



European Fisheries : How to Improve the Regional Advisory Councils

WWF Study, November 2009

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Introduction

In the context of the new Common Fisheries Policy (CFP) reform which will be adopted in 2012, the European Commission launched in April 2009 a public consultation presenting the main failures of current fisheries management and opening the debate on how to improve the CFP in order to ensure sustainable fisheries.

One of the main questions raised in the Green Paper is how to focus the decision-making framework on core long-term principles. The CFP should establish a more de-centralized system of governance where the long-term goals and principles are set in Brussels and the technical measures to reach those targets are decided at a regional level. However, finding the best governance structure is a complex issue, which also raises the question about the future role of the Regional Advisory Councils (RACs).

Regardless of how the debate on regionalization and decentralization is concluded, it is likely that RACs will continue to play a role in the reformed CFP. Therefore, WWF decided to take a closer look at how well the RACs are functioning – with reference to the CFP, the RACs' own statutes, and the legislation and rules for comparable advisory bodies in other leading fishing nations (US & Australia). This comparison, which also draws from an internal RAC activity evaluation conducted by WWF, enabled the authors to identify more clearly the weaknesses and main successes RACs have achieved to date, and underlines discrepancies between the rules laid down in the legal framework and the state of play in practice. Based on the assessment, the authors offer recommendations for improving the RACs rules and operating procedures in order for RACs to function optimally.

Methodology

The present study considers how to improve the RACs, by looking at:

- any issue identified as a common concern for NGOs participating in the RACs;
- the main rules related to those issues amongst the RACs;
- the measures that are needed to address these issues;
- US and Australian models. This does not mean that WWF wants RACs to develop similar competences: in considering these models we aim to identify good practices that could be applied to RACs within the scope of their current terms of reference.

It must be noted that this analysis of the rules RACs are implementing is entirely based on an examination of their statutes. Some good practices, which are being performed by most RACs, are not mentioned in the rules of procedures, so couldn't be taken into account in this study.

The following section summarizes all the key findings and main recommendations. Please refer to the detailed result section for more information.

Report summary

This study shows that, although there is no common approach on most key issues amongst the RACs, there are in general examples of good practice and those examples could be extended throughout the seven RACs. The US¹ and Australian² models can also be used as a good source of reference.

The main findings and recommendations are:

Objectives

RACs objectives are broad and cover both long and short term issues. RACs need to have a clear and concise set of objectives prioritizing long-term issues and spending less time on other issues like annual TACs and quota negotiations. RACs should be primarily involved in considerations of long term management plans for regional advice.

General Protocols

All RACs need to have harmonized and clear general protocols and standards to promote best practices:

- Votes on recommendations: Emphasis has to be put on the fact that any dissenting opinions should be well documented and highlighted in the recommendations.
- Notification prior to meetings: agendas and related documents should be circulated at least 2 weeks prior to meetings. At present, many NGO members have problems due to documents being sent out at short notice, which means the members cannot prepare adequately for meetings or be fully up to speed on all the issues. Many RACs do not have any provision concerning notification prior to meetings in their statutes.
- Minutes: all minutes should, like in the US Regional Fishery Management Councils, contain the name of each voting member present during each vote, and how each member voted on each topic. Minutes should be accurate, document any dissenting opinion and sent to all members for approval.
- Disclosure of conflict of interest should be performed as in both the US and Australia.
- There must be a provision on how to proceed when members do not have the opportunity to comment on a recommendation in due time.
- There should be a formal possibility within the RACs to publicly abstain from voting, and have this abstention added to the recommendation.

Chairmen

The impartiality and neutrality of RACs' chairmen should be improved. In the Australian Management Advisory Committees (MACs) for example, chairmen should be independent of commercial or other interests associated with the fisheries that may cause a conflict with the matters likely to be considered by the Committee, and not be a member of a fishing industry body or another association with a direct interest in the fisheries that may cause a conflict with the matters likely to be considered by the Committee.

Representation

The EU has adopted a RAC structure with a 2/3 representation from the fisheries sector, the remaining third being held for other interest groups to participate. There is however a need to reach an appropriate balance between both groups.

¹ Magnuson-Stevens, Fishery Conservation and Management Act (As Amended Through January 12, 2007), May 2007, Second Printing, 99-659, 104-297 (j), pp. 70-72.

² Fisheries Administration Act 1991 Act No. 161 of 1991 as amended (2005): An Act to establish an Australian Fisheries Management Authority and a Fishing Industry Policy Council, and for related purposes, article 64A, pp. 32.

We also need to ensure that both groups are themselves well represented:

- We should make sure that representatives of other groups including ship-owners, small-scale fishermen, employed fishermen, producer organisations, processors, traders and other market organizations are all represented at the RAC under the fisheries sector group;
- The representation within the 1/3 group should be strengthened.
- Aquaculture producers should be removed from the “other interest” group;
- Fisher-women’s networks should be part of the fisheries sector group in all RACs.

Officials

Officials have the right to participate in any RAC meeting but they do not use it very often. We need more representation by national administration and fisheries officials, and more thought need to be given to external connectivity of RACs. In the Australian system, government representatives contribute to the expertise during MACs deliberation and advice the MACs of any implications that their recommendations may have for State operators and fisheries.

Observers

Meeting procedures need to clarify the roles and rights of observers.

Science

All RACs can invite scientists to participate to the meetings, but scientific inputs generally need to be improved:

- Active participation of scientists should be improved. In Australia, research experts can be invited to the MACs and are then bound by the same obligations as members.
RACs might benefit from an interface between themselves and the scientific world and this might be provided by creating a position for specifically appointed scientists.
- RACs should be able to send requests directly to certified scientific bodies or, more generally, to be in close relation with the scientific community. Each US Regional Fishery Management Council, for example, has established and appointed a scientific and statistical Committee which provides them with ongoing scientific advice, as well as with reports and recommendations.

Transparency

All RACs are committed to have transparent activities. They generally follow their commitment, for example by allowing the public to attend the meetings, but we noted some inconsistencies which have to be addressed. RAC statutes should be harmonized concerning transparency and contain the following provisions:

- All RAC recommendations should be available to the public on request;
- RACs shall disseminate full and timely reports on all its activities to its members, and to the public on request;
- Members of the public should be allowed to be included in the RAC mailing list on request;
- All RACs should maintain a website where all relevant documents such as reports and recommendations should be available;
- Any votes, whether for elections or for recommendations, should be open and not secret.

Training

Training should be made mandatory for all RAC members on various aspects of fisheries management, as is the case in the US and Australia (e.g., fishery science and basic stock assessment methods, fishery economics, fish harvesting techniques, etc).

Finance

More financial aid is needed from the Commission for three purposes:

- In order to increase NGO representation and enable them to have more dedicated capacity. Indeed, the 1/3 group is too frequently poorly represented, as many NGOs cannot afford to participate in the RACs. Moreover, NGOs that do participate suffer from a lack of resources and capacity to attend all the meetings, which prevents them getting as involved as the industry members.
- To ensure the good functioning of RACs and to make sure they do not need to be partly self-funded, as is the case at the moment. This would also ensure that the fees remain acceptable for any non-profit stakeholder to efficiently participate in the RACs.
- To enable RACs a better access to science (e.g.: through closer interactions with scientists and/or the commissioning of studies).

The Council Decision 2004/585/EC establishing RACs under the CFP made provision for a total budget of € 7,596,000 for all 7 RACs for an 8 years period. In 2007, this regulation has been amended and each RAC now receives about €250,000 per year. In comparison, the US Regional Fishery Management Councils each receive about 2 million US dollars per year.

Detailed results

This section presents the results of the comparison of RAC statutes. From these statutes, we have identified 10 main topics that are most relevant in view of the possible evolution of the RACs under the future CFP reform:

Objectives

Rules:

The objective of RACs is to prepare and provide advice on the management of the fisheries in order to contribute to the achievement of the objectives of the CFP - EC Regulation 2371/2002: "The Common Fisheries Policy shall ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions. For this purpose, the Community shall apply the precautionary approach in taking measures designed to protect and conserve living aquatic resources, to provide for their sustainable exploitation and to minimize the impact of fishing activities on marine eco-systems. It shall aim at a progressive implementation of an eco-system-based approach to fisheries management. It shall aim to contribute to efficient fishing activities within an economically viable and competitive fisheries and aquaculture industry, providing a fair standard of living for those who depend on fishing activities and taking into account the interests of consumers."

Needs:

RACs need to have a clear and concise set of objectives prioritizing long-term issues and spending less time on annual TAC and quota negotiations. RACs should focus more on long term management plans. Such a long term approach will also help facilitate consensus among members.

General protocols (see table 1)

Issues:

- NGOs are not able to attend all WG and ExCom meetings, then sometimes papers that have been "agreed" by E-mails go to the Commission without WWF or other NGO review, or NGOs are forced to oppose a recommendation at the last minute.
- There can be a lack of time available for preparation in advance of meetings, as the agenda and papers are often only made available a few days before the meeting.

Rules:

There is no common approach amongst RACs on the following points (see table 1).

➤ **Notification prior to meetings:**

- For the General Assembly meetings, according to the RACs:

- ✓ the written notice must be sent between 15 days and 5 weeks prior to meetings,
- ✓ the agendas have to be sent between 2 and 3 weeks before the meetings,
- ✓ the related documents have to be sent 1 to 3 weeks prior to meetings,
- ✓ 3 RACs don't mention anything about notification prior to GA meetings in their statutes.

- For the Executive Committee meetings, according to the RACs:

- ✓ the written notice has to be sent between 2 and 4 weeks prior to meetings,
- ✓ the agendas have to be sent at least 2 weeks before the meetings,
- ✓ the related documents have to be sent 1 or 2 weeks prior to meetings,
- ✓ 3 RACs don't mention anything about notification prior to ExCom meetings in their statutes.

- **Vote on recommendations:**
 - ✓ If no consensus can be reached during the General Assembly (GA) vote, then a simple majority vote is used by most RACs, except for the SWWRAC where there is a relative majority vote (in practice, however, most decisions are taken by consensus or with a minority NGO position).
 - ✓ Dissenting opinions have to be recorded for the LDRAC and the MedRAC. On the other hand, the BSRAC states that they can be noted in the minutes by request. There is no mention of recording dissenting opinion in the GA for the 4 other RACs.
 - ✓ For the ExCom vote, all RACs agree that members shall, where possible, adopt recommendations by consensus. If consensus cannot be reached, dissenting opinions expressed by members shall be recorded in the recommendations adopted by the majority of the members present and voting.
 - ✓ GA quorum = 50% for LDRAC.
 - ✓ ExCom quorum = 2/3 for most RACs, but 50% for LDRAC.
- **Elections:**
 - ✓ The LDRAC statutes state that members elect the governing bodies through a free and secret vote.
- **Minutes:**
 - ✓ Some RACs (BSRAC, LDRAC and SWWRAC) stipulate that the meetings must be recorded in minutes which must be approved by the participants.

Needs:

The RACs need to have clear general protocol setting standards for what they should do in different circumstances, e.g.:

- Agendas and papers should be circulated well in advance of meetings, and not less than two weeks before the meeting;
- A public record of who attended each meeting,
- Protocol to be used if NGOs cannot comment on the recommendations in due time,
- There should be a formal possibility in the RACs to publicly abstain from voting and this should be added to the meeting minutes, as well as to the resulting advice.

Comparative study

Dissenting opinions:

In the US, if any voting member of a Council disagrees with respect to any matter which is transmitted to the Secretary (Government) by such a Council, that member may submit a statement to the Secretary setting forth the reasons for such disagreement.

In Australia, if consensus cannot be reached, the views of Members and general discussion should be well documented in the minutes of the MAC meeting and highlighted in recommendations that are put before the Commission.

Notification prior to meeting:

In US Councils, the published agenda of the meeting may not be modified to include additional matters for Council actions without public notice or within 14 days prior to the meeting date, unless such modification is to address an emergency action, in which case public notice shall be given immediately. In Australia, notification prior to meetings is performed as follows:

- Notice of a meeting shall be forwarded to all Members no less than 20 working days prior to a meeting. The notice shall call for agenda items and stipulate:

- ✓ the date of the meeting.
 - ✓ the time the meeting will commence.
 - ✓ the venue for the meeting.
 - ✓ the proposed business to be dealt with.
- Members contributions to the agenda should be submitted no less than 15 working days before the meeting.
 - The final agenda and papers have to be provided to the Chair and Members at least 10 working days prior to all meetings of the MAC. The agenda should have a declaration of interests.

Conflicts of interest:

In the US and Australia, there are detailed provisions in the legislation about disclosure of interest.

Minutes:

In the US, detailed minutes of each meeting of the Council, except for any closed sessions, shall be kept and shall contain all roll call votes held, the name of each voting member present during each roll call vote, and how each member voted on each roll call vote, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed. The Chairman shall certify the accuracy of the minutes of each such meeting and submit a copy thereof to the Secretary. The minutes shall be made available to any court of competent jurisdiction.

In Australia, the Minutes need to include names of those present. Draft Minutes are to be written up and submitted to the Chair for comment and approval within 14 working days, and distributed to Members within 21 working days after the meeting. Minutes are also to be sent electronically to the Australian Fisheries Management Authority (AFMA) Communications area for posting on the AFMA website.

Meeting reports:

The Chair's Summary is distributed to AFMA, all operators and other parties with an interest in the fishery as soon as practicable following the MAC meeting but no later than 10 working days after the meeting.

General protocols									
Notification prior to meetings			Vote				Elections		Minutes
GA	ExCom	Kind of vote if no consensus reached	Dissenting opinions		Quorum		Secret vote (Y/N)	Approved by members (Y/N)	
			GA	ExCom	GA	ExCom			
BSRAC	written notice: 5 weeks agenda + docs: 3 weeks	written notice + draft agenda: 4 weeks agenda + docs: 2 weeks	simple majority	noted to the minutes by request	recorded in the recommendations	-	2/3	N	Y
LDRAC	written notice + agenda: 15 days	written notice + agenda: 15 days	simple majority	duly recorded	recorded in the recommendations	1/2	1/2	Y	Y
MedRAC	-	written notice: 15 days	simple majority	recorded in writing	recorded in the recommendations	-	2/3	N	-
NSRAC	-	-	simple majority	-	recorded in the recommendations	-	2/3	N	-
NWWRAC	*	*	simple majority	**	recorded in the recommendations	-	2/3	N	-
PRAC	draft agenda: 2 weeks docs: 1 week	draft agenda: 2 weeks docs: 1 week	-	-	recorded in the recommendations	-	-	N	-
SWWRAC	written notice + agenda: 15 days	-	relative majority	-	recorded in the recommendations	-	2/3	N	Y

Table 1: Comparative study of RACs' statutes on general protocols (orange: needs improvements, yellow: better practices, green: best practices)

* The NWWRAC has adopted a code of conduct stating that “the Secretariat shall ensure that [...] all meeting papers/presentations are circulated to members at least 1 week prior to the meeting date”. However, when this study was written, this provision was not in the statutes.

** The NWWRAC has adopted general procedures stating that “dissenting opinion [...] shall be recorded in the recommendations adopted by the majority of the members present and voting”. However, when this study was written, this provision was not in the statutes.

Chairmen (see table 2)

Issue:

- NGOs are in the minority in all RAC meetings. Given that recommendations adopted by consensus carry much more weight than those adopted by a minority position, NGOs are sometimes subjected to pressure to reach a consensus.
- In our experience, chairmen can be subjective and influence the discussion in favour of the industry.

Rules:

- All RACs mention that the chairmen shall play an impartial role or shall have a function of arbitrator.
- The Chairman for the GA and the ExCom is the same in 4 RACs, and different in the 3 others.
- The GA Chairman can be elected for 3 or 4 years depending on the RAC.
- 5 out of the 7 RACs mention that the GA Chairman is not entitled to vote.
- The ExCom Chairman shall not have a vote.

Needs:

Improvements in the chairmen's neutrality.

Comparative study

The Australian management advisory bodies consider the following criteria when selecting a MAC Chair. The candidate will:

- be independent of commercial or other interests associated with Commonwealth fisheries that may cause a conflict with the matters likely to be considered by the MAC.
- not be a member of a fishing industry or other association with a direct interest in Commonwealth fisheries that may cause a conflict with the matters likely to be considered by the MAC.

Representation (see table 2)

Issues:

In the 2/3 group, there are few representatives of ship-owners, small-scale fishermen, employed fishermen, producer organisations as well as, amongst others, processors, traders and other market organizations. The 1/3 group is often underrepresented, there is in particular poor representation from consumer organisations.

Rules:

- 1/3 (other interest groups)/ 2/3 (fisheries sector): composition for all RACs.
- The "other interest groups" (1/3) generally includes, amongst others, environmental organisations and groups, aquaculture producers, consumers and recreational or sport fishermen.
- Women's networks belong to the 2/3 group, except for in the SWWRAC where they are included in the 1/3 group

Needs:

- We need to reach an appropriate balance between the fisheries sector representatives and the other interest groups.
- Aquaculture producers should be removed from the "other interest" group;
- Fisher-women's networks should be part of the fisheries sector group in all RACs.
- Participation within the 1/3 group should be improved, in particular by the consumer organisations.

Officials (see table 2)

Rules:

All RACs specify that the Commission, ACFA and national and regional administrations of the MSs concerned have the right to participate to any meeting as active observers.

Needs:

- Representation by national administrations and fisheries officials at RACs should be improved.
- More thought needs to be given to external connectivity of RACs.

Comparative study

In each Australian management advisory body, there is an AFMA (Government) member, who is the Manager of the particular fishery or fisheries for which the MAC has responsibility. As such, the views expressed and the policies advocated by the AFMA Member are to be considered those of AFMA itself.

There is also a State Government member in each MAC. He will:

- contribute State fisheries management expertise to MAC deliberations;
- advise the MAC of any implications that its recommendations may have for State operators and fisheries;
- consult with other affected State Governments prior to a MAC meeting to ensure their views are included;
- report the outcome of a MAC meeting to relevant fisheries management agencies in the States/Territories.

In the US, the principal fisheries Official of each State concerned is a member of the regional Councils, as well as the regional director of the National Marine Fisheries Service for the geographic area concerned.

	Chairmen						Representation		
	Role		Same chairman in GA and ExCom	Term (GA)	Are chairmen entitled to vote?		Women's network is part of	Experts can be invited	Officials have the right to attend
	GA	ExCom			GA	ExCom			
BSRAC	impartial role	impartial role	N	3 years	-	N	2/3 group	Y	Y
LDRAC	impartial role	impartial role	Y	3 years	N	N	2/3 group	Y	Y
MedRAC	impartial role	impartial role	Y	4 years	N	N	2/3 group	Y	Y
NSRAC	impartial role	impartial role	N	3 years	-	N	2/3 group	Y	Y
NWWRAC	impartial role	impartial role	N	3 years	N	N	2/3 group	Y	Y
PRAC	impartial role	impartial role	Y	3 years	N	N	2/3 group	Y	Y
SWWRAC	function of arbitrator	function of arbitrator	Y	4 years	N	N	1/3 group	Y	Y

Table 2: Comparative study of RACs' statutes on chairmen and representation (orange: needs improvements, yellow: better practices, green: best practices)

Observers (see table 3)

Issues:

In our experience, sometimes, the presence of observers can be used politically by the chair to obstruct the dialogue in the RAC and strengthen the industry position.

Rules:

- Not all the RACs explicitly mention in their statutes that observers are generally allowed to speak but not to vote.
- The LDRAC specifies that official EU representatives can take part in the discussion, while the right of other observers to take part in discussions shall be regulated by the chairperson.
- Some RACs specify that they shall not be responsible for meeting the attendance costs of observers.

Needs:

Meeting procedures should clarify the roles and rights of observers.

Comparative study

Observer's participation:

In Australia, casual observers have no formal standing in the MACs. Casual observers should not participate in MAC discussions except by prior agreement of the MAC Chair. Any verbal contributions by casual observers during a MAC meeting will not be recorded in the minutes and will not be taken into consideration in the formulation of recommendations by the MAC.

Expenses:

Australian invited participants (such as experts) are able to claim for travel expenses, but are not eligible to receive per diem sitting fees.

	Observers		
	Allowed to speak (Y/N)	Right to vote (Y/N)	Reimbursed from expenses (Y/N)
BSRAC	Y	N	N
LDRAC	Y	N	–
MedRAC	Y	N	N (unless exception)
NSRAC	–	N	N
NWWRAC	Y	N	N
PRAC	–	–	–
SWWRAC	Y	N	–

Table 3: Comparative study of RACs' statutes on observers

Science

Rules:

- All RACs specify that scientists or international bodies can be invited to participate as experts in the work of the RACs (see table 2).
- The LDRAC ExCom may fix the remuneration of these experts for work commissioned by the RAC.
- The PRAC specifies that it can also consult scientists through submission of proposals and asking research institutes to review them.
- The SWWRAC President may ask scientific experts for their view on draft opinions and recommendations.
- The SWWRAC specifies that travel expenses of guest experts and scientists will also be refunded on the same terms and in accordance with any agreement that might have been made with their employers.

Needs:

- Increasing the scientific input at RACs by improving active participation of scientists at the meetings (e.g. from ICES or other institutions, depending on the subjects dealt with).
- RACs have to be able to make their own requests directly to certified scientific bodies.
- The RACs might benefit from an interface between themselves and the scientific community, and this might be provided by creating a position within each RAC for specifically appointed scientists whose job is to develop more scientifically sound knowledge.

Comparative study

Access to science:

Each US Council shall establish, maintain, and appoint the members of a scientific and statistical committee. This Committee will assist its Council in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to such Council's development and amendment of any fishery management plan. More precisely, this role of this Committee will be:

- To provide its Council ongoing scientific advice for fishery management decisions,
- To provide recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets,
- To provide reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices.

Transparency (see table 4)

Rules:

- For all RACs, the GA meetings shall be open to the public. The ExCom meetings shall be open to the public unless decided otherwise by a majority.
- All RACs specify that their activities shall be transparent.
- Opinions and recommendations adopted by all RACs shall be made available immediately to the members of the GA, the Commission, concerned MSs, the Parliament, ACFA. Most RACs also send opinions and recommendations to any member of the public upon request.
- Moreover, the PRAC mentions that it will make responses from the Commission and MSs available to all above mentioned parties as well.
- Most RACs state that they shall disseminate full and timely reports on all their activities to their members and others.

- For the PRAC, members of the public can ask to be included on the RAC mailing list by e-mail, so that they are automatically informed of all proceedings.
- All RACs shall maintain a website except the MedRAC whose rules have no mention of it. Most RACs place meeting reports and recommendations on their website.

Needs:

All 7 RACs should have an updated website where reports, recommendations and other relevant information (including meeting documents) should be uploaded.

Comparative study:

Public notice:

In the US, timely public notice of each regular meeting and each emergency meeting, including the time, place, and agenda of the meeting, shall be provided by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), considering that e-mail notification and website postings alone are not sufficient. Timely notice of each regular meeting shall also be published in the Federal Register. The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or within 14 days prior to the meeting date, unless such modification is to address an emergency action, in which case public notice shall be given immediately.

In Australia, the MACs will formally communicate meeting outcomes, recommendations and matters for information to the AFMA Commission for consideration and to the broader stakeholders for information.

Public access to documents:

In the US, the administrative record, including minutes, of each meeting, and records or other documents which were made available to or prepared for or by the Council, committee, or panel incident to the meeting, shall be available for public inspection and copying at a single location in the offices of the Council or the Secretary, as appropriate.

In Australia, all MAC papers are considered to be public documents unless they contain items of specific commercial confidentiality. As such, the AFMA Commission has agreed that MAC agendas, agenda papers (other than commercial-in-confidence) and Chair's Summaries should be made available to all stakeholders to facilitate the flow of information between AFMA, the MAC and those with an interest in the fishery.

Moreover, full use of the AFMA web page should be made to assist in the communication of papers and other relevant information concerning the MACs. It is AFMA's intention to publish MAC papers on the website at the same time they are printed and made available in hard copy. This will mean that papers will be available on the website before they are considered at the MAC meeting.

Meetings open to public:

In Australia, members of the public or persons with an interest in MAC business are generally welcome to attend MAC meetings as casual observers. Wherever possible, individuals should seek the agreement of the MAC Chair to attend a MAC meeting as a casual observer for a particular agenda item or items.

Meetings are also opened to the public in the US.

Transparency										
	GA is open to public	ExCom is open to public	Statement for transparency	Recommendations are made available to members and officials	Commission and MS responses are also made available	Recommendations are made available to the public upon request	Reports on RACs activities are disseminated to the members and others	Public can ask to be included in the RAC mailing list	Presence of a website	Reports are placed on the website after each GA and ExCom meeting
BSRAC	Y	Y (unless decided otherwise)	Y	Y	-	Y	Y	-	Y	Yes, within 1 month
LDRAC	Y	Y (unless decided otherwise)	Y	Y	-	Through the website	-	-	Y	Yes, but no timeframe
MedRAC	Y	Y (unless decided otherwise)	Y	Y	-	Y	Y	-	-	-
NSRAC	Y	Y (unless decided otherwise)	Y	Y	-	Y	Y	-	Y	Yes, within 14 days
NWWRAC	Y	Y (unless decided otherwise)	Y	Y	-	Y	Y	-	Y	Yes, within 14 days
PRAC	Y	Y (unless decided otherwise)	Y	Y	Y	Y	-	Y	Y	-
SWWRAC	Y	Y (unless decided otherwise)	Y	Y	-	-	Y	-	Y	Yes, within 14 days

Table 4: Comparative study of RACs' statutes on transparency (orange: needs improvements, yellow: better practices, green: best practices)

Training

Rules:

At present, RAC members are not required to participate to any training courses. This should change.

Needs:

All members of the RACs would benefit from training on various aspects of fisheries management.

Comparative study:

The US Secretary (Government) shall develop a training course for newly appointed Council members, which may cover a variety of topics relevant to matters. Council Members shall complete a training course not later than 1 year after the date on which they were appointed. The training course may be made available to committee or advisory panel members as resources allow. The course may cover a variety of topics, from fishery science to fisheries management techniques or any relevant legal requirement.

In Australia, all MAC Members, including the Chair, will be required to participate in a formal program of induction and training which, will normally be conducted at the first MAC meeting after Members take up their appointments. Members' training will focus on: legal obligations, responsibilities, personal and professional behaviour, AFMAs legislative objectives, rules of procedure for MACs, and an overview of major policy and programmes.

Both the US and Australia have reported positive outcomes.

Finance

Issues:

- The main failure we face in most RACs is that we lack resources and capacity to attend all meetings and all items on the agendas. This allows industry representatives to dominate input in the RAC advice, sometimes without the benefit of NGO review and input.
- There is too little NGO representation and also a lack of interest from other interest (1/3) groups (e.g. from consumers). The small scale sector is also often poorly represented.
- The involvement of Member States (MS) may become a cause for concern. A few MS have been highly supportive of RACs (in relation to financial assistance and/or administrative support) while others remain more detached. The concern surrounds the motives behind the support and suspicion that RACs may be manipulated by a particular MS.

Rules:

- Except for the reimbursement rules, there is no mention of how financial aid can be allocated to the each of the 1/3 or 2/3 groups to improve their participation, despite a Commission grant which aims to support the RAC's activities.
- The Commission partially funds the RACs, and they are expected to be partially self-funded.
- EU initial budget for all RACs was € 7,596,000 for an 8 year period (from 2004 to 2011)³. This budget was revised in 2007⁴ and each RAC now receives around €250,000 per year.

Needs:

- More dedicated capacity from the NGOs.
- Increase NGO and consumer representation within the RACs.

³ Council Decision 2004/585/EC establishing RACs under the CFP.

⁴ Council Decision 2007/409/EC amending Decision 2004/585/EC establishing Regional Advisory Councils under the Common Fisheries Policy.

- More funds to afford RACs better access to science (e.g.: through closer interactions with scientists and/or commissioning of studies).
- Ensure that the fees for RAC membership remain acceptable, and help other NGOs to participate. It is in the Commission's interest to ensure that NGOs can attend.

Comparative study:

Financial aid:

The Regional Fishery Management Councils in the US receive about 2 million US dollars per year each. They also receive a lot of technical support from the National Marine Fisheries Service.

Sources

Australian Government – Australian Fisheries Management Authority. June 2009. Fisheries Management Paper1, Management Advisory Committees.

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

COUNCIL DECISION of 19 July 2004 establishing Regional Advisory Councils under the Common Fisheries Policy (2004/585/EC).

Fisheries Act 1996 No 88 (as at 01 October 2009), Public Act.

Fisheries Administration Act 1991 Act No. 161 of 1991 as amended (2005): An Act to establish an Australian Fisheries Management Authority and a Fishing Industry Policy Council, and for related purposes, article 64A, pp. 32.

Grieve C. 2009. Regional Governance: Making it work for fisheries and the environment: background paper for the Conference on Regional Fisheries Management, Brussels 29 September 2009.

Inter-RAC NGO Coordination Meeting (2009).

Lutchman I., Grieve C., des Clers S. & De Santo E. 2009. Towards a reform of the Common Fisheries Policy in 2012 – a CFP health check.

Magnuson-Stevens, Fishery Conservation and Management Act (As Amended Through January 12, 2007), May 2007, Second Printing, 99-659, 104-297 (j), pp. 70-72.

MRAG (Marine Resources Assessment Group) Ltd. 2008. Studies supporting reform of the Common Fisheries Policy. A vision for European fisheries post 2012. A report for WWF. 80pp.

RACs Rules of Procedure:

- Baltic Sea RAC
- Long Distance RAC
- Mediterranean RAC
- North Sea RAC
- North Western Waters RAC
- Pelagic RAC
- South Western Waters RAC

Regional Advisory Councils (RACs) - a WWF internal evaluation (2009).

Sissenwine, M., and Symes, D. 2007. Reflections on the common fisheries policy. Report to the General Directorate for Fisheries and Maritime Affairs of the European Commission.



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- conserving the world's biological diversity
- ensuring that the use of renewable natural resources is sustainable
- promoting the reduction of pollution and wasteful consumption

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