



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

Brussels
MARE.C.1/MAM/ms

Subject: Regionalisation process – Article 18(2) of Regulation (EU) No 1380/2013

Dear chairs of the Member States' Regional Groups and of the Advisory Councils,

Regionalisation stays high on the Commission's agenda and with this letter I would like to clarify some aspects that are key to ensure a transparent and legally sound process.

The CFP Regulation⁽¹⁾ and the technical measures Regulation⁽²⁾, as well as the corresponding articles on regionalisation in the North Sea, Baltic Sea, Western Mediterranean and Western Waters multiannual plans, empower the Commission to adopt delegated acts based on joint recommendations submitted by groups of Member States having direct management interest in a certain area, and in accordance with the regionalisation process set out in Article 18 of the CFP Regulation.

Regionalisation has proved to be an adequate process to take into account regional specificities of fisheries when adopting management measures to (i) fish more selectively, (ii) protect sensitive species and habitats and (iii) facilitate the implementation of the landing obligation. Overall, regionalisation makes EU fisheries management more resilient and responsive to changes.

I would like to specifically recall the **legal obligation** for Member States having a direct management interest (also known as 'Regional Groups') to cooperate with one another and also to consult the relevant Advisory Councils, as set out in Article 18(2) of the CFP Regulation:

2. For the purpose of paragraph 1, Member States having a direct management interest affected by the measures referred to in paragraph 1 shall cooperate with one another in formulating joint recommendations. They shall also consult the relevant Advisory Councils. The Commission shall facilitate the cooperation between Member States, including, where necessary, by ensuring that a scientific contribution is obtained from the relevant scientific bodies.

Furthermore, the appropriate involvement of stakeholders, in particular Advisory Councils, at all stages (from conception to implementation of the measures) is listed in Article 3 of the CFP Regulation as one of the principles of good governance which must guide the CFP. This entails giving Advisory Councils sufficient time to launch the

⁽¹⁾ Articles 11(2) and 15(3) of Regulation (EU) No 1380/2013

⁽²⁾ Article 15(2) of Regulation (EU) No 2019/1241

consultation with its members, and to produce meaningful and informed advice whose goal should be to achieve consensus among its members.

Member States must then take into account such advice during the formulation of the joint recommendation, which means consulting Advisory Councils when the joint recommendation is still being shaped. Any joint recommendation should therefore reach the next step of the process, this is the High-Level Group of each corresponding Regional Group, once all steps have been duly fulfilled i.e. after having consulted the Advisory Councils.

The Commission oversees this process and can profit from the Advisory Councils' advice to solve discrepancies between stakeholders and Member States. This means prolonging the stage of consultations and internal discussions to produce a joint recommendation whose level of acceptance is as broad as possible.

Please see Annex I for an overview of the regionalisation process.

In conclusion, regionalisation is, by definition, a policy-making model based on a bottom-up approach that feeds from all actors involved. It has contributed to make EU fisheries legislation more participative and inclusive for topics such as the implementation of the multiannual plans, technical measures and conservation measures in marine protected areas. It is therefore in the interest of all of us to make it work properly.

I hope that I can count on your cooperation on the above.

Yours sincerely,

Fabrizio DONATELLA
Director MARE C

Stylianos MITOLIDIS
Director MARE D

Annex I – From a joint recommendation to a delegated act – overview

***Disclaimer: This indicative timeline has not been adopted nor endorsed by the European Commission. It is an attempt to indicate the timeline that can be expected in the adoption of delegated acts under the common fisheries policy. Under no circumstances can it be regarded as an official position of the Commission. This information intends to facilitate the work of all actors involved in the process of regionalisation, illustrating how their input should fit in the process.**

Joint recommendation	
Steps	Timeline
1. Technical meetings / regional groups of Member States -preparation of the joint recommendation. A representative of the Commission usually participates in the technical meetings.	Between 6 months-3 years, depending on complexity of the measures.
2. Member States must consult the concerned Advisory Councils (legal obligation).	Stakeholders need sufficient time to provide meaningful input.
3. High Level Group (of Member States) - last step before submission to the Commission. At this stage, the joint recommendation is final and it cannot be modified.	No official timeline. This stage is reached when all consultations have been carried out and Member States consider that the joint recommendation is final.
4. Member States submit the final joint recommendation to the Commission (official submission)	
5. Assessment by the Scientific, Technical and Economic Committee for Fisheries (STECF) The STECF assesses the joint recommendation and supporting scientific information.	3 STECF plenaries/year (March, July and November) + Expert Working Groups (for certain recurrent topics) and ad-hoc contracts for more extraordinary requests. Each joint recommendation is assessed in a plenary either March, July or November. 2-3 weeks after the plenary, the Commission receives the final scientific assessment. The Commission takes the scientific advice into account to decide whether the conditions of the relevant legal basis are fulfilled to proceed with a delegated act.

Delegated act

Steps	Timeline
1. Draft delegated act	Around 1 month – depending on factors such as the complexity of the topic, number of other joint recommendations received, etc.
2. Inter-service consultation (consultation with other Commission services)	10 working days
3. Expert Group on Fisheries and Aquaculture (EP and Council representatives invited) <i>Experts from the European Parliament and from the Council shall systematically have access to the meetings of Commission expert groups to which Member States' experts are invited and which concern the preparation of delegated acts. ⁽³⁾</i>	Around 3 weeks
4. Translations (in 24 EU languages).	2 to 41 working days – depending on the type of procedure and the number of pages ⁽⁴⁾
5. Adoption by the Commission.	Around 2 weeks
7. Scrutiny The delegated act as adopted by the Commission is transmitted to the co-legislators for scrutiny.	2 months that the co-legislators can extend by another +2 month at their initiative ⁽⁵⁾ .

Overall, usually the adoption of a delegated act takes between 3-6 months

⁽³⁾ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making.

⁽⁴⁾ Annex to the Communication to the Commission 'Translation as part of the Commission's decision-making process'.

⁽⁵⁾ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making.