

## Focus Group on the Rules of Procedure

28<sup>th</sup> August 2023

### REPORT

**Focus Group Chair:** Ingemar Berglund (BSAC Honorary Chair)

**Present:** Michael Andersen, Glenn Douglas, Nils Hoglund, Lise Laustsen, Krzysztof Stanuch, Christian Tsangarides, Jarek Zieliński, Klavs Skovsholm, Guillaume Carruel, Ewa Milewska (rapporteur).

**Apologies:** Wolfgang Albrecht.

**The Focus Group Chair** opened the meeting. He stated that the General Assembly (GA) in May had decided to reestablish the Focus Group on the Rules of Procedures to deal with the outstanding issues and propose a new draft Rules of Procedures to the ExCom and finally to the GA. He referred to the letter seeking clarification to correctly interpret and implement Article 4(7) of Delegated Regulation (EU) 2015/242 as amended by Delegated Regulation (EU) 2022/204, in the context of the revision of the BSAC Rules of Procedures. Following several rounds of consultation of the members, and after receiving various comments, a new version had been submitted to the Executive Committee by the Honorary Chair of the General Assembly, with the deadline for comments on 28<sup>th</sup> August. One comment to the draft letter was received from a representative of German small-scale fisheries. After the deadline, the letter is to be adopted by the ExCom and sent to the European Commission.

**The FG Chair** invited the participants to discuss the outstanding issues referring to the draft Rules of Procedure<sup>1</sup>.

**The BSAC Secretariat** referred to the fact that confusion had arisen at the General Assembly when a new member was to be appointed to the Executive Committee. The Secretariat had therefore revisited the existing rule and suggested to delete draft rule 26 and insert the following new rule 21a (in the section relating to the General Assembly)<sup>2</sup>.

**A fisheries representative from Poland** asked for the rationale behind the letter to the Commission. He underlined that since its establishment the BSAC has applied the existing rules in order to ensure a balanced and wide representation of all stakeholders.

**The BSAC Secretariat** explained that the General Assembly had decided to ask the Commission to provide guidance on how to apply Article 4(7) of Delegated Regulation.

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<sup>1</sup> <https://www.bsac.dk/wp-content/uploads/2023/09/Note-to-focus-group-24.08.2023.pdf>

<sup>2</sup> “The General Assembly appoints the Executive Committee members put forward by the fisheries sector organisations and other interest groups for their respective parts of the Committee’s 30 seat. If seats remain available in the respective parts, the fisheries sector organisations and other interest groups respectively decide whom the General Assembly must then appoint. The General Assembly appoints every 3 years the Executive Committee anew when it chooses a new chair of the Executive Committee. The Secretariat must be informed of any changes to the persons designated as members by their organisations.”

**The participants** exchanged views on the proposed draft rule 21a.

**A representative of the OIG** agreed with the proposed draft rule. He underlined that the rule must clearly state that new members can be accepted if seats remain available. **A fisheries representative from Denmark** agreed that new members should be proposed by the respective BSAC groups (fisheries and OIG). **A fisheries representative from Poland** underlined that new members should be admitted only if seats are available in the General Assembly or the Executive Committee within the existing limit of seats. The BSAC Executive Committee membership should not be increased above 30 seats in order to guarantee effective work of the advisory body.

**The Focus Group** agreed on the draft rule 21a as proposed.

**The Focus Group** discussed the proposal to clarify rule 30 of the draft Rules of Procedure<sup>3</sup>.

**The Chair** explained that prior to the Executive Committee meeting in Vigo, the question of whether an ExCom member can give a mandate to a non-ExCom member to represent came up. The current Rules of Procedure do not clearly specify whether mandates could only be given to the ExCom members, or to the BSAC members. Therefore this rule needs to be clarified.

**A representative of small-scale fisheries** stated that in his view the rules should allow to give written mandates to represent an ExCom member to another BSAC member, not necessarily ExCom member. **A fisheries representative from Denmark** agreed that ExCom members should be allowed to give mandates to any BSAC member. **Another participant** expressed the opinion that mandates should be given exclusively to the ExCom members.

**The Focus Group** agreed that rule 30 of the Rules of Procedure should be amended to allow ExCom members can give written mandates to another BSAC member to represent them at specified meetings.

**The Focus Group** agreed to an amendment to rule 63 to make clear that a chair of the focus group should be impartial.

**The Focus Group** agreed to some editorial amendment to rule 31 and rule 55<sup>4</sup>.

**The Focus Group** discussed an amendment to rule 43, to include the new Vice-chair of the General Assembly in the Management Team and to align with the fact that the Vice-chair of the Executive Committee is already a member.

**A fisheries representative from Denmark** underlined that the BSAC Management Team works efficiently under the current membership with the ExCom Chair and Vice-Chair and

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<sup>3</sup> "Executive Committee members can give written mandates to another Executive Committee member to represent them at specified meetings which must be submitted to the Secretariat."

<sup>4</sup> Rule 31: "If consensus cannot be reached, dissenting opinions expressed by members in the Executive Committee shall be recorded in the recommendations adopted by a simple majority of the members present and voting."  
Rule 55: change the word "assent" to "non-opposition" as used elsewhere in the draft.

there is no need to increase it. The MT is an operational unit for planning the work of the Executive Committee. The Vice-Chair of the GA could be invited to the MT meetings, should the need arise.

**The ExCom Chair** recalled that the vice-chair of the General Assembly was elected in May 2023 pursuant to the provisions of Delegated Regulation 2022/204<sup>5</sup>. The role of the Vice-Chair of the GA is to substitute the Honorary Chair of the GA. He drew the attention to the financial implications of another member of the MT (travel reimbursement), which have not been foreseen in the current budget.

**A fisheries representative from Poland** underlined that some other provisions of the Rules of Procedure should be changed in the first place, such as the rule referring to the election of the ExCom Chair. In his view, the ExCom Chair should be elected by simple majority to facilitate the process.

**A small-scale fisheries representative** proposed to consider candidates for the post of Chair and Vice-Chairs six months before the election, in the framework of a Focus Group established for this purpose.

**The Vice-Chair of the GA** pointed out that the MT works on wider issues and not just on planning of the Executive Committee work. He pointed to the lack of consistency in allowing the Vice-Chair of the ExCom to be part of the MT and the Vice-Chair of the GA to be excluded.

**The Focus Group** could not reach an agreement on the rule to include the new Vice-chair of the General Assembly in the Management Team (rule 43). Some members of the Focus Group stressed that the possibility to invite the Chair and Vice-Chair of the GA should be kept if the need arises and depending on the matters included on the MT agenda. The Secretariat was asked to come back with different text proposals to be discussed by the FG.

**The Focus Group** agreed that the limit of 3 times to the number of terms that a Chair of the General Assembly or of the Executive Committee can be elected should be included in the Rules of Procedure (as included in the draft).

**The Focus Group** discussed whether to include the rule on the percentage of members of the Executive Committee responding during a written procedure (50% and not 20% as proposed in the draft) in the Rules of Procedure<sup>6</sup>.

**Several participants** supported the current percentage (20%) of members of the Executive Committee required to respond during a written procedure, as more in line with the usual feedback received from the members.

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<sup>5</sup> Article 4: The Advisory Council shall designate, by consensus, a chairperson and at least one vice-chairperson.

<sup>6</sup> Rule 34 of the draft Rules of Procedure: While allowing for exceptional circumstances, failure to comment by deadlines set under paragraph 32 and 33, will be regarded as non-opposition. To apply this rule requires at least 20% of members of the Executive Committee to respond.

**The Focus Group** could not reach an agreement on this issue and asked the Secretariat to come forward with a proposal.

**The Focus Group** agreed that minimum 5 working days should be given for the consideration of the decisions by the ExCom (rule 32 of the draft).

**The Focus Group Chair** concluded the meeting by informing the participants that the next meeting of the FG will take place after receiving a response from the Commission to the BSAC letter seeking clarification to correctly interpret and implement the Regulation. He thanked the participants for good discussions.