

Note to Focus Group
On revised rules of procedure

Re. Follow up to General Assembly

1. The Secretariat recalls that, following the conclusions at the General Assembly, the Executive Committee will request within the next days that the Commission provides guidance on how to apply Article 4(7), second phrase, of Delegated Regulation (EU) 2015/242, as amended by Delegated Regulation (EU) 2022/204.

More specifically, the guidance requested concerns the following:

“The number of representatives of small-scale fleets should reflect the share of small-scale fleets within the fishing sector of the Member States concerned.”

The Focus Group will examine the answer from the Commission later.

2. The Secretariat also notes that confusion arose at the General Assembly when a new member was to be appointed to the Executive Committee. This was very unfortunate. The Secretariat has therefore revisited the existing rule and suggests to delete draft rule 26 and insert the following new rule 21a (in the section relating to the General Assembly):

“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.”

3. 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 Secretariat therefore suggest that rule 30, 2nd sentence, of the draft be clarified to read:

“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.”

4. A member of the Focus Group has suggested that it should be made clear in the draft that a chair of a focus group should be impartial. The Secretariat suggest to enlarge the scope of rule 63. Please note that the rule 63 uses the term “*without bias*”. The amended rule 63 would read as follows:

“Responsibilities of the Working Group Chair and the Focus Group Chair

63. The Chair has the following responsibilities:

- a) *In cooperation with the Secretariat, ensure timely preparation and distribution of working documents for the meetings of the WG/FG.*
- b) *Moderate WG/FG meetings and develop output which is inclusive of all views, without bias, and in good faith for fair and just stakeholder representation.*
- c) *Encourage contributions from every WG/FG participant, regardless of language barriers and other reasons that may prevent contribution.*
- d) *Turn stakeholder conflicts into constructive and informative debate.*
- e) *Delegate document tasks to the rapporteur, in coordination with the Secretariat, and support the activities of the rapporteur as needed.”*

5. Upon re-reading the draft, the Secretariat also suggests:

a) to clarify rule 31 (to take over the principle of rule 5 c) so that rule 31 would read: “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.*”

b) to include the new Vice-chair of the General Assembly in the Management Team (rule 43) to align with the fact that the Vice-chair of the Executive Committee is already a member.

c) in rule 55 change the word “assent” to “non-opposition” as used elsewhere in the draft.

4. Finally, the Focus Group may wish to consider the other amendments put forward at the General Assembly for possible inclusion:

- *Does the General Assembly wish to introduce a limit of 3 times to the number of terms that a chair of the General Assembly or of the Executive Committee can be elected as proposed in the draft? (included in the draft text at the moment)*
- *Does the General Assembly agree that the percentage of members of the Executive Committee responding during a written procedure should be 50% and not 20% as proposed in the draft? (not included in the draft text at the moment)*
- *Does the General Assembly agree that in paragraph 32 of the draft, a minimum of 5 working days should be given for the consideration of the decisions by the Ex-Com. The deadline of a maximum of 20 working days as already in place under the existing rule is kept. (not included in the draft text at the moment)*