



## **IEEP/UK Statutory Nature Conservation Agency**

### **Workshop on**

### **RACS – DELIVERING ECOSYSTEM-BASED MANAGEMENT?**

**The Centre, Brussels  
6 February 2004**

### **Key Conclusions**

20 February 2004

## CONTENTS

1. Introduction	1
2. Key Issues Arising from the Meeting	1
Annexes	
Annex I    Agenda	5
Annex II    Background note on the Commission's RAC proposal (COM(2003)607)	6
Annex III    List of attendees	9
Annex IV    Timetable for Decision-making on the RAC Proposal	10

## Acknowledgements

The workshop was funded jointly by the Esmée Fairbairn Foundation grant and the UK statutory nature conservation agencies.



We are grateful to The Centre for allowing us to use their facilities free of charge.

## 1. Introduction

1. On 6 February, the Institute for European Environmental Policy and the UK Statutory Nature Conservation Agencies organised a workshop to discuss the Commission's proposed Decision on Regional Advisory Councils (RACs) (COM(2003)607), with a particular emphasis on the extent to which RACs can deliver an ecosystem-based approach to fisheries management.
2. RACs are being established within the framework of the Common Fisheries Policy (CFP), as fora to engage stakeholders in the development of EU fisheries management measures. RACs may also become involved in consultations regarding national fisheries management measures, affecting the 12 nm zone.
3. The 6 February meeting was to update delegates on the state of negotiations regarding the RAC proposal and to identify priorities and opportunities to ensure RACs successfully deliver ecosystem-based management. The meeting agenda and a background note circulated prior to the meeting are attached at Annexes I and II.
4. The meeting was targeted primarily at environment and nature conservation interests, thereby allowing an open discussion of a range of issues, including the aims and objectives of RACs, their composition, and the role of environmental interests on these RACs. Approximately 30 people attended the event, including representatives from non-governmental organisations, environmental advisory councils, government agencies and ministries, institutes and independent experts. The European Commission and the Irish Presidency of the Council also participated. A full list of attendees is attached at Annex III.
5. The Irish Presidency during the first half of 2004 has identified the RAC proposal as a priority for the Fisheries Council. The Parliament is also considering the proposal, and is expected to adopt its report during the spring. A timetable for these various processes is attached at Annex IV. This is consequently a timely opportunity both to review the state of negotiations and to identify ways of ensuring that RACs become effective fora for engaging stakeholders in the management of European fisheries.

## 2. Key Issues Arising from the Meeting

### *Putting RACs in context*

6. RACs are to be regional bodies, made up of sector and non-sector stakeholders, to advise on fisheries management issues. As such, RACs potentially represent the most **important shift in EU fisheries governance** in the last two decades, but will only do so if stakeholders feel that they work. While it may be relatively easy to agree on the high level principles and

objectives for RACs, the key is to translate these principles into sound operational practices and good working relationships.

7. It is important to note that RACs are being brought into being at a time of great difficulty for much of the fishing industry. A key priority for RACs, at least for the time being, will be to help weather the **crisis facing much of the sector**. Although RACs should support the integration of fisheries and environmental issues at a regional level, it is important to recognise that the state of the sector will only compound the difficulties in securing such integration.

### *The objective and remit of RACs*

8. It is clear from the basic Regulation 2371/2002 that RACs are to contribute to delivering the objectives of the CFP. The objectives of the CFP explicitly include the progressive implementation of **ecosystem-based approach to fisheries management**. RACs should make an important contribution to supporting this, bearing in mind the immediate problems facing the sector.
9. Even if the final RAC decision does not include an explicit reference to ecosystem-based management, the **terms of reference (ToRs) for individual RACs** should refer to ecosystem-based management, as does the ToR for the shadow North Sea RAC.
10. The proposal does not state that the Commission and/or the Member States will be obliged to seek opinions from RACs. A well-respected advisory body should have a **clear remit**. Consequently the final decision should state which matters the Commission and Member States should refer to RACs for an opinion.

### *Operational issues*

11. At a more practical level, the operational objectives of the RACs present some challenges. The maximum **composition** of 18 members of the Executive Committee of a RAC is limiting, given that two thirds of all seats are to be taken up by the sector. The 'other' (non fishery) interest groups will have at most six seats, yet they represent environmental organisations, aquaculture sector, recreational interests and consumer groups.
12. The NGOs on the shadow North Sea RAC do not currently represent wider **constituencies**, going beyond the individual NGOs themselves. However, if interest in RACs grows, then it may become necessary for NGO members to take on a more 'representative' role. Experience from Advisory Committee on Fisheries and Aquaculture (ACFA) demonstrates how challenging this can be.
13. RACs potentially represent the most important shift in EU fisheries governance in the last two decades, but will only do so if stakeholders feel that they work. Moreover, what is ultimately important is the **quality of the dialogue** at meetings. It is certainly hoped that both the discussions and the level of attendance will be better than at ACFA. Unless all participants feel

that RACs are useful for them in some way, they will not spend limited resources on participation, especially not if RACs eventually become self-funded in a few years time. Meanwhile RAC general assemblies provide an opportunity to secure wider public involvement, since meetings should be open.

14. The **number and coverage of RACs** remains an area of some contention. It is accepted that, for financial and resource reasons, it may not be desirable to have a large number of RACs. This could also be problematic when it comes to the Commission processing information and advice supplied by RACs. However, one potential addition to the list of six proposed RACs could be a RAC for deep sea fisheries.
15. While most accept the need to limit the number of RACs, the current proposal for six large RACs **is likely to have implications** in terms of generating RAC initiatives, identifying suitable stakeholders to participate at this level or scale, and in terms of making a significant difference to the sense of stakeholder involvement in governance.
16. In some cases, it may be possible to use RAC **sub-units** that correspond to smaller fisheries and/or geographical areas, such as the Irish Sea or parts of the Mediterranean. However, this will not be possible unless and until a full 'parent' RAC has been set up.
17. The establishment of **working groups** (as opposed to subdivision of RACs) was considered an important part of their development. It is not clear how and when these would develop and more guidance (provided it was not too restrictive) may eventually be helpful. One working group could perhaps help to steer ecosystem-based management discussions, although care would need to be taken that such a group did not result in the separation of ecosystem considerations from other fisheries management issues.
18. There are a number of areas where **linkages and coordination** should be sought, including in relation to inshore fisheries management (ie within territorial waters), coastal zone management initiatives, and Natura 2000 sites. Of particular importance is linkages with the preparation of the Commission's Biodiversity Strategy and the marine Thematic Strategy which is due to be finalised in 2005, and which is examining wider ecosystem issues. For example, the Thematic Strategy could ensure that adequate consideration is given to biogeographical regions in fisheries management discussions.

### *Ensuring good governance*

19. One of the remaining uncertainties is the extent to which RACs will be required to **comply with principles of good governance**, particularly relating to access to information and public participation.
20. At present, it is envisaged that the general public will be able to attend meetings of RAC general assemblies. However, there is no requirement for RACs to **proactively disseminate information** to the general public.

21. According to the RAC proposal, the Commission and Member States *may* explain **how advice is dealt with**. This is not sufficiently binding to guarantee the credible participation by stakeholders in decision-making. Indeed, it runs counter to accepted public participation rules. Where opinions have been requested, the institution requesting the advice should be required to justify decisions that depart from that advice.

### ***Funding***

22. A vital precondition for full and meaningful participation will be funding. Proper engagement in RACs will require **investment of resources**, which most NGOs cannot afford. The mid-term review of the Financial Instrument for Fisheries Guidance could have been used to direct funds to support the working of RACs, including costs of participation by stakeholders. In the medium term, the reform of the EU budget should be seen as an important opportunity to finance RACs, or at least aspects thereof. This appears entirely compatible with the wish to channel more funds towards fisheries management.
23. The question of who pays for RACs in the long term will be difficult and will require close examination before a decision is taken.

### ***Moving from theory to practice - developing RACs***

24. Environmental representation on the **North Sea shadow RAC** has now been secured, and is providing an important opportunity to start building relationships and establishing mutual trust between RAC members. There is a strong desire for different interests to be involved from the outset, to prevent different expectations developing and to help find ways to merge the fishing and environmental agendas. A gentle approach may be needed, at least in the early stages of the RAC, in order to **secure the confidence** of the industry. This will be particularly critical given the economic climate of the capture sector in particular.
25. The Commission's role in supporting the development of RACs could be critical, particularly in the larger areas where large-scale, bottom-up initiatives may not naturally develop. Already the Commission has convened a meeting of Mediterranean interests to discuss options for that region. Thus, although it may be inappropriate for the Commission to chair RACs, they could play a vital role in **catalysing the development of RACs** and ensuring they operate in a fair and balanced way.

## **Annex I      Agenda**

Chair David Morgan, UK Nature and Landscape Office

9.30-9.40      **Welcome and introductions**

9.45-10.0      **Proposal to establish regional advisory councils: outline**  
*Miriam Garcia Ferrer, DG Fish, European Commission*

10.00-10.20      **State of play in Council and Parliament**  
*Michael O'Dwyer, Irish Permanent Representation to the EU*

10.20-10.45      **Identification of priorities for ecosystem-based management**  
*David Symes, UK*

10.45-11.00      Coffee

11.00-12.15      **Discussion of issues and approaches – including consideration of national and regional views**

12.15-12.30      **Conclusions and next steps**

## **Annex II Background note on the Commission's RAC proposal (COM(2003)607)**

### **1 Delivering ecosystem based management**

The objectives of regional advisory councils (RACs) are set out in Article 31(1) of Council Regulation 2371/2002, which refers to the main objectives of the CFP as set out in Article 2(1). Thus, RACs are to contribute to ensuring the exploitation of living aquatic resources that provides for sustainable economic, environmental and social conditions. This explicitly includes applying the precautionary approach and the progressive implementation of an ecosystem-based approach to fisheries management.

The current proposal does not make a clear link between the RACs and the explicit objectives of the CFP, and yet RACs provide a critical opportunity to deliver an ecosystem-based approach under the CFP. It is vital that, in discussing the EU framework for RACs, and in developing and running individual RACs, the objective of ecosystem-based management is not lost sight of.

A number of improvements could be made to the existing Commission proposal, which would help secure the success of RACs in contributing to sustainable and ecosystem-based management, including the following.

### **2 Stakeholder involvement in large RACs**

Many would agree that one of the causes of failure of the CFP to date has been the absence of a sense of ownership and stewardship for EU waters as a whole. The idea of regional councils has been promoted as a means of connecting fisheries management with local communities. It is therefore important for RACs to operate at a level that stakeholders can identify with.

In developing the EU framework for RACs, a balance needs to be struck between imposing a structure and allowing units to develop from 'bottom up' initiatives. Currently the proposal is to establish five very substantial RAC units with very different geographical stakeholder interests. There is a risk that the larger an RAC, the less likely it is to support participatory management, as stakeholders will have difficulty in identifying with it.

There are resource implications of establishing a larger number of small RACs. However, if the units are not to be reduced, then more attention should be given to allowing for sub-units, with clearer provisions included in the proposal to show how sub-units can be formed and supported. Sub-units may be particularly appropriate for the Mediterranean region, due to the limited extent of EU jurisdiction in the region, while the big picture for the Mediterranean fisheries will inevitably remain with GFCM. While the Irish Sea may be geographically small, in all other respects it may be a special case for a separate RAC or subunit from the start.

Whatever the scale, sufficient provision will need to be made to ensure that information and views are effectively cascaded between the stakeholders on the ground and those representatives sitting on RACs. While in theory a general assembly



is an acceptable provision, in practice the size of the RACs proposed may make the size of the general assemblies effectively unworkable. It should therefore be considered whether in such circumstances (additional) general assemblies could be convened at a lower sub-unit level.

### **3 Matching RAC boundaries with biogeographical regions**

RACs could serve as a significant step towards developing the ecosystem-based approach to fisheries by leading to management that takes account of, and is appropriate to, distinct ecological/biogeographic areas. They could be a key element in the achievement of fully integrated sustainable fisheries on a regional basis. This is nonetheless dependent upon the units being biologically meaningful, as well as being on a scale the stakeholders can relate to.

The current boundaries suggested do not closely reflect biological criteria. Consideration should be given to the OSPAR biogeographical regions, which will also enable closer integration with other environmental policies.

The Commission has also proposed that one RAC be established for pelagic species. It could also be argued that a RAC be established for deep-sea species as well. The biology of the species concerned and the sensitivity of their supporting environment, coupled with the issues peculiar to the management of these fisheries, make a strong case for a RAC.

### **4 Coordination between RACs**

Whatever the eventual boundaries of RACs, effective linkage between RACs will be one of the main challenges for the RACs, as well as the Commission. EU legislation can only provide the necessary unifying structure, whereas successful implementation of an ecosystem-based approach to fishery management will necessitate ongoing coordination and communication between adjacent RACs. This is not only of importance to the successful conservation of exploited species but is also of wider relevance, for example, to ensure consistency in management measures which are of importance in avoiding incidental bycatch of wide-ranging non-target species.

As well as coordination between adjacent RACs, there will be a need to ensure and provide for adequate coordination/cooperation between a RAC and the managers of inshore waters falling within the parameters of the RAC. The opportunity should also be taken to feed into other management frameworks, going beyond the local, national and EU level, to the relevant international fishery organisations such as NEAFC, IBSFC and GFCM. There is also a need for RACs to foster the integration of fisheries with the management of other marine resources, calling for RACs to communicate with and co-ordinate actions with those responsible for marine management more widely, at the various spatial levels.

### **5 Balancing different views**

It is vital to strike an effective balance between the relevant interest and expert groups active on RACs. The decision on the composition of the RACs should pay particular heed to evidence from other countries. For example, in the United States, fishing

interests make up 49% of the voting members of Regional Fisheries Councils. Some have blamed perceived failures in the management system on this dominance by the fishing industry.

The Commission proposal is for 60% of seats to be allocated to the fisheries sector. Furthermore, the proposal suggests that fishing industry representatives from each Member State concerned should have a seat on the Executive Committees, even though there is a limit of 18 members for the Committees. For the Western Waters, North Sea and Baltic Sea RACs, this limit would immediately mean that numbers of non fishing interests will be squeezed.

While the necessity for input by the fishing industry should not be underrated, particularly given the need to develop greater ownership in and trust of the management system, care is needed to ensure that a large fishing industry majority in the membership of RACs does not undermine their credibility and authority among the other stakeholders and the wider public. One way to counter this issue is for the capture sector to be represented by regional rather than national interests. In addition, criteria for decision making need to be clearly established so that stakeholders from all interests have confidence that they can make effective input.

Furthermore, it will be important for the RACs to emphasise the distinction between the environmental NGOs and the relevant statutory agencies for the environment (dealing with biodiversity and water quality aspects). Our experience of discussions relating to RACs has been that this distinction is not clear and has led to confusion on the precise nature of 'environmental interests' role in RACs. To achieve sustainable fisheries that respect the marine environment, it will be essential for RACs to include (at every level of functioning) people with relevant marine ecological expertise and for regard to be taken of their input in developing advice.

## **6 Moving from advice to management?**

Although RACs, as currently framed, will play a purely advisory role, there is interest in developing their role further in time. Support for such a progression will depend on the success of RACs in supporting effective ecosystem-based management and how far they reflect the needs of different stakeholders. Every effort should be made to ensure RACs work in the short term, so that they can assume greater powers in the long-term.

2 February 2004

### Annex III List of attendees

Armando	Astudillo	DG Fish, European Commission
Gareth	Baynham-Hughes	UK Permanent Representation to the EU
Helen	Beadman	English Nature
Thomas	Börchers	Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, Germany
Clare	Coffey	IEEP
Dominic	Counsell	Scottish Natural Heritage
Leanne	Davies	Wales European Centre
Manu	Desutter	MiNa-Raad
Fanny	Douvere	MiNa-Raad
Euan	Dunn	RSPB/BirdLife
Clare	Eno	Countryside Council for Wales
Rachel	Garthwaite	JNCC
Miriam	Ferrer Garcia	DG Fisheries, European Commission
Jan	Kappel	European Anglers' Alliance (EAA)
Phillip	McGinnty	Marine Institute, Dublin
Charlotte	Mogensen	WWF European Policy Office
David	Morgan	UK Nature and Landscape Office
Inger	Näslund	WWF Sweden
Michael	O'Dwyer	Irish Permanent Representation to the EU
Saskia	Richartz	IEEP
Niki	Sporrong	IEEP
David	Symes	University of Hull
Despina	Symons	European Bureau for Conservation and Development
Dirk	Uyttendaele	MiNa-Raad

## **Annex IV Timetable for Decision-making on the RAC Proposal**

### **2003**

19 May 2003	Commission discussion paper circulated
11 September 2003	ACFA Opinion adopted
15 October 2003	Commission proposal
13 November 2003	Council Working Group

### **2004**

16 January 2004	Council Working Group
16 February 2004	EP Fisheries Committee to discuss proposal
16 March 2004	EP Fisheries Committee to adopt draft opinion
29-31 March 2004	<b>European Parliament to adopt</b> resolution
22/23 March 2004	Possible Council discussion
April/May 2004	Possible <b>Council adoption</b> and entry into force of proposal