

Vigo, 15 October 2015

**MINUTES OF THE 23RD MEETING OF THE
ADMINISTRATIVE BOARD
VIGO – 15 OCTOBER 2015**

0. ATTENDANCE

The Chair, Mr Reinhard Priebe, opened the meeting at 09h00 by welcoming the Administrative Board (AB) members and alternates, and the Advisory Board representative present at the meeting. The Chair announced the written confirmation of new members and alternates: from the Czech Republic, Mr Vladimir Gall and Mr Petr Chalupa as alternate; from Lithuania, Mr Ignas Nauburatis and Mr Tomas Kazlauskas as alternate; from Poland Mr Krzysztof Cieszkowski as representative; from Slovenia, Mr Slavko Sisko as alternate.

The Chair informed that the former Chair of the Long Distance AC, Mr Antonio Schiappa Cabral had passed away the week before and one minute silence was observed in his memory.

The Chair reminded the participants that the observers do not have the right to vote, and the meeting would be recorded. He welcomed new representatives and alternates.

The Chair asked if anyone of the participating Administrative Board (AB) members had any direct or indirect interests in relation to any matter in the agenda of the meeting. There were no direct or indirect interests raised by the AB members.

The Chair reminded that the AB members need to fill in the conflict of interest forms provided by EFCA, which shall be submitted annually, and that the meeting would be recorded. With reference to the EP observations to the 2013 Discharge Procedure, in particular concerning publication of résumés, while a publication of résumés is not an obligation under EFCA's Col policy, the Chair also reminds the Board members to provide résumés voluntarily for publication for transparency purposes.

Present	<p>Proxy was given by Luxembourg to The Netherlands. The European Commission (EC) had 6 representatives¹: Mr Reinhard Priebe, Mr Ernesto Penas Lado, Mr Bernhard Friess (acting also as Director f.f. in Directorate E), Mr Hubert Gambs, Mr Aronne Spezzani and Mr François Ziegler.</p> <p>The Commission delegation having more than one speaker the Commission Representatives' names are quoted in the minutes when taking the floor.</p> <p>The presence list is attached in Annex I.</p>
---------	--

¹ Ms Pascale Colson DG Mare – A1 –also attended the meeting without voting rights.

1. APPROVAL OF THE DRAFT AGENDA

The Chair informed the AB of the new documents circulated by the Executive Director (ED):

- Under item 2:
 - Draft conclusions of the Advisory Board
 - JDP 2014 cost assessment
 - European Court of Auditors report on the annual accounts of the European Fisheries Control Agency for the financial year 2014

Agenda item 3 will be a restricted session for only the representatives of the Member States and of the EC.

The Chair informed on the change of order for some of the agenda items:

- agenda item 3 before the morning coffee break
- agenda item 4bis after the morning coffee break
- agenda item 12 after lunch break

The Chair asked the AB members if they had any comment on the agenda.

Several AB members proposed the following new items to be dealt with under AOB: The representative of Germany announced one point on a questionnaire sent by the European Parliament on the EU agencies and the EC wanted to provide some information on future possible modifications to the Founding Regulation of EFCA and a point on chartering.

There were no additional comments on the agenda and it was adopted (Annex II).

2. INFORMATION FROM THE EXECUTIVE DIRECTOR

The ED informed the AB members of the main issues that have taken place and are ongoing since the last AB meeting on 5 March 2015, *inter alia*:

❖ Visit of Commissioner to EFCA

The Commissioner for Environment, Maritime Affairs and Fisheries, Mr Karmenu Vella, visited EFCA on 09 October 2015 on the occasion of the FAO 20th anniversary of the code of conduct for responsible fisheries. It was a short but fruitful meeting. The Commissioner was presented the ops room where a video conference with FMCs in Ireland and France were held; then he visited the training room where he was shown the core curricula and the e-learning platform prototype. This was followed by a bilateral meeting with the ED attended also by the Commission (DG Mare) and a meeting with the staff. The Commissioner made an appreciative comment of the work of the agency. In particular he considered the capacity of the agency for assistance as a way forward for the EU and the Governance of the Oceans. He underlined the necessity for a more global picture for Ocean Governance. The Commissioner finished his visit by addressing a short speech to the staff.

❖ Operational coordination

The ED made a general report to the AB of the EFCA operational state of play:

- A paper was distributed to the participants on the state of play of the inspections and infringements by JDP area;
- With regard to the Black Sea, EFCA is involved in joint control inspection actions and has provided assistance to Bulgaria and Romania for risk analysis and training.

- EFCA is assisting in the implementation of control measures of the landing obligation; it has been embedded in the JDPs; now the agency is launching the translations of three JDPs for EU waters; EFCA also participates in meetings with the Advisory Councils where the landing obligation data is discussed. It has also started to participate in regional control groups of Member States.
- Using all the opportunities under JDP and Article 15 of EFCA's Founding Regulation, EFCA has been involved in most areas including where there is no JDP for the considered species through the PACT approach.

❖ Landing obligation

- Considering more specifically the implementation of the landing obligation the ED made the following state of play:
 - Mediterranean Sea: EFCA has started an exchange of views with a regional group of Member States involved in the small pelagic fisheries in the Adriatic Sea and is waiting for formalisation from the high level group for detailed actions;
 - Western Waters: EFCA is assisting the North Western Waters and the South Western Waters Groups in developing risk analysis on their requests.
 - North Sea: as regards the group of Scheveningen, a risk assessment methodology has been provided. EFCA was also involved in the discussion of the rating of the control tools, but EFCA has not drafted the project, as it is an initiative of the group of Scheveningen.
 - Baltic Sea: EFCA received a request from the BALTFISH two years ago and has been involved in the risk assessment, guide lines for inspectors and industry cooperation. The Baltic Sea multiannual management plan is expected to be adopted soon and consequently, there will be a good combination of management and MCZ measures through a SCIP/JDP encompassing the same species.
- While the situation has not significantly changed since June 2015, a detailed coordination framework is now in place in the different areas. The first training for the omnibus regulation was successfully delivered some weeks ago.
- The ED underlined that the demersal species will be the next challenge for 1 January 2016.

❖ Cost evaluation of the Joint Deployment Plans

The ED mentioned that the new survey was made available and the report on the costs of the Joint Deployment Plan Operation for 2014 (JDP 2014 – Costs Assessment) was distributed to the AB members.

❖ Core Curricula

The agency has published and disseminated the third volume on general principles and specific types of fisheries inspection together with the course on transshipment inspection. This training material was presented for review in the latest Steering Group for training and exchange of experience, and it was agreed that the course on combatting the IUU activities will not be amended before the update of the third volume.

❖ Training

The agency is developing an e-learning platform which at this stage is a prototype including interactive content. The ambition is to provide distance training for EU inspectors and to third countries inspectors, provided the EFCA has a mandate from the EC.

❖ New technologies

EFCA is involved in new technology for maritime surveillance and works together with other agencies.

per

Remotely Piloted Aircraft Systems for Maritime Surveillance: EFCA is participating in the project DeSIRE2, which combines the use of RPAS with satellite communications. The testing phase will start in 2016. Other agencies involved are ESA and EDA. The CYRIS project is on hold because one other operational agency delayed its involvement and EFCA cannot provide any funding.

Common Information Sharing Environment (CISE): EFCA is very involved in the CISE as a member of the Technical Advisory Group (TAG) and is supporting the fisheries control user community. Another project is EUCISE 2020, which is working on a prototype for common sharing information environment, start date is December 2015.

❖ Fisheries Information SYSTEM (FIS)

Fishnet: Fishnet is a fisheries control access portal and EFCA's cooperation system for video conferencing and fast messaging. It has been opened to the AB. The AB has been given credentials to access and can find the AB documents there.

ERS: EFCA is currently experiencing problems with the system. This could be linked to causes relating to gear codes. Measures are in place to solve it hopefully by beginning of December 2015.

VMS: Considering the ongoing trend, it is foreseeable that in 2015 there will be even more VMS positions processed than the 19 million position processed in 2014.

EIR: EFCA have started testing automatically the exchange with FLUX and hosts the EIR data of one Member State in form of a SaaS (Software as a Service) product.

❖ IUU

A huge amount of catch certificates and supporting documents have been processed before moving to assist the EC in third country evaluation missions. In 2015 these have been: Cape Verde, Kenya, Taiwan and Angola. Additional documents have been processed for missions that have not been attended by EFCA which has supported the EC in four other countries through document-based analysis: Ecuador, Ghana, India and Solomon Islands.

IUU workshops and seminars scheduled in 2015: workshop for newcomers in April; advanced workshop on importations from East Atlantic and Indian Ocean region in June; advanced workshop on importations from the Pacific region in September; Plenary seminar and Steering Group due in November.

❖ Conflict of interest

The ED reminded that the European Parliament asked several questions during the discharge process relating to the risk of conflict of interest in the European Agencies. In response, the European Parliament was duly informed about the concrete implementation of the policy and provided a track record of case (no declarations of interest were made in 2014). EFCA will propose to its Administrative Board to revise the policy to include both the obligation of publishing the CV's of the Administrative Board members and to add the Advisory Board.

❖ Budget

It will be discussed under item 8.

❖ Ex ante and ex post evaluations of activities/programmes

The HoU A has discussed the issue with DG BUDG which would not see a problem that EFCA had the thresholds as follows:

 ➤ ex ante evaluation threshold of 250 000 €;

- ex post evaluation threshold: beyond 500 000 € also an ex post evaluation is needed.

The related Rules of Application of EFCA's Financial Regulation will be submitted to the AB for adoption by written procedure.

❖ Staff Committee

The current rules for setting up at Staff Committee at EFCA require a minimum of 3 members and 3 alternates with strict representation of all staff categories. The EFCA needs to organise elections and past experience has shown that it is difficult to reach the number required or the reflection of all categories. The European Commission (EC) is preparing a new model template for the setting up of Staff Committees in agencies. The proposal foresees the possibility to reduce the number to 3 members and to have a Common Staff Committee between two or more agencies. Given that the new model template is subject to an AB decision, the ED requested the AB to agree to start elections on this new approach; depending on the outcome, the ongoing staff committee would be in function until adoption of the new framework by the AB, and then the new staff committee would be formally constituted. No AB member opposed to this request.

❖ Advisory Board meeting of 8 September 2015

The ED summarized the outcomes of the Advisory Board meeting held in Vigo on 8 September 2015. He explained that the Advisory Councils mostly focused on the implementation of the landing obligation mentioning the discard plans, flexibility of the technical measures, the demersal species and the penalty point system which will soon apply to related infringements.

❖ Interinstitutional working group on agencies

The EP, Council and EC have set up a working group to discuss the resources of each agency. So far no progress has been made. The working group will meet again in spring 2016. The ED then suggested the AB to endorse a Multiannual Staff Policy Plan 2016-2018 (item 7 for decision) reflecting the communication of the Commission of the European Commission of 10 July 2013 encompassing the additional 5 % cut for the redeployment pool of agencies (1% annual levy).

❖ Business Continuity Plan

The ED thanked the project manager, the Accounting Officer and the Heads of Unit for their involvement. The general principle and the business continuity team have been developed. The recovery action plan is in the process of being established.

❖ Financial management and work programme 2015 execution

The ED considered that there was a good budget execution both in terms of payments and commitments but also mentioned that the adjustments linked to the coefficient corrector for salaries in Spain will be mirrored in the budget. Considering the general degree of completion of the work programme 2015, by 1 October 2015, the agency had completed 73% of the activity. EFCA is on the way to have the same achievement as in 2014.

❖ Audits

- The EFCA is audited by the European Court of Auditors; in 2015 the agency has started being partly audited by an external company, contracted by EFCA. For the year 2014 there were no comments from the ECA. For 2015, the first ECA audit took place in September. It is expected that the preliminary finding document will be received soon.
- The Internal Audit Service audited EFCA in 2014 on Building Blocks of Assurance and the AAR. The agency has implemented all the recommendations.
- The Internal Audit Capability function shared with EMSA has been discontinued both in EMSA and EFCA. EFCA has started cooperation with EMSA of the Internal Control Coordinators.

❖ Communication

EFCA has participated in the Seafood Exhibition as well as in a maritime fair in Lisbon with EMSA. The new website has been launched and the agency is now active on social media.

❖ Meetings

The ED commented that many of the meetings attended by the EFCA are organised by the EC, the Advisory Councils and to some extent the RFMOs. EFCA tries to reduce the number of meetings, but it is important to keep a good balance between information and efficiency. During the monthly EFCA management meetings the interest and necessity of attending the meetings (including through video conference) is always discussed.

❖ Decisions and agreements of the ED

The list is included in the document provided for the agenda item.

❖ Written procedures

The ED reminded the AB that the agency had a general need for more corporate internal procedures. This will be dealt with through written procedures:

- The Rules of Application of EFCA's Financial Regulation;
- The Internal Control Standards, as the requirements have changed within the EC and EFCA had to align to the EC.
- Concerning the draft Multiannual work programme 2017-2021 and Annual work programme 2017 (SPD), the EC has recently informed that the AB needs to give its agreement before notifying the draft document to the different institutions. Therefore, there is the need to consider a written procedure.
- Whistleblowing guidelines.
- The adoption of General Implementing Provisions for the staff regulations.
- The term of reference of the 5 years external evaluation.


❖ Debate on ED's information

The Chair mentioned that some of the issues raised by the ED under this agenda item would be discussed later on and opened the floor for comments.

▪ **Seminar in Roskilde (24-25 June 2015):**

The representative of Denmark reflected about the seminar on the landing obligation held in Roskilde in June 2015 and insisted to improve the terms of reference and objectives for the future, above all when the stakeholders are invited. The ED agreed and suggested to prepare the future seminars involving the stakeholders with the Advisory Board. He also reminded that since January 2014 in Dubrovnik, no joint meeting with the industry and the NGOs had been held.

▪ **Data managements systems:**

The representative of Germany asked in which languages the e-training will be delivered. As regards Fishnet, he asked for the precise date it would be available for the Administrative Board. He found also inconsistency between the vessels regarding ERS and VMS data and asked why there are more vessels for which VMS data is received compared to ERS data. He wondered whether the AB members should urge their administration to cooperate better with EFCA and improve the ERS reply rate. 

Mr Hubert Gambs (EC) invited the agency in respect of data management to continue and further intensify the cooperation with the EC on integrated fisheries data management. He also enquired about the discrepancy between ERS queries and ERS responses and asked EFCA for an explanation.

On the data management and cooperation with the EC, the ED replied that it had indeed been already agreed during the bilateral meeting on 21 May 2015 in Brussels. He highlighted that EFCA is very involved in the meetings organised by the EC and is providing ideas and making good contributions. He added that the agency is revising its IT management strategy and proposed to share information and align the strategy when the EC so decides.

The HoU B explained the discrepancy of queries and replies on the ERS, saying that this is the first year that EFCA started with live feed of ERS into a central system, so there are problems sometimes on both sides. EFCA is working with Member States to overcome the technical problems on either side. There is a temporary reinforcement of the team with two SNEs that are helping to investigate and overcome the discrepancy.

On the Fishnet, the HoU B mentioned that most AB members should have received instructions and credentials. The idea is that in future the AB documents will be only uploaded on Fishnet and no longer be distributed by e-mail. The documents for the present meeting were already available there.

Mr Stefano Donadello gave a brief presentation on the instructions on how to access Fishnet. With regards to the e-learning, the ED clarified that for the time being it is being delivered in English. Translation is subject to budgetary resources. The website would be translated to all languages required by the EU legislation, at the same token, e-learning should ideally be provided also in different EU languages.

▪ **PACT activities**

Mr Ernesto Penas Lado (EC) requested to develop the comment on the possibility of applying the PACT approach to the IUU given the political instability.

Regarding the PACT approach to the IUU, the ED stated that the agency could for example assist the Member States for a joint cross checking of catch certificates and related documents for consignments from the Atlantic, Pacific or Indian Ocean or from one specific third country.

Mr Bernard Friess (EC) thanked the ED for the presentation and the work being done. He mentioned that a lot had been said on the PACT activities relating to the landing obligation and wanted to hear from the Member States to what extent this responds to the operational needs and if that is leading to an operational activity. He sought to understand the balance between core business and softer cooperation-based activities and expected the issue could be discussed under the Work programme agenda item.

No Member State took the floor.

The ED replied that the Founding Regulation provides the agency with a broad empowerment. EFCA has the capacity for coordinating the JDPs or operational plans related to EU and international waters in accordance with the SCIP decisions. Nevertheless the Member States can request additional coordination and technical assistance according to Article 15 of the agency Founding Regulation. EFCA received formal requests from the regional fora and is implementing what they asked for. He underlined that some tools developed for JDP species could apply to non JDP species and vice versa. The ED had the opinion that there was a good collective preparation for addressing the monitoring of the landing obligation, that EFCA and the Member States had gained experience and that a good level of achievement will have been reached by the beginning of 2017 when the Commission is to report to the European Parliament.

▪ **EFCA annual activity report and evaluation of the Control Regulation**

Mr Ernesto Penas Lado (EC) commented on the annual report which should be primarily on administrative questions. However, he added that one of the main added values of the agency was to provide information on what was happening on the fishing grounds. He suggested that in the next annual report, the agency should provide more information on the hands-on experience of the agency in running the JDPs and what the risk areas are. He also considered the ongoing evaluation of the current Control Regulation.

The ED confirmed that additional information based on the risk management strategy can be provided. He added that the report could be much more comprehensive but that the EC and the agency were aware of what could be reported by EFCA according to its Founding Regulation. Considering the evaluation of the current Council Control Regulation, the agency had also provided an opinion to the EC and underlined that beyond a few needed adjustments, it was an efficient regulation.

❖ Chair's reflections and conclusion

The Chair concluded the point reflecting on some of the subjects discussed:

On the attendance at the seminars, he reminded that in the initial phase after the adoption of the landing obligation it is important not to waste too much time on political statements; participants are to be told that they are invited to advise and express an opinion and not criticise on a legal decision that has been taken.

Regarding Fishnet and the question of languages, the Chair contemplated that Member States could provide financial and technical help for translations.

On the question of reports, the Chair stated that there is always a need to find a balance; an agency has to report on the administrative issues. However, an agency like EFCA with its expertise needs to take enough space to report on the substance and to give interpretation to figures. He recommended to reflect on this issue and closed the item.

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
------------------------------------	---

3. TERM OF OFFICE OF THE EXECUTIVE DIRECTOR (RESTRICTED SESSION)

On completion of the restricted session, the Chair declared that the decision on the term of office of the Executive Director will be taken by the Administrative Board during its March 2016 meeting. He also informed the AB that the Commission has expressed its intention to propose to the AB the renewal of Mr Pascal Savouret's mandate according to Art. 30, paragraph 4, second sentence of EFCA's Founding Regulation.

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
------------------------------------	---

The ED thanked the European Commission for this intention and the AB for having examined his personal situation.

4. STRATEGY FOR THE IMPLEMENTATION OF ARTICLE 30 OF THE CFP (INTERNATIONAL DIMENSION)

The ED made a state of play of EFCA involvement in the implementation of article 30 of the CFP relating to the support of the European Commission in third countries which has a cap:

- 4 missions per year for the implementation of the IUU regulation;
- 3 missions per year for capacity building in the framework of Sustainable Fisheries Partnership Agreements.

The first type of mission contributes to the evaluation of third countries national fisheries control and enforcement systems according to the provisions of the regulation against IUU activities and the second type of mission consists in training, (specific curricula are being developed by EFCA) and giving advice for the establishment of a national control system for third countries. In order to face the requirements of the article 30 and the growing requests of support of some third countries, the ED released that DG MARE and DG DEVCO are developing a specific programme for capacity building in third countries, specifically for the countries in western Africa. To fund EFCA's involvement in the program, DG MARE have launched an inter service consultation for derogation

to EFCA founding regulation as a step towards receiving grants. In addition to that, EFCA had, for that same reason and in addition of receiving grants, requested additional human resources which shall be confirmed by DG BUDG. The additional human resources considered would be two contract agents (CA). The ED then pointed out that he could not engage a request for additional resources without the consent of the AB and wanted to know if the AB members agreed on the idea before going ahead on this approach.

The Chair opened the floor for comments and questions.

Mr Ernesto Penas Lado (EC) wished to differentiate the substance from the procedure. On the substance, the success of the IUU file is such that many countries in Africa are asking for capacity building and now there is a big demand over and beyond the three countries per year where EFCA is involved. DG DEVCO has available financial resources and a roadmap where EFCA could be involved for additional capacity building missions.

The conditions for the Commission to ensure that this can be done are:

- Expand EFCA's activities on the basis of new resources so that EFCA can take up these activities without abandoning its work in European waters;
- Start with limited activity and expand gradually;
- On the procedure, a derogation of the Financial Regulation of the Agency pending a change to the Founding regulation is needed and EFCA had already asked DG BUDG for the derogation. The Board is asked to endorse this process that will authorise EFCA to receive the grants and to apply the grants according to the mentioned principles.

The representative of The Netherlands fully supported this. He agreed that if there is additional money available there is also a need for additional staff and hoped that the project would become a reality.

The representative of Spain supported the project and thanked the Commission for the possibilities presented that he considered really important in the international dimension. The concern on human resources and budget of EFCA should be covered by this project.

The representative of France supported the project also and indicated that there should be contract agents available to be sure the money is spent.

The representative of Denmark supported the new strategy but had a question regarding *ad hoc* grants and the fact that usually there are administrative overheads that are financed within the institution's budget and hoped that this would not be the case.

The ED stated that the contract agents would be part of the staffing of EFCA; the question of the salary of the contract agents had already been raised and DEVCO had replied that it was possible to pay contract agents from this grant, but official confirmation was still pending. The ED took on board the comment of Denmark.

The representative of Cyprus supported the proposal and pointed out that the priority of EFCA should be the activities in EU waters followed by waters adjacent to EU waters.

There were no additional comments and the Chair proposed to endorse the initiative mentioning that clarifications of the costs are to be provided by the EC and closed the item.

Proposed action	Endorsement of a proposal for EFCA to initiate cooperation with the European Commission DG MARE/DEVCO to create a training programme for the region and to participate in its execution, subject to the above mentioned derogation and receiving additional appropriate resources.
Legal Basis	Article 23(2) of Regulation (EC) No 768/2005
Decision	Adopted by consensus

4bis. COOPERATION WITH OTHER EU AGENCIES

- A) Contribution towards a European Coastguard Capacity
- B) Use of VMS data for Search & Rescue (SAR) and EUROSUR purposes
- C) Other Inter-Agency cooperation

The Chair gave the floor to the ED.

The ED reminded of the non-paper released by DG HOME, MOVE and MARE on moving towards an EU coastguard capacity. The paper provides guidelines to different agencies including EFCA, which is quoted several times in the paper. The ED gave the floor to the EC to describe the expectations of the EC.

Mr Hubert Gambs (EC) explained the reasoning of the three DGs involved in coastguard activities. He referred to the migration and refugee crisis occurring in the last months particularly in the Mediterranean and stated that it was a strong reason for the EC and everyone to reflect on how to intensify the cooperation and coordination of over 300 national authorities dealing with coastguard functions. The EU's maritime security strategy and its action plan were adopted last year by the Council and the EC had carried out a comprehensive study on the feasibility of improved co-operation between bodies carrying out European Coast Guard functions in the EU in 2014, which envisages a strengthened cooperation amongst coastguard authorities. This increased coordination and cooperation concerns measures at national level but also at EU level. The EC had announced steps towards a European border and coastguard capacity. The focus of these steps will mostly deal with border control, but some coastguard missions concern the activities of EFCA, in particular fisheries inspection and control and maritime monitoring and surveillance. Therefore, the idea of the three DGs is to intensify the cooperation and EFCA should intensify its cooperation with the other operational EU agencies, in particular Frontex and EMSA, precisely in the field of information exchange. These three agencies should also play an important role in implementing a pilot project that the EP will include in the budget for next year and that foresees an amount of 750 000 €. The purpose of this project should be to look into options for further cooperation on coastguard activities and for a future European border coastguard system. Mr Hubert Gambs (EC) underlined the importance to improve practical and operational cooperation, support capacity building and increase capacity sharing. He concluded saying that the EC considered that EFCA had a vast expertise to contribute to this work and he personally felt grateful that the non-paper was tabled at the AB meeting.

The ED thanked Mr Hubert Gambs (EC) for the explanation. He said that even if it is still a non-paper, EFCA has already started to reflect on the capacity for EFCA to engage in the proposed EU coastguard capacity. He reminded that a large part of activities mentioned in the paper are already delivered by the EFCA, so there is not a big impact since the EFCA has been cooperating for a long time with Frontex in providing training and specific information to maritime patrol aircraft (MPA) crews operated by Frontex. EFCA also receives information from Frontex; hence, this cooperation has been on-going since 2009.

He indicated, furthermore, that EFCA is part of the Frontex European Patrols Network, it is also part of the newly set up agency contact group on migrant smuggling set up by DG HOME in February 2015 and it took part in some meetings at the request of the EC; EFCA is also quoted a EU security maritime strategy. The ED suggested going ahead in facilitating the exchange of VMS data from the Member States (MS) through EFCA to EMSA and then Frontex for Maritime Search and Rescue (SAR) and for maritime border control. Moreover, he considered EFCA should reenact the existing cooperation agreement with Frontex and EMSA and, to this effect, a meeting between the three Agency Directors will take place on 28 October 2015 in Warsaw to discuss the amendment to the cooperation agreement. He considered it might be interesting, when the situation so requires, having an EFCA coordinator in one of Frontex coordination centres to exchange more easily information for fisheries control, migrant smuggling or search and rescue. He then gave back the floor to the Chair to open the floor to the AB members.

The representative of Ireland was of the opinion that the general principle of what EFCA would be doing in terms of coordination on maritime fisheries data is appropriate and remarked that as regards Ireland, they had received clear advice of their data protection office that the collecting of

data should be for a stated purpose and that a legal basis was needed to use the data for search and rescue or general security on maritime surveillance. He added, in the spirit of avoiding difficulties, that clear protocols between the EFCA and the Member States on how the data is managed, who the data is passed to etc. should be in place and finished saying it was a good idea.

The representative of Germany shared the same concern as Ireland on data protection. He stressed the importance of knowing who the owner of the data is and requested for a legal basis to overcome the concerns on data protection. Germany would be in favour but wanted to highlight possible issues.

Mr Hubert Gambs (EC) stressed that from the EC point of view there were indeed a need to have a clear situation and safeguards for treating the data and a legal basis needed to be in place.

The representative of Sweden commented:

- On item a) that Sweden was in favour of the pilot project but wanted to stress that a coastguard capacity of the EU should not lead to Member States giving up the decision power concerning border control; in such a project managed by EU Agencies, it would be good to involve Member States;
- On item b) that the issue on VMS data was a good idea but agreed with Ireland that they would have legal limitations at national level and Sweden would not be able to deliver data for the time being but were looking into it and hoped they would be able to solve it.

The representative of Denmark observed:

- On item a) that this falls at the very margin of the remit of EFCA. He raised concerns of engaging in too many projects which might be on the edge of the core activities of EFCA, but pointed out that Denmark was not against it.
- On item b) that the idea was good and theoretically feasible, but in DK they were already feeding a link with the Danish National Rescue Coordination Centre. There is a national agreement to transmit VMS data to the National Rescue Coordination Centre. He was uncertain about transmitting data to EFCA and believed it was much easier to transmit the data directly without involving the different institutions. He stated this was the planning in Denmark, but added that if the issue was agreed on, Denmark would have no problem.

The representative of Latvia remarked that a discussion had taken place earlier with the Latvian coastguard and had agreed to give access to VMS data. He manifested that according to Latvian legislation, the VMS data owner is the fishermen, and that the FMC centre is only the user of this information. As this is commercial information, the question is how to transmit it to a third party.

The representative of The Netherlands commented on item a) as regards the pilot project that The Netherlands has no problem in supporting this project but this did not change The Netherlands' position in general on the coastguards.

The representative of Portugal mentioned that Portugal had no problems to support either item a) or b), although at national level they are studying whether VMS data can be provided through EFCA or directly to EMSA, but had no problem in providing the data.

The representative of Italy stated that Italy fully was supporting the idea of a coastguard function project; as regards the use of VMS, he considered it as a very good action. However, he had two remarks: firstly, the system would be fully useful only if a full VMS system was implemented involving all the Mediterranean countries, both for purposes of knowing the vessels suitable for rescue and what vessels could be suspected of smuggling people. His second remark referred to some problems Italy could be facing in the legal and technical implementation, so they had to be very careful on the procedure they would implement.

Mr Hubert Gambs (EC) clarified that the Commission has not decided yet what proposal might be put on the table; this could include proposals of legislation to the co-legislators but deliberations

were still on-going and this initiative did not limit the competencies of the Member States in coastguard activities. He then stated that even if the EFCA proposed the exchange of data through its systems, Member States should be free to decide differently; a EU legal basis could be needed. EFCA currently had some competences in the field of coastguards and should be in a position to contribute;

The Chair gave the floor to the ED who summarised the state of play as follows:

- EFCA was presenting a draft service level agreement (SLA) to AB for parsing VMS data to EMSA and Frontex.
- This draft SLA had been already discussed in previous AB meeting and its content was no more plainly speaking than the proposal of a “pipeline” between the three agencies for parsing VMS data.
- Nevertheless the MS had the full command for deciding if they would or not parse VMS data to EMSA and Frontex and then if doing so they would use or not this “pipeline”.
- When it came to the legal basis the ED mentioned the Eurosur Regulation² relating to EU border control which clearly quoted the VMS data. Considering the availability of VMS data for Maritime SAR, the ED reminded that it was derived from a joint amendment of both the OMI and the CICA (quoted *ibidem*) to the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual. He underlined that most of the MS having ratified the international instruments of the International Convention of Maritime Search and Rescue (“1979 Convention of Hamburg”) and the Convention on International Civil Aviation (“Convention of Chicago”), it seemed difficult to challenge this legal basis but the MS had to decide how they would cope with this international requirement and that decision was not mandatorily involving EFCA. He concluded reminding the article 12 of the Council Control Regulation and confirmed by the EC in July 2015 as depending on the decision of the MS. He also quoted the article 17g of EFCA regulation which empowered the agency to provide this type of service to the MS, the other agencies and the Commission.

He then informed the participants that his intention was to sign the two SLAs for VMS data (one with EMSA and the other with Frontex) to establish the “pipeline” and then the Member States will decide if they want to provide or not the data:

- to the two other agencies;
- and if providing the VMS data to use or not the EFCA “pipeline”.

If there were a positive reply of some Member States to use the EFCA “pipeline”, a bilateral agreement in accordance with the MS national rules should be signed between the MS and EFCA.

The ED proposed to explore the possibilities of cooperation and maybe to appoint a coordinator when it was needed in the Frontex ICC, Rome. The ED then underlined the possible impact on EFCA 2016 budget of a EP amendment of 750 000 € to the 2016 draft EU Budget for a pilot project establishing a European Coastguard capacity involving the EC and EFCA, Frontex and EMSA; if this initiative materialised, an amendment of the EFCA 2016 work programme and budget should be submitted to the AB through written procedure and gave back the floor to the Chair.

The Chair concluded:

On point A) there was a support of the AB for EFCA to engage in a pilot project for European Coast guard function within the limits of its mandate.

On point B) there was a support of the AB to implement the requests from Frontex and EMSA of transmitting the VMS data for Border Control and SAR with the conditions as follows:

- in accordance with data protection constraints;
- The MS would decide or not to parse the VMS data;
- The MS would decide or not to parse the VMS data through the EFCA “pipeline”.

² Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur).

Proposed action	<p>Expression of firm commitment:</p> <p>A) for EFCA to engage in the process of establishing the European Coastguard function pilot project and related processes together with all participating parties.</p> <p>B) to support the request of Frontex and EMSA to transmit the VMS data, also the data not falling within the scope of the existing JDPs, for the purpose of meeting the objectives described under point B of the agenda item in writing and orally</p> <ul style="list-style-type: none"> <input type="checkbox"/> in accordance with data protection constraints; <input type="checkbox"/> The MS would decide or not to parse the VMS data; <input type="checkbox"/> The MS would decide or not to parse the VMS data through the EFCA “pipeline”.
Legal Basis	Article 23(2) of Regulation (EC) No 768/2005
Decision	Adopted by consensus

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting, as regards point C of the agenda item.
------------------------------------	--

5. **ADOPTION OF THE MULTIANNUAL WORK PROGRAMME 2016-2020 AND ANNUAL WORK PROGRAMME FOR YEAR 2016**

The ED mentioned that following the AB meeting in March 2015 and after comments received by some MS, a draft was circulated in July 2015, and further comments were received by some Member States. The AB members had received a draft in track changes prior to this AB meeting. He invited the participants to react on this final draft.

The Chair opened the floor for comments and questions.

Mr Ernesto Penas Lado (EC) commented on the involvement of EFCA in IUU and capacity building missions in Africa. A *status quo* had been proposed and he added that those actions could be undertaken without abandoning other priorities and wanted to ensure that these activities would continue.

Mr Bernard Friess (EC) further said that in the WP there is a considerable amount of references to PACT activities; he quoted different statements of the WP such as landing obligation, cooperation with Member States and regional fora and requested to have concrete detail behind what has been said in more general terms. He enquired at what extent this translates into resources. He outlined that the core function of JDPs is somewhat ring-fenced by the development of new initiatives, like the PACT. He then referred to the breakdown of operational expenditure; he said it did not correspond to the organisation of the budget, and enquired how they relate to each other. He was also concerned regarding the expenses on capacity building which, in his view, are increasing over the years and the amount for operational coordination which is going down and wondered whether this meant that the operational coordination was scaling down.

Mr Bernard Friess (EC) further commented that for future MWP's a move towards a roadmap with milestones and more concrete targets for this voluntary cooperation that seems to play an increasing role would be helpful.

The representative of The Netherlands had a question on the budget savings referred to in the draft document, travel and mission costs might be covered by the EMFF; since this issue is on item 12 of the agenda he wondered if this part could be taken out of the text of the WP; he enquired what the savings for EFCA would be and if these savings only covered training.

The Chair said that they were discussing first point 5, followed by item 12 and after, decisions would be taken on points 5 and 12.

The representative of Germany enquired if EFCA could develop its activities in the future, in what concerns the application of the IUU Regulation. He wondered how a Member State that receives catch certificates from foreign countries could verify that the information is accurate and asked if EFCA could develop methods on how Member States should address such a situation.

The ED ensured that the activities relating to the fight against IUU activities and the capacity building missions in third countries will indeed continue as clearly tabled in the WP and would grow in accordance with the expectations if the additional resources were granted. He then answered to the EC stating that the EFCA Founding Regulation did not provide the concept of 'core activity'. EFCA operational activities are driven by the JDPs but not only the JDPs. He referred to the seminar in Gothenburg of June 2014, attended by the AB members where additional operational assistance to the regional fora established in accordance with Art. 18 of the CFP basis regulation was discussed and conveyed into the PACT approach later approved by the AB during its 17 October 2014 meeting.

The details of the activities are set in the annual part on the tables with the KPIs and the allocated budget. He reminded that each fiche of the annual work programme was transparently detailing the tasks, human and budget allocated. As regards the trend between capacity building and operational cooperation, he declared that it was a part of the multiannual strategy for "doing more with less" presented to the AB during its meeting of October 2014. In agreement with the Steering Groups, EFCA had changed the involvement of the EFCA coordinators in the JDPs, more support is being given to training and in order to face the cuts, the agency has developed some IT systems to improve scalability. The ED stressed that more than 11% of establishment plan posts will be lost between 2012 and 2018. He hoped that with the IT and data management and networking systems the agency would be able to keep the same level of services.

In response to the question of the representative of Germany on a common methodology for checking catch certificates, the HoU B conveyed that EFCA is already working on it, in accordance with the 2015 Annual Work Programme. The agency is developing a first draft that will be presented for discussion to the IUU Steering Group in November.

The HoU C said that the PACT concept cannot be differentiated from the JDP concept; he explained that concepts such as training, risk analysis and assessment are already a part of the JDP concept; the EFCA is always looking for synergies between the PACT concept and JDP concept.

The representative of Spain mentioned that Spain had the same concern as Germany; taking account of the activities of the EFCA, its staff and budget, it would be useful to set priorities. For Spain, the NAFO and NEAFC JDP is the main goal of the agency and also the discard ban. Spain has the concern that if the agency would accept more tasks the main goals might be lost. He preferred to maintain the ongoing priorities of the Agency taking into account the needs of the Member States and the goals of the new CFP.

 The representative of the Advisory Board declared that the Advisory Councils were very satisfied with the MAWP but wanted to convey three contributions:

- One from the Baltic Sea Advisory Council which underlined that this year had been difficult due to the landing obligation and would like to have more flexible technical measures to comply with the landing obligation;
- The second one from the Pelagic Advisory Council which had asked during the Advisory Board meeting in September, if EFCA had the capacity to coordinate ad hoc control exercise on risk-based strategy³;
- She alluded to the Roskilde seminar and she stated that it had been very interesting for the Advisory Councils and hoped that this collaboration would continue in the future.

³ During the Advisory Board meeting of 08 September 2015, the Pelagic AC had raised a concern that at times control issues can appear which Member States struggle to cope with. The example of the blue whiting unilateral quota declared by Norway was cited. This fishery had taken place on the boundary of the Irish EEZ during February, which had caused a huge problem in terms of controlling this fishery. The Pelagic AC asked if EFCA had capacity to coordinate ad hoc control exercises on a risk-based strategy.

Mr Aronne Spezzani (EC) stated that as agreed during 17 March 2015 AB meeting, the EC committed to present a strategy including three EFCA capacity building missions to third countries having Sustainable Fisheries Partnership Agreements with the EU in 2016. The strategy for next year is based on the huge demand for assistance on control and monitoring issues coming from third countries and the EC would like to concentrate on the Gulf of Guinea and then expand to the Indian Ocean. As regards the Gulf of Guinea there is a new agreement with Liberia. A follow-up mission should be considered to one of the previously visited SFP countries. Considering the Indian Ocean, the EC will concentrate on Madagascar, and will present the mission as a workshop since the countries of the Indian Ocean are integrated in the Indian Ocean Commission (IOC) which is a key partner of DG MARE. He insisted that the concept of flexibility to adapt the programme for these missions should be maintained.

The ED reiterated to Germany and Spain saying that additional resources, if they are granted for *inter alia* third countries capacity building missions, would provide a positive threshold effect. Considering the WP, the strategy relating to the PACT (Partnership, Accountability, Cooperation and Transparency) has been discussed and endorsed by the AB during its 17 October 2014 meeting for the WP 2015, the objective of EFCA support is to assist the Member States in developing and implementing the monitoring, control and surveillance (MCS) measures of the landing obligation; the EFCA is working closely with the Member States and the EC on the request made by the regional fora. The ED committed to provide a comprehensive state of play⁴ to MS and the EC and reminded of the services and possibilities of the EFCA. There are Member States Regional high-level group for management in which EFCA is not involved, but can assist the Regional Control Groups elaborating what is decided in the high level group. He added that the EFCA is highly involved to devise with the MS the best MCS measures applying to the discard plans approved by the EC and the new ones that will be adopted very soon.

The ED reminded that the agency was empowered for acting within the framework of the Integrated Maritime Policy according to Art. 17g of its Founding Regulation and could contribute to the new undertaking for EU coastguard capacity. This was proposed in the MAWP but at this stage there was no additional task foreseen considering that the ongoing cooperation with EMSA and Frontex falls under the missions of the EU Coastguard initiative.

The representative of Italy wondered if it would not be more appropriate to change the wording to European Coastguard Function Capacity.

The ED replied that he was using the wording of the non-paper, but believed that the wording Function would be more committing considering the extensive list of missions falling under the EU Coastguard Function Forum.

The representative of Denmark referred to the mission statement included in item 6 compared to the mission of EFCA in item 5, and believed there was a contradiction and felt that EFCA is at the edge of its remit.

The ED quoted the Art. 17g of EFCA's Founding Regulation and read the article to the participants. He added that notwithstanding these provisions he will indeed comply with the AB decision.

The representative of Denmark replied that if it was possible to change the mission and vision of the agency, then it should be done.

Mr Ernesto Penas Lado (EC) reassured that the quoted article 17g modified by Art. 120 of the Council Control Regulation provides the legal basis for EFCA to engage in the missions of the EU Coastguard initiative and to parse data to EMSA and Frontex. He added that this would not prevent the Commission amending the legal basis if ever the EU coastguard capacity initiative would turn into reality.

⁴ Communication sent to the AB members on 26 October 2015 (EFCA/UC/2015/D-00788)

The Chair proposed to conclude and the EFCA Multiannual work programme 2016-2020 and Annual work programme for year 2016 was adopted by the AB with the agreed changes.

Proposed action	Adoption of the EFCA Multiannual work programme 2016-2020 and Annual work programme for year 2016
Legal Basis	Articles 17f, 23(2)(c) of Regulation (EC) No 768/2005
Decision	Adopted by consensus

6. PROVISIONAL SINGLE PROGRAMMING DOCUMENT: MULTIANNUAL WORK PROGRAMME 2017-2021 AND ANNUAL WORK PROGRAMME FOR YEAR 2017

The ED gave a presentation on the item and reminded that the single programming document (SPD) concept had been presented to the AB during its March 2015 meeting. He explained that since then the Commission had refined the new template for the Multiannual Work Programme and Annual work programme. The provisional single programming document presented to the AB intends to maintain as much as possible the legacy of the past to keep the clarity, transparency and consistency of the activities, while complying with the gist of the new template. Some significant amendments concern the multiannual strategy objectives, performance indicators, targets, and the inclusion now of the Multiannual Staff Policy Plan, details on the schooling conditions, the privileges and immunities, the building policy and the evaluation and risks. The EFCA proposal aims at achieving traceability from the aspirational objectives to the final level of task. The section governance & representation is moved to horizontal support and the operational tasks have been split into three areas:

- Coordination;
- Assistance and expertise;
- Harmonisation and standardisation.

Then the ED explained that the draft is discussed today because the agency has to notify the document before **31 January 2016**. He added that the document had been circulated to the AB as an item for information but since then the European Commission had informed the Coordination of the EU Agencies that the SPD should be approved by the AB before its notification to the Commission and the other institutions.

The Chair opened the floor for comments and questions.

Mr Ernesto Penas Lado (EC) emphasised that the document has to be sent by 31 January 2016 as a draft, so that what will be submitted for adoption is the format; the idea of the Commission was to have a new template but if the AB wants to propose certain changes to the format to embed the particular features of EFCA, it is allowed to do so. He underlined that the substance of the document will be discussed as usual in the course of 2016. Mr Penas Lado (EC) considered that there was *de facto* no difference between adopting a draft that will be formalised later or adopting a text that is subsequently modified. In essence, by 31 January the format needs to be adopted and in the course of 2016 the content of the work programme will be adopted in the new format.

Spain requested that the SPD would be more ambitious in the fight against IUU activities and proposed to increase EFCA support to Member States with *inter alia* more training for risk analysis and traceability.

The ED answered that the EFCA multiannual work programme 2016-2020 already includes a methodology for risk assessment relating to the fight against IUU activities that can be mirrored in the SPD, without prejudice of additional proposals from the Member States and the Commission relating to the IUU area which were indeed welcome.

 The ED proposed to circulate a document to the AB for comments. A document will be created with the amendments of all Member States and EC and then a final version taking into account all comments will be created and submitted for adoption by written procedure.

The Chair closed the agenda item concluding that the participants agreed to the proposal, and that their comments would be taken into account.

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
------------------------------------	---

7. ADOPTION OF THE MULTIANNUAL STAFF POLICY PLAN OF THE AGENCY FOR YEARS 2016-2018

The HoU A introduced the item by saying it had been postponed during March 2015 AB meeting, pending possible input from the Interinstitutional working group (IIWG) that examines the situation and the resources for the agencies. He added that no substantial conclusions had come out from this group. Consequently and to move forward, some amendments have been incorporated in the MSPP to adhere to the EC Communication of 2013 on staffing levels expected for the agencies, including the European Fisheries Control Agency.

The HoU A evoked the proposal of March and reconfirmed the reduction of 1 Temporary Agent post in 2016, which means the first 5% cut is reached. For 2017 and 2018 a further reduction has been taken on to adhere to the second 5% for a redeployment pool. He recalled there was a proposal to replace 2 SNEs by contract agents. However, successful engagement of SNEs had taken place in the meantime and this proposal has been dropped.

The HoU A presented the new proposal: 2 posts will be dropped in 2017 and 1 in 2018. From 2018, EFCA will have **48 posts authorised in its Establishment Plan**. It is indicated in the document that these reductions will only come from retirements and unscheduled resignations and remain subject to the conclusions of the IIWG.

The Chair opened the floor for comments and questions.

The representative of Ireland enquired whether the strategy adopted for the Agency had any prospect coming out in favour of the EFCA.


The HoU A replied that nothing substantial has come out; it is an element for discussion in the IIWG, and they might look at it in the future, but he did not feel over-optimistic as regards the outcome of the IIWG.

The representative of Ireland asked if the AB could do something to support the process.

The HoU A replied that the case was made. He explained that the Council is part of the IIWG and the European Parliament encourages agencies to ask their board members to defend their case in the Member State discussions on budget. This support from the Council would be very important.

There were no additional questions and the Chair closed the agenda item.

Proposed action	Adoption of the Multiannual Staff Policy Plan of the Agency for years 2016-2018
Legal Basis	Art. 32(1) and (2) of the Financial Regulation of the European Fisheries Control Agency (AB Decision No 13-W-09 of 31 December 2013)
Decision	Adopted by consensus



8. ADOPTION OF THE BUDGET AND ESTABLISHMENT PLAN OF EFCA FOR YEAR 2016

The HoU A made a presentation on the draft Budget 2016 and commented that little had changed since March 2015:

- The overall amounts are the same;

- The budget is within the limits established by the budget circular of the European Commission concerning the draft budget 2016.

There is only one change, to reverse the proposal on SNEs and CAs. There are a number of amendments proposed by the European Parliament and a final decision from the budgetary authority will come in December 2015.

He insisted that if there were any change resulting from those amendments a revised project will be presented to the AB for adoption by written procedure. He added that if there were a development with DEVCO regarding item 4, an amendment would also be necessary. He proposed to adopt the budget as it is.

In the absence of questions, the Chair closed the agenda item.

Proposed action	Adoption of the Budget and establishment plan of the European Fisheries Control Agency for year 2016
Legal Basis	Art. 23(2)(d) of Regulation (EC) No 768/2005
Decision	Adopted by consensus

10. **FIVE YEAR INDEPENDENT EXTERNAL EVALUATION OF EFCA (2012-2016): DRAFT TERMS OF REFERENCE**

The Chair gave the floor to the ED who introduced the item by stating that according to its founding regulation the EFCA has to go through an external evaluation for its performance every five years, for which an amount of 100 000 € in the 2016 Budget has been reserved to cover this expenditure.

The ED passed the floor to the Policy Officer of the EFCA who presented the item. She mentioned that in the draft terms of reference sent to the AB, account had been taken of the approach of the first five year external evaluation, the terms of reference drafted by the Commission in some agencies, the Commission guidelines and Evaluation Handbook for EU Agencies. She stressed the importance of the AB's involvement in this evaluation. The practice in the Commission and other agencies is that the AB is participating in the evaluation committee and in the steering group. She reminded that in the first five year evaluation a representative of the Commission and an AB member representing a Member State took part in the evaluation committee together with staff from the agency. The main tasks involved in this exercise are reading all tenders and evaluating the tenders in order to guarantee equal treatment and non-discrimination. As regards the steering group, it is proposed for the first time and the main tasks are inter alia, providing the contractor with access to information, supporting and monitoring its work and assessing the quality of the reports submitted while ensuring that the contractor's independence is not compromised.

She presented the calendar and the roadmap of the evaluation study. She invited the AB to comment the terms of reference, underlining that they will later on be sent to the Commission for green light and then submitted to the AB by written procedure. She added that during the March 2016 AB meeting EFCA will report on results of the tender procedure, during the AB meeting of October 2016 a draft report will be distributed to the AB and in 2017 a seminar the day before the AB meeting will be organised to propose some recommendations to the AB's decision the day after.

The Chair opened the floor and enquired the Policy Officer about the nomination of the representatives for the evaluation committee.

RS The Policy Officer replied that it would be useful if a member of the Commission and one Member State representative would volunteer for the evaluation committee and also for the steering group. The Chair further questioned on the rules regarding the participation to the evaluation committee. The Policy Officer replied that the best practice is to have at least one representative of the Commission and one of a Member State.

The Chair suggested that there should be at least one person with experience from the first evaluation.

The Commission appointed Ms Manuela Musella of DG Mare Unit A1 and the representative of Germany suggested the Irish representative, Mr Andrew Kinneen, who immediately accepted and was subsequently appointed.

The Policy Officer asked whether the appointed persons could also be part of the steering group, which was agreed.

The Chair closed the item.

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
------------------------------------	---

11. ENDORSEMENT OF THE EUROPEAN COMMISSION PROPOSAL RELATED TO THE APPRAISAL OF THE EFCA EXECUTIVE DIRECTOR

The Chair gave the floor to the Commission.

Mr Ernesto Penas Lado (EC) recalled that years ago Ms Valerie Laine being the most senior official of the Commission delegation to the AB had been proposed by the Commission and confirmed by the AB to be one of the two reporting officers of the ED. Since then, things have changed and now there are Directors in the Commission delegation. A Director is considered more appropriate than a head of unit for carrying out this responsibility.

The ED added that the representative of the United Kingdom had sent an email confirming that he would be pleased to continue to be the second reporting officer of the ED. The ED suggested keeping this name unless there were different views. Consequently, the two reporting officers proposed to the AB decision would be: Mr Ernesto Penas Lado (EC – DG Mare- Director A) and Mr Gary Owen (UK representative to the EFCA AB).

The Chair questioned the participants and they agreed on this arrangement.

Proposed action	Adoption of the decision relating to the appointment of reporting officers for the annual appraisal of the Executive Director of the EFCA
Legal Basis	Article 3(1) of AB Decision 09-II-06(1) concerning the appraisal for the Director of the European Fisheries Control Agency
Decision	Adopted by consensus

12. REIMBURSEMENT OF EXPENSES INCURRED BY MS ATTENDING EFCA TRAININGS UNDER THE EMFF OPERATIONAL PROGRAMMES

The HoU A gave a brief presentation of the potential use of the operational programs of the European Maritime and Fisheries Fund (EMFF) for funding training activities of the EFCA. EFCA received a letter from the Commission in July 2015 with a proposal for this. EFCA responded that in order to do this, modifications in the rules concerning the reimbursements to experts were needed; a specific change has been introduced so that Government experts' expenses for attending training by EFCA will not be covered by EFCA if they can be covered by the EMFF. This would lead to possible savings for the EFCA of around 180 000€. He further stated that taking this opportunity, other minor changes have been integrated to facilitate the reimbursements: adapt to the current general practice of online bookings of travel and accommodation, as well as boarding passes and to align the ceiling of accommodation allowance to the mission rules of the Institutions.

Mr Penas Lado (EC) highlighted that EFCA was spending 99,1% of its budget and added that all were worried that new tasks for the agency may detract from current priorities, thus, a way to spare appropriations of EFCA budget could be through the use of EMFF funds. Mr Penas Lado (EC)

reminded that during the *trilogue* negotiations, the EP had insisted to increase the amount of EMFF appropriations for Member States linked to Monitoring Control and Surveillance (MCS) purposes.

Ms Pascale Colson (EC) further commented that the EMFF money allocated to Monitoring Control and Surveillance (MCS) from 2014 to 2020 is 580M€; EFCA's budget is frozen from 2013 to 2018, and will only have a 2% increase in 2019 and 2020. She encouraged Member States, in the context of the preparation of the EMFF national operational programmes, to enshrine participation of national experts to training organised by the EFCA. In this context, two principles had to be respected: the principle of simplicity and financial security safety. According to this draft decision, from 1 January 2016 EFCA will no longer reimburse the participation of Member State experts in trainings. Ms Pascale Colson (EC) proposed to adopt the draft decision. Should the AB decide to vote in favour, the Commission will inform all Member States of the decision and will request them to put in place a procedure so that national experts participating to EFCA trainings are covered by the national EMFF operational programmes from 1 January 2016. Ms Pascale Colson (EC) also underlined that the savings of 180 000 € represent 10% of the operational budget of the agency and encouraged the AB to vote in favour.

The representative of The Netherlands pointed out that the administrative costs for this operation could be disproportionate and this could be unattractive for the Member States. He added that the access to training should be flexible and effective and in practice this decision could lead Member States not to make use of the training programmes of the EFCA.

The representative of Cyprus indicated it would be good to reconsider the proposal; this new way of dealing with control expenditure is a good idea, but he was of the opinion that training from operational programme should be complementary to what EFCA is providing at present; the actual expenditure for eligibility is decided by Member States who might have other priorities and eligibility rules. He proposed that where EFCA does not provide assistance, EMFF should complement the situation as is today and said that the number of trainings and participation of Member States should increase.

The representative of Spain had the same concerns than The Netherlands and Cyprus and though understanding the Commission, the EFCA and the Chair, declared that it was difficult for Spain to accept the proposal.

The representative of The Netherlands asked for confirmation that the exercise is applicable only for the cost of training and was positively replied.

The Chair enquired to the Commission if they had assessed the administrative cost incurred.

Ms Pascale Colson (EC) replied that they had not precisely assessed the cost but wanted to stress that the cost which would be generated in the Member State to proceed to such reimbursement exists already.

The Chair remarked that the amount in discussion might appear to be modest as compared to the overall EMFF budget but, nevertheless, represents almost 2% of EFCA's budget. He suggested proceeding to the vote which resulted favourable.

Cyprus voted against and Portugal abstained.

Proposed action	Adoption of the Rules on the reimbursement of expenses incurred by Member States experts attending EFCA trainings under the EMFF operational programmes
Legal Basis	Article 23(2)(h) of Regulation (EC) No 768/2005
Decision	Adopted by majority

13. DISCUSSION ON WAYS TO FURTHER IMPROVE THE WORKING PRACTICES

Invited to take the floor by the Chair, the ED reminded this item was formulated to assess and improve the working practices of the agency.

Mr Ernesto Penas Lado (EC) released that the EC was working on a new SCIP model, introducing elements of flexibility to allow EFCA to get involved in the main fisheries in the European waters. The EC considers that the standard SCIP model if successful will become obsolete as not all main fisheries have been covered by SCIPs. The future SCIP model will cater for a wider scope and inner flexibility to define priorities on an annual basis within that wider framework. The EC services will produce in the coming weeks a non-paper providing idea for discussion with Member States.

The representative of Ireland said that significant achievements were made by the agency with regard to the landing obligation, training of inspectors, core curricula but felt unsure that the agency has promoted these achievements in a high profile and considered that they should be publicised more, so that people would appreciate the good work of the agency. He also stated that the work done on JDPs or training should apply EFCA's value hallmarks of being an honest broker. EFCA has as core values the promotion of high levels of compliance and level playing field with regard to the application of the Common Fisheries Policy. He thought these values were unique to the agency and they should be more visible.

The ED thanked the Irish representative and agreed. He replied that the agency was in the inception phase of managing part of its communication with the social media and hoped that the EFCA would be capable of publishing on a regular basis the activities carried out with the Member States and the EC. He added that the joint approach Member States/EC/EFCA had demonstrated very successful because of the strong involvement and mutual trust of all the parties.

After an exchange of views between the Chair, the Commission, Netherlands, Germany and the ED the AB concluded that its next meeting will be held in the same venue with a few arrangements to be asked to the organisation.

The date for the next meeting was fixed on the 10 March 2016 and the Chair closed the item.

14. AOB

The Chair opened the floor.

Germany mentioned a questionnaire received from a consultancy contracted by the European Parliament on how the point system for serious infringements was applied and asked the Member States and the European Commission if the European Parliament could be involved in the implementation of policies.

Mr Ernesto Penas Lado (EC) agreed that it is its own responsibility to take measures if a Member State is not applying the penalty point system and stated that he might report back and make a comment in the framework of the interinstitutional agreement. The Chair and Spain considered useful that Germany raised this point because it looks like an institutional point.

He presented two further AOB points:

1. The EFCA founding regulation will be sooner or later amended to align on the horizontal approach for the decentralised agencies on the provisions of their founding acts with a view to update their framework and the way they work. One of the amendments will be the number of European Commission representatives in the Administrative Board. This amendment is certain but the timing and approach have not been decided yet.

Two potential changes concern the European Union Coastguard capacity and the outcomes of the evaluation of the Council Control Regulation. Depending on the situation, the European Commission might decide to amend EFCA founding Regulation to imbed new tasks relating to the European Union Coastguard Capacity project. Secondly, the evaluation

of the Council Control Regulation might lead the European Commission to propose the enhancement of EFCA's role which will require another amendment to its founding regulation. The Commission mentioned its preference to combine the two amendments at the same time and declared that the AB will be updated in the upcoming AB meetings.

2. Mr Ernesto Penas Lado (EC) reminded that the conditions for chartering of vessels and other control means had been modified and that some Member States were now likely to present a EMFF funding request for a charter. He added that if any of the remaining conditions presented a difficulty to present proposals, they could consider introducing possible changes. Consequently, the Commission had decided to prolong the deadline to the end of January 2016.

The representative of Spain expressed his appreciation for the extension and conveyed that his ministry was exploring this possibility. He mentioned a possible further prolongation that he would bilaterally request to the Commission.

The Chair thanked the ED and members of the staff for the organisation of the meeting and the delegates for the constructive contributions and closed the meeting.



ANNEX I

List of participants to the meeting of the Administrative Board of the EFCA Vigo, 15th October 2015

Members		Alternates
(BE) Belgium:	-	Jean-Francois VERHEGGHEN
(BG) Bulgaria:	Dimitar VALKOV	-
(CZ) Czech Rep.:	Vladimir GALL	-
(DK) Denmark:	Anders M. JENSEN	-
(DE) Germany:	Hermann POTT	-
(EE) Estonia:	Indrek ULLA	-
(IE) Ireland:	Andrew KINNEEN	
(EL) Greece:	-	Georgios CHASANIDIS
(ES) Spain:	Carlos LARRAÑAGA CES	Hector VILLA
(FR) France:	-	Matthias BIGORGNE
(HR) Croatia:	-	Mario SKORJANEC
(IT) Italy:	Riccardo RIGILLO	
(CY) Cyprus:	Yiannos KYRIACOU	-
(LV) Latvia:	Vladislavs BARSUKOV	-
(LT) Lithuania:	Ignas NAUBURAITIS	-
(LU) Luxembourg ⁵ :	-	-
(HU) Hungary:	-	Janos GABOR
(MT) Malta:	Andreina FENECH-FARRUGIA	-
(NL) Netherlands:	Leon R. M. LOMANS	Gerrit A. LAM
(AT) Austria:	Gabriela König	-
(PL) Poland:	Krzysztof CIESZKOWSKI	-
(PT) Portugal:	José MACIEL	-
(RO) Romania:	-	-
(SL) Slovenia:	Robert SMOJE	-
(SK) Slovakia:	Jan CHLADOK	-
(FI) Finland:	Jarmo VILHUNEN	-
(SE) Sweden:	Ingemar BERGLUND	-
(UK) United Kingdom:	-	-
<u>European Commission:</u>		
Reinhard PRIEBE (Chair)		Aronne SPEZZANNI
Ernesto PENAS		Pascale COLSON
Bernhard FRIESS		-
-		-
Hubert GAMBS		-
-		François ZIEGLER
<u>Observer :</u>		
-		Rosa CAGGIANO (MEDAC)

EFCA:

Mr Pascal SAVOURET (Executive Director- ED)

Mr Niall MCHALE (Head of Unit Resources - Unit A)

Mr Karin HERMANSSON (Head of Unit Capacity Building- Unit B)

Mr Pedro GALACHE (Head of Unit Operational Coordination - Unit C)

⁵ Proxy given by Luxembourg to The Netherlands.

Handwritten signature

Ms Clara FERNÁNDEZ (Policy Officer- OED)
Ms Rieke ARNDT (Legal Officer-Unit A)
Ms Malvine TOMUSCA (Accounting Officer– OED)
Mr Mario LOPES DOS SANTOS (Deputy Head of Unit Operational Coordination - Unit C)
Mr Stefano DONADELLO (Data Monitoring & Networks – Unit B)
Mr Alexandre KEMPFF (Senior Project Manager – Unit B)
Mr Alexis BENSCH (Desk Programmes, Plans and Assessment -Unit C)
Ms Gregoria CUESTA (Assistant to the ED – OED)



ANNEX II

Adopted Agenda 23rd Administrative Board meeting Vigo, 15th October 2015



Administrative Board



Agenda of the 23rd meeting of the Administrative Board of the EFCA on 15 October 2015 in Vigo

09h00 – 13h00

14h00 – 17h30

(D=decision; I=Information)

- | | |
|--|---|
| 1. Approval of the draft agenda | D |
| 2. Information from the Executive Director | I |
| 3. Term of office of the Executive Director (restricted session) | I |
| 4. Strategy for the implementation of Article 30 of the CFP (international dimension) | D |
| 4. BIS. Cooperation with other EU Agencies: | |
| A) Contribution towards a European Coastguard Capacity | D |
| B) Use of VMS data for Search & Rescue (SAR) and EUROSUR purposes | D |
| C) Other Inter-agency cooperation | I |
| 5. Adoption of the Multiannual work programme 2016-2020 and Annual work programme for year 2016 | D |
| 6. Provisional Single Programming Document: Multiannual work programme 2017-2021 and Annual work programme for year 2017 | I |
| 7. Adoption of the Multiannual Staff Policy Plan of the Agency for years 2016-2018 | D |
| 8. Adoption of the Budget and Establishment Plan of EFCA for year 2016 | D |
| 9. Under Item 4 BIS | |
| 10. Five year independent external evaluation of EFCA (2012-2016): draft terms of reference | I |
| 11. Endorsement of the European Commission proposal related to the appraisal of the EFCA Executive Director | D |
| 12. Reimbursement of expenses incurred by MS attending EFCA trainings under the EMFF operational programmes | D |
| 13. Discussion on ways to further improve the working practices | I |
| 14. AOB | |

European Fisheries Control Agency

Email: efca@efca.europa.eu – Tel: +34 988 12 08 10 – Fax: +34 986 12 52 37
Address: Edificio Odrizola, Avenida García Barbón 4, E-36201 Vigo – Spain
Postal Address: EFCA - Apartado de Correos 771 - E-36208 Vigo – Spain

2