

DRAFT 3 - Best Practise for Development and Presentation of BSAC Advice

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 practise procedures for the preparation, presentation and approval of advice has been developed.

2 Forward Planning

- 2.1 The BSAC would benefit from being proactive in preparing advice, rather than simply reacting to requests for advice. Advice is likely to be more comprehensive, and consensus will be 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 Plan provides an opportunity to identify key issues on which advice will be required. An advance list of topics requiring advice, together with time schedules for their production, will be prepared each year as part of the Work Plan, and agreed by the ExCom. BSAC will have dialogue with DG MARE & BALTFISH as to what their plans are, so that BSAC's work plan is in line with those of decision-making bodies, to the best extent possible. BSAC Work Plan, including the list of key issues on which the BSAC is planning to prepare advice, will be forwarded to the European Commission and the Baltfish Group.
- 2.2 The list will detail all advice papers the BSAC are working on; including those planned, in development and at the approval stage. The advice list will increase transparency of the BSAC work by allowing all members to see what advice is being prepared. It will also assist with resource planning for members and the secretariat to avoid a log-jam of advice at certain times of the year. The advice list will be updated continuously by the secretariat and presented at each Executive Committee meeting, it will be available for reference at all Working Group meetings.

3 Timing

- 3.1 Scheduling the preparation of advice within the Work Plan should allow sufficient time for discussion and debate on the advice papers. Once a topic for advice has been decided upon, a timetable must be set for completion and approval of the advice paper. Draft advice should ideally 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 ideally final discussion at a

further meeting, prior to being presented for final approval at an ExCom meeting. Full development and approval of an advice paper is likely to 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 then we should aim to complete the work on an advice paper and have it ready for Ex Com approval at least 4 weeks before that deadline. This will allow time for the Ex Com to consider the advice for approval and to negotiate and conclude any areas requiring a compromise.
- 3.3 We note that on occasions, the BSAC may be requested to meet very tight timescales. Whilst we understand that very occasionally there may be such urgency we also recognise that 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 we may have to respond simply that we have not 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 may put forward a draft advice paper for consideration. Members should 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 will be discussed at the meeting if time permits, but if the agenda is full they may 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 must strive to take account of the positions of all members and interests, to facilitate reaching a consensus position. Ideally, the draft paper should be 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 should be presented to the meeting on blank paper or with the submitting organisation's letterhead. It should provide 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, should be made clear. The key points should be stated at the beginning of the document, and text then provided on each of those points. The meeting to discuss the advice should also have a clear agenda.

- 4.4 Ideally, an advice paper should be available for discussion at the initial meeting. In the event that no preliminary advice paper is available it will be 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 should be labelled as “Advice in Development”. It will subsequently be presented to Focus Groups, Working Groups or the Executive Committee on BSAC headed paper and will carry a clearly marked notice, which highlights to the reader that it is advice in development and not approved advice.
- 4.6 BSAC advice in development will then be discussed at subsequent meetings and circulated for comment. All comments regarding the advice must be returned to the secretariat within a set deadline. Any changes to a paper should be made using the tracked changes function. Any comments should ideally offer alternative text where appropriate.

5 Representation & Consultation

- 5.1 Initial discussion of advice may take place within a Focus Group specifically set up to provide advice on a particular topic. Focus Groups are temporary and will exist only for the period needed to develop the advice they are working on. There can be no guarantee of membership of a new Focus Group for members of earlier Focus Groups.
- 5.2 Each Focus Group should have a maximum membership of 10 and a minimum of 6, with 60 / 40 representation of the Fishing Sector and Other Interest Groups. Where a Focus Group is oversubscribed, the ExCom Chair and Vice Chair will 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 will not attend meetings but will be sent draft reports of meetings and any draft advice papers that emerge and will be given the opportunity to directly comment on the advice as it is developed. The Focus Group members and “Corresponding Members” will be listed on the BSAC website. A Chair for the Focus Group will be agreed by the Focus Group members. Focus group members will agree and appoint a person to prepare and develop the advice.
- 5.3 Comments on the initial advice prepared by a Focus Group must be 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 should then be considered by the appropriate BSAC Working Group, before going to the ExCom for final approval. However, it is recognised that where the points under discussion do not specifically relate to an existing working group remit then it will be

appropriate in such cases 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 will be considered at an Excom mtg

- 5.5 Representatives from the Baltfish Group, other relevant EU bodies, and appropriate experts, may be invited to attend Working Group and ExCom meetings and on occasions may 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 should be made to reach a consensus on the advice. If it becomes apparent that consensus will not be possible, and minority positions are to be expressed, then the text of the advice paper should 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 will be recorded and included in the advice.
- 6.2 Where a minority position is endorsed by more than one organisation then that minority position will be noted in the main text of the advice paper. Where a minority position requires explanation at greater length it may be placed within a section of the paper headed **Minority Positions**.

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 will be presented to the BSAC ExCom. BSAC decisions and advice should ideally be taken at sitting ExCom meetings with a quorum of members present (two thirds). For every BSAC ExCom decision there should be a clear record kept of who voted for, who against and who abstained. If the ExCom does not fully approve the draft advice it may either recommend changes which if acceptable to all members can be immediately adopted or the paper will be sent back to the focus group or working group for further revision. Once approved it will be formatted using the BSAC paper template, distributed and posted on the website.
- 7.2 Written procedure approval: Ideally, BSAC advice should be 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 should be 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 can-not be taken at ExCom meetings they can instead be taken by email. The draft advice will be sent by email to all members of the ExCom. Members of the Executive Committee will be given a minimum of 20 working days to provide input on or give approval to the draft advice.

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