

## **Best Practices for the Development and Presentation of BSAC Advice**

The BSAC has a set of rules of procedure which were adopted on 15<sup>th</sup> May 2019.<sup>1</sup>

The BSAC has a set of Working Group procedures which were adopted on 15<sup>th</sup> November 2016.<sup>2</sup>

These best practises were presented to and adopted by the ExCom on 3<sup>rd</sup> September 2019<sup>3</sup>

### **1 Introduction**

- 1.1 To help ensure that the BSAC operates a fair, transparent and effective system for preparing advice, an agreed guide on best practice procedures for the preparation, presentation and approval of advice has been developed.

### **2 Forward Planning**

- 2.1 The BSAC can benefit from being proactive in preparing advice, rather than simply reacting to requests for advice. Advice is likely to be more comprehensive and consensus easier to reach, if more time can be allocated to its preparation. Tight deadlines for the preparation of advice can make things difficult. The annual BSAC Work Programme provides an opportunity to identify key issues on which advice may be required. An advance list of topics requiring advice, together with time schedules for their production, can be prepared each year as part of the Work Programme, and agreed by the ExCom. The BSAC can have a dialogue with DG MARE & Baltfish as to what their plans are, so that the BSAC's work plan is in line with those of decision-making bodies, to the best extent possible. The BSAC Work Programme, including the list of key issues on which the BSAC is planning to prepare advice, is forwarded to the European Commission and the Baltfish Group.
- 2.2 The list can detail all advice papers the BSAC is working on, including those planned, in development and at the approval stage. The advice list can increase transparency of the BSAC work by allowing all members to see what advice is being prepared. It can also assist with resource planning for members and the secretariat in order to avoid a logjam of advice at certain times of the year. The advice list can

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<sup>1</sup> <http://www.bsac.dk/getattachment/BSAC/About-the-BSAC/BSACRulesofProcedureADOPTED150519GENASSOK.pdf.aspx?lang=en-GB>

<sup>2</sup> [http://www.bsac.dk/getattachment/BSAC/About-the-BSAC/WorkingGroupProcedures151116-\(1\).pdf.aspx?lang=en-GB](http://www.bsac.dk/getattachment/BSAC/About-the-BSAC/WorkingGroupProcedures151116-(1).pdf.aspx?lang=en-GB)

<sup>3</sup> <http://www.bsac.dk/Meetings/BSAC-meetings/BSAC-meeting-on-future-Common-Fisheries-Policy>

be updated continuously by the secretariat and presented at each Executive Committee meeting. It can be available for reference at all Working Group meetings.

### **3 Timing**

- 3.1 Scheduling the preparation of advice within the Work Programme can allow sufficient time for discussion and debate on the advice papers. Once a topic for advice has been decided upon, a timetable can be set for completion and approval of the advice paper. Draft advice can initially be presented for discussion at a meeting of a Focus Group or Working Group, followed by circulation of an advice paper for comment and final discussion held at a further meeting, prior to being presented for final approval at an ExCom meeting. Full development and approval of an advice paper can take at least 10 weeks from the date of the initial meeting.
- 3.2 If the Baltfish Group, the EU Commission or any other body of a similar standing seeking advice from the BSAC sets a deadline for submission of the advice, the BSAC can aim to complete the work on an advice paper and have it ready for ExCom approval at least 4 weeks before that deadline. This can allow time for the ExCom to consider the advice for approval and negotiate and conclude any areas requiring a compromise.
- 3.3 On occasion, the BSAC may be requested to meet very tight timescales. Very occasionally there may be such urgency. In order to provide good advice, time for discussion and due process is required. Therefore if the deadline set is 20 working days or less, the BSAC may not have sufficient time to provide an advice.
- 3.4 Where a deadline of 20 working days or less has been requested, a fast track process can potentially be adopted. This process can only be followed where the Chairman and Vice Chair of the Executive Committee both agree that a fast track process is essential and as detailed further in the Rules of Procedure.

### **4 Proposing and Developing Advice**

- 4.1 Any member of the General Assembly or Executive Committee can put forward a draft advice paper for consideration. Members inform the Secretariat of their intention to present a paper no later than 2 weeks prior to the next relevant Working Group meeting or Executive Committee meeting. Papers are discussed at the meeting if time permits, but if the agenda is full, they can be deferred to the next meeting or referred to a Focus Group.
- 4.2 Papers that are submitted by members for consideration by Working Groups or Focus Groups strive to take account of the positions of all members and interests, in order to facilitate reaching a consensus position. Ideally, the draft paper is circulated to other members for comment before the initial meeting, to ensure that the advice that has been drafted is sufficiently broad in scope to enable participants at the meeting to reach a consensus position. Such papers are presented to the meeting on blank paper or with the submitting organisation's letterhead. It provides the

names of the author(s) and presenting organisation(s), and those that have been consulted.

- 4.3 The purpose of the advice paper, and what the advice is intended to achieve, is made clear. The key points are stated at the beginning of the document, and text then provided on each of those points. The meeting to discuss the advice also has a clear agenda.
- 4.4 Ideally, an advice paper is available for discussion at the initial meeting. If no preliminary advice paper is available, it is necessary to discuss and agree the main objectives for the advice to be submitted, and then develop plans for the preparation of that advice.
- 4.5 When an initial draft advice paper, or an outline for further discussion, has been prepared following a meeting it is labelled as “Draft”. It is subsequently presented to Focus Groups, Working Groups or the Executive Committee on BSAC headed paper and labelled “Draft”.
- 4.6 BSAC advice in development is discussed at subsequent meetings and circulated for comment. All comments regarding the advice are returned to the secretariat within a set deadline. Any changes to a paper are if possible made using the track changes function. Any comments ideally offer alternative text where appropriate.

## **5 Representation & Consultation**

- 5.1 Initial discussion of advice can take place within a Focus Group specifically set up to provide advice on a particular topic. Focus Groups are temporary and exist only for the period needed to develop the advice they are working on.
- 5.2 Each Focus Group can have a maximum membership of 10 and a minimum of 6, with 60 / 40 representation of the Fisheries Interests and Other Interest Groups. Where a Focus Group is oversubscribed, the ExCom Chair and Vice Chair can consult with members and decide which organisations will be represented. Those organisations that are not selected to join the Focus Group can be allocated “Corresponding Members” status. They do not attend meetings, but are sent draft reports of meetings and any draft advice papers that emerge and are given the opportunity to comment directly on the advice as it is developed. The Focus Group members and “Corresponding Members” are listed on the BSAC website. A Chair for the Focus Group will be agreed by the Focus Group members. Focus group members agree and appoint a person to prepare and develop the advice.
- 5.3 Comments on the initial advice prepared by a Focus Group are addressed to the person appointed by the Focus group to prepare and develop that advice.
- 5.4 In principle, the draft advice from a Focus Group can be considered by the appropriate BSAC Working Group, before going to the ExCom for final approval. However, where the points under discussion do not specifically relate to an existing working group, then it is appropriate for Focus group draft advice to be presented directly to ExCom. In such cases, use of written procedures is less likely to be appropriate and ideally the advice is considered at an ExCom meeting

- 5.5 Representatives from the Baltfish Group, other relevant EU bodies, and appropriate experts, can be invited to attend Working Group and ExCom meetings and on occasion be invited to attend Focus Group meetings to provide background information or expert advice.
- 5.6 If members wish the advice to be reviewed or commented upon by others, it is their responsibility to pass the document on and to coordinate any response.

## **6 Content & Presentation**

- 6.1 Strong efforts are made to reach a consensus on the advice. If consensus is not possible, and minority positions are to be expressed, then the text of the advice paper can be divided into two sections: labelled **BSAC Advice, & Minority Positions**, respectively. The names of the organisations approving the BSAC Advice and those providing Minority Statements can be recorded and included in the advice.

## **7 Approval of Advice**

- 7.1 Once a draft advice paper has been fully discussed and members' comments have been integrated into the document, it is presented to the BSAC ExCom. BSAC decisions and advice are ideally taken at sitting ExCom meetings with a quorum of members present. For every BSAC ExCom decision there is a clear record kept of who voted for, who against and who abstained. If the ExCom does not fully approve the draft advice, it can either recommend changes which, if acceptable to all members, can be immediately adopted, or the paper can be sent back to the Focus Group or Working Group for further revision. Once approved, it is formatted using the BSAC paper template, distributed and posted on the website.
- 7.2 Written procedure approval: Ideally, BSAC advice is approved at ExCom meetings. However, this may not always be possible. When the Chair and Vice-Chair agree that it is not practical for a further meeting to be held, or when the timing of the next planned ExCom would unnecessarily delay final agreement on an advice, then the advice can potentially be approved by a written procedure. This is applied only to advice which has been developed in line with the procedures set out in this paper i.e. there have been appropriate opportunities and time for members to provide input and for a final draft to be ready for presentation to ExCom.
- 7.3 Written procedure process: When for practical reasons decisions cannot be taken at ExCom meetings, they can be taken by email. The draft advice is sent by email to all members of the ExCom. Members of the Executive Committee can be given a minimum of 20 working days to provide input on or give approval to the draft advice.