



## ADVISORY BOARD MEETING

27 February 2019, Brussels

### CONCLUSIONS

#### Participants

**Advisory Board representatives:** Ms Chloé Pocheau (SWWAC), Ms Rosa Caggiano (MEDAC), Mr José Beltrán (PELAC), Ms Béatrice Gorez and Mr Iván López (LDAC), Mr Esben Sverdrup-Jensen (BSAC), Ms Cécile Fouquet (AAC) and Mr Daniel Voces (MAC).

**European Fisheries Control Agency (EFCA):** Mr Pascal Savouret (ED), Mr Pedro Galache (HoU 3), Ms Clara E. Fernández (PO) and Mr Leon Bouts (Unit 2 Administrator).

**Observers:** N/A

#### **0. Approval of the Agenda.**

The meeting was opened by the ED welcoming the Advisory Board representatives.

The participants were reminded of the conflict of interest and data protection rules.

The draft agenda was presented by the ED.

The agenda was approved.

#### **1. Introduction and state of play: Advisory Councils (ACs) state of play**

The ED gave the floor to the ACs representatives to present their activity since the last Advisory Board meeting.

The SWWAC representative thanked EFCA for its participation in the SWWAC meetings. She pointed out that English was not a working language in the SWWAC and referred to the need of interpretation at least in FR and ES. She summed up their main areas of activity:

- The advice on the Control regulation, she mentioned that it is an important step further, and it is important not to rush.
- On the landing obligation (LO), they are analysing the implementation and the issues they have encountered.

#### **European Fisheries Control Agency**

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The LDAC representative highlighted the following developments since the last Advisory Board meeting:

- The relations between the LDAC and COMHAFAT. She pointed out the need to avoid duplication between COMHAFAT actions planned and other EU programmes, such as PESCAO, and asked what the role of EFCA in terms of capacity building was, and if EFCA was coordinating with other agencies.
- On the new Regulation on the sustainable management of external fishing fleets, she raised some concerns about the uneven level of implementation. She pointed out that some MS do not provide data to the Commission.
- On West Africa, she mentioned that some countries are counting on NGOs to provide surveillance at sea services, because of their lack of capacity. This privatisation of MCS services represents a risk that surveillance at sea will be instrumentalised to serve private groups objectives.
- The FAD issue was raised at the last EFCA meeting. On this topic, the project on FADs recovery is developing well. Although, it is difficult to agree amongst LDAC members on how to limit the number of FADs.
- With reference to the CCTVs, she mentioned that the proposal of the Control Regulation looks at fleet based on risk assessment. She asked how this would be applied. She also asked to which extend EFCA would be able to control by-catch if it is approved.

On terms of capacity building, the HoU 3 mentioned that the objective of PESCAO is to maximise synergies in the area. EFCA provides training at regional level to form trainers in the different countries, and participates in the trainings organised by the PESCAO countries. EFCA assists the selected countries in the joint operations, e.g. helping them to establish some procedures, training officials for the control campaign. To avoid overlapping, EFCA coordinates with FAO, especially on Port State Measures. Moreover, EFCA has invited FAO officials to its trainings.

With reference to private observers, and potential support to be provided by EFCA, the HoU 3 pointed out that EFCA depends on the regional organization requests.

Regarding the new Regulation on the sustainable management of external fishing fleets, the HoU 3 commented that EFCA does not have a general mandate to act on the international domain and requires a Commission request. Currently, EFCA is not coordinating EU control operations in international waters in West Africa. The LDAC representative mentioned that there were big concerns, as surveillance should be provided by civil servants, and there have been cases of soldiers with guns boarding and doing fisheries inspections.

On the surveillance provided by NGOs, the ED shared the concerns of the LDAC.

On CCTV, the ED explained that EFCA is working on technical guidelines with the Member States and the Commission, e.g. systems combining CCTV with different types of sensors. A draft document proposing the technical guidelines for REM will be presented to the Administrative Board of EFCA in April.

On the by-catch project, the ED mentioned EFCA availability pending a mandate and the resources that might be needed.

The MEDAC representative pointed out the following issues:

- Thanked EFCA for participating in the MEDAC meetings and presenting the Mediterranean and Eastern Atlantic JDP.

- On the reform of the Control Regulation, the MEDAC gathered the opinion of its associates through a questionnaire. The whole contribution was sent to DG MARE. The importance to ensure compliance, without creating additional burdens, and the proportionality of the sanctions, was underlined.
- The follow-up on the Proposal for a regulation of the European Parliament and of the Council establishing a multi-annual plan for the fisheries exploiting demersal stocks in the Western Mediterranean Sea. A provisional inter-institutional agreement was reached on 14 February 2019.

The ED asked about the collaboration between the GFCM and the MEDAC.

The MEDAC representative mentioned that they are following up the RPOA (Regional Plan of Action) on SSF, signed at the Ministerial Conference held in Malta last September, and the MEDAC will provide its contribution on the actions and the related priorities (such as scientific research, data, management measures, etc.). She reminded that the MEDAC is part of the "Friends of SSF" platform created by WWF and GFCM.

The representative of the PELAC mentioned that they would be having the first meeting of the year the day after the current Advisory Board meeting. He summed up the following topics/actions of the PELAC:

- The project on herring in different areas is ongoing.
- The project related to blue whiting, mackerel and horse mackerel is ongoing.
- The advice on the reform of the Control Regulation is in the pipeline; the PELAC will be dealing with it in the coming meetings.
- Concerns about the recommendation on MS reporting from ICES advice. The PELAC is participating in the IACO meetings.
- Brexit uncertainty situation.
- Concerns on third country vessels in EU waters: catches registration, evidences of mackerel overfishing, etc.

The Unit 2 Administrator pointed out that third country vessels in EU waters are under the scope of the JDPs, and that there are specific actions for the different species, such as for blue whiting.

The BSAC representative referred to some recurrent issues, such as the lack of calibration of the weighting scales in the MS and third countries.

The Unit 2 Administrator mentioned that, within the framework of cooperation between the coastal states in the North-east Atlantic, there was a working group on control that is also looking at possible measures to deal with this problem of the weighting scales. There is a project on weighting involving also authorities responsible for calibration of scales.

The AAC representative summed up the main working areas:

- A paper on the level playing field: need to raise control on imported aquaculture products.
- View on Brexit: the AAC has several members with headquarters in UK.
- New Chair to be elected this year.
- Caviar labelling.
- Eel stock recovery.
- Welfare in farmed fish.
- Control Regulation proposal: ongoing advice to be approved soon.

The MAC representative highlighted the main areas of work:

- On the Control Regulation he enumerated the MAC position on the different articles of the proposal. Some of the issues raised were:
  - o need to apply a coherent legislative framework to the whole chain;
  - o need to have data on recreational fisheries;
  - o mixing species in the same lot after placing on the market should be permitted as long as the products are traceable;
  - o improve traceability, inconsistency of some articles to be avoided;
  - o IMO number or registration area, FAO catching area, to be included in the catch certificate;
  - o catch certificate to be digitalised;
  - o necessary time to adapt to the new requirements, etc.

He mentioned that the Commission is planning to organise a meeting on traceability with the MS and stakeholders in May.

- ILO Fishing convention is now in force, the question is who will enforce the new Council Directive in the EU. EUROPECHE has asked for guidelines to have some clarity.
- On the EMFF, under the chapter on control and enforcement the MAC would like to include a mention to the Catch system.
- Currently examining the relevance, effectiveness, efficiency, coherence and the EU added value of the current marketing standards for fishery products both fresh and prepared.
- CMO (Article 35), the MAC is preparing a new advice on the level playing field in terms of information. Marketing standards also need to be controlled.
- A health certificate is required if fish with EU origin is landed in a third country port and then dispatched into the EU market. The situation is creating confidentiality problems. The only way not to be affected is via transshipment at sea.

The LDAC representative explained that it is only transshipment to put the fish in containers, but yet the whole logbook needs to be printed for getting a sanitary certificate in case of transshipment in a third country port. It is an EU form to be stamped in a third country. An integrated solution is needed at the borders. He mentioned that they should consider including the IMO number in the certificate and the main focus should be on fish coming into the EU market from third countries.

The MAC representative mentioned that DG SANCO is planning to issue an implementing act on EU products coming back to the internal market.

The BSAC representative encapsulated the main areas of their activity as follows:

- REM in fisheries management, there are major concerns on small-scale fleet in the Baltic.
- The statistical sampling is very difficult. Sorting out unsorted pelagic catches. The logbook tolerance cannot be complied with in the industrial species. It is necessary to come up with a solution that works for the fishermen and the control authorities.
- Eastern cod stock is in danger of collapsing. Possibly due to an infection in the stock, predation of seals; the fisheries quotas have not been used fully in recent years; closing the fisheries will not help to rebuild the stock.
- Discarding is still a major issue in the Baltic, even with the LO in force. Levels recorded by observers on board are high. Discards recorded by fishermen are not that high.
- Reports from landings in SE and DK show that pelagic sampling schemes are not the same, e.g. samples in buckets, some MS include the water in the sampling weight while others drain the water.

The Unit 2 Administrator indicated that EFCA has done a standardisation project on sampling of pelagic species in the Baltic with the relevant Member States. It includes guidelines. EFCA will follow up on the state of play of the implementation of the guidelines with the Member States.

On the discards, the ED mentioned that EFCA did not disagree with BSAC's opinion on the LO implementation.

Regarding REM in fisheries management, the ED informed that a draft report on technical guidelines will be presented to the Administrative Board of EFCA in its meeting in April.

On the risk assessment, the methodology is based on the situation of the stock and the impact of non-compliance. The ED pointed out that a meeting with the sector took place a long time ago but he would be happy to discuss with the ACs again.

The MAC representative asked if the size of the boat was considered in the risk assessment. The ED replied that it was not the case.

The LDAC representative asked if EFCA looks at the impact in the marine environment. The ED mentioned that, beyond the specific rules in NAFO and NEAFC, the Agency mostly considers the fishing gears according to the fishing risk assessment.

## **2. EFCA's Annual work programme 2018 implementation**

The representatives of EFCA presented the Annual work programme 2018 implementation on the following areas:

- the JDPs evolution in terms of inspections and suspected infringements per area;
- the regional cooperation;
- the Pilot project for control of turbot in the Black Sea;
- the Strait of Sicily cooperation;
- EFCA organisation and contribution to a total of 35 training events;
- support to the implementation of the IUU Regulation;
- Interagency cooperation;
- PESCAO main achievements, etc.

## **3. EFCA's Programming Document: Multiannual work programme 2019-2020 and Annual work programme 2019 (PD 2019)**

The representatives of EFCA presented the Programming Document containing the Multiannual work programme 2019-2020 and Annual work programme 2019, the main highlights are presented below:

- The Multiannual work programme 2019-2020 follows the multiannual priorities set up in the previous multiannual programming.
- In the Annual work programme 2019: the annual performance indicators for the operational activities have been streamlined. It supports the EU in international projects (e.g. PESCAO). In terms of Budget, Titles I and II have been adjusted with the provisional information related to installation and salary costs.

The operational activities for 2019 are as follows:

### **1. Coordination (operations):**

- To coordinate the implementation of JDPs and Operational plans by the Member States in EU waters and North Atlantic, and provide support to national authorities carrying out coast guard functions in EU waters.
- To coordinate the implementation of the EU contribution to the International Control and Inspection Schemes in RFMOs in the Mediterranean Sea and Black Sea (ICCAT and GFCM) also including PACT regional projects and support to national authorities carrying out coast guard functions in International waters.

2. **Planning and evaluation:**
  - To support the implementation of the Common Fisheries Policy in EU waters and North Atlantic.
  - To support the implementation of CFP in Mediterranean Sea, Black Sea and external waters, and cooperation with third countries and international organisations dealing with fisheries (RFMO's).
  - To contribute to the implementation of the EU IMP through interagency cooperation on coast guard functions and to the development of technologies for fisheries control.
  
3. **Assistance and expertise:**
  - To promote effectiveness and efficiency of control operations.
  - Development and maintenance of the Fisheries Information System (FIS).
  - Provision of training activities, including fisheries control expertise in the context of the EUCG functions.
  - To provide assistance to the European Commission and the Member States in order to ensure uniform and effective application of Council Regulation (EC) No 1005/2008.
  - To support the EU in international projects (e.g. PESCAO).
  
4. **The Way Forward: EFCA's draft Programming Document containing the Multiannual work programme 2020-2024 and Annual work programme 2020 (draft PD 2020)**

The representatives of EFCA presented the draft PD 2020.

The draft PD 2020 covers a 5-year period (2020-2024). It was adopted by the Administrative Board in October 2018 and notified to the institutions in January 2019.

The draft PD 2020 has been substantially streamlined in its multiannual and annual part. The multiannual programming is structured around 6 strategic multiannual objectives and 4 strategic areas.

The draft Annual work programme 2020 has been reorganised in line with the strategic multiannual objectives and areas of intervention for 2020-2024, and responds to the comments of the Administrative Board members during its meeting on 14 March 2018<sup>1</sup>.

The annual activities have been restructured. The number of operational objectives has been reduced from 10 in 2019 to 6 in 2020 and the performance indicators have been reviewed.

In the course of 2019, pending the Commission opinion and based on the lessons learned, if required, EFCA will update the draft PD 2020 document. Objectives and targets will be aligned having as a basis the experience gained in the implementation of the new tasks. The PD 2020 will be presented for decision to the AB in October 2019.

#### **5. Rotation of the Advisory Board Representative in the Administrative Board of EFCA**

The rotation of the Advisory Board Representative in the Administrative Board of EFCA was presented by the PO.

It was proposed to gradually include the new ACs (BLSAC, AAC and MAC) in the rotation system, combining in the same term a "new" AC with an "old" AC.

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<sup>1</sup> Minutes of the Administrative Board meeting on 14 March 2018 <https://www.efca.europa.eu/en/content/minutes> .

It was agreed that the representative of the Advisory Board in the Administrative Board, from 2 March 2019 to 1 March 2020, will be the BSAC representative and the alternate the BLSAC.

## **6. AOB**

There were no additional comments.