



**DECISION NO 16-I-10**  
**OF THE ADMINISTRATIVE BOARD**  
**OF THE EUROPEAN FISHERIES CONTROL AGENCY**  
**of 10 March 2016**

**amending AB Decision No 14-II-8(1) of 17 October 2014 adopting the policy on the prevention and management of conflicts of interest of the European Fisheries Control Agency**

**European Fisheries Control Agency**

Email: [efca@efca.europa.eu](mailto:efca@efca.europa.eu) – Tel: +34 986 12 06 10 – Fax: +34 986 12 52 37  
Address: Edificio Odriozola, Avenida García Barbón 4, E-36201 Vigo – Spain  
Postal Address: EFCA - Apartado de Correos 771 - E-36200 Vigo – Spain

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## THE ADMINISTRATIVE BOARD OF THE EUROPEAN FISHERIES CONTROL AGENCY

Having regard to Council Regulation (EC) No 768/2005 of 26 April 2005<sup>1</sup> establishing a Community Fisheries Control Agency<sup>2</sup> (hereinafter referred to as 'EFCA'), and in particular Articles 23(2)(h) and 28 thereof,

Having regard to AB Decision No 08-I-13(1) of 13 March 2008 concerning Implementing Rules on Confidentiality at EFCA,

Having regard to AB Decision No 09-I-07 of 19 March 2009 concerning the revised rules for Seconded National Experts,

### Whereas:

- (1) The prevention and management of conflict of interests is a vital part of good administrative behaviour of the European institutions, bodies and Agencies. It is crucial to ensure EFCA's independence and transparency, and to maintain the trust of stakeholders and citizens in EFCA's integrity. In the regulatory practice, the highest level of integrity is required to ensure the quality and credibility of regulatory measures. Conflicts of interest, actual or perceived, may put integrity of the decision-making process into question and also represent a reputational risk.
- (2) The risks of actual or perceived conflicts of interest should therefore be identified and correctly managed, on the basis of a coherent and comprehensive Agency policy for the management or prevention of conflicts of interest.
- (3) For this reason, EFCA adopted a policy on the prevention and management of conflicts of interest by AB Decision No 14-II-8(1) of 17 October 2014.
- (4) On 29 April 2015, the European Parliament adopted its Resolution with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Fisheries Control Agency for the financial year 2013<sup>3</sup> (hereinafter "the Resolution"). In point 8 of the Resolution, the Parliament acknowledged from EFCA that its comprehensive policy on the prevention and management of conflicts of interests was adopted by its Administrative Board in October 2014 and was publicly available on its website. In point 9 of the Resolution, the Parliament called upon EFCA to revise that policy and publish the CVs of the Executive Director, Heads of Units and members of the Administrative Board on a mandatory basis and to publish also the CVs and declarations of interests of the members of the Advisory Board in order to contribute to greater transparency.
- (5) Taking into account the particular points of interest raised by the Parliament, which, in similar situations, have already led to a change of practice in some EU bodies, it is appropriate for EFCA to reinforce the policy issued previously by the Administrative Board.
- (6) The risk for actual or perceived conflict of interest may also arise with respect to the members of the Advisory Board of EFCA, who should submit declarations of conflicts of interest and résumés.

<sup>1</sup> As amended.

<sup>2</sup> Since 1/1/2012 'European Fisheries Control Agency'.

<sup>3</sup> OJ L 255, 30.9.2015, p. 236.



- (7) A balance must be struck between the importance of ethics and independence obligations and the possible intrusion in the right to privacy of the persons concerned.
- (8) To encourage a culture of integrity and of responsible management of conflicts of interest, to contribute to greater transparency, as well as in the light of the functions of the Executive Director and the Heads of Unit, and considering EFCA's core business, those persons should submit a yearly declaration of conflicts of interest and a résumé.
- (9) Taking into account the high level of responsibility and the decision-making powers of the members of the Administrative Board, the Executive Director and the Heads of Unit, who have positions of key importance, there is a presumption of openness for personal data concerning persons in such posts. Thus, the publication of declarations of interest of those persons on EFCA's website is necessary to ensure public accountability and to encourage public trust by showing the public that those persons are working in the interest of the European Union. In the interest of contributing to greater transparency, the presumption of openness for personal data can be considered to cover also the publication of résumés of the aforementioned. At the same token, declarations of interest and résumés of Advisory Board members should be published on EFCA's website.
- (10) The new requirements need to be incorporated in EFCA's conflict of interest policy and AB Decision No 14-II-8(1) should therefore be amended,

HAS DECIDED AS FOLLOWS:

*Article 1*

AB Decision No 14-II-8(1) is amended as follows:

- (1) Article 2 is replaced by the following:

*"Article 2  
Scope*

This decision shall apply to EFCA staff, Seconded national experts, external remunerated experts, trainees and members and alternates of the Administrative and Advisory Boards."

- (2) In Article 6, the following paragraph is added:

"5. As the Advisory Board has a balanced composition and is only an advisory body, the risk of conflicting interests affecting the formal work of EFCA is minimal. However, it shall be a standard practice that the Executive Director who chairs those meetings, requests, when relevant, that any conflicting interests are declared at the start of each meeting and recorded in the minutes."

- (3) Article 7 is replaced by the following:

*"Article 7  
Yearly declarations and publicity*

1. Without prejudice to the relevant provisions of the Staff Regulations and CEOS, the Executive Director and the Heads of Unit shall submit declarations of interest and résumés. While the declarations of interest shall be submitted on a regular basis, at least once a year by 31 January, the résumés shall be updated whenever necessary.
2. Advisory Board members and alternates shall submit their declarations of interest and résumés. While the declarations of interest shall be submitted annually by 31 January to the secretariat of the Advisory Board, the résumés shall be updated whenever necessary.
3. The name, function, declaration of interest and résumés of the Advisory Board members and alternates and of the persons in the posts mentioned in paragraph 1 shall be published on the EFCA website in the interest of transparency, with due respect to EU rules on protection of personal data.”

(4) The first paragraph of Article 8 is replaced by the following:

“1. Each member and alternate of the Administrative and Advisory Boards shall receive a copy of this decision. In addition, this decision shall be made easily accessible on EFCA’s intranet to staff members, seconded national experts and trainees.”

(5) Point 9.1. of the Annex “EFCA Administrative Board Conflict of Interest Policy” is replaced by the following:

“9.1. Annual written declaration of interest

Board members shall submit their written annual declarations of interest to the secretariat of the Board no later than 31 January of each year. They indicate either the absence of any interests which might be prejudicial to their independence or all those direct or indirect interests which might be considered prejudicial to their independence. Thus, each year, the Board members shall complete and submit a specific form.

At each meeting of the Administrative Board, the Chairperson shall remind the Board members to submit their annual written declaration of interests.”

(6) Point 11 of the Annex “EFCA Administrative Board Conflict of Interest Policy” is replaced by the following:

**“11. Transparency**

Board members shall submit their résumés to the secretariat of the Board. The résumés shall be updated whenever necessary.

Upon request, minority opinions shall be included in the minutes of Board meetings, thereby ensuring transparency on divergent views.

Apart from the policy itself, the following shall be published on the EFCA website in the interest of transparency:

- a) the Board members’ names together with the name of their employer;

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- b) the rules of procedure of the Board;
- c) the minutes of the Board meetings along with the list of participants;
- d) the Board members' written declarations of interest with due respect to EU rules on protection of personal data.
- e) the Board members' résumés with due respect to EU rules on protection of personal data."

*Article 2*  
*Transitional provision*

- (1) Without prejudice to the deadline of 31 January established by this decision for the submission of declarations of interest, the declarations of interest for year 2016 shall be submitted by the EFCA Executive Director and Heads of Unit and the Administrative and Advisory Board members and alternates within three months from the entry into force of this decision.
- (2) The résumés of the persons referred to in paragraph 1 shall be submitted within three months from the entry into force of this decision.

*Article 3*  
*Entry into force and publicity*

This decision shall take effect on the day of its adoption and shall be published on EFCA's intranet and website in a clear and easily identifiable manner.

Done at Vigo on 10 March 2016



Reinhard Priebe  
Chair of the Administrative Board