



## INTERNAL PROCEDURES

### 05- Procedure for the Development and Presentation of NSAC Advice

#### **1 Introduction**

- 1.1 To ensure that the NSAC operates a fair, transparent and effective system for preparing advice, an agreed procedure for the preparation, presentation and approval of advice has been agreed.

#### **2 Forward Planning**

- 2.1 The NSAC would benefit from being rather more proactive in preparing advice, rather than simply reacting to requests for advice. Advice is likely to be more comprehensive, and consensus will be easier to reach, if more time can be allocated to its preparation. Tight deadlines for the preparation of advice can make things difficult. The annual NSAC Work Plan provides an opportunity to identify key issues on which advice will be required. An advance list of topics requiring advice, together with time schedules for their production, will be prepared each year as part of the Work Plan, and agreed by the ExCom. That Work Plan, including the list of key issues on which the NSAC is planning to prepare advice, will be forwarded to the European Commission and the Scheveningen Group.
- 2.2 The list will detail all advice papers the NSAC are working on; including those planned, in development and at the approval stage. The advice list will increase transparency of the NSAC work by allowing all members to see what advice is being prepared. It will also assist with resource planning for members and the secretariat to avoid a log jam of advice at certain times of the year. The advice list will be updated continuously by the secretariat and presented at each Executive Committee meeting, it will be available for reference at all Working Group meetings.

#### **3 Timing**

- 3.1 Scheduling the preparation of advice within the Work Plan should allow sufficient time for discussion and debate on the advice papers. Once a topic for advice has been decided upon, a timetable must be set for completion and approval of the advice paper.



Draft advice should initially be presented for discussion at a meeting of a Focus Group or Working Group, followed by circulation of an advice paper for comment, and ideally final discussion at a further meeting, prior to being presented for final approval at an ExCom meeting. Full development and approval of an advice paper is likely to take at least 10 weeks from the date of the initial meeting.

- 3.2 If the Scheveningen Group or any other body seeking advice from the NSAC sets a deadline for submission of the advice then we should aim to complete the work on an advice paper and have it ready for Ex Com approval at least 4 weeks before that deadline. This will allow 2 weeks for the Ex Com to consider the advice for approval and a further 2 weeks to negotiate and conclude any areas requiring a compromise. That may not always be possible as, on occasions, the NSAC may be required to meet very tight timescales. Where a shorter deadline must be set, it should still allow sufficient time for any suggestions for changes to be considered. It will then be especially important for all members to submit their comments or amendments before that deadline, to ensure that the advice can go forward and be submitted on time. A shorter time for Ex Com approval may be necessary and a fast track approach (less than 10 working days) may have to be adopted by the Group Chair. This process can only be followed where the Chairman and both Vice Chairs of the Executive Committee agree that a fast track process is essential.

#### **4 Proposing and Developing Advice**

- 4.1 Any members of the General Assembly and Executive Committee may put forward a draft advice paper for consideration via the appropriate NSAC Working Group. Members must inform the NSAC Secretariat of their intention to present a paper no later than 2 weeks prior to a meeting. Papers can be discussed at the meeting, deferred to the next meeting or referred to a Focus Group depending of the urgency of the subject.
- 4.2 Papers that are submitted by members for consideration by Working Groups or Focus Groups must strive to take account of the positions of all members and interests, to facilitate reaching a consensus position. Ideally, the draft paper should be circulated to other members for comment before the initial meeting, to ensure that the advice that has been drafted is sufficiently broad in scope to enable participants at the meeting to reach a consensus position. Such papers must be presented to the meeting on blank paper or with the submitting organisation's letterhead. It must provide the names of the author(s) and presenting organisation(s), and those that have been consulted.
- 4.3 At the first meeting to discuss the developing advice Terms of Reference should be agreed by all members attending (Appendix 1). The purpose of the advice paper, and what the advice is intended to achieve, must be made clear, it will also provide an early opportunity to highlight where consensus may not be achieved. The key points to be covered must be stated at the beginning of the document, and text then provided on each of those points. The meeting to discuss the advice must also have a clear agenda.



- 4.4 A proposed advice paper can be available for discussion at the initial meeting. Members may either reject or accept the proposal for further development. Where further development is accepted, Terms of Reference should be agreed.
- 4.5 When an initial draft advice paper, or an outline for further discussion, has been prepared following a meeting it should be labelled as “Advice in Development”. It will subsequently be presented to Focus Groups, Working Groups and the Executive Committee on NSAC headed paper and will carry a clearly marked notice, which highlights to the reader that it is advice in development and not approved advice.
- 4.6 NSAC advice in development will then be discussed at subsequent meetings and circulated for comment following each meeting. All comments regarding the advice must be returned to the secretariat within a set deadline. Any changes to a paper must be made using the tracked changes function. Any comments must offer alternative text where appropriate. Comments received after the set deadline will not be accepted.

## **5 Representation & Consultation**

- 5.1 Initial discussion of advice may take place within a Focus Group specifically set up to provide advice on a particular topic. Focus Groups are temporary and will exist only for the period needed to develop the advice they are working on. New groups must be formed to deal with each new advice topic. There can be no guarantee of membership of a new Focus Group for members of earlier Focus Groups.
- 5.2 Each Focus Group will have a maximum membership of 10, with 6 persons representing the Fishing Industry and 4 representing Other Interest Groups. Each member shall provide input on behalf of one or more named NSAC member organisations. Where a Focus Group is oversubscribed, the ExCom Vice Chairs will consult with their members and decide which organisations will be represented. Those organisations that are not selected to join the Focus Group will be allocated “Corresponding Members” status. They will not attend meetings but will be sent draft reports of meetings and any draft advice papers that emerge and will be given the opportunity to directly comment on the advice as it is developed. A Chair for the Focus Group will be agreed by the Focus Group members.
- 5.3 Comments on the initial advice prepared by a Focus Group must be addressed to the person appointed by the group to prepare and develop that advice.
- 5.4 Ideally, the draft advice from a Focus Group should be considered by the appropriate NSAC Working Group, before going to the ExCom for final approval. However, it is recognised that this may not always be possible.
- 5.5 Representatives from the Scheveningen Group, other relevant EU bodies, and appropriate experts, may be invited to attend Working Group and ExCom meetings and on occasions may be invited to attend Focus Group meetings to provide background information or expert advice.



## 6 Content & Presentation

- 6.1 Strong efforts should be made to reach a consensus on the advice. A minimum of 14 days prior to any deadline, Focus Group members should review the document. For sections where it is clear there will be no consensus members will be invited to form their own opinion.
- 6.2 Where consensus is achieved on the entirety of the paper it should be stated clearly at the top of the paper. If it becomes apparent that consensus will be reached on the majority of the paper but not on every paragraph, this should also be made clear at the top of the paper, specifying the paragraphs where opinions diverge.
- 6.3 When it is recognised and agreed that consensus cannot be reached, and minority positions have to be expressed, then the following formatting will be applied:
1. Where a minority position is endorsed by more than one organisation then that minority position will be summarised alongside the particular text to which it applies with a footnote confirming the specific organisations taking the minority position. If a minority position requires explanation at greater length it may be placed within a section of the paper headed **Minority Positions**. A minority position statement within that section should not exceed 500 words in length. The approval of each of those organisations said to support a statement must be provided via email to the secretariat by the person submitting the statement, and the names of those organisations must be clearly stated within the statement. It will not be acceptable simply to label minority positions as Industry Advice or Advice from Other Interest Groups.
  2. Where a minority position is presented by only one organisation the point will be presented in a footnote referenced within the main text.
  3. Where an organisation has disagreed with a particular point at a meeting but has offered no alternative text their objection will simply be noted in the minutes of the meeting.
- 6.4 Only those named participants endorsing a minority position will be allowed to modify or express views on the text of any footnote or statement expressing a minority position. Having taken up a minority position on a specific topic, the named minority interests concerned will not be permitted to amend the main text of the **NSAC Advice** on that particular topic.
- 6.5 If any factual errors are made in the preparation of any of the text, including the minority positions, then it is the responsibility of the Secretariat, in consultation with the organisations concerned, to decide how such errors should be corrected.

## 7 Approval of Advice



- 7.1 Once an advice paper has been fully discussed and members' comments have been integrated into the document it will be presented for approval by the NSAC ExCom. It will be formatted using the NSAC paper for approval template.
- 7.2 Ideally, NSAC advice should be approved at ExCom meetings. However, this may not always be possible. Where a meeting cannot be held, or approval cannot be reached at an ExCom meeting, advice can be approved by a written procedure. On these occasions, the advice for approval will be sent to the 25 named members of the Executive Committee. If members wish the advice to be reviewed or commented upon by others it is their responsibility to pass the document on and to coordinate any response. Only responses presented by named ExCom members will be considered valid. Any requests for changes to the advice must clearly indicate which organisation is submitting the request. If group responses are submitted the individual making the submission will be responsible for negotiating and agreeing any compromised text.
- 7.3 Members of the Executive Committee will be given 10 working days to approve advice (changes notified up to and including day 10 will be accepted) unless a fast track approach has been approved (see 3.2). If members wish to propose changes to the text, then these should be kept to a minimum as far as possible given that advice will have by this stage been subject to wide consultation. ExCom members must submit their requests for any changes as early as possible in the process. Early comment gives enough time for further negotiation and discussion. Requests for changes following the deadline will not be accepted.



**Appendix 1 Terms of Reference**

# The North Sea Advisory Council



**Focus Group Terms of Reference**

Title –

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| <b>Purpose (aims and objectives)</b>                                 | <b>Recipients of Advice (who is it for)</b>  |
| <b>Desired end result (main headings)</b><br>And who will draft them | <b>Measures of success (KPI's)</b><br>Might include:<br>Consensus advice<br>X pages<br>Stick to the main issues<br>Do not go into detail in areas where we will not gain consensus<br>Latest date of publication |

