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**Subject: NSRAC initial opinion on the Communication from the Commission to the Council and the European Parliament on the functioning of the RACs**

Dear Mr Andersson,

Thank you very much for the NSRAC advice on the above-mentioned Communication. Below you will find some comments in response to your remarks:

***On membership and admission of new members***

I take note of your position regarding the participation of the Women's Network in the "other interests" group. The Commission agrees with NSRAC members that it is important to maintain the two-thirds/one-third ratio in the Executive Committee. When an organisation applies for membership of a RAC, its inclusion in the one-third or two-third group has to be discussed. This is an important issue, as a number of groups whose membership includes interests from the fisheries sector have asked to join the RACs as "other interests". The proliferation of such organisations seeking seats on the Executive Committees is a cause of concern for the Commission, as it risks upsetting the current balance of interests.

The Council Decision establishing the RACs defines the two categories of members but does not set up a detailed procedure for the examination of new membership applications. Some RACs have drawn up a form to be filled in by new applicants, where they can detail their objectives, their membership, their geographical coverage and the group they wish to join. Their applications will then be examined by the Executive Committee (or the General assembly, depending on the statutes). If their membership in a group is contested by other members of that group, the RAC may raise the issue with the Commission. I consider that the fact that certain interests are already represented in a

RAC does not preclude other similar organisations from joining. Organisations have to demonstrate an interest in the Common Fisheries Policy.

The Commission would like to thank the RAC for its efforts to organise meetings in the different Member States in order to involve local fishermen. I take note of your remarks on the reasons for the limited grassroots participation in the RACs. I personally believe that discussions on real-time closures or discards are connected to the short-term problems of fishermen.

### ***Composition of the General Assembly and Executive Committee***

The Commission takes note of the NSRAC position on the composition rule of the General Assembly and welcomes its proposal to introduce weighted votes. Nevertheless, this option remains quite complex and the Commission is exploring possible alternatives to secure "minority" rights in the General Assembly.

I note your satisfaction as to the current structure of, and number of seats on, the Executive Committee.

### ***Financial issues***

I believe that the payment of reasonable membership fees is a token of commitment from your members and should not hinder participation. The co-financing principle in EU projects aims to make beneficiaries responsible for the operational and financial viability of the projects of which they are the owners and which they undertake to carry out in a proper manner. In the case of operating grants in particular, this rule is intended to ensure that the bodies receiving grants are not entirely dependent on Community financing. For your information, the Advisory Committee for Fisheries (ACFA) has no contribution scheme, because it has no legal entity status and no budget as such. However, the national organisations which take part in ACFA meetings are members of European organisations to which they pay membership fees.

All Community subsidies follow the principle of co-financing. The Commission agrees to finance a *percentage* of your eligible costs (corresponding to a maximum amount) only on condition that the other receipts are paid in full. If not, the Commission will apply the deficit of receipts rule. Among the various options available in applying this rule, the Commission has chosen the most favourable to the RACs which is to deduct from the Community final contribution an amount equal to which the other sources have not paid. The Commission also accepted that a deficit of receipts can be covered by a contribution specifically earmarked by a donor for this purpose or by additional receipts obtained by the RAC during the lifetime of the agreement, provided that these receipts are not be fees from new members or contributions in kind.

Amounts paid to the chairman may only be considered as eligible if regarded as either staff costs or as the costs of contracts awarded by the RAC. This means that the chairman can be employed by the RAC (employment contract) or can be awarded a contract of services which must comply with the rules concerning the prospection of the market. The North Western Waters RAC used this second procedure. Amounts paid to the chairman could also be treated by the RAC as an ineligible cost. This would mean that the RAC would have to identify additional funding specifically earmarked to cover the chairman's cost. Once again membership fees cannot be used to cover these ineligible costs.

Concerning the support provided by Member States, the Council working party has invited the Commission to propose guidelines to harmonise current practices. Your suggestions are welcome. However, the Commission is not competent to define what should constitute the "appropriate support" provided by Member States.

### ***Input of RACs to the CFP decision-making process***

I agree with you that feedback from the Commission on RAC advice is essential. As proposed in the review, we have organised several debriefing meetings between individual RACs and geographical units. I consider these meetings to be very important as a means of discussing the recommendations received and preparing work programmes. Should you have specific questions as to the replies from the Commission, I would advise the NSRAC secretariat to send them to the desk officer in charge of RACs (Mrs Viallon).

I take note of your suggestion to set up a template for the RACs to use to present their advice and would welcome any initiative from the "Inter-RAC" on this issue.

The Commission is committed to respecting the 8-week consultation period when it consults the RACs on non-papers. In the future, we will try to translate the documents in the working languages used by the RACs. To facilitate the organisation of meetings, the Commission will keep the RACs informed of its work programme.

At the same time, the Commission would like further to involve stakeholders at an early stage in the preparation of impact assessments. In recent months, the Commission has notified the RACs in advance before sending requests for scientific advice. Available studies and scientific advice will be forwarded to the RACs. I hope you understand that these exchanges of information cannot give rise either to an 8-week consultation or to translation in different languages.

As explained by Commissioner Borg at the last coordination meeting, consensus among RAC members is really positive but should not water down RAC recommendations. Where consensus is not possible, majority and minority positions should be sent to the Commission.

### ***Other remarks***

Under the Memorandum of Understanding with ICES, the Commission agreed to reimburse the travel expenses of ICES experts when they participate in RAC meeting to explain ICES scientific advice. For financial reasons, and in order to guarantee a balance between the different RACs, the Commission needs to establish a provisional timetable for these meetings. That said, this timetable remains flexible. The main constraint remains the availability of ICES experts.

The Commission is doing its best to attend RAC meetings. However, it is increasingly difficult for us to attend all seven RAC meetings, in addition to international negotiations, scientific meetings and discussions in Council and Parliament. When the presence of the Commission's experts is specifically required, I would suggest that you contact Ms Viallon before fixing a date, so that she can check colleagues' availability.

Taking into account all contributions received, the Commission is now finalising its proposals on how to improve the functioning of the RACs in the short term. We hope to be able to discuss this at our next coordination meeting in June. The governance of the CFP will be discussed further in the context of the CFP reform. The consultation on the Green Paper was launched on 22 April and will last until the end of 2009. I invite the North Sea RAC to contribute to the debate on the CFP reform.

Yours sincerely,



Fokion Fotiadis