respect to aquaculture.

Ports and auctions are represented by EAFPA. While ports and auctions represent an important part of the infrastructure chain and facilitate price formation, the membership of EAFPA seems rather fragmented. Being a relatively young organisation it needs to expand its membership, but seems to have difficulty to demonstrate its added value.

Ten environment and development NGOs are organized in the NGO Contact Group. While their presence in ACFA is considered essential, their position is completely different from the professional organisations. Fisheries are usually one of many topics with which they deal and only in some cases high on the priority list. It is difficult if not impossible to characterize the constituencies which they represent.

The role and extent of representation of stakeholder interests of several other members of ACFA is unclear and their participation in ACFA should be re-evaluated. The BEUC represents consumers. The links between the representative in ACFA and the BEUC organisation are weak and the BEUC has not demonstrated any interest in fisheries issues since 1999. The cooperative banks are represented by EACB. However, the special role of cooperative banks in fisheries has largely disappeared. Furthermore, fisheries are only a very small client group to them. Their potential contribution is therefore limited and diminishing. The 'employees' in the catching sector are represented by ETF, which does have knowledge of marine affairs. ETF maintains a working group on fisheries. However, the national members of ETF have not been able to indicate how many fishermen are in reality member of the labour unions. Most crewmembers are not typical employees, but rather they are considered as 'self-employed', sharing part of the risk of the operation. Considering that ETF also has a seat on the SSDC, the value added of its presence in ACFA is questionable.

Several new interests not currently represented in ACFA have been assessed in the study:

- Large retail chains play an increasingly pronounced role the public discussion of sustainability and have major influence on what the consumer is offered. EuroCommerce unites all major firms, either directly or through their national associations. If invited, EuroCommerce will have the resources to participate in ACFA. On the other hand, specialised fish retailers are not organized at EU level and their participation in ACFA is not considered feasible.
- Recreational fishermen could be represented by EAA. While able and willing to take part in ACFA, recreational fishing is largely restricted to coastal areas and their presence in RACs (which is already the case) seems more appropriate.
- Small scale fishermen are well organized only in a few countries. Some of their interests are put forward by the existing organisations. Separate representation of this group does not seem feasible at present.
- Breeders of ornamental fish are generally not organised into national or EU organisations. Most ornamental fish is imported or bred by pet shops and hobbyists. The interests of this sector in ACFA would be limited to a very few selected topics. Permanent participation in ACFA is neither feasible nor relevant. A suitable expert should be identified for ad-hoc participation when necessary.
- The European fishmeal and fish-oil industry is a member of Cogeca (through the Danish Fishmeal and fish-oil industry), but it is a very particular activity with an impact on the marine environment and an important role on the market for farmed fish feeds. Its separate representation could be considered on an ad-hoc basis, although its interests are primarily in Denmark.

5.3 Performance of ACFA

The overall conclusion: Mainly positive results

As an instrument for the Commission to consult with fisheries organisations and other stakeholders concerned with the Common Fisheries Policy, ACFA appears as 'a mixed bag' - which already was indicated in the previous chapter with the many *on the one side... but on the other side* formulations. However, the evaluation assesses that the results of ACFA are mainly positive and it is also noteworthy that the stakeholders involved overwhelmingly still attach importance to ACFA and wants it to be strengthened and improved rather than terminated. But ACFA members are also eager to see a clearer impact of their efforts, except the aquaculture interests who hold a more positive view. It turns out to be a major issue of concern arising from the evaluation that we have few clear indications of a direct, measurable impact of ACFA activities on policy-making (see further below).

The operations of ACFA are predominantly process driven leading to compromise formulations of advice. Also, each of the parties at the table has other ways of conveying its views on CFP matters to the Commission and in influencing policy formation. On this basis, "being there" appears to be considered more important than outcomes, with considerable value placed on networking opportunities. ACFA does deliver a range of outcomes and values to its participants including the Commission – but the main message is that these do not appear to be highly valued, except for the aquaculture sector.

Several well-performing aspects of ACFA...

The evaluation documents a number of well-functioning aspects of ACFA, the most important of which are:

- The members of ACFA generally feel that ACFA adds value to their interest representation particularly for networking.
- The ACFA members are generally satisfied with the timeliness of the Consultation process, and appreciate the Commission for its efforts in the recent years to consult ACFA earlier in the decision-making process. The members also appreciate the flexibility in arranging meetings and agendas according to the policy process rather than a pre-fixed schedule. In this context, it is also emphasised that the content, not the number, of Plenary meetings is what counts.
- ACFA has functioned as a driver for the professional European fisheries organisations spurring a European-level dialogue and information exchange within the families and between the families. As such these organisations emerge as valid European-level consultative bodies for the Commission to address. Their main shortcomings are the representation in New Member States and representation of small-scale fisheries.
- The inclusion of aquaculture interests in ACFA has been most useful in providing a clear platform for aquaculture interaction with the Commission. Working Group II, dominated by aquaculture interests, functions comparatively well and is brought into play also by other Directorate Generals than DG MARE due to the multi-sectoral nature of aquaculture is-

sues. Two factors are important in explaining the higher level of effectiveness achieved in this Working Group: The relatively narrow scope and clear delimitation of the main areas covered by this Working Group and the fact that the Working Group is a unique point of entry to the Commission for aquaculture interests.

- ACFA has also contributed to the initiation of a dialogue between the professional interest organisations and the non-professional NGOs which was weak or non-existent at EU level before 1999.
- The financial assistance provided for the preparatory meetings of the professional organisations has been an important element in supporting the intra-family dialogue and information exchange with the Commission. Without this funding, the organisations would not have been able to hold preparatory meetings in a similar manner. Thus, with relatively limited means, an important outcome in terms of increased dialogue and improved flow of information has been achieved. It is considered likely that co-financing of expenditures related to translation and rent of meeting rooms in connection with preparatory meetings would further contribute to these positive outcomes.

... and also issues where improvement is needed

The evaluation can also report on aspects where the performance is lower, in particular:

- The mandate of ACFA is unclear leading to different perceptions of ACFA's role as a consultative body 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. The Commission also sees 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, to a higher degree 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. Consequently, there is a need for the objective of ACFA to be explicitly defined. The evaluation points to two dimensions where ACFA's mandate is unclear, which should be taken into account in the definition of the objective:
 - Definition of the issues in relation to the CFP that ACFA should be dealing with and the interface with RACs. A clear demarcation of which issues each of these forums is responsible for would improve the situation.
 - Defining the way in which ACFA should be dealing with these issues. A technical or political role or both. Questions to ACFA should be specific about which type of response is required (see point elaborated below). A purely technical role does not seem compatible with ACFA's current set-up, focusing on dialogue with interest organisations, which is bound to have political dimensions.

- The process of dialogue stands to gain from a more precise formulation of consultation questions. The questions or issues raised by the Commission in connection with a consultation or debate are stated as generic points, without a clear direction of what the Commission expects to receive. This means that much is left at the discretion of ACFA with the possible consequence that the Commission does not get the kind of output it was looking for.
- There is a perception of overlaps between ACFA and the RACs leading to an inefficient use of resources. It is generally understood and accepted among all stakeholders that ACFA is to deal with horizontal issues whereas RACs are to deal with regional issues. However, there is still a need to further clarify the role ACFA versus that of RACs. Two issues arise from the analysis of ACFA-RAC interfaces:
 - There are issues that are debated at both RAC and ACFA meetings, but given that more or less the same groups are represented at both types of meeting, this is an inefficient use of resources, with limited added value; even if a (theoretical) distinction can be made between horizontal and regional issues. These issues comprise those dealt with by Working Group I, notably TACs and quotas. In consequence, as a means of improving the efficiency of operation of ACFA, large areas of work that are tabled for Working Group 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, given that the organisations represented are almost identical.
 - 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. A more precise formulation of the questions by the Commission would help to create the required focus.
- While the overall organisational structure of ACFA and the division of tasks between the Plenary, the Bureau and the Working Groups is considered satisfactory, there is a need for more concise task descriptions for these entities. Today, the Plenary spends too much time on detailed and administrative issues and there is a need to strengthen its role as the venue for overall policy dialogue. The Working Groups should be organised allowing a more demand-responsive approach, cf. below.
- The system with four permanent Working Groups is inflexible and makes the functioning of ACFA less effective and efficient. The meeting agendas comprise a number of items and meeting attendants have to sit through a whole meeting even if only one or two points are relevant to them. At the same time, some ACFA members complain that there is not enough time to seriously deal with the issues during the meetings. Some issues are dealt with by more than one Working Group, which is not efficient. A more flexible systems allowing for ad-hoc working group formation could in-

crease efficiency. In this way, working groups could be formed on demand, e.g. in connection with a specific consultation, and dissolved again when the purpose is fulfilled. The membership of ad-hoc working groups could be based on interest of the stakeholders and expertise of individuals, thus avoiding the current situation where issues are debated in several Working Groups to allow all stakeholders a say.

- While ACFA has been instrumental in conducting a number of consultation processes, it is difficult to document the impact of ACFA on Commission proposals. This evaluation has shown that it is difficult to objectively assess whether specific positions brought forward by ACFA in its opinions and comments 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. ACFA members emphasise the need for more and systematic feedback on results of consultations from the Commission as today, formal feedback is virtually non-existent. However, a formal requirement for feedback, e.g. in the form of a periodical status report, would not necessarily in itself address the lack of impact. Rather, there is a need to focus on the underlying causes, notably the need to clarify the mandate of ACFA and to specify the issues and questions on which advice is sought.
- The present decision-making process in ACFA is a mixture of consensus and individual opinions. This is relevant considering the number of stakeholders involved. The approach is not documented and agreed among stakeholders leading to a certain level of uncertainty about the exact "rules of the game". Some further deliberations on the extent to which consensus should be sought in ACFA and the means by which this should be done would contribute to clarity and purpose. The use - and remuneration - of a single rapporteur could be relevant as one option to be used in connection with larger consultation processes to relieve the organisations of the work associated with guiding and documenting the process and concentrating on their own input.
- The ACFA stakeholders appreciate the meetings as a possibility to meet and network with each other and relevant Commission officials. Still, it is considered that there is an overly focus on information during the meetings taking up valuable time which could be used for the detailed discussions and debates. Also, the quality of the information differs considerably. It is assessed that much of the information could be distributed electronically instead saving meeting time and ensuring a more uniform quality of information.
- The Secretariat is performing well under the given framework. To further improve the efficiency of ACFA structures, much greater use should be made of the intranet and internet for the circulation of information and material.
- NGOs argue that they should have the same opportunities for financing of their preparatory meetings as the professional organisations. From a per-

spective of equal treatment this is a well-founded argument. With the present institutional structure of ACFA (where the European NGOs have one collective seat on environment and development, respectively), the role of the preparatory meetings of NGOs would be different and the link to the organisational level in the Member States not immediately apparent. This notwithstanding, it is considered probable that financial support for preparatory meetings of NGOs would serve to further qualify their participation in ACFA. Some NGOs could probably not benefit from financial support for preparatory meetings, as they receive funding for this activity from other instruments in the EU budget. However, provided this is not the case, as documented by e.g. a sworn statement, NGOs could be eligible under the general provisions of the Financial Regulation.

6 Recommendations

The context in which ACFA operates has changed since its last restructuring in 1999. If ACFA is to remain a relevant and useful forum for dialogue its structure, functions and processes will have to reflect recent changes and be flexible enough to adapt to future developments.

In this section, we present the recommendations arising from the evaluation. First, the nine recommendations are presented. This is followed by the outline of 4 options for the development of the role and organisation of ACFA, which illustrate different possible ways/frameworks for implementing recommendations.

6.1 Recommendations

Recommendation 1: A clear definition of the role and objective(s) of ACFA

This evaluation has shown that the perceptions and expectations of the organisations and the Commission as to the role and outputs of ACFA differ substantially. These differences arise partly from the fact that the role and objectives of ACFA are not clearly defined, neither in the legal texts nor in the working procedures. There is a clear need for a common understanding of what ACFA's purpose is. Therefore it is essential to define explicitly its objective(s), institutional position and possibly the procedures. ACFA's role must be defined in the two dimensions along which differences in perspectives now exist:

- Definition of the issues that ACFA should be dealing with in relation to issues dealt with by other forums, notably the RACs. ACFA should deal with horizontal issues, whereas the RACs deal with regional and local issues. A clear division of tasks and topics is necessary.
- Defining the way in which ACFA should be dealing with these issues. Are the members of ACFA expected to articulate the interests of their constituency (political dialogue) or are should they deliver and analysis on the basis of substantiated evidence / verifiable knowledge (technical dialogue). Questions to ACFA should be specific about which type of response is required (see point elaborated below).

The process of establishing the role and objectives will be equally important to final outcome. It is suggested that the approach to arriving at defined

role/objective(s) should focus on a mutual dialogue between the organisations and the Commission seeking to establish common agreement.

The evaluators propose to formulate a first draft of the objective of ACFA as follows:

The overall objective of ACFA is to provide:

- a platform for dialogue among the stakeholders
- an instrument for the Commission for stakeholder consultation
- a channel for exchange of first hand information
- forum for reflection and discussion of immediate as well as long term issues related to CFP
- a means to promote and strengthen the relation among the organisations concerned.

The scenarios presented in section 6.2 below illustrate different paths in defining the role and objectives, which can be used to inspire and guide the process.

Recommendation 2: Improved formulation of consultation questions

Consultation questions put on the agenda are generic thereby leading to possible misunderstandings and differences in perception of what output is expected. Topics on the agenda of ACFA should be accompanied by a brief elaboration of questions to which ACFA should respond. It should be made clear whether the Commission is interested in opinions, i.e. articulation of the specific interests of the stakeholders, or in factual/technical information based on industry knowledge / real life evidence. In some cases the questions can be elaborated in brief terms of reference, highlighting specific economic, social or environmental aspects on which ACFA should make a statement. The formulation of clearly different questions is also an important element in achieving synergy between ACFA and the RACs, when they address a similar topic.

Recommendation 3: Rationalise and increase flexibility of the organisation

The evaluation has found that the current set-up with four permanent Working Groups has difficulty to deal efficiently and in sufficient depth with the questions posed. The evidence demonstrates that large numbers of individuals must sit through discussion in which they do not take an active part. It is necessary to achieve both more focus and more flexibility, to deal with the variety of issues on the agenda. The organisation should be adapted to the future needs, which means going beyond a simple reorganisation of the present Working Groups. The following proposals can be made:

- Plenary meetings should be held 1-2 times per year and focus on political discussion at high level in the form of a round table. High officials of the Commission should be present and willing to engage in open, even exploratory dialogue. The objective of such meetings is to hold open exchange, without expectations regarding commitment to the expressed ideas. As it may be necessary to reconcile the need of a broad meeting (many stakeholders) with the practicalities of an effective discussion with a limited number of representatives, it may be considered to combine a broader conference with a limited round table.

- Most topics on the agenda should be dealt with by ad hoc working groups, which would be dissolved after delivering a statement. A limited number of members of the ad hoc groups can be put forward by the most interested stakeholders and/or can be drawn from a long list of experts (see below).
- Permanent working groups should be limited only to topics which have to be addressed regularly over a long period of time (e.g. trade negotiations). The members of the permanent working groups can be selected by the same procedure as that for the ad-hoc working groups.
- Stakeholder groups participating in ACFA must designate their representative. Furthermore, stakeholders together with the Commission should prepare a long list of experts who can be invited to participate in technical working groups.
- Formulation of ACFA statements would be the responsibility of the specific Working Groups, without further involvement of the Plenary.

Recommendation 4: Reconsider the stakeholders to be represented and their balance in the light of agreed role and objective of ACFA

The interests and organisations represented in ACFA mirror the situation in the fisheries sector as per the last restructuring of ACFA in 1999. In the past years, the sector has developed considerably as has the Common Fisheries Policy and the organisation of Commission Services. These changes should be reflected in the composition of ACFA. A clear definition of the role and objectives of ACFA will contribute to a well targeted selection of stakeholders to be represented. Without prejudice to the latter, it is recommended that:

- The presence of industry (catching, processing, trade, fish and shellfish farming and ports and auctions) should be continued, subject to balanced representation criteria (see recommendation 5).
- The presence of environment and development NGOs should be continued, subject to representation criteria.
- Representation of consumers and banks should be discontinued, in view of their lack of interest or relevance. A feasible and constructive alternative to the BEUC to represent consumer interests could not be identified. It could be expected that consumer interests are at least to a certain extent expressed by the retailers and environment NGOs.
- The presence of labour unions should be reconsidered in the light of the extent of their constituency and the criteria as outlined in recommendation 5 and their role in SSDC.
- EuroCommerce should be invited to participate in ACFA on behalf of the retailers.

- The presence of recreational fishermen should be made dependent on their demonstration that their interests and potential contribution go beyond the local / regional scale which is dealt with by RACs.
- Specific representation of small scale fishermen is not considered feasible. Suitable individuals should be identified, placed on the long list of experts and invited to participate on specific occasions.
- Although the fishmeal and fish-oil industry is a member of Cogeca (at least in the case of the Danish industry), it represents a very specific activity and at certain occasions its specialist representation should be considered in view of the large volumes of catch used by this sector, and the possible impact of such removals on the marine food chain. This can be achieved through a specific request for the input of such specialist expertise to relevant Working Group meetings made to Cogeca or direct to the Danish association.
- Possible new stakeholders should be allowed to participate in ACFA subject to compliance with criteria reflecting the degree to which they represent specific stakeholder interests (see recommendation 5).

The scenarios indicate further options for the future composition of ACFA.

Recommendation 5: Develop clear criteria for membership

In order to increase transparency of the consultation process the (potential) members of ACFA should be required to demonstrate explicitly whom they represent, e.g. in terms of number and nature of members at EU and national levels. The Commission may then accept or reject the membership and if necessary search for representatives of interests which have not yet come forward but are considered of relevance. It is recommended that each professional stakeholder group be required to describe in detail its constituency in qualitative and quantitative terms, including the following indicators:

- Types of members
- Types of activities
- Number of 'grass roots' members, i.e. number of firms which are member of national organisations, affiliated to the EU organisations, and their share in the national totals.
- Indication of the economic size of the membership in terms of value or volume of production and the share in the total national production.

The non-professional organisations should describe in detail:

- Their objectives in general and the priority given to fisheries.
- Number and nature of members.
- Grounds on which they believe that they are entitled to represent 'marine-related' interests and the contribution which they expect to make to the dialogue in ACFA.

Recommendation 6: Improve electronic information exchange and web-site

This evaluation concludes that much valuable meeting time is spent on exchange of information that could just as well be distributed electronically. It is recommended that the web-site of ACFA is upgraded to allow for a greater deal of electronic information exchange. Extended exchange of written documents will allow greater focus on areas where the oral presentation significantly contributes to understanding or where further dialogue and information exchange is envisaged.

It is also recommended that the ad hoc working groups make use of teleconferencing possibilities and web-based discussion boards, which should be set up in a protected 'Members-only' area of the website.

Recommendation 7: Develop approaches to 'exploit industry knowledge'

It appears from the results of this evaluation that the Commission in seeking advice is often looking for on-the-ground technical input from the professionals in the fisheries sector. However, such information is not necessarily readily available in a systematised and accessible format within the European interest organisations. The interest groups do, however, have the network available to collect information, but depending on the nature of the subject, this can involve (significant) additional costs. It is therefore recommended that approaches be set up for funding or assisting the organisations in collecting information to serve the information needs arising from Commission consultations. This could be in the form of a framework contract either with a group of stakeholders or with a specialised firm which would be responsible to compile and deliver the required data. Naturally, such initiatives should be based on a cost-benefit assessment comparing the value of the data acquired with the cost of acquiring it. For the purpose of performing this assessment, it is suggested to conduct a feasibility study identifying the relevant types of data and determining the associated costs.

Recommendation 8: Arrange sufficient translations of documents

Not all representatives are equally skilled to communicate in English. There are indications that linguistic barriers are one of the reasons for low representation from the new Member States. Therefore translation of documents and availability of interpreters is essential. In order to allow a timely translation it could be also considered to provide additional funding for this purpose, instead of having to use official EU channels. Interpretation during the preparatory meetings of the professional organisations needs to be funded according to the specific needs of the individual involved.

Recommendation 9: Continue and broaden financial support

It is recommended that the financial support for preparatory meetings and participation in RAC meetings is continued as it is an important factor in ensuring an effective dialogue and information exchange. The European organisations should be encouraged to broaden the participation in preparatory meetings. To support this, it is suggested that the organisations are put in a position where they have access to adequate meeting room facilities and translation services. This could be done by making such costs eligible for reimbursement or by mak-

ing an arrangement whereby the organisations can use Commission facilities for preparatory meetings upon request. Further, it is suggested that the eligibility criteria are extended to allow the non-professional organisations to receive financial support for holding preparatory meetings.

Recommendation 10: Evaluation and feedback

Many stakeholders stress that there is need for regular feedback regarding the effectiveness and relevance of ACFA's contributions. The impact of ACFA is generally considered weak and the stakeholders need to understand better the entire policy making process and the place of ACFA's output in it. This may potentially offer indications how the work of ACFA could be made more effective. Therefore it is recommended that one meeting should be held annually between the Bureau and the Commission to evaluate the functioning of ACFA in general (including the interaction with the Commission and other bodies) and to formulate recommendation for future improvement. At this meeting the Commission should also provide feedback regarding the use of ACFA's advice.

Recommendation 11: Encourage involvement of organisations in new Member States

The evaluation of the degree to which the European organisations are representative shows that, with the exception of FEAP, the organisations only have limited representation in the new Member States. Increasing the extent of representation by broadening the membership base should be in the interest of both the organisations and the Commission. Therefore, it is suggested that a mutually agreed plan of action is devised.

Recommendation 12: Consider outsourcing of support functions

At present the ACFA Secretariat is operated by the Commission staff. The interviewees are unanimously positive about the commitment and efficiency of the Secretariat. However, depending on the future ACFA structure, it could also be considered to outsource support tasks to an external contractor. In this context, the support functions could be extended to include various other services, e.g. rapporteur, arrangements for interpretation and organisation of analytical tasks.

Recommendation 13: Clarify tasks and procedures

The evaluation has pointed to various areas where tasks and procedures are not completely clear to the involved organisations. In connection with the suggested restructuring of ACFA, it is therefore recommended that specific attention is devoted to describing clearly the roles and responsibilities of the organisational entities, the procedures for deciding work programmes and agendas, and the decision-making approaches to be applied.

6.2 Scenarios for the future role and organisation of ACFA

This section explores the possibilities to adapt the future operation of ACFA to the newly arising needs of the Commission and the changing policy environment. The details of the future set-up of ACFA will depend on the tasks which

it will be expected to carry out. The selection of these tasks is fundamentally a political question. In this section, four possible scenarios are outlined based on some essential dimensions along which decisions about the future set-up of ACFA can be seen.

6.2.1 Dimensions considered in the scenarios

In Table 6-1, we present an overview of some key dimensions along which decisions concerning a future ACFA will have to be made. They are based on the fundamental question of who, when, how, etc.. The scenarios make a choice within these dimensions and function as examples only. In practice, a large number of combinations is conceivable and it will be up to the dialogue between the stakeholders and the Commission to make an appropriate selection.

Table 6-1 *Dimensions considered in the scenarios*

Dimension	Types of choices	
Communication	Information	Opinions
Topics *	Narrower	Broader
Spatial	Local/regional	EU-wide / Global
Stakeholders *	Less	More
Relations to other DGs	Fewer	More
Means	Oral	Written
Timing	Regular	Ad hoc
Support function	EC	Contractor
Output 1 (level of detail) *	More details	Less details
Output 2 (positions)	Consensus	Separate opinions

Source: developed by consultant (*compared to the present situation)

Type of communication: From information to opinions

Communication is exchange of either factual information or of (more political) opinions. In a forum like ACFA it is desirable to make this distinction as far as possible explicitly. The balance between the two will depend on the future objectives of ACFA.

Scope of topics: from individual stocks to marine system

The topics to be discussed may range from narrow subjects such as the biology of specific stocks to broad marine issues of user conflicts and coastal and marine area management. Likewise, there are specific or general topics on fish trade and aquaculture.

Spatial grid: from local to global

The expression '*Think globally, act locally*', illustrates that in today's globalised world general concepts are adapted to and implemented in local conditions. This applies also to fisheries policies like effort management, recovery plans, control, etc.

Stakeholders: From less to more

Who should be involved depends significantly on the answers to the questions of type of dialogue and scope of topic, etc. Factual dialogue may require the

	<p>presence of ‘experts’, while industry representatives are ‘more suitable’ for political dialogue. Should a future ACFA be expected to narrowly focus on fisheries, then a limited number of the EU fisheries organisations and related NGOs may be sufficient. However, if ACFA’s role is expanded to marine issues in general, a much broader group of users will have to be invited to participate in the process.</p>
Relation to other DGs	<p>It may be expected that the involvement of other DGs will become even more intensive. Whether their position towards ACFA should be further formalized or not depends largely on the future internal arrangements within the Commission.</p>
Type of communication: Oral or written	<p>The communication can be carried out in various intensities of oral or written exchanges, each being more or less effective depending on the specific situation.</p>
Support functions: Internalised to outsourced	<p>At present the ACFA Secretariat is operated by the Commission staff. Depending on the new structure it could also be considered to outsource this task to an external contractor. It should be decided which tasks should remain internal and which should become the responsibility of a contractor, e.g. rapporteur, arrangements for interpretation, organisation of analytical tasks, etc.</p>
Expected / desired output	<p>In the future it will have to be decided whether ACFA is expected to deliver less or more detailed output and whether it is more important to achieve a consensus / compromise or rather whether it should deliver a clear overview and comparison of the sharply formulated positions of the various stakeholders.</p>

6.2.2 Four scenarios

This section presents four scenarios for the reorganisation of ACFA to meet the future advisory needs of the Commission. It presents the background why an option could be selected, its objectives, an outline of how it could operate as well as their advantages and disadvantages. The aim of presenting scenarios is to show that a broad spectrum of solutions to stakeholder consultation could be considered. It is evidently possible to combine various elements of the individual scenarios into an entirely new one, taking into account aspects elaborated above and specific requirements of the Commission. The four scenarios are:

- Replace ACFA with a RAC Coordinating Committee (RCC)
- Smaller ACFA
- Larger ACFA, focus on fisheries
- Maritime consultation group

The scenarios are summarised in Table 6-2 which compares the scenarios according to the dimensions described above.

Table 6-2 Summary of scenarios

	Scenario 1. RCC	Scenario 2. Smaller ACFA	Scenario 3. Larger ACFA Focus: 'Fisheries'	Scenario 4. Maritime Consultation Group
Communication	Information and Dialogue	Information	Information and Dialogue	Information and Dialogue
Type	Political	Factual	Factual and political	Factual and political
Topics *	Equal	Narrower	Broader	Broader
Spatial	Regional and EU	EU	EU and Global	EU and Global
Stakeholders *	Equal	Less	More, fisheries related	More – maritime sector
Relation to other DGs	Same	Less	More	Extended
Means	Oral	Written	Oral and written	Oral and written
Timing	Regular	Regular and ad hoc	Regular and ad hoc	Regular and ad hoc
Support function	RACs	EC	Contractor	Contractor
Output 1 *	Equal details	Less details	More details	More details
Output 2	Consensus	Separate opinions	Separate opinions	Separate opinions

Source: developed by consultant (*compared to the present situation)

Background considerations

Scenario 1: Replace ACFA with a RAC Coordinating Committee (RCC)

ACFA has served its purpose of dialogue with the stakeholders in view of the situation existing at its installation in 1999. With the upcoming review of the CFP, the creation of the RACs and the reorganisation of the DG Mare, holding a dialogue with the stakeholders in ACFA and in RACs (and during the various ad hoc meetings / conferences) is expected to become a burden on the stakeholders as well as on the staff of the Commission. The dialogue in different forums is not likely to be efficient and overlap may increase. Therefore ACFA would be abolished and its tasks transferred to a newly created RAC Coordinating Committee (RCC). In this way consultation with the stakeholders could be brought under one (comprehensive) umbrella.

Objectives

The objective of the proposed reorganisation would be to:

- Move further towards a regionalized approach.
- Strengthen the RAC system by creating a 'RAC Coordinating Committee' (which would deal with policy contents, not only with administration as in the present).

The objective of the RCC would be to facilitate exchange of information and dialogue on EU-wide issues, beyond the horizon of individual RACs.

Elements of organisation

The 'RAC Coordinating Committee' would offer the platform for dialogue comparable to ACFA Plenary at present. RCC could also include members

without a specific regional interest, e.g. trade, processing, aquaculture, etc. Specific EU-wide topics would be dealt with by ad hoc working groups.

Table 6-3 Scenario 1: Elements of organisation

Entity	Description
Bureau	Representatives of the RACs, possibly supplemented by special interest groups with no regional affiliation (aquaculture, etc.)
Secretariat	Secretaries of RACs
Membership	All members of RACS Representatives of other relevant stakeholder groups in particular retailer, fish processors and trade, fish and shellfish farming.
Plenary	One annual conference
Permanent WGs	Particularly on topics not discussed in RACs
Ad hoc WGs	EU wide topics with limited duration

Source: developed by consultant

Approach

All regional stock management issues would be discussed in individual RACs. All horizontal issues would be addressed by RCC either in the 'Plenary' or in (ad hoc) working groups with experts selected by the Commission in dialogue with the RCC.

Permanent working groups would be established to deal with aquaculture, trade and other on-going topics. However, it could be also argued that aquaculture is a one of rural development issues and should be dealt with by DG AGRI, within its advisory system. Similarly, fish processing and trade matters could put forward to the relevant DGs through CIAA (Confederation of Food and Drink Industries in the EU).

RCC would serve primarily as a forum for political discussion, most of the technical discussion taking place in the RACs.

Advantages

- The RACs have a better institutional position and consequently, the RCC can be expected to be more effective than ACFA
- ACFA funding may become additionally available for RACs and the RCC
- The number of meetings would be possibly reduced, but this is uncertain
- Clearer distinction between political discussion in RCC and more technical discussion in RACs
- Consistency with the structure of DG Mare
- Focussed discussion in the ad hoc working groups

Disadvantages

- A new bureaucracy would be created which lacks the experience of ACFA Bureau / Plenary
- The dialogue among some stakeholders may disappear
- The EU professional organisations will be seriously weakened
- The discussion would again be based on national interests, as before 1999.
- Representation of groups without regional affiliation (aquaculture, trade, processing) may be weakened.

Background

Scenario 2: Smaller ACFA

It could be argued that at present ACFA brings together too many interests and consequently this leads to lengthy deliberations with little surprising results, 'grey compromises'. The distinction between political and technical discussion is not (always) clear. Because of the breadth of the topics and the diluted opinions, the impact of ACFA is not visible.

There are evident biases in representation towards owners of larger fishing vessels in old Member States, while small scale fishermen, crew members and new Member States do not have their own voice. In view of the low level of organisation of the underrepresented groups of stakeholders, it is unlikely that the situation will improve within the foreseeable future, if ever. Finally, the resources available for the coming years may not be sufficient to maintain ACFA in the present form.

Clearly not all stakeholders have demonstrated an equal level of commitment, which applies particularly to the banks and the consumers. Dialogue with some stakeholders takes place in other forums: labour unions are represented in SSDC and NGOs are also represented on RACs.

In order to achieve practical results, albeit limited, it is essential to pursue realistic goals and to focus on what needs to be done and on what is feasible (given limited resources), rather than pursue desirable, but unrealistic goals. Therefore ACFA must focus on core issues of CFP and be a tool for factual exchange of information. ACFA must provide a platform for stakeholder dialogue with those groups which would be otherwise entirely excluded from this process. Therefore only a small core group of stakeholders should be invited to ACFA: representatives of fleet, trade and processing, fish and shellfish farming, ports and auctions and possibly one or two others. In this context vessel owners (Europêche and Cogeca) should be represented by only one voice, as in practice their opinions are similar if not identical. A similar argument applies to trade and processing. At the same time it should be considered whether distinct groups within fleet and trade/processing should be represented separately, e.g.:

- Fleet: coastal fleet, off shore pelagic, off shore demersal, incl. possible regional sub-division. And fish meal.
- Processing / trade: fresh / processed products.

Such a subdivision could highlight the different interests within the industry in the consultation process. It must be stressed that these are only preliminary examples. Industry would have to put forward relevant representatives, but as they may not be available immediately, their seats would be kept vacant until a suitable representative would be identified. As the Commission wishes to speak to interests presently not represented / organized it may have to take the necessary action and support the creation of such representative organisations (e.g. small scale fishermen). At the same time it must be avoided to create the impression of a 'divide et impera' approach.

Objective

The objective of the reorganisation would be to achieve greater focus and efficiency by creating a platform for dialogue between the Commission and a small selected group of stakeholders who do not have such platform otherwise (at EU level). Efficiency would be increased by using ad hoc working groups, each having specific tasks to be carried out within a specified period of time. The quality of output would be improved by employing ‘the best available expertise’ and by basing the arguments on factual evidence.

The objective of ACFA would be to provide factual information regarding the fundamentals of the CFP (e.g. problems of the fleets, experiences with structural funds, market situation, performance in third countries) and to some extent also to function as a platform for dialogue.

Elements of organisation

Table 6-4 Scenario 2: Elements of organisation

Entity	Description
Bureau	Commission and 2-3 representatives with limited mandate focussed on guiding the process.
Secretariat	Provided by the Commission
Membership	Long list of representatives of specific interest groups and experts on specific topics to be invited to participate in ad hoc WGs.
Plenary	One annual round table meeting
Permanent WGs	Not foreseen
Ad hoc WGs	Carry out most work under specific ToRs within given time frame.

Source: developed by consultant

Approach

The membership would be adjusted. The representatives of vessel owners and other groups must demonstrate a clearly defined constituency, not represented by others. At present there are significant overlaps among the representatives of the catching sector and among processing and trade. Consumers (lack of interest), banks (lost relevance) and trade unions (have place in Social Dialogue Committee) would be eliminated. New ad hoc members would be allowed to join when necessary (e.g. anglers, supermarkets, etc.).

The Plenary serves as a political round table between stakeholders and the Commission. It would not play any role in approving documents, which would be the responsibility of the technical ad hoc working groups and accompanying procedures (see below). Political influence on technical matters would be eliminated. Plenary meets once per year to hold ‘political’ discussion with the Commission staff.

The technical consultation would take place in ad hoc working groups by topic (e.g. working group on ecolabelling), each with a limited number of experts (5-8). The working groups have a limited time span, deliver a report and are then dissolved. The ad hoc working groups meet sporadically and make use of modern communication means. Each member has well defined tasks. The ad hoc

working groups adhere to strict deadlines. All ACFA members have the possibility to make written contributions via a discussion / bulletin board. The members of the ad hoc working group justify why certain view points have been adopted and others not. However, the ad hoc working group bears the final responsibility for its report. Members of the ad hoc working groups are appointed by the Commission on the basis of propositions by the stakeholders and their expertise (CVs). The time and expenses of the experts may have to be funded.

If necessary the ad hoc working groups get opportunity to sub-contract specific studies, in dialogue with the Commission. The draft final report of each ad hoc working group is discussed either in a meeting or digitally (discussion board). Broader exchange of information is facilitated by well designed website.

ACFA deals only with topics which cannot be dealt with by one specific RAC, i.e. which concern all or most RACs.

Advantages

- More focus
- Greater efficiency and better quality of technical output
- Still room for political exchanges
- Possibility to call on high level individuals / recognized experts in technical fields
- This model seems closest to the need expressed by the Commission for technical advice
- The role of EU organisations is maintained, although with less influence
- Greater clarity of who represents whom

Disadvantages

- New ways of working may require time to adapt (less efficiency and effectiveness in the beginning)
- Risk of loosing the interest of European organisations if not sufficient room for political exchanges
- If many ad hoc working groups would be operated concurrently, this would demand sufficient management skills of the Bureau and the Secretariat. However, the number of the ad hoc working groups may not be excessively high

Background

Scenario 3: Larger ACFA - focus on fisheries

The CFP must be reviewed by 2012 at the latest. It can be expected that the review will put fisheries and fisheries policy in an even broader societal context. Opinions of new stakeholders may have to be taken into account – supermarkets, anglers and a variety of other users of the coastal and marine areas (e.g. windmill parks, tourist industry, etc.).

Still, the CFP will remain a distinct policy area, where focused consultation on broad fisheries issues will remain essential. This implies an increased flow of factual information to and from the Commission, but also the need for political dialogue, which will highlight the interests of the various groups of stakeholders. Clearly, in such a complex environment all available tools of communication will have to be exploited.

It will be increasingly difficult to formulate a full consensus statement. Therefore, statements from ACFA should provide an overview of the opinions of the various stakeholders, with only a limited outline of level of agreement. To pursue a formulation of consensus is likely to lead ACFA's capacity to lengthy political debates, at a moment when achieving such consensus is not yet relevant (as ACFA gives its statements relatively early in the policy process). On the other hand, delivering a clear overview of the stakeholders' interests, along with relevant factual information, will provide useful input into the subsequent policy preparation process.

The overlap of ACFA with the RACs will be probably limited. The RACs focus on practical regional questions. ACFA would focus on broad issues related to interaction of the fisheries sector with other interest groups. The Bureau would be responsible for coordination with RACs.

Objectives

The objective of the reorganisation would be to allow a broader spectrum of stakeholders to participate in the consultation process. ACFA will not necessarily strive for consensus, but rather for exchanges among stakeholders themselves and between them and the Commission. This will allow them to express sharply their position, which will be transferred to the Commission and public debate in general. The political and technical positions of the stakeholders will be supported by factual evidence (facts and figures) in order to convey the value of their arguments to their interlocutors.

The objective of ACFA would be to promote dialogue among stakeholders and between the stakeholders and the Commission. ACFA will serve as a platform for exchange of information and for the formulation and dissemination of stakeholders' positions.

Elements of organisation

Table 6-5 Scenario 3: Elements of organisation

Entity	Description
Bureau	Commission and representatives of broad groups of stakeholders: fisheries sector, NGOs, users of marine space, users of coastal space. Bureau acts as 'Board of Directors'. Not all stakeholders represented.
Secretariat	To be sub-contracted to an external bureau, specialized in facilitation and organisation of stakeholder consultation.
Membership	Stakeholders interested to participate may be allowed to apply indicating a justification for the application and providing information on the imposed criteria. Commission may call on specific interest groups to nominate a representative, who will also have to meet the set criteria. Acceptance of members may be the task of the Bureau.
Plenary	One annual conference lasting 1-2 days. Plenary has no influence on contents of technical documents from the WGs. Plenary appoints the Bureau, for a fixed number of years.

Entity	Description
Permanent WGs	To be set up according to need. Possibly coordinating WG for areas with large number of ad hoc WG.
Ad hoc WGs	To be set up according to the technical questions to be addressed.

Source: developed by consultant

Approach	<p>ACFA is an open platform, focused on fisheries issues. Involvement of members depends on topics (policy agenda), needs of the Commission and the interest of the stakeholder groups.</p> <p>Most technical questions from the Commission will be treated in ad hoc working group, which will be composed of experts either put forward by the stakeholder organisations or invited by the Commission. Some areas may require to create on-going working group. In case that the number of ad hoc working group would be substantial, it could be considered to define several areas (e.g. one being aquaculture) and create on-going coordinating working group for those areas.</p> <p>A larger annual conference would allow the stakeholders to voice their political views.</p>
Advantages	<ul style="list-style-type: none"> • ACFA approaches an ‘open forum’ where broad dialogue can be held, without constraints of having to achieve consensus • Clearer division of responsibilities – stakeholders articulate and justify sharply their position. Commission and Council make political decisions on the basis of the obtained information
Disadvantages	<ul style="list-style-type: none"> • Potentially complex • Criteria must be formulated as to who is and who is not entitled to participate
Background	<p>Scenario 4: Maritime Consultation Group (MCG)</p> <p>The Common Fisheries Policy will be further integrated into broader environmental and maritime policies, as a result of the planned CFP review. Such integration allows a more equilibrated judgement of the interests of the various users of the marine and coastal space. Consultation focusing on fisheries, as proposed in scenario 3, is, in fact, too narrow for the future tasks of DG Mare. Separate consultation of fisheries stakeholders and other users of the maritime areas does not seem efficient as it would require some coordination in later phases anyway.</p> <p>Fisheries may be one of the working groups within such a larger system or one of the stakeholders within (ad hoc) working groups dealing with the use of maritime resources, claims on space, economic development, environmental issues, etc.. Various aspects of the fisheries interests will be represented on the relevant (ad hoc) working groups.</p>

The likelihood of overlap with RACs will become even smaller, as Marine Consultation Groups' (MCGs) perspectives become much broader. MCGs would probably use some inputs from the RACs.

Objectives

The objective of the reorganisation of ACFA into MCG would be to reflect the full scope of DG Mare needs for stakeholder consultation.

The objective of MCGs is to allow broad stakeholder consultation on maritime issues

Elements of organisation

Table 6-6 Scenario 4: Elements of organisation

Entity	Description
Bureau	Commission and representatives of broad groups of stakeholders: fisheries sector, NGOs, users of marine space, users of coastal space. Bureau acts as 'Board of Directors'. Not all stakeholders are necessarily represented.
Secretariat	To be sub-contracted to an external bureau, specialized in facilitation and organisation of stakeholder consultation.
Membership	Stakeholders interested to participate may be allowed to apply indicating a justification for the application and providing information on the imposed criteria. Commission may call on specific interest groups to nominate a representative, who will also have to meet the criteria set. Acceptance of members may be the task of the Bureau or of the Commission.
Plenary	One annual conference lasting 2 days. Plenary has no influence on contents of technical documents from the WGs. Plenary appoints the Bureau, for a fixed number of years.
Permanent WGs	To be set up according to need. Possible need for coordinating WGs for areas with a large number of ad hoc WGs.
Ad hoc WGs	To be set up according to the technical questions to be addressed.

Source: developed by consultant

Approach

MCG is an open platform, focused on maritime issues. Involvement of members depends on topics (policy agenda), needs of the Commission and the interest of the stakeholder groups.

Most technical questions from the Commission will be treated in ad hoc working groups, which will be composed of experts either put forward by the stakeholder organisations or invited by the Commission. Some areas may require the creation of on-going working groups, which should be decided by the stakeholder in dialogue with the Commission. In the case where the required number of ad hoc working groups is substantial, consideration could be given to defining several areas of interest (e.g. one being aquaculture) and create on-going coordinating working groups for (each of) those areas.

A larger annual conference would allow the stakeholders to voice their political views.

Advantages

- Reflects the policy orientation of DG Mare.
- Open system, where 'old' vested interests play only a minor role.
- The overlap with RACs is only very limited

Disadvantages

- Large and complex (large variety of topics and stakeholders and different spatial scales: global, EU, regional and sub-regional)
- Ownership may become unclear with negative impact on commitment, i.e. to whom is the Commission listening?
- Less specific focus on fisheries
- The relation to RACs is unclear
- A solid organisation (Bureau) is required.