



Administrative Board

Vigo, 5 March 2015

MINUTES OF THE 22ND MEETING OF THE ADMINISTRATIVE BOARD VIGO – 5 MARCH 2015

0. ATTENDANCE

The Chair, Mr Reinhard Priebe, opened the meeting at 09h00 by welcoming the Administrative Board (AB) members and alternates present at the meeting. The Chair announced the written confirmation of new members and alternates.

The Chair reminded the attendees that the observers do not have the right to vote, and the meeting would be recorded.

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.

Present	Proxies were given by Hungary to Austria, by Luxembourg to The Netherlands and by Latvia to Estonia. The European Commission (EC) had six representatives.
Quorum	The Chair concluded that the quorum of 23 votes was obtained

1. APPROVAL OF THE DRAFT AGENDA

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

- Under item 1:
 - Revision 2 of the Administrative Board draft agenda.
- Under item 2:
 - Draft cooperation arrangement with EMCDDA;
 - Draft conclusions of the Advisory Board;
 - Report of the Internal Audit Service;
 - EFCA Action Plan (IAS Audit on Building Blocks of Assurance in EFCA) ;
 - IAS Reply to EFCA Action Plan (IAS Audit on Building Blocks of Assurance in EFCA).

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- Under item 3:
 - Provisional annual accounts of the European Fisheries Control Agency for 2014 and updated extract of the provisional accounts to be included in the Annual Report 2014.
- Under Item 4:
 - Outcomes of EFCA's Seminar on the monitoring of the landing obligation (4 March 2015, Vigo).

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:

- Spain asked to report and exchange views on the implementation of the IUU Regulation and its uniform application in the MS;
- The EC requested to present the EC strategy for the participation of EFCA in SFPA (Sustainable Fisheries Partnership Agreements);
- The United Kingdom asked to include a bullet point concerning the mackerel fisheries in the North Sea.

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

2. INFORMATION FROM THE EXECUTIVE DIRECTOR

The AB members were informed of the main issues that have taken place and are ongoing since the last AB meeting on 17 October 2014, *inter alia*:

- Draft Cooperation Arrangement with EMCDDA (European Monitoring Centre for Drugs and Drug Addiction)
EFCA has started cooperating with EMCDDA to strengthen the capacity of both agencies and possibly ensure continuity in the Data Protection domain; further cooperation in other domains could follow;
- Union Inspection dimension in the Core Curricula (CC)
The Union inspection dimension in the CC is an ongoing process. The existing volumes for inspections at sea and in port will be updated with an additional regional dimension to fulfil the Union Inspector criteria as described in the EFCA founding Regulation Article 7(b) and decided by the SGTEE in November 2014. The third volume has been sent to the publication office of the EU to undergo the printing process.
- Draft Conclusions of the Advisory Board meeting (18 February 2015)
The meeting of the Advisory Board took place in Brussels on 18 February. The meeting was focused on the landing obligation; the Advisory Councils (ACs) presented the state of play in the different areas. During the meeting the EC presented the state of play on the Control Regulation consultation. EFCA was invited by several ACs to participate in several ACs meetings, e.g. the Seminar to be organised by the LDAC on the external dimension of the IUU.
- Information on European Court of Auditors (CoA), Internal Audit Service (IAS), Internal Audit Capability (IAC) and Internal Control; IAS Report and EFCA action Plan
In 2014 there was an audit from the CoA; the 2014 accounts have been audited by an external company. For the time being there are no results of the desk review, the final opinion will be circulated to the AB. All the past comments from the CoA have been audited.

The IAS audited the Agency in 2014 on the AR process and the issuance of the Building Blocks of Assurance (BBoA). The ED informed the AB on the recommendations of the IAS (report circulated to the AB at beginning of the AB meeting) and the action plan of EFCA, which has already been accepted by the IAS.

Concerning the IAC agreement with EMSA, the AB was informed that EMSA is considering stopping the function. The ED informed on the IAC reviews and recommendations.

- Communication, *inter alia* the Annual Communication Plan
The objectives of the Communication plan of EFCA for 2015 remained the same as in previous years. The AB was informed that a new website would be launched around summertime, including links to Facebook, Twitter and LinkedIn; it would help to raise awareness and get feedback. In this regard, the EU agencies communication handbook and EC guidelines will be followed and the outcomes will be reported to the AB.
- Participation of the EFCA in international fora
The list of meetings in which EFCA participated was circulated to the AB. Many of the meetings were organised by the EC, ACs and the EU decentralised agencies.
- Budget transfers 2014
The Budget transfers were circulated to the AB for information.
It was highlighted that EFCA's Budget execution 2014 has improved in commitments 99.1% and payments 88.4%. The implementation of carried over appropriations has also improved to 96%, and payments were done within the deadlines.
- Procurement
There has been an intensive activity in procurement to renew some support services, e.g. cleaning, and to move to efficient technology, e.g. telephony (mobile phones).
- Common Approach on EU decentralised agencies, *inter alia* Working arrangement with DG MARE: state of play
The state of play of each of the actions under the Roadmap on the follow-up Common Approach on EU decentralised agencies was presented to the AB. One of the most significant achievements was the completion of action n° 17, the signature of the working arrangement with DG MARE.
- CYRIS: Interagency RPAS Integrated Services a business case for joint institutional services
EFCA has been requested to engage in remote systems, e.g. drones. A desk review was carried out last year and circulated to the AB for the AB meeting in October 2014.
Limited resources and new challenges in maritime surveillance have sparked interest. EFCA is engaged with other Agencies (EMSA and FRONTEX in cooperation with Eurocontrol) in a project called CYRIS, which assesses and tests the technical and operational possibilities of multipurpose (long endurance) RPAS for maritime surveillance and tests the integration of RPAS sensor data in operational applications.
The financing is mainly coming from ESA and the industry, EFCA is participating in kind.
- EFCA cooperation with regional bodies
In line with its founding Regulation, EFCA will continue supporting the regional bodies such as Scheveningen and BALTFISH.
- Black Sea Cooperation
In line with Article 7 and 15 of its founding Regulation, EFCA, on request of Bulgaria and Romania, shall prepare a PACT project for the Black Sea, including supporting organised cooperation between Rumania and Bulgaria.
- Next independent external evaluation of EFCA
The next Five year independent external evaluation of EFCA will cover 2012-2016. The provisional schedule was presented to the AB. The Draft Budget (DB) 2016 has already taken into consideration the expenditure.
- Forensic audit track for fisheries control

EFCA has received a request from a MS to develop forensic audit track for fisheries control. EFCA already took part in 2008 in a meeting on this issue; it could be interesting to resume the project.

➤ New term of EFCA's Executive Director

The term of office of the ED will end on 31 August 2016. The term of office may be extended once for a further five years on a proposal of the EC. In order to ensure timely management a decision on the renewal/non-renewal should be proposed by the EC to the AB the next ordinary meeting in October 2015.

The Chair gave the floor to the AB members.

The Netherlands welcomed that the ACs would be invited to the Seminar EFCA is organising in Denmark in June 2015.

The EC stated that the Working arrangement between EFCA and DG MARE is beneficial and provides transparency and discipline in the way EFCA is asked to participate in international events.

On the new term of the ED, the Chair reassured that the EC would inform the AB on the procedure at the right time.

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
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3. ANNUAL REPORT 2014

The ED presented the new template of the Annual Report (AR) 2014 and mentioned that, as stated in the cover note, the AB was requested to approve the report and the assessment of the Authoring Officer's (Executive Director) AR for the financial year 2014. Last year the assessment was adopted by written procedure.

During the PowerPoint presentation the ED highlighted the 2014 Budget execution results within the Activity based budgeting and the standard budget approaches.

With reference to the declaration of assurance of the ED, the ED explained that the declaration of assurance was based on different pillars, namely the BBoA, which provided reasonable assurance that the money has been spent in accordance with the regulation.

The evolution and results of the operational activities were presented by the HoU B and the HoU C. The increase of inspections due to annual JDPs was pointed out.

The Chair opened the floor to the AB members.

Ireland and Spain welcomed the good level of information provided and asked to analyse the different patterns in order to get some learning, e.g. on the apparent infringements, the use done by the MS of the ERS, analyse of catch certificates etc.

Denmark highlighted the importance of the assessment of the AB in the AR 2014, and asked to include the training figures presented in the AR 2014 Executive summary.

The HoU C mentioned that the yearly assessment reports of the JDPs will include an in-depth analysis.

With reference to the information on the catch certificates analyses by EFCA within the IUU framework, the HoU B clarified that the mission is carried out to assist the EC hence the findings were sent to the EC. The questions were therefore referred to the EC.

The ED drew the attention of the AB to the differences on how the inspections are carried out and pointed out that a standardisation of the inspections at sea and ashore would be advisable to get valuable patterns.

The EC congratulated EFCA for the high degree of budgetary execution and mentioned that the experience gained by EFCA on the coordination of the inspections could be beneficial for the new technical measures and the revision of the Control Regulation. Attention was drawn by the EC to the decrease of the exchange of inspectors in the Southern North Sea area. The EC suggested including a reference to the latter in the assessment of the AB in the AR 2014.

The HoU C stated that EFCA would be glad to collaborate on the new set of technical measures and the revision of the Control Regulation.

On the exchange of inspectors, the HoU C pointed out that, although there were reductions in some areas, there was a good level of exchange of inspectors. In the Southern North Sea there is an integrated control and an increased use of Union inspectors in the waters of the different MS.

The EC acknowledged that EFCA had achieved a substantial progress on IT systems and asked to which extent the systems were operational.

The HoU B made a PowerPoint presentation on the state play of EFCA's ERS, EIR, Marsurv, Fishnet and the Core Curricula Development Platform which showed that the systems were operational since 2014.

With reference to the ERS, Ireland stated that the information provided by EFCA was accurate and mentioned that, now that the sharing is to a large extent working, MS should focus on the quality of the data shared.

Spain pointed out that MS had made a big effort to adapt to the ERS following the Control Regulation and asked for the planning of sharing of the ERS data.

The Chair reminded that the AR 2014 aimed to fulfil with two legal obligations, which have different deadlines 30 April and 1 July. In addition to that, there should be an assessment of the AB on the AR for 2014.

The Chair proposed to include the comments made by the representatives of Denmark and the EC in the assessment report, and asked the AB if they had any additional comments. There were no additional comments and the AR 2014 was adopted.

Proposed action	Adoption of the Annual Report 2014 (including the assessment of the AB).
Legal Basis	Art. 23(2)(b) of Regulation (EC) No 768/2005
Decision	Adopted by consensus.

4. OUTCOMES OF THE SEMINAR: MONITORING OF THE LANDING OBLIGATION

The ED proposed to endorse the outcomes of the Seminar on the monitoring on the landing obligation (4 March 2015, Vigo) and reminded the suggestion from Denmark to include the conclusions in EFCA's Multiannual work programme (MWP) 2015-2019 & Annual work programme (AWP) 2015.

The EC informed that new species could be added to the Specific Control and Inspection Programmes (SCIP) to consider the need to reinforce the control of the implementation of the landing obligation, and remarked that there was no need to reinstate a debate on the AWP 2015, and that the EC would prepare a timeline on the new approach of the SCIP. With reference to EFCA assistance to the regional cooperation mechanism, the EC pointed out that it would be interesting to get more information in order to consider it in the AWP 2016.

The ED indicated that any potential amendment would be analysed in the light of additional needs, new requests or changes in the policy context.

The United Kingdom mentioned that it would like the EC and EFCA to work on a possible extension of the NS JDP to the mackerel in order to support control and monitoring in the area.

The ED stated that there were two possible options either the use of Article 15 of EFCA's founding regulation, thus MS to volunteer, or to enlarge the NS SCIP to include the mackerel.

The Advisory Board representative mentioned that a group of MS fishing in the NS and WW were trying to set up a Committee to have a close view on how the landing obligation is implemented, and they would like to have the Agency on board.

The EC pointed out that to go through Article 15 of EFCA's founding Regulation, at least the request of two MS was needed. Amending the SCIP would be part of a further reflection on the framework of the SCIP. In this case scenario sufficient support would be needed by the MS.

The Netherlands and France pointed out that their preference was to go through voluntary cooperation.

Denmark stated they would consider in a positive manner PACT initiative or an enlarged SCIP.

Ireland clarified that they did not have control means in the area, so they doubt they could request Article 15 application.

The United Kingdom proposed to address the issue in writing to EFCA and EC, which could speak to other MS.

Denmark mentioned that it was not necessary to reopen the discussions on the ongoing AWP 2015; however, Denmark highlighted that the last point of the Seminar conclusions was new and it could not wait to 2016, and asked what the plan would be.

The ED explained that the intention would be to have from time to time a way to exchange information. The continuation would be a Seminar in Roskilde (DK) on 24-25 June, enhancing interregional cooperation with the presence of the Advisory Councils the first day, the second day meeting would be with the MS. Some topics, such as the point permit system and discard plans for demersal species in some areas have been already proposed by MS.

The United Kingdom drew the attention of the AB to the need of encouraging a culture of compliance in the industry, thus persuading the industry to be compliant. The Seminar in Roskilde could be a good forum to ask the industry how they would need to be regulated to be compliant.

The ED fully agreed and gave the floor to the representative of the Advisory Board.

The Advisory Board representative welcomed the proposal, and proposed to have some presentations during the meeting in Roskilde to kick off the discussion.

With reference to the AWP 2015, the ED asked to record in the minutes that, considering the EC will develop, within the IUU framework, an IT tool for catch certificates, the AB, in order not to duplicate the EC programme, will reflect about dropping the following actions from EFCA's AWP 2015 activities:

- Cooperation model to facilitate the enhancement of an IUU risk management strategy;
- Impact study to explore the feasibility of an IUU electronic catch certificate.

The EC explained that within EFCA's AWP 2015 a feasibility study for an electronic catch certificate was planned; since the EC is going to develop an electronic system, there would be an overlapping. However, a system to enhance cross checking and risk analysis would be different.

The Chair suggested to continue the discussion and, if relevant, to launch a written procedure.

The Administrative Board took note	<p>of the information provided in writing as well as orally, at the meeting, inter alia:</p> <ul style="list-style-type: none">- Endorsement of the outcomes of the Seminar on the monitoring on the landing obligation (4 March 2015, Vigo);- Possible extension of the NS JDP to the mackerel to support control and monitoring in the area; issue to be addressed in writing to EFCA and EC by the United Kingdom;- AB to reflect on a possible amendment (written procedure) of EFCA's MWP 2015-2019 & AWP 2015 regarding EFCA IUU activities for 2015.
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5. USE OF VMS DATA FOR SEARCH & RESCUE (SAR) PURPOSES, AMENDMENT TO SLA WITH EMSA; SLA WITH FRONTEX

Use of VMS data for search and rescue (SAR) purposes, amendment to SLA with EMSA

The Chair welcomed Mr Leendert Bal, Head of Operations Department C at EMSA who participated to the discussion on the use of VMS data for SAR purposes by video conference.

EMSA outlined that since 2009 EMSA is offering a Search and Rescue Surface Picture (SAR SURPIC) to MS Maritime Rescue Coordination Centres (MRCCs), as part of the LRIT Cooperative Data Centre (EU LRIT CDC). LRIT is very similar to VMS in terms of technology. The problem is faced that as regards vessels in distress, a lot of vessels, without LRIT, are missing on the SAR SURPIC. So, assistance to the MS in this area was only partially helpful. EMSA has added Sat AIS and would also like to include VMS, as unfortunately still a lot of vessels in distress are fishing vessels. That way EMSA could give a more complete support to MS. EMSA was hoping that the AB would receive the request positively and added that the VMS would be mainly used for outside areas, in the high seas.

The ED outlined that the information provided by EMSA was quite clear and that it depended on the decision of the MS to transmit the VMS data.

The Chair gave the floor to MS.

Denmark fully supported the idea, as the VMS data would be very useful for the Danish MRCC and did not see any legal obstacles. Denmark suggested adding a reporting requirement to the SLA between EMSA and EFCA to be informed about how frequently data is asked for and used in real life.

Cyprus also supported the idea, as the EU Maritime Security Strategy talks about the need of exchange of information in such cases, and requested clarification concerning the scope of the VMS data transmitted, would it be on a JDP basis or beyond.

Sweden had a constrain in their national legislation that would at the moment inhibit sharing VMS for any reason other than fisheries control purposes but supported the idea, and added that the legislative impediment may be resolved, if necessary.

Portugal, Ireland, France, Spain and Poland, in principle, supported the use of VMS data for search and rescue purposes in the maximum way. However, they raised legal concerns as regards the protection of personal data. More information on the need of the data, the purpose, the access to the data and the security measures in place was requested. Portugal proposed that this information could be provided by EMSA in the form of a letter. The representative of Poland also raised a question concerning the VMS data from third country vessels. It is understood that the request from EMSA concerns EU vessels, but the data of non EU vessels would be also transferred.

Italy mentioned that their Coast Guard service manages both fisheries control and safety data and backed the initiative.

The Chair summarised that everybody was in principle in favour, but had doubts in relation to data protection. He added that it could be delicate if data are collected for a certain purpose and then needed for another purpose.

As regards the use of VMS data, EMSA assured that access rights would be strictly regulated. Only users authorised to get the data, i.e. users with a MRCC SAR role, would get the data. Following a dedicated request from a MRCC, VMS and all other maritime position data would be made available for the SAR SURPIC retroactively for 24 hours. Outside a SAR situation access to the data is not possible. Thus, access is provided for a very dedicated purpose, and a clear and short moment in time. EMSA added that a report informing on the usefulness of VMS data could be provided. On the data protection issue, EMSA assured the members of the AB that EMSA had procedures in place.

The ED addressed three points. Firstly, an amendment to the SLA to include a report on the use of the VMS data would be added. Secondly, considering the full maritime environment, all VMS data of a certain area would be transmitted on a need to know principle. EFCA will only consider JDP related data for its own organisation. EFCA is providing a pipeline and will neither access nor use the data which will be sent from MS to EMSA via EFCA beyond JDP or article 15 EFCA founding Regulation requirements. Thirdly, following the proposal from Portugal, a letter detailing all the points relevant for data protection could be sent from EMSA to the national authorities and parliaments.

The EC stated that in principle the EC is favorable to exchange VMS data. However, there is a concern as regards the way the SLA is drafted. The text should be exactly in line with the Commission Implementing Regulation (EU) No 404/2011, currently under revision. Within the context of this revision, an EDPS opinion is expected to be issued. The text of the SLA should be in line with the EDPS opinion. The EC will actively seek an opinion from the EDPS that replies to the points under discussion.

EMSA clarified that they deal with the EDPS on a daily basis. At EMSA, when there is a new data set, this is notified to the EDPS, as part of their normal procedure EMSA ensured that the VMS data would be processed in line with requirements the EC just mentioned.

The Chair summarised that nearly all delegations who spoke in principle think it is a good idea. There are some data protection issues which have to be resolved before the SLA is signed. The EC is preparing revised implementing rules of the Control Regulation. In the process of consultations with the EDPS, the EC will raise the point of transmission of VMS data to EMSA via EFCA for search and rescue purposes. The Chair invited to reflect on the following point: Some delegates have mentioned that they transfer VMS data to other authorities for search and rescue purposes at national level. If that is the case, why would the AB be against sending it to EMSA for the same purpose. He added that the EU Maritime Security Strategy talks about the need of exchange of information in such cases and asked the AB to consider the policy oriented approach at EU level. The Council is very supportive on a much more technical level than what was under discussion as regards VMS data. He concluded that everyone should work together to ensure that all the points mentioned are reflected in the SLA.

The Administrative Board took note	<p>of the information provided in writing as well as orally, at the meeting, <i>inter alia</i>:</p> <ul style="list-style-type: none">- While waiting from the EDPS opinion the SLA amendment for this particular item (provision of VMS for the SAR SURPIC through IMDatE for search and rescue purposes) will be on hold.
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With regard to the draft SLA with FRONTEX, the ED pointed out that in order for MS to fulfil their obligations under the EUROSUR Regulation in the most efficient way, EFCA proposes to use the existing pipeline between EFCA and EMSA on the one hand and EMSA and FRONTEX on the other. Under the future SLA, EFCA will send data to EMSA. EMSA will incorporate that data to the IMDatE. FRONTEX will receive the data from IMDatE in accordance with existing procedure for other data sets. FRONTEX already has access to the IMDatE via an existing SLA between EMSA and FRONTEX.

The HoU B added that there is an established connection between EFCA and EMSA for the Marsurv system, which is feeding the IMDatE. SAR SURPIC is part of that as well. FRONTEX will get a similar situational picture for their specific operations. EFCA proposed to make use of a structure that is already in place in order to gain some synergies.

The Chair gave the floor to MS.

Portugal raised a question of principle as to why the data could not be sent directly to EMSA, as Portugal already sends VMS data to EMSA for fisheries control purposes.

The HoU B explained that the proposal was to make use of EFCA's Marsurv service infrastructure which is already in place, and not to open up three different pipelines.

Cyprus supported the point expressed by Portugal, as the information is already provided to the national services in Cyprus. All information should be available on one screen.

The HoU B further clarified that the objective is to help MS to make available the data to FRONTEX as mentioned in article 3 of the draft SLA between EFCA and FRONTEX.

The ED clarified that there is only one platform, the IMDatE. The processing by EFCA and EMSA of the VMS data of MS related to JDPs is done through a specific application using the IMDatE, EFCA's MARSURV Service. FRONTEX has requirements which are different from what EFCA's MARSURV Service provides. FRONTEX wants maritime data, in particular the full VMS picture, *inter alia*, for the Mediterranean and the waters surrounding the Canary Islands. The same platform, IMDatE, will be used, but the information required is beyond JDP.

The ED added that, as mentioned under the previous point, EMSA requests VMS data for search and rescue. In fact the major difference between today and tomorrow will be the fact that the info shall cover more information than EFCA's MARSURV Service, beyond JDPs. The ED stressed that the information will not be used by EFCA beyond technical requirements and therefore not in its operational commitments. Referring to the previous point and the present point, FRONTEX and EMSA could both be requested in writing to send a letter to those MS requiring further clarifications, describing respectively their expectations and the level of data protection applied.

In addition, the ED made it clear that the EUROSUR Regulation establishes a legal obligation for MS to exchange data for border control. He proposed to the AB that he will sign the SLA with FRONTEX. Then it will be a MS decision to use the system or not.

Portugal questioned the value of the SLA in case one or two MS would decide not to provide the VMS data.

The ED replied that the system will be prepared by EFCA. The responsibility to receive the data lies with FRONTEX.

The EC pointed out that the SLA establishes a kind of pipeline and requested clarification on whether this point, which was mentioned in the Agenda for information, was for information or for decision.

The ED clarified that the SLA was presented for information. The SLA is not subject to discussion, but the very principle of whether the MS would engage in the transmission of VMS data as possible

under the SLA. He reiterated that it is laid down in the EUROSUR Regulation that VMS data may be used for the purpose of border control.

The EC concluded that in October 2015 the EC should be able to inform the AB of the opinion of the European Data Protection Supervisor. With that information the MS would be in a position to decide what to do.

The Chair closed the item.

The Administrative Board took note	<p>of the information provided in writing as well as orally, at the meeting.</p> <ul style="list-style-type: none">- While waiting from the EDPS opinion the SLA amendment for this particular item (provision of VMS for EUROSUR through IMDataE for border control purposes) will be on hold.
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6. PROVISIONAL MULTIANNUAL WORK PROGRAMME 2016-2020 AND ANNUAL WORK PROGRAMME FOR YEAR 2016

The ED made a presentation on the Provisional Multiannual work programme (MWP) 2016-2020 and Annual work programme (AWP) 2016.

The ED informed the AB that the Financial Regulation of the EFCA (AB Decision No 13-W-09 of 31 December 2013), Article 32, requires a "single programming document" covering both multiannual and annual components. The Performance Development Network (PDN) of EU decentralised agencies was mandated to prepare a common approach for the "single programming document", in close cooperation with the EC.

The ED explained that the "single programming document" shall apply from 1 January 2016 (Art. 116 of EFCA's Financial Regulation). Therefore, the AB will need to discuss the MWP and AWP for 2016 and 2017 in the next AB meeting in October 2015. In order to pave the way for the application of the "single programming document", EFCA intends to adapt its future multiannual and annual work programme accordingly.

The Provisional MWP 2016-2020 and AWP 2016 keep the main priorities as contained in the MWP 2015-2019 & AWP 2015:

- A - Support the regional implementation of the Common Fisheries Policy (control) and in particular of the landing obligation:
 - In areas with a Specific Control and Inspection Programme (SCIP) /Joint Deployment Plan (JDP);
 - In fisheries where no SCIP/JDP is in force but subject to the landing obligation;
 - Upon request of the European Commission, provide expertise on the control aspects in preparations of new or updating of existing regulations.
- B - Support the Union in the international dimension of the CFP and the fight against IUU activities;
- C - Support the European Commission, the European Parliament and the Member States in the proceedings of the expert group on compliance;
- D - Provide training activities and training material in support of the effective and uniform application of the CFP based on the Core Curricula which will be kept updated;
- E - Finalisation, delivery and enhancements of the data management systems suite and architecture;
- F - Enhancements of EFCA ICT infrastructure, continuity and security for operational and corporate systems;
- G- EFCA values, resources optimisation, accountability, transparency, Simplification, scalability and streamlining.

Within the AWP 2016 the following activities were summarised by the ED:

- Continue the implementation of JDPs in priority areas/fisheries of the CFP, to promote the regional implementation of the control policy;
- Enlarge the scope of SCIP/JDPs to cover properly the landing obligation implementation: Pelagic North Sea/Demersal Western Waters;
- Promote the standardisation of inspection procedures;
- Implement the methodologies for compliance evaluation and cost effectiveness;
- Incorporate additional elements to fisheries control: culture of compliance;
- E-learning: to support to existing capacity building workshops and seminars;
- Continued support to EU COM in the area of SFPA;
- Up-dating Core Curricula;
- Support to EU MS in the field of IUU Catch Certificates; it should be taken into account that just short time prior to the AB meeting, DG MARE has presented a new project based on DG SANCO TRAdE Control and Expert System (TRACES). In order to avoid any overlapping with the EC project, EFCA would probably need to suggest some changes in the MWP 2015-2019 as well as AWP 2015. EFCA would analyse the situation and if needed would agree on such changes with the AB through written procedure;
- Support to EC in evaluation missions;
- System maintenance and enhancement;
- Implementation of FIS: EFCA presented part of the Fisheries Information System and is working hard to improve the system and test the EIR with two MS;
- Participation in and following research projects to improve fisheries monitor control and surveillance.

The EC thanked EFCA for the presentation and made the following comments:

- Confirmed that some of the activities programmed on IUU have changed. The EC has decided to develop a system build within SANCO's TRACES. For the time being a revision of the IUU regulation is not planned, therefore there is no need of contribution from EFCA's side;
- On the Control Regulation the EC informed that evaluation has started, MS are being consulted and so will be EFCA;
- The EC is preparing a calendar for revamping the SCIPs, in order to have a more systematic approach, to get them close to the management in the CFP, multispecies approaches. The EC will provide a detailed planning in the next AB meeting in October.

Austria reminded the need to have a centralised writing-off procedure so that MS control authorities receive an information on the total quantity of fish imported into the EU under a certain catch certificate, and highlighted that IUU was one of the European Parliament priorities. A letter in this respect was sent to the MS Ministers by the Chair of the EP Committee on Fisheries.

The EC pointed out that one of the advantages of developing an electronic certificate is that it would help avoiding falsification as it would allow cross checking. The EC informed that MS control of the IUU Regulation is a priority in the annual programme of the EC.

Poland drew the attention of the AB to the fact that TRACES does not cover Norway and Faeroe Islands, therefore a new system should be broader.

The Netherlands referred to the EC strategy on Sustainable Fisheries Partnership Agreements (SFPA) for EFCA requested by the AB last October, and reminded that such a Strategy should be included in the MWP to be approved by the AB in October 2015.

The EC informed that they would be presenting under AOB the EC strategy on Sustainable Fisheries Partnership Agreements. The EC pointed out that EFCA has limited resources therefore a compromise and engagement on the priorities should be found.

The Chair indicated that the Strategy would be adjusted to the priorities and reflected in the MWP 2016-2020 and AWP 2016. He suggested raising the issue under AOB, as the EC Strategy for the participation of EFCA in SFPA capacity building missions would be presented under that agenda item.

Ireland stated that, in order to take a decision in October 2015, it was necessary to have time to ferment the wishes and priorities, and asked for feedback to the rest of the participants.

Denmark asked to include the outcomes of the Seminar from the previous day in the text of the MWP 2016-2020 and AWP 2016 to be discussed in October 2015, and made the following questions:

- With reference to the PACT concept, what the plan was, as there were no specific guidelines about PACT implementation;
- Regarding EFCA's rationalisation, whether the measures described in the provisional MWP 2016-2020 and AWP 2016 would be sufficient when looking into the coming years.

The ED stated that the conclusions of the Seminar would be taken on board in the ongoing and future MWP & AWP. With reference to rationalisation and streamlining, the ED pointed out that the bottle neck was the staff and that the matrix was to increase efficiency, e.g. missions have been reduced to the minimum. In the future the maturity of the ICT systems will also help to further decrease the costs.

Following the question from Denmark the HoU C made a PowerPoint presentation on the PACT approach. PACT is a new cooperation concept open to MS that covers two areas, assistance and operational cooperation.

Spain agreed with the comments made by Ireland and Denmark. In relation to the SCIPs, Spain pointed out that an impact assessment for EFCA and the MS above the current engagements/efforts should be put on the table.

The ED mentioned that for Western Waters there was sufficient contribution from MS and that the coordination and information of data should be separated to the assets.

There were no additional comments and the Chair closed the item.

The Administrative Board took note	<p>of the information provided in writing as well as orally, at the meeting, <i>inter alia</i>:</p> <ul style="list-style-type: none"> - the conclusions of the Seminar would be taken on board in the ongoing and future MWP & AWP; - the Strategy on Sustainable Fisheries Partnership Agreements for EFCA would be adjusted to the priorities and reflected in the MWP 2016-2020 and AWP 2016.
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7. MULTIANNUAL STAFF POLICY PLAN OF THE AGENCY FOR YEARS 2016-2018

The HoU A made a presentation on the Multiannual Staff Policy Plan (MSPP) 2016-2018. In accordance with EFCA's Financial Regulation the MSPP will be integrated in the "single programming document" (see previous bullet point). For 2015 the EC has confirmed that the MSPP 2016-2018 could be adopted in October 2015.

The ED highlighted that:

- A 5% cut of staff will be completed in 2016 (3 posts);
- A second cut of staff would mean a total decrease of staff of 11.1%. This second cut is not for reducing EU public service but to move positions from EFCA to other agencies considered new or with new tasks. EFCA is awaiting the outcome of the

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Inter-Institutional Working Group (IIWG) in this respect; the IIWG on the EU decentralised agencies will meet in 2015.

- It is essential for EFCA to use all the available HR. The interest of MS in seconded national experts (SNEs) has dropped, some SNE positions have not been filled; MS are kindly suggested to put forward SNEs for nomination before October 2015 AB meeting. Otherwise it is proposed to convert those vacant SNE posts into contractual agents (CA). This change would not have any budgetary impact in EFCA budget.

The EC made the following points:

- To move the information under the section "New tasks" to the section "Growth of existing tasks";
- It is possible to wait for the IIWG conclusions before the final adoption of the MSPP, however, the EC communication COM(2013) 519 presented a decrease of EFCA's establishment plan of 6 posts by 2018.

The Chair suggested to approve the MSPP 2016-2018 as a draft and to get the final approval during the AB in October 2015.

Germany pointed out the importance to have SNE in order to exchange expertise and stated its interest to nominate some SNE's.

Ireland raised its concern about the impact of the staff reduction in the MWP implementation and asked the EC what could be done to support EFCA's case.

The EC explained that the discussion was handled in the EC. Usually only agencies leading with critical issues are considered new tasks.

With reference to the comment made from Ireland, the ED pointed out the importance to have a clear view on the resources for the drafting and setting up priorities of the MWP & AWP. EFCA is a very small organisation and the impact would not be the same as in a big organisation because of an evident threshold effect.

The HoU A asked if the draft MSPP 2016-2018 could be notified to the institutions.

The EC agreed with the circulation provided that the comments made by the EC were integrated and the draft MSPP 2016-2018 were accompanied by a cover note explaining that the text is not in line with the EC Communication COM(2013) 519.

The ED agreed to include the EC comments.

There were no additional comments. The AB approved the draft text of the Multiannual Staff Policy Plan 2016-2018 and agreed that the draft would be notified to the institutions with a cover note as proposed by the EC, and that the final text would be adopted at the AB in October 2015.

Proposed action	To approve the draft text of the Multiannual Staff Policy Plan 2016-2018 and to adopt the final text at the AB in October 2015
Legal Basis	Article 23(2)(e) of Regulation (EC) No 768/2005; Article 32(1) and (2) of EFCA's Financial Regulation (AB Decision No 13-W-09)
Decision	Agreed by consensus
The Administrative Board took note	of the information provided in writing as well as orally, at the meeting, <i>inter alia</i> : <ul style="list-style-type: none">- It is essential for EFCA to use all the available HR. MS are kindly suggested to put forward SNEs for nomination before October 2015 AB meeting. Otherwise it is proposed to convert those vacant SNE posts into CA.

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

The HoU A made a presentation of the Draft Budget (DB) 2016 cycle and content. He explained that there were no changes in the structure and the deletion of one post was included. There are some slightly modifications: a decrease of the staff costs and coefficient corrector, and some increases in other administrative costs, such as hardware, software, licences and the 5 year external independent evaluation of the Agency to be launched in 2016.

The Chair asked for comments. There were no objections and the DB 2016 was adopted.

Proposed action	Adoption of the Draft Budget and establishment plan of EFCA for year 2016
Legal Basis	Article 35(5) of Regulation (EC) No 768/2005
Decision	Adopted by consensus

9. ELECTION OF THE DEPUTY CHAIR

The Chair opened this agenda item thanking Mr Dario Cau for his work as deputy Chair. The Agency received one candidature from Ms Andreina Fenech Farrugia, representative of Malta. Ms Fenech Farrugia introduced herself and gave an overview over her professional and academic background in fisheries.

The Chair proposed to the AB to vote on the election of the Deputy Chair for the remaining term of the former deputy Chair, until 15 October 2017. The AB unanimously elected Ms Andreina Fenech Farrugia.

Proposed action	Election of the Deputy Chair
Legal Basis	Article 25(1) of Regulation (EC) No 768/2005
Decision	Adopted by consensus

10. DISCUSSION ON WAYS TO FURTHER IMPROVE THE WORKING PRACTICES: AMENDMENT OF THE RULES OF PROCEDURE OF THE ADMINISTRATIVE BOARD, ELECTION OF THE CHAIR

The Chair referred to the discussion on the procedure for the election of the Chair held at the previous AB meeting and gave the floor to Germany.

Germany indicated that following the sad passing away of the former Chair, Mr Holmquist, last year, the ED had proposed in a written procedure to deviate from the rules of procedure, which foresee to convene a meeting to elect a new Chair within three months, to save the costs of an extraordinary AB meeting. At that time, the German delegation expressed some uneasiness as this was not explicitly foreseen by the rules of procedure.

Germany proposed a new text to adjust article 2, paragraph 4 of the rules of procedure of the AB for such practice:

"4. If the office of Chairperson or Deputy Chairperson falls vacant, a new Chairperson or Deputy Chairperson shall be elected at the next available ordinary meeting of the Administrative Board and in no case later than six months after the vacancy occurred. The member then elected shall serve as Chairperson or Deputy Chairperson for the remainder of his predecessor's term or until the end of his membership of the Administrative Board, whichever is the earlier."

The Chair added that the idea would be to replace the three months delay to six months, bearing in mind the experience of 2014. The proposed text would also make clear that the nomination of the Chairperson should be done at an ordinary AB meeting and not by written procedure, with the safeguard to be done within six months.

The proposal to change article 2, paragraph 4 of the rules of procedure of the AB was adopted unanimously.

Proposed action	Adoption of the amendment to the rules of procedure of the Administrative Board of EFCA
Legal Basis	Article 23(2)(g) of Regulation (EC) No 768/2005
Decision	Adopted by consensus

11. AOB

The Chair opened the floor for the issues to be discussed under AOB.

Implementation of the IUU Regulation and its uniform application in the MS

Spain made the following points:

- Emphasised that the coordination of the implementation of the IUU Regulation needed to be improved in order to get a better level playing field;
- Highlighted the importance to count with an electronic catch certificate;
- Asked EFCA to analyse and show to the AB members the results and outcomes of different workshops carried out in 2014, and planned for 2015;
- Welcomed the species approach for 2015 and underlined that, in terms of country of origin, it was important to establish common procedures for MS;
- Asked EFCA to show the results of the missions to third countries with the EC, and of the documents analysed by EFCA staff;
- Remarked that fishing vessels coming from third countries should comply with EU rules, and asked for market surveillance in order to avoid non-compliant fish on the market.

The EC indicated that the involvement of EFCA in IUU missions would be discussed during the AB meeting in October 2015. The EC highlighted that for the first time this year's inspection programme of Commission inspectors covers the control of import of fish from third countries, including from blacklisted countries. Consequently, for the first time the focus is not only on catch certificates but also on how MS implement the IUU Regulation.

EC Strategy for the participation of EFCA in SFPA capacity building

The EC presented the EC strategy concerning the participation of EFCA in SFPA capacity building missions. The EC explained that, in the context of SFPA, the intention is to try to improve the partnership with third countries, through assistance in developing their monitoring control and surveillance systems and reinforcement of technical capacity in fisheries governance.

The EC pointed out that the mission results from 2014 have been very positive and thanked EFCA and the MS for their collaboration. EFCA's and MS assistance is expected, along with EC officials. The EC mentioned that expected limited impact on EFCA's daily activity. The number of missions and the selection of SFPA partners for 2016 will be agreed by EFCA Administrative Board in October 2015. However, certain flexibility in the selection of the SFPA partner in response to unexpected events is required.

Spain welcomed the Strategy and expressed openness to collaborate.

The ED suggested attaching the Strategy to the AWP 2016 and asked to quote the working arrangement concluded between EFCA and DG MARE underlying that the tasks agreed under the working arrangements shall prevail. The ED confirmed EFCA's interest to be involved in such

capacity building missions to third countries and pointed out that the preparatory work they require should not be underestimated.

The Netherlands considered the Strategy a good basis for the AB decisions and requested to introduce a clearer definition in the Strategy with regard to the term "unexpected events" and the required flexibility in the selection of SFPA partners.

Portugal offered to collaborate and referred to the positive impact the training had on the conduct of inspections in Cape Verde. Portugal suggested that the Strategy should provide the possibility to use EMFF for activities in third countries.

Cyprus asked if the EC had received requests of support from third countries without a FPA and how the EC had reacted in such cases. Cyprus underlined the importance to support third countries in the Mediterranean to achieve a level playing field in terms of control and to make use of the IUU Regulation tools.

In response to the comments the EC made the following remarks:

- Proposed not to amend the Strategy, but to include it as an annex to the minutes (Annex II);
- Asked for flexibility as the planning for 2016 has to be finalised in October, but adjustments might be necessary in the course of the year;
- The EMFF may not finance capacity building missions in third countries;
- Priority is given to countries with FPA. For other third countries, the EC tries to mobilise funds from DG DEVCO;
- Took note of the comment made by Cyprus.

The ED informed that as regards the Mediterranean there will be a GFCM workshop on 17-18 March to which MS are also invited.

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
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The date of the next Administrative Board meeting was scheduled, **15 October 2015**. EFCA's founding Regulation will turn 10 years old in 2015, the AB was informed that there would be a celebration to mark this event.

The Chair thanked the participants for the constructive and lively meeting.



Administrative Board



Agenda of the 22nd meeting of the Administrative Board of the EFCA

on 5 March 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. Annual Report 2014 | D |
| 4. Outcomes of the seminar: Monitoring of the landing obligation | I |
| 5. Use of VMS data for Search & Rescue (SAR) purposes, amendment to SLA with EMSA; SLA with Frontex ¹ | D |
| 6. Provisional Multiannual work programme 2016-2020 and Annual work programme for year 2016 | I |
| 7. Multiannual Staff Policy Plan of the Agency for years 2016-2018 | D |
| 8. Draft Budget and Establishment Plan of the EFCA for year 2016 | D |
| 9. Election of the Deputy Chair | D |
| 10. Discussion on ways to further improve the working practices: amendment of the Rules of procedure of the Administrative Board, election of the Chair | D |
| 11. AOB | |

¹ For information.

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05.03.2015 – Document adopté par le Board de mars 2015 – sera joint au EFCA Work Programme

Participation of EFCA in SFPA capacity building missions

1. General context

- Commission seeks to improve the EU partnership with SFPA third countries, through assisting them in
 - developing their MCS capacities, and
 - reinforcing their capacity in fisheries governance
- Response to a demand regularly expressed by SFPA partners
- At mid to long term, these actions aim to take advantage of technical and financial support from potential resources from DEVCO and ICCAT funds
- At short term, the Commission
 - intends to increase the value of the sectorial support provided by the SFPA, and
 - is looking for the temporary and specific assistance of EFCA as per Art 30 of the new CFP
- Positive results of the test-year 2014 (Ivory Coast, Gabon and Cape Verde)

2. Criteria to select the third country partner for the Commission/EFCA assistance

- Existence of a SFPA
- Request for assistance presented by the SFPA partner, either
 - to assess the operability of its monitoring system in place;
 - to evaluate and advise on its needs to install an operational fishing MCS service; or
 - to provide practical training (including co-participation in inspections) to the local inspectors and operators in priority domains (see next point)
- Staff, technical and financial availability of Commission /EFCA

3. Priority domains for assistance

- Priority domains are established with the third country concerned. From past experience, such priority domains usually are
 - procedures for fisheries Control/inspection at sea and in port
 - definition and management of MCS tools, in particular VMS, ERS and AIS

4. Tasks expected from EFCA

- Along with Commission officials:
 - participation to the analysis of the local Control/inspection systems and to the evaluation of needs (within the priority domains)
 - training in loco of inspectors in charge of control/inspection in port, and providing guidelines for inspection at sea
 - training in loco of operators for the implementation and management of an FMC and related IT tools
- Facilitate the participation of Member States, in support of inspection procedures and/or IT tools management (i.e. training of foreign operators on VMS and ERS in Member State's FMCs)

- Facilitate the availability of training material, to be elaborated from existing EFCA and/or Member State material (Core Curricula, Inspection procedures, etc)

5. Action shared in loco by Commission and EFCA/Member State delegates

- Technical training assistance is developed in a 3 days programme, which comprises:
 - a contextual presentation to local inspectors/operators team of the relevant provisions and procedures deriving from the SFPA or the related RFMO
 - the evaluation of work practices in use by the local port inspectors, through observation of port inspection
 - an analytical discussion on the observations made from the observed inspection and analysis of inspection methodology and local constraints
 - the training of local inspectors, adapted to the particular shortcomings identified from observations
 - an operational analysis of the management of the local FMC and related IT tools

6. Request from DG MARE

- Temporary availability of EFCA
 - to cover major fishing areas (i.e. Gulf of Guinea)
 - to complete the assistance in already visited SFPA partners, if needed
- Number of missions per year and selection of SFPA partners to be decided in accordance with the Board, in October for the year to come, taking into account
 - the motivation/analysis proposed by the Commission
 - the assessment by EFCA of its other core tasks
 - calendar constraints and availability of staff and financial resources
- Possibility to change the selection of the SFPA partner, in case of force majeure, and in agreement with the Board

7. Impact on core tasks of EFCA within the EU

- The assistance on SFPA demanded to EFCA should have a very limited impact on its availability to core tasks for Member States within the EU:
 - in terms of workload, each mission usually lasts for 4 days, including travel, and refers to 1 EFCA official and, if so decided, 1 delegate from a Member State, accompanying the Commission officials
 - the building of knowledge gained through delivery of capacity building missions, and the reuse of the training, learning and support material developed will rapidly reduce the EFCA human resource and financial input to travel and per diem costs.

List of participants to the meeting of the
Administrative Board of the EFCA
Vigo, 5 March 2015

Members		Alternates
(BE) Belgium:	-	Jean-Francois VERHEGGHEN
(BG) Bulgaria:	Dimitar VALKOV	-
(CZ) Czech Rep.:	Jiri PONDELICEK	-
(DK) Denmark:	Anders M. JENSEN	Mik JENSEN
(DE) Germany:	Hermann POTT	Bernd KREMER
(EE) Estonia:	Indrek ULLA	-
(IE) Ireland:	Andrew KINNEEN	Micheal O' Mahony
(EL) Greece:	-	-
(ES) Spain:	Carlos LARRAÑAGA CES	Hector VILLA
(FR) France:	-	Matthias BIGORGNE
(HR) Croatia:	-	Mario SKORJANEC
(IT) Italy:	Riccardo RIGILLO	Dario CAU
(CY) Cyprus:	Yiannos KYRIACOU	-
(LV) Latvia ¹ :	-	-
(LT) Lithuania:	Ignas NAUBURAITIS	Ieva ZUNDIENE
(LU) Luxembourg ² :	-	-
(HU) Hungary ³ :	-	-
(MT) Malta:	Andreina FENECH-FARRUGIA	-
(NL) Netherlands:	Leon R. M. LOMANS	Gerrit A. LAM
(AT) Austria:	Gabriela König	-
(PL) Poland:	-	Stanislaw KASPEREK
(PT) Portugal:	-	Carlos FERREIRA
(RO) Romania:	-	Marian CHIRIAC
(SL) Slovenia:	-	-
(SK) Slovakia:	Jan CHLADOK	-
(FI) Finland:	Jarmo VILHUNEN	-
(SE) Sweden:	Ingemar BERGLUND	-
(UK) United Kingdom:	Gary OWEN	Cephas RALPH
<u>European Commission:</u>		
Reinhard PRIEBE (Chair)		Aronne SPEZZANNI
Ernesto PENAS		Pascale COLSON
-		Jacques VERBORGH
-		Francisco J. VÁZQUEZ
-		Maris STULGIS
-		François ZIEGLER

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)
Ms Clara FERNÁNDEZ (Policy Officer- OED)

¹ Proxy given by Latvia to Estonia.

² Proxy given by Luxembourg to The Netherlands.

³ Proxy given by Hungary to Austria.

Ms Patricia SÁNCHEZ (Communication Officer – OED)
Ms Malvine TOMUSCA (Accounting Officer– OED)
Ms Rieke ARNDT (Legal Officer-Unit A)
Mr Patrick ALLEN (Senior Project Manager – Unit B)
Mr Alexandre KEMPFF (Senior Project Manager – Unit B)
Mr Sven TAHON (Project Officer-Unit B)
Mr Mario LOPES DOS SANTOS (Deputy Head of Unit Operational Coordination - Unit C)

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