

# Regional Advisory Council for the Long Distance Fleet

## MINUTES OF THE EXECUTIVE COMMITTEE LISBON, PORTUGAL

18<sup>th</sup> of October 2007

**The Portuguese Secretary General for Fisheries welcomes the members of the Regional Advisory Council for the Long Distance Fleet.**

**The Agenda is approved.**

Initially, Michel Dion, representative of Orthongel, requests that the possibility of sending a letter to the European Commission President, J.M. Barroso, regarding the future of the EURO-ACP-SPG tropical tuna industry be discussed under point 6 of the agenda.

*The Executive Committee approves said proposal.*

### **1. Reading and approval of the agenda of the previous meeting:**

*The Executive Committee approves the agenda of the previous meeting unanimously.*

The Chair, Antonio Cabral, asks the members of the Executive Committee and the observers to introduce themselves.

The list of participants is attached hereto as Appendix 1.

### **2. Economic and Administrative Issues:**

- i. Problems with the City Council of Madrid and possible compensation. Change of registered office.

The Vicechair, Juan Manuel Liria, explains that several options were considered when deciding the headquarters of the LDRAC. In the end, Madrid was chosen because it was supported by the City Council of Madrid and the General Secretariat of Maritime Fisheries of the Ministry of Agriculture, Fisheries and Food, which offered a registered office as well as advantageous fees for the rental of meeting rooms in IFEMA. The contract was signed during the General Assembly. A month later, while refurbishment works of the premises were being planned, local elections were held and, as a result, there was a change in the person responsible for said facilities. The newly appointed person decided to allocate a different use to the building where the LDRAC was going to establish its headquarters.

Javier Garat and J.M. Liria met with said person, who communicated them his final decision to allocate another use to the building. After several weeks of negotiations, it was agreed that the LDRAC would receive a compensation which would amount to one year's rent (30,000 €) and, as promised earlier, a 50% discount on IFEMA's meeting rooms.

José M. Muñiz expresses his astonishment when recalling how the City Council's representative had agreed to hosting the headquarters of the LDRAC during the General Assembly's meeting in Madrid. J.M. Liria states that the City Council's representative was part of the group that had previously managed the public corporation Madrid Espacios y Congresos.

J. Garat underlines that the General Secretariat of Spanish Maritime Fisheries is still willing to support them and proposes an alternative registered office. Following the creation of CEPESCA (which comprises FEOPE, FEABP, and ONAPE), an office has been rented in Velázquez 41 (in Madrid's city centre) where the LRAC could establish its headquarters (it would have 3 offices and would share the meeting room and general services). The terms and conditions of this contract would be the same as those of the previous agreement with the City Council of Madrid, i.e. 2,500 € per month. In this case, it would not be necessary to pay a deposit. The LDRAC would have to assume a proportional share of the refurbishment works, which would be more less 10,000 €. J. Garat stressed that in accordance with the Articles of Association (Sect. 28 f), an initial approval of the Executive Committee and then of the General Assembly (Sect. 25 f) are required in order to change the registered office.

The Dutch representative, Gerard Van Balsfoort, backs the proposal and states that other RACs are already operating along these lines.

M. Dion suggests that the LDRAC should be a direct lessee, and J. M. Liria replies that this condition cannot be met because it has not been envisaged under the agreement.

J. M. Muñiz agrees that it would be better for the LDRAC to be a direct lessee. J. Garat explains that the agreement subscribed with CEPESCA only provides for the sub-lease of part of the premises.

M. Dion voices his concern, explaining that this could be a problem in the future that could affect the reputation of the LDRAC. J. Garat argues that this risk would continue to exist with all lessors, and reminds participants that all RACs have links with one of the sector's organisations or one public administration (Pelagic species RAC, South Western Waters RAC, etc.).  
The Chair calls for a solution to this problem.

Marc Ghiglia (UAPF) asks for clarification on the allocation of common expenses and for an explanation on how this could affect the change in the budget. J. Garat explains that the issue of budget revision has been included in the agenda, given that the current level of expenses is low and that the Commission allows for a revision of the budget in order to adapt it to new conditions. The rental fee will not be modified under any circumstances. It is also clarified that common expenses are included under the rent.

*The Executive Committee approves the amendment of Sect. 1 of the Articles of Association by consensus, thereby changing the registered office of the LDRAC to C/ Velázquez, 41, 4<sup>th</sup> floor, Madrid, and establishing its headquarters in said premises.*

*M. Dion asks for his abstention to be recorded in the minutes.*

Francis Foulon, representative of the French Government, asks whether the amendment of the Articles of Association calls for a ratification by the Member States. The Chair replies that said modification will be notified both to the Member

States and to the Commission and will have to be subsequently ratified by the General Assembly.

The Vicechair specifies that both the Member States and the Commission are aware of the issue and that no problems seem to exist to this regard.

J. Garat supports the idea of continuing with the proceedings defined under the Articles of Association.

M. Dion considers that since the Articles of Association have to be amended it would be better to include only Madrid as the LDRAC's registered office in order to avoid potential problems in the future.

The Chair agrees, provided that this complies with the Spanish legislation.

ii. Appointments and powers in the Spanish Registry.

The Vicechair underlines that, in order for the Executive Committee to be registered in the Spanish Registry, more information regarding the associations is required. Thus, he asks participants to send their data as soon as possible.

The Vicechair states that it would be convenient to appoint someone in Madrid that has powers of attorney to execute administrative and bureaucratic functions on behalf of the LDRAC.

J. Garat proposes the Vicechair and the future Executive Secretary.

The Vicechair asks for the opinion of the Executive Committee so that the proposal can be submitted to the Commission.

G. Van Balsfoort expresses his support and specifies that it would be best to confer these powers to two persons.

*The Executive Committee unanimously approves the granting of powers to the Vicechair, Juan Manuel Liria, and to the person that holds the post of Executive Secretary so that they can act on behalf of the LDRAC.*

iii. Income and Expense statement. Administration charges and member fees.

J.M Liria explains the current situation of the LDRAC. He states that the advance payment of the European Commission has already been received and that they are waiting for the members that have not paid their fees yet to do so. With regards to expenses, the invoices regarding the LDRAC's domain name have been paid, and the travel expenses of those members whose organisations have paid their fees have been refunded.

J. Garat specifies that a total of 48 organisations have not paid their fees yet and that they are waiting for the payment of the Spanish Fisheries Secretariat. When these funds are received, the statement of the LDRAC will stand at approximately 250,000 euros.

*The detailed income and expense statement is attached hereto as Appendix 2.*

iv. Staff recruitment.

The Chair explains that there is still no Executive Secretary and proposes the creation of a commission that is in charge of assessing the CVs that have been received and of selecting the most suitable candidate.

J.M Liria proposes a change in the share of the 100,000 euro budget that has been allocated to staff in order to face the economic demands of the candidates.

With regards to the contract of the administrative assistant, Marta de Lucas, the Chair signs the documents required for her recruitment.

M. Ghiglia proposes a 3-week period for the assessment of the CVs received for the post of Executive Secretary and enquires about the requirements that must be met by candidates.

J. Garat reminds participants that said requirements were already explained in the previous General Assembly and Executive Committee (the candidate should be a person with experience in the European Commission and Fisheries fields, that speaks several languages...).

M Dion expresses his astonishment regarding the salary of the administrative assistant, which he considers to be low. J. Garat replies that it has already been increased and reports that a total of 4 candidates have been selected out of the CVs that have been received.

*The Executive Committee approves the creation of a commission for the appointment of the Executive Secretary of the LDRAC that is integrated by A. Cabral, J.M Liria, M. Ghiglia, and Monica Verbeek.*

v. Consultancies and auditors.

J. Garat explains that three consultancies were contacted for estimates, and that it has been decided to hire Gestoría Toledo for the execution of consultancy functions.

With regards to the auditors, several offers are being assessed.

The European Commission representative, Maria Jesús Ruíz-Monroy, recalls that the Commission requires the auditors to be independent and to follow the general regulations contained under the framework programme. Furthermore, she describes the conditions that must be met when hiring different services.

*Said information is attached hereto as Appendix 3.*

The fulfilment of said regulations is not required vis-à-vis the staff of the Secretariat of the LDRAC and the rental contract.

B. Deas reminds participants that the role of the LDRAC and its working groups is to submit reports to the Commission and that the person in charge of communicating the decisions adopted by said groups is the rapporteur, thereby underlining the importance of said role.

Other RACs have concluded that the best solution is to appoint one of the members of the working group as rapporteur.

M. Dion highlights the importance of hiring a specialized auditing service to revise and monitor accounts.

vi. Refund of meeting expenses.

J.M Liria states that an expense refund form has been sent to all members as well as the Temporary Regulation regarding the refund of said expenses, which J.Garat subsequently explains in greater detail.

The members of the Executive Committee that have paid their fees will receive 150 euros per meeting day as well as the value of the ticket of the transportation means that they have chosen (with a 600-euro limit), in compliance with the regulations of the European Commission. Together with the documents that have to be submitted to the Secretariat (electronic itinerary or ticket invoice, which must specify the price paid, and the application form), the members of the Executive Committee must also submit their return ticket boarding passes.

M. Dion asks whether all of these formalities are necessary and Maria Jesús Ruíz-Monroy replies that they are since they are inescapable requirements set forth by the European Commission.

*The Executive Committee approves this Travel Expense Refund Regulation in order to comply with European Commission requirements.*

vii. Potential budget revision.

In view of the current situation of the LDRAC, which has incurred in minor expenses until now, J.M Liria proposes a revision of the budget during the following months in order to adapt it to operational needs and its presentation in the next Executive Committee.

The Commission's representative explains the procedure that has to be followed in order for the members of the Executive Committee to approve the change in the budget, which is then sent to the Commission for its approval. The agreement subscribed with the Commission is then amended, and is subsequently signed by the person that has powers of attorney. Once these steps have been followed, the budget is considered to be officially modified.

J.M Liria asks the Commission to inform on the deadlines for budget changes. M.J Ruíz-Monroy explains that the deadline is two months prior to the termination of the agreement (i.e., that it should be submitted in February or March).

viii. Other business.

Under this point, the domains hired by the LDRAC ([ldrac.eu/es/org/com](http://ldrac.eu/es/org/com)) are discussed as well as the Secretariat's email account ([secretaria@ldrac.eu](mailto:secretaria@ldrac.eu)).

The development of the LDRAC's website and the selection of its logo are both under way.

### **3. Relationships with other organisations:**

i. Control Agency: Information on the meeting held on the 26<sup>th</sup> September and appointment of the LDRAC's representative and substitute.

The Chair proposes the appointment of a representative and a substitute that are in charge of attending the Agency's meeting. As recalled by J.M Liria, a candidate for the post of substitute was already proposed by an NGO: Raúl García from WWF.

M. Verbeek explains that, after several deliberations, Helen Bours has been chosen, on behalf of NGOs, to hold the post of substitute.

Francisco J. Rodríguez, from FEABP, proposes that the representative of the LDRAC be the Chair or Executive Secretary.

*The Executive Committee nominates the Chair as representative of the LDRAC before the Agency and Helen Bours as the substitute.*

F.J. Rodríguez requests that the Executive Secretary attend the Agency's meetings with the LDRAC's representative at all times.

The Agency's representative, Ole Tougard, describes his institution's work programme, as well as a summary of the last meeting, *which is attached hereto as Appendix 4.*

He explains that he will send the final version of this work programme soon and underlines that it would be very helpful for the Agency to receive information from the RACs.

In his contention, the LDRAC should perform tasks that are similar to those carried out by the North Sea RAC, such as the Copenhagen Declaration.

Julio Morón points out that control is very important in the LDRAC and expresses his confidence on the Regulation on IUU. He enquires about the kind of treatment that the Agency will give to the fishermen that comply and that fail to comply with the regulation.

José Ramón Fuertes asks the Agency to explain its programmes in greater depth.

Konstatino Kalamantis requests information on the Agency's developments programme beyond community waters and on the creation of the Joint Deployment Plans (JDP). The Agency replies that it is the Commission that adopts this kind of decisions and that their implementation is still difficult due to the lack of personnel.

ii. Relationships with other RACs and Inter-RAC meetings

J.M Liria summarises the last Inter-RAC meeting held in Vienna, in which the Commission reported on the new financing scheme of the RACs. M. J Ruíz-Monroy informs on the coordination meetings organised by the Commission in Brussels (two yearly meetings held in June/July and November/December). The LDRAC will receive an invitation to nominate two representatives.

Subsequently, the Chair describes his study visit to Norway, presents his report and summarises the conclusions.

B. Deas states that they can learn from the measures adopted in Iceland and Norway, although the latter cannot be applied evenly in all waters.

M. Dion suggests that the issue of discards and bycatches be addressed under point 4.3 of the agenda. The Chair accepts his proposal.

J. Garat, who also participated in said visit to fill in for the person who was at the time the Chair of the European Union Advisory Committee for Aquaculture and Fisheries (M. Dion), explains his conclusions. In his opinion, Iceland's and Norway's experience can serve as a reference as to how to face the problem: i.e. step by step, fishery by fishery, in the context of a constant learning process, without having to adopt radical measures, and always assessing the potential consequences for companies and workers.

Nonetheless, it seems clear that none of these cases can be compared to the EU's current situation. The main elements on which both of these countries are based are currently unfeasible in the EU, unless Community legislation is

modified significantly. In other words, a flexible ITQ system does not exist as for today and temporary closures cannot be used on a real-time basis (due to the political problems that this would entail, given the lack of confidence that exists among EU Member States).

Therefore, it seems more feasible to start focusing on technical measures that enhance more selective fishing practices. These countries' experiences with separating grids could be imported by the EU.

It is also specified that the EU problem with mixed fisheries does not exist in Iceland and Norway.

M. Ghiglia believes that the LDRAC should participate in other inter-RAC meetings in order to address more specific issues.

B. Deas agrees with M. Ghiglia, and points out that it is very important that RACs work together.

J.R Fuertes calls for coordination with the Fisheries and Aquaculture Committee in order to prevent the RACs from addressing issues that have already been discussed.

The Commission notifies that a meeting of ICES scientists and the different RACs will be held on the 13<sup>th</sup> of November to address TACs and quotas, and invites two representatives of the LDRAC.

#### **4. Launching of projects:**

B. Deas reminds participants that each working group must designate a Chair and start working.

M. Ghiglia asks whether the date that has been proposed for the meeting of working group number 2 is final, and B. Deas replies that said date was initially proposed in order to make it coincide with the NEAFC's meeting.

The 14<sup>th</sup> of November or the end of January are proposed as alternative dates.

G. Van Balsfoort suggests that the meeting be held on the 14<sup>th</sup> of November (as a half-day meeting).

After a long discussion, it is decided that working group number 2 will meet in London on the 14<sup>th</sup> of November, at a time that is yet to be determined. The Secretary of the LDRAC will hire interpreting services for four languages (Spanish, English, French and Portuguese).

J. Morón reminds participants that the goal of the working groups is to send reports to the European Commission and requests information on the procedure for the submission of these reports. He also suggests that the meetings of the Executive Committee be planned so as to coincide with the meetings of the working groups meetings, thus making the most of the trips.

The Chair believes that the next meeting of the Executive Committee should be held after the first meeting of the working groups in order for the Executive Committee to be able to ratify the working groups' decisions.

Clara Fernández, from ÁIPCE, considers that, in accordance with the practices of other RACs, the working groups' meetings should be held in two consecutive days so that attendants can participate in several meetings.

*After considering several dates for the Working Groups' meetings it is decided that working group number 1 will meet on the morning of the 12<sup>th</sup> of December while working group 4 will meet that same afternoon. On the other hand, working group number 5 will meet on the morning of the 13<sup>th</sup> of December and group number 3 that afternoon.*

J. R Fuertes suggests that the Chairmen be appointed and that work programmes be drafted during said meetings in order to plan the meetings for the following 6 months.

*J. Garat proposes a one-month deadline for the members of the Executive Committee and the LDRAC to send their proposals of the topics and issues to be addressed during these meetings, so that the Secretariat can prepare the documents required. The Executive Committee approves this suggestion.*

#### **5. Place and date of the following meeting:**

J. M Liria proposes that since the deadline to modify the budget expires on the beginning of March the following meeting could take place on the end of January or February.

The Executive Committee chooses the 6<sup>th</sup> of February 2008 as a potential date for the next Executive Committee meeting.

#### **6. Questions and answers:**

M. Dion presents his letter proposal to José Manuel Barroso regarding the future of the EURO-ACP-SPG tropical tuna industry.

B. Deas requests a summary of the most relevant points of the letter and a translation of the latter.

J. R Fuertes calls for the compliance with the procedure defined under the Articles of Association, i.e. Section 24 (fast consultation). B. Deas backs his opinion.

J. Garat agrees that it is important to respect this procedure but asks M. Dion to read, as an exception, his letter proposal. J. Garat also requests an 8-day period for rapid consultation in order for members to be able to send their comments.

M. Dion explains his proposal.

G. Van Balsofort considers that it is a complex text, which can therefore seem complicated to the persons that do not have a direct contact with the issue and reminds participants that letters are usually sent to the Directorate-General for Fisheries.

J. Garat underlines the exceptional nature of the LDRAC since its creation and states that these issues fall within the scope of working group number 5.

J. Morón states that it is not the first time that the LDRAC addresses other levels of the Commission and supports the 8-day deadline for comments.

K. Kalamantis suggests that the letter be sent to other DGs of the Commission (Fisheries, Trade...) after the deadline for comments expires.

B. Deas raises no objection to the content of the letter but believes that no hasty decisions should be made and states that, in his opinion, it is not the best way to adopt decisions.

J.M. Muñoz agrees with M. Dion's letter, as does the representative of Seas at Risk.

C. Fernández states that M. Dion's letter refers to tuna, which is the main transformed product of the European Union and one of the major targets of the LDRAC, and says that he is willing to clarify any doubts that members may have regarding this issue.

The Chair believes that the urgency of the issue can justify the non compliance of some formalities. He requests the translation of the letter and the approval of an 8-day period for comments.

*The Executive Committee approves the implementation of the procedure defined under Sect. 24, thereby establishing an 8-day period for comments.*

G. Van Balsfoort reminds participants that there are other problems that should be addressed by the LDRAC apart from tuna.

*M. Dion will send the letter translated into Spanish and English. Once this is done, the deadline for the submission of comments will be officially opened.*

## **7-Closing.**