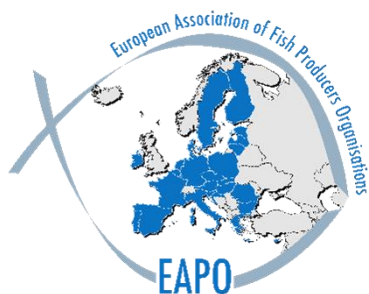


**European Association of Fish Producers Organisations**

**Association Européenne des Organisations de Producteurs dans le secteur de la pêche**



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EAPO

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## **EAPO contribution to the public consultation – Common Fisheries Policy (CFP) regulation evaluation**

The European Association of Fish Producers Organisations (EAPO) was founded in 1980 and is unifying 31 Producers Organisations among 12 EU Member states. As an association of European recognised Producers Organisations, our key role is to assist our members, and the people onboard the 4.000 fishing vessels they represent in achieving the objectives of the Common Fishery Policy (CFP) and the Common Market Organisation (CMO) for fishery and aquaculture products. Every fishing PO recognized by its EU member state can apply for membership of the Association.

EAPO aims to strengthen the cooperation between European POs by looking for common grounds in addressing the challenges for European fisheries, such as securing sustainable food production through socio-economic viability, with respect for the environment, cultural heritage and livelihoods. As Producer Organisations, EAPO members play a primary role in the implementation of the Common Fisheries Policy and in promoting the viable and sustainable fishing activities of their members in line with article 2 of the CFP.

In the context a of a new EU Commission mandate EAPO is fully taking part in the recent initiatives related to the ocean and fisheries, like shaping the European Ocean Pact, engaging the Energy Transition Partnership, or joining the STECF's Expert Working Group on sustainability indicators, among others.

Thus, EAPO welcomes the European Commission's initiative to evaluate the Common Fisheries Policy. This evaluation comes at a critical time and offers a valuable opportunity to assess the policy's performance over the past decade and its capacity to meet the new geopolitical, environmental and socio-economic challenges currently facing the EU fishing sector. The context in which the CFP operates has evolved significantly due to geopolitical changes like Brexit, climate impacts, and socioeconomic challenges that have reshaped the fisheries sector, calling for changes in the architecture of the European fisheries management policy.

## General context of EU fisheries

In an increasingly complex global geopolitical landscape, the fisheries sector has not been spared in recent years. The fishing industry has faced many challenges, among which Covid-19 crisis, Brexit and the inflation crisis following the unlawful invasion of Ukraine by Russia has a considerable impact on the sector. The most recent political agendas around the world have raised fears of new shocks, also on markets, and territorial and maritime sovereignties for the fishing industry, whose resilience has *de facto* been greatly reduced. Moreover, fishers are on the front lines of climate change, as fish populations across the EU continue to decline despite sustainable fishing regulations being in place.

## European Ocean Pact

In the context of the creation of the European Ocean Pact, it is more necessary than ever to recall that fisheries are a key guarantor of food sovereignty, as they play a crucial role in providing the population with high-quality protein with a low carbon footprint while serving as the foundation of the marine-industrial economy. It is also essential to acknowledge the efforts made by fishermen in terms of sustainability, such as adopting more selective fishing techniques, participating in more sustainable stock management plans, and reducing carbon emissions by modernizing gears. To continue in this direction, it is necessary to consider the interests of fishermen by ensuring the rational exploitation of fishery resources without jeopardising technical developments, labour renewal, and the sector's attractiveness. A well-supported and prosperous fishing sector is crucial to achieving EU food sovereignty and strategic autonomy.

## Coherence for environmental protection policies

The EU's Ocean governance framework is complex, incorporating the Common Fisheries Policy, Marine Strategy Framework Directive (MSFD), Marine Spatial Planning Directive, Nature Restoration Law, Natura 2000, and initiatives under the European Green Deal. While these frameworks promote sustainability, their lack of coherence and socio-economic impact assessment often hinders effective implementation.

The evaluation of the CFP provides a valuable opportunity to address these inconsistencies and to ensure its alignment with the objectives of the coming European Ocean Pact, to better harmonise fisheries management with broader ocean governance

policies. Improving the coherence of policies as part of a global approach at the crossroads of environmental, economic and social issues should enable more effective, coordinated and ambitious action.

Concerning the Marine Spatial Planning, EAPO is in favour of a fair and equal approach between stakeholders, including coastal communities and fishers, in order to develop a balanced positive coexistence at sea, that can benefit to the different sectors operating in maritime areas. Thus, the establishment of Marine Protected Areas (MPAs) and related conservation measures must balance ecosystem conservation with the socio-economic viability of fishing fleets. A participatory and multilateral approach involving stakeholders ensures that measures are clearly understood, effectively monitored, and widely accepted. This approach is critical to achieving compliance and maintaining trust among all parties involved. The CFP must take into account the impact of fishing effort displacement and develop strategies to mitigate these effects. The deployment of offshore wind farms and other marine activities should also assess the impacts on mobile marine species and traditional fishing grounds. Cross-border collaboration through initiatives like the Greater North Sea Basin Initiative can provide holistic management solutions for addressing food, energy, and environmental priorities simultaneously. The CFP must consider the cumulative impacts of ORE activities on both fishers and marine ecosystems, ensuring that the rights and interests of fishers are adequately protected, and food production remains a priority.

EAPO members contribute to environmental protection through many initiatives. The diverse roles fishers play in environmental stewardship must be acknowledged. As stakeholders whose livelihoods depend on healthy marine ecosystems, fishers should be actively involved in decision-making processes. Their knowledge and expertise must be valued and integrated into marine spatial planning.

Restoration efforts must align with socio-economic realities, ensuring that conservation measures do not disproportionately impact the viability of the fishing sector and the production of food. The exclusion of all fishing methods from MPAs should be reconsidered if certain methods do not conflict with the conservation goals of these areas. Effective coordination between fishing activities, renewable energy projects, and restoration initiatives is essential to prevent conflicts and promote balanced and sustainable ocean space usage.

Healthy, productive oceans combined with a competitive, resilient and sustainable European fishing industry must be objectives of the same level that can be achieved together over the long term. In this context, EAPO encourages the European Commission to continue along the path of harmonizing regulations and adapting existing legal frameworks - such as the Common Fisheries Policy, about which we support a forthcoming reform - to avoid contradictions between environmental, economic and social policies and various sectors, while relying on relevant stakeholder participation. However, a review of certain existing regulations is necessary, as some clearly do not align with the best available scientific knowledge—such as Implementing Regulation (EU) 2022/1614 on vulnerable marine ecosystems (VMEs).

## Brexit and EU-UK TCA review

Brexit has been one of the major factors of change in recent years and has fundamentally reshaped the regulatory framework for European fisheries, introducing significant challenges related to access to traditional fishing grounds.

The EU-UK Trade and Cooperation Agreement (TCA) established new rules for shared fisheries management, but its implementation has led to additional restrictions. Technical measures and evolving control regulations have been used to restrict fishing effort, exacerbating operational difficulties for fishers.

On the eve of the revision of the TCA the evaluation must consider this new geopolitical context both from the point of view of the direct consequences on the sovereignty of European fisheries, as well as the achievement of environmental objectives as the waters of the United Kingdom that occupy a central place in the biogeographical basins jointly managed with the European Union. The CFP must adapt to post-Brexit realities recognising the new state of negotiations with third countries on shared stocks and avoiding excessive differences in fisheries management for activities both in EU and third country waters.

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Therefore, it is important to emphasize the combination of the objectives of the Common Fisheries Policy in terms of environmental, social and economic sustainability. It is essential that the scope of the assessment takes account of all components by relying in a balanced way on: (1) preserving the long-term sustainability of fisheries, (2) contributing to the protection of the marine environment, (3) contributing to the security of food supply and (4) ensuring a fair standard of living for communities. The scope of the evaluation must be broad, not only integrating the measures of the CFP, but also the external factors influencing fishing activities and the European Union's new guidelines for analysing whether the initial objectives have been achieved. Technically, the evaluation must also consider the entire regulatory framework associated with the CFP: multiannual management plan, technical measures, CMO, EMFAF, etc.

EAP0 would like to recall that a well-thought-out CFP, that is coherent with other strategies and legislation is very important for a prosperous sector that can contribute to the objectives set. However, the role of the Member States in this endeavor should not be forgotten or diminished. There is a national responsibility of Member States for a thriving fisheries sector that has the necessary conditions to live up to the expectations placed in it. The implementation of fisheries legislation and other decisions of importance for the sector lie in the hands of the Member States. It is their choice, for example, to give POs a role in fisheries management, whether the opportunity for fishing is exploited within established MPAs, where offshore wind power is established, etc.

## Resources management

### Multiannual plans

Multiannual plans have been at the core of the reform of the Common Fisheries Policy since 2013. In an initial vision, they were to be the tool for the operational implementation of the general objectives by combining methods for setting fishing opportunities, adapting the landing obligation and developing specific technical measures. All European waters are now covered by a specific management plan using the same basic format. They mainly introduce a notion of flexibility around the MSY objective, in order to adapt fishing opportunities to take account of mixed fisheries. In practice, the methods of application remain very partial: the stock approach remains the starting point, and additional measures are only envisaged in response to situations that have already deteriorated and require safeguard action.

Current management plans also suffer from excessive rigidity in terms of the timeframe required to achieve results, with the norm being the immediate rebuilding of stocks, thus not allowing for any strategy spread over several years that would enable the socio-economic impacts to be smoothed out and mitigated.

However, it has not been possible to develop multiannual plans to adapt management measures in an integrated approach to the appropriate geographical scale, which was the driving force behind regionalisation.

In 2023, following the issues around the use of article 4.6 of the Baltic Sea Multiannual Plan, the Commission suggested a revision of this article. EAPO welcomed this suggestion, underlining that the other provisions of the Multiannual plans guaranteed the rebuilding of stocks. Namely, article 5 provides a list of measures to do so.

Moreover, in the recent year, the Commission has used Multiannual Plans to suggest bycatch TAC for stocks that ICES had advised zero catch. For these stocks, EAPO members have underlined that there is no need for such a provision (e.g. Central Baltic herring in 2024 and Western horse mackerel in 2022) as the TAC already limits fishing mortality on the stock. In the absence of any proper definition of what constitutes a target and bycatch species the bycatch creates a control and enforcement issue. Moreover, in the case of ITQs, Member States have found it challenging to adapt a bycatch approach to their fishing opportunities allocation.

Additionally, Multiannual Plans include provision to allow the Council to set fishing opportunities in line with FMSY. However, this provision has rarely, if ever, been used by the Commission and it remains unclear what conditions it would ever be applied.

Finally, in the Baltic Sea, scientific evidence provided proof of negative interspecific interactions between cod eggs and sprat, but this was disregarded due to not being an ICES publication. EAPO members wish to remind the Commission that ICES is not the only provider of scientific articles, and it is relevant to rely on all science knowledge.

## Emergency measures

In January 2024, France invoked article 13 to implement emergency measures to close the Bay of Biscay to vessels over 8 meters using pelagic trawlers (OTM, PTM), demersal pair trawlers (PTB), gillnetters trammel (GTR), set nets (GNS) and purse seines (PS).

This article's use requires consultation that is requested not to be shorter than a month. In the case of the closures in the Bay of Biscay, the consultation was launched on 3 January 2024, for the closures to enter into force on 22 of January, less than 20 days later. When comparing this to the text of law, the use of article 13 in this case could be seen as unlawful.

This is even more the case when the Advisory Councils are to be part of the consultation with a similar delay. We would request for the text of article 13 be analysed to ensure clarity for fishers as the wording leaves room for a similar situation, where closures are introduced very quickly with little or no notice for fishers, to occur in the years to come.

## Landing obligation

As underlined in the Commission's staff working document, the objective of the Landing Obligations is an obligation to "avoid wasting resources through discards by encouraging fishers to fish more selectively and actively avoid unwanted catches. For that purpose, it requires all catches to be landed".

EAPO members remain committed to avoid, minimize, and eliminate unwanted catches. Avoidance and minimization are fundamental strategies to meet the Landing Obligation's goals. These efforts are supported by a set of derogations for species with high survival rates and for fishing gears with low rates of unwanted catches. Therefore, we support the 2023 delegated regulations that permit *de minimis* and survivability exemptions, even though the process for granting such exemptions remains overly bureaucratic with onerous requirements for justifying such exemptions. Additionally, EAPO notes that the initial document underlines the importance of recording discards to allow ICES to better estimate the fishing mortality when providing their yearly advice on fishing opportunities. However, given that these discards cannot be used for human consumption under the CFP, avoiding waste is in effect not permitted. EAPO members would like to underline that despite their best efforts, the implementation of the Landing Obligation remains extremely difficult. The CFP must reassess the practicality and effectiveness of this measure to ensure that it aligns with sustainability goals without imposing excessive burdens on fishers.

The United Kingdom who has played an active role in including the Landing Obligation in the 2013 CFP is seeking to reform it as proven by DEFRA's consultation on the discard reform<sup>1</sup>. EAPO members recommend the Commission undertakes a similar exercise to discuss the reform of the Landing Obligation in a similar fashion to the UK and focus on implementing through a recording obligation.

## Fishing opportunities and allocation

Regarding fishing opportunities, they are the bread and butter of the work of Producer Organisations as represented by EAPO. The use of article 17 has been at the centre of a series of debates, underlining that it is not used by Member States in allocating fishing opportunities.

Fishers depend on fishing opportunities allocation for their turnover, meaning that any change in fishing opportunities directly affects their economic situation. In terms of the allocation of fishing opportunities, EAPO suggests the introduction of a system in which a multiannual TAC is set using an average of the past year.

We would like to highlight that fishing opportunities have been decreasing over the past 20 years, due to a reduction in fishing pressure and a lack of rebuilding of EU stocks.

## Maximum Sustainable Yield

In the 2013 CFP, the Commission implemented the MSY approach to fisheries management. This implementation has led to the reduction of fishing pressure across the EU but has also led to a steady reduction of fishing opportunities for many stocks.

While managing stocks at MSY level has provided fishers with greater visibility and improved stock status, the strict annual quota-setting requirement based on FMSY and the disregard of the natural fluctuation of MSY, in combination with an excessive precautionary approach have led to quotas being set below sustainable levels. This creates inefficiencies and economic challenges. A more balanced approach should be considered, allowing for sustainable low-carbon food production without compromising legal obligations. More stability in setting fishing opportunities would benefit fishers as well as markets, and this could be done through considering a broader time scale, and setting target on average over the years for instance.

While the primary objective of the CFP is to guarantee sustainable fishing activities in the long term, it must be said that environmental aspects are largely covered, while the European fisheries management framework appears to do very little to protect the economic interests of companies in the sector, which are at the heart of maritime employment and, more generally, food sovereignty.

The balance sheet of the current CFP can be considered positive overall, with a significant increase in the number of stocks exploited at MSY level, consolidating the trend observed since the mid-2000s. However, even though the objective of exploiting all stocks at MSY has guided the activities of European fleets through the setting of fishing opportunities, the difficulties associated with mixed fisheries have never really been addressed. In addition, in-depth consideration must now be given to stocks which have been fished at MSY for several years, and which have seen their biomass decline in recent years, leading to a subsequent reduction in fishing opportunities. EAPO can only conclude that management at MSY does not bring the hoped-for benefits of stability and relatively high TAC levels.

The implementation of the MSY approach has also been implemented at the same time as the Landing Obligation creating a series of issues when it comes to managing mixed fisheries. In most respects the MSY and Landing Obligation conflict with each other.

The obligation to set fishing opportunities in line with MSY for all mixed stocks created choke species. There are only a few demersal fisheries which target and catch only one species. Most of the vessels target several species in a mixture that depends on fishing season and area. The mixture in the catches is also very dependent on the abundance of the different species and hence – ideally – on the quotas available. A conflict occurs in cases where the TAC for one species is increasing synchronously with the TAC for another species decreasing. If it was only a matter of protecting the weakest of the stocks, it would be a simple matter, although it could lead to underutilization of healthy stocks for no good reason.

If underutilization of fish resources leads to the increase of imports from less sustainable countries, then we tend to favour less sustainable fish rather than EU produced and managed fish. The fishing industry has repeatedly argued for a broader understanding of MSY as well and much more use of the FMSY ranges allowed for under the CFP and contained in the multiannual plans.

## Regionalisation and Marine Spatial Planning

### Regionalisation

The CFP has developed the principle of regionalisation to enable decision-making to be decentralised so that measures can be adapted to local situations.

Regionalisation has two main strands: firstly, the possibility for the Member States concerned to draw up joint recommendations, and secondly, the consultation of stakeholders (socio-economic representatives and civil society) through advisory councils. This form of governance, which is intended to support the implementation of multiannual management plans and the landing obligation, is still very much constrained by the European Commission's power of initiative. Decentralised discussions are therefore heavily influenced by the EC, which sets the timetable and scope of the issues to be addressed.

In practice, the implementation of the regionalisation approach is complex, because it multiplies the number of discussion bodies, without the resources being dedicated to developing the expertise needed to formalise proposals.

Regionalisation should ensure that fisheries management measures are adapted to the specific characteristics of different sea basins, while also ensuring that regional stakeholders are fully involved in decision-making. Advisory councils, fishers' organisations, and other relevant stakeholders must play an active role in policy development and implementation to ensure effective and equitable governance. Each sea basin has unique ecological and economic conditions, making a one-size-fits-all



approach ineffective. The CFP should allow for regionally differentiated management measures that reflect the specific needs of each region, ensuring that policies are both practical and sustainable.

However, following from Brexit and in the context of agreeing fishing opportunities with the UK for jointly managed stocks, given the EU now negotiates on behalf of the Member States, regionalisation as envisaged in the CFP is no longer fit for purpose. Neither the Member States regional groups or the Advisory Councils and other industry stakeholders have any meaningful role in the decision-making process around management measures and setting fishing opportunities, The Member States and ACs are very much pressurized into “rubber-stamping” agreements made between the UK and EU without any real recourse to input into these measures.

## Common Market Organisation

In the Commission’s communication on the implementation of the Common Market Organisation, the role of Producer Organisations was highlighted, stating “POs form the backbone of the fishery [...] sector.”

Regarding Production and Marketing Plans, Article 28 of the CMO states that Producer Organisations may receive funding for the “preparation and implementation of production and marketing plans”, the funds derived from EMFF and more recently from EMFAF. With the switch to EMFAF, the optional nature of PMP funding highlights the existing imbalance, resulting in a lack of a level playing field. Following an internal EAPO survey, we identified high discrepancies. With some POs receiving more than 20 times what other POs receive. Considering the key role that POs play in implementing the CFP, in providing fishers with outlets for their products, we suggest that the “Evaluation of the CFP” investigates the differences in funding and in the implementation of Article 13 across Member States. As such, EAPO would request that the next instances of European Funds dedicated to Maritime Affairs, Fisheries and Aquaculture set a minimum percentage of funding by Member States, giving a better level playing field between POs. This is of high importance for European POs as PMP funding ensures their capacity to fully embrace their role as backbone of the CFP.

The Common Market Organisation sets the prerogatives for the POs regarding fisheries management. However, since the entry into force of the 2013 CFP, the remit of Producers Organisations has been extended beyond market and production management. European POs deal with maritime spatial planning, marketing, improvement of fishing practices to lower their impact, research projects to improve knowledge of the stocks, animal welfare etc. In view of the increase in the tasks required, the members of the EAPO would like these competences to be included and recognised in the CFP, with a corresponding increase in the budget allocated to PMPs.

Moreover, EAPO supports the recognition of Transnational Associations of Producers Organisations, that would play an active role in the governance of the fishing industry, in

good understanding with the EC. However, their financing is a challenge as public funds should be agreed and pooled together by several Member States. A better recognition and simplified access to funding would definitely improve their role at the interface between institutions and fishers.

The Common Market Organisation gives Producer Organisations a derogation to override article 101(1) of TFEU, which prohibits “all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the internal market”. This derogation is essential for fisheries and EU POs have implemented a large range of necessary measures to stabilise markets or ensure better prices for their members.

## Socio-economic issues

The social dimension of fisheries is frequently overlooked, despite its critical importance to the sector’s identity and value. Fishing communities face challenges such as an aging workforce, outdated working conditions, and the growing amount of increasingly complex administrative burdens. Addressing these issues requires prioritising social objectives within the CFP, alongside environmental and economic goals.

The generational renewal is a key challenge that the sector is already facing and posing a serious threat to the sector’s future. The current labour market crisis is the consequence of the falling inflow into maritime professions, this dynamic being even faster in fisheries. This may lead to a situation where at some point we can no longer meet the minimum crew requirements that member states impose on the fishing fleet under their flag.

To ensure long-term economic viability and the preservation of cultural heritage, the CFP must introduce targeted initiatives to attract new generations to the fishing profession. These initiatives should facilitate vocational training programs, apprenticeships, financial incentives, and mentorship schemes. Encouraging generational renewal is essential for maintaining a sustainable and resilient fishing sector.

The fishing sector has long struggled with an increasing administrative burden, which negatively impacts both operational efficiency and fishers' motivation. While regulatory controls remain crucial for ensuring sustainability and safety, structural reforms are necessary to simplify administrative processes. A more pragmatic approach is required to reduce bureaucracy and allow fishers to focus on their core activities without being overburdened by excessive paperwork.

The decline in employment within the fishing sector has far-reaching consequences for coastal communities. Each job at sea supports up to five jobs on land, meaning that a shrinking fishing workforce also impacts related industries such as processing, logistics, and equipment supply. The CFP must strengthen the seafood value chain to ensure resilience against economic pressures, globalization, and environmental changes. Additionally, the cumulative impact of regulatory measures must be assessed, and

compensatory mechanisms should be introduced where necessary to support affected communities.

## Fishing capacity

The CFP provides elements of regulation on ensuring that fishing capacity is not above what can be sustainable in terms of fishing opportunities. The dedicated article requires Member States to ensure that balance exists between fishing capacity and fishing opportunities. To do so, a yearly report is published by each Member States to understand the state of the fleet and capacity *versus* the state of the fishing opportunities based on data from previous years as well as the effectiveness of Action Plans introduced by Member States.

While we welcome this initiative to manage fishing capacity, this approach considers that only fisheries impact the marine environment and that fisheries are the sole driver of fish stock depletion. Recent studies have shown that other maritime activities impact the marine environment, and these activities should also be considered in calculating balance capacity.

When it comes to fishing capacity, the evaluation needs to investigate the impact of limiting fishing capacity on the state of stocks. This has been a discussion for quite some time on the fact that for single species fisheries, under quota, the need to have a double limiting system seems to be unnecessary. Moreover, it negatively affects the environmental and social efficiency of the fishing fleet. Regardless of the power of a vessel, the operator is strictly limited to what can be caught, thus controlling engine power is irrelevant to monitoring fishing mortality. EAPO members request that a pilot project be carried out by the Commission to assess the effectiveness of limiting the fishing capacity for under quota single species.

EAPO is fully engaging alongside with the EC in the Energy Transition Partnership, in order to develop an energy transition roadmap by the beginning of 2026, providing a major opportunity for a coordinated plan to modernize and renew the European fishing fleet sustainably. However, the current definition of capacity, which imposes a gross tonnage ceiling, does not accommodate the evolving needs of modern fisheries. Ensuring crew safety, improving working conditions, integrating alternative fuels, and adopting new technologies are essential for achieving sustainability. The CFP must incorporate a forward-looking approach that not only encourages innovation but also ensures that regulatory constraints do not hinder progress. By fostering a policy environment that supports adaptation and modernization, the EU can ensure that its fishing sector remains both sustainable and competitive.

## Financial instruments

Regarding the financial instruments included in the CFP (EMFF, EMFAF), EAPO members believe that some improvements could be made to ensure coherence in the regulations. As part of the discussions for the next Multiannual Financial Framework (MFF), EAPO strongly defends the maintaining and strengthening of the current fund for fisheries and aquaculture, emphasizing its critical role in food security, economic stability and environmental sustainability. We advocate for a reinforced and independent fund for fisheries and aquaculture with increased budgetary allocations and stronger financial support to ensure sustainability, economic resilience and continue improving work and living conditions.

In regard to the ageing of the fleet and the need for an effective energy transition, it is essential to emphasize that no advancements can be achieved without ambitious funding schemes. More generally, strengthening the fishing sector requires substantial and strategic investments in technology, research, and infrastructure. EAPO is in favour of increased funding and better coordination of financial instruments to drive growth, innovation, and job creation.

## Advisory councils

EAPO members are part of the European Advisory Councils and EAPO is a founding member of the Market Advisory Council. The functioning of the Advisory Councils is satisfactory, the skills of the AC staff are of high quality as is the advice produced. However, some improvements could be made to the coordination with the work of the Member States Expert group as well as with the Commission. There is still uncertainty regarding how the advice and recommendations from the Advisory Councils (ACs) are considered within the Commission. Similar issues are faced by the ACs in terms of the regionalisation process as well as for emergency measures set up by the Member States. The existing Common Fisheries Policy gives the Advisory Councils a consulting role, but the advice can be and frequently is disregarded without any consequence or explanation.