



Vigo, 10 April 2019

**MINUTES OF THE 32<sup>nd</sup> MEETING OF THE  
ADMINISTRATIVE BOARD<sup>1,2</sup>  
VIGO – 10 APRIL 2019**

**0. ATTENDANCE**

The Chair, Mr Reinhard Priebe, opened the meeting at 09h00 by welcoming the Administrative Board (AB) members and the Advisory Board representative present at the meeting. Everyone was reminded that only the AB members had the right to vote, and the appointment of the following representatives was announced:

- **France:**  
Alternate: Ms Pauline Potier
  
- **Malta:**  
Representative: Mr Randall Caruana  
Alternate: Mr Maxirei Callus
  
- **Portugal:**  
Representative: Mr José Simão

The Chair gave the floor to the newly appointed members present in the meeting room to briefly introduce themselves.

The Chair informed the AB of the observers participating in the AB meeting as experts without voting rights:

- Observer from DK: Ms Mariya Krestyanska
- Observer from EL: Ms Marina Petrou
- Observer from IT: Ms Nicoletta De Virgilio
- Observer from MT: Mr Gilbert Balzan
- Observer from NL: Mr Harold Hooglander
- Observer from Commission: Ms Sarah Vitiello-Ferrara

The Chair asked if any of the participating AB members had any direct or indirect interest 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 the participants that it was a decision of the AB to declare the absence of any conflict of interest through a duly completed and signed form, to be provided annually to the European Fisheries Controls Agency (EFCA), which is subject to publication on the Agency's website. He urged those AB members that had not yet met that obligation, closely monitored by the European Parliament as part of the discharge procedure, to do so without delay.

<sup>1</sup> The legal basis quoted in this document refers to the legislation in force on 10 April 2019. For informative purposes, references to Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18), in force since 14 April 2019, are made in footnotes.

<sup>2</sup> [List of the most relevant acronyms and abbreviations, click here.](#)

The AB members were reminded that the meeting would be recorded and that during the meeting some photographs could be taken for communication, stating that if anyone would prefer not to be photographed or his/her image not to be published on the EFCA website and social media profiles, his/her choice would be respected.

Finally, the Chair informed on the gender balance among the Board members and encouraged them to increase the % of female representatives:

- AB representatives: men 71%, women 29%.
- AB alternates: men 74%, women 26%.

Present	Proxies were given for all agenda items from CZ to SK, from EL to CY, from RO to BG, within the Commission Delegation from Ms H. Clark to Ms V. Veits and from Mr B. Friess to Ms F. Arena
Quorum	The Chair concluded that the 2/3 quorum was obtained (30 votes out of 34).

## 1. APPROVAL OF THE DRAFT AGENDA

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

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

**The minutes are presented in accordance with the items' order as they were dealt with during the meeting.**

## 2. INFORMATION FROM THE EXECUTIVE DIRECTOR (ENCOMPASSING THE OUTCOMES ON THE SEMINAR ON FUTURE CONTROL CHALLENGES)

The Executive Director (ED) referred to the information note addressed to the AB members on the main developments and planned activities three weeks ahead of the meeting<sup>3</sup>. To avoid repetition, the ED explained that the agenda point would be focused on highlights and informed on the distribution of a hard copy of the conclusions of the Seminar on future control challenges held the day before.

### Remote Electronic Monitoring (REM)

The ED proposed to make available on EFCA's website the "Technical Guidelines and specifications for the implementation of REM in EU fisheries" delivered by the Agency during the Seminar on future control challenges. On the way forward, the ED mentioned that a legislative instrument would be required for this work to be implemented at EU level in the future.

### Electronic Inspection Report implementation

The ED called for the implementation of an EU standard to exchange control and surveillance reports, as laid down in the Control Regulation; a standard compatible with FLUX data exchange protocol and compliant with UN/CEFACT Standard. To enhance the quality of the shared data, the ED pointed out the need for the data administrators to meet with their EFCA's counterpart at technical Member State level.

### Cooperation with the Control Expert Groups (CEG)

In the context of risk assessment and compliance with the landing obligation, the Head of Unit (HoU) 2 pointed out that the Agency had been particularly active in the different regional groups.

On compliance evaluation with the landing obligation, the HoU 2 mentioned an evaluation request from the Scheveningen Group on the North Sea (NS) area and from the North Western Waters (NWW) Control Expert Groups being conducted during 2018 and to be delivered in 2019. The scope identified was cod, sole and plaice in the NS, hake, haddock and whiting in NWW, for the years 2016 and 2017, and for mackerel fisheries both in NS and NWW for the years 2015 and 2017. There was also a pending update for Baltic Sea (BS), for all species subject to the landing obligation for 2017 and 2018. The Baltic was the first region where this type of evaluation had been completed. The HoU 2 informed that the Agency wanted to extend the cooperation for pelagic fisheries in the NS and NWW, with a workshop with Member States, industry and other stakeholders in Amsterdam planned for October 2019, and additional workshops for demersal fisheries in NS, NWW and BS in spring-summer 2020.

<sup>3</sup> Written information provided to the AB on 19 March 2019, Documents for the 32<sup>nd</sup> Administrative Board meeting of EFCA: - Item 2.

On standardisation of inspections, the HoU 2 highlighted the work with regional groups in the context of the REM Working Group. He underlined the wider recognition that current control tools are not sufficient for the landing obligation, and mentioned that a joint written statement was being prepared by the Control Expert Groups (CEGs) to the High Level Groups of Scheveningen and NWW. Regarding the joint recommendation to move towards alternatives such as the REM equipment, CCTV and sensors, the HoU 2 reminded that it is on the remit of each Member State to enact some sort of cooperation such as pilot projects; he added that the Agency would be available to assist them in the implementation.

#### General Fisheries Council for the Mediterranean (GFCM) Pilot Projects

The HoU 3 outlined the cooperation launched with third countries on the scope of the Mediterranean Sea, particularly activities linked with the implementation of GFCM recommendations. He reported that 5 plans were agreed by the GFCM for which the Commission requested the support of the Agency for their implementation: he referred to the Strait of Sicily, Black Sea, and the most recent, Levante, Ionian and Adriatic Sea. The HoU 3 underlined that these areas were already part of the Mediterranean JDP following the amendment of the SCIP adopted in December 2018 by the Commission, which had facilitated the cooperation with third countries that requested to participate in the project, including several requests for capacity building that were being analysed.

#### EFCA chartered means

The HoU 3 highlighted the joint call for tender launched with Frontex to charter surveillance flights, with different possibilities to organise multipurpose flights in the Mediterranean, besides possible flights in the area of West Africa in the scope of PESCAO project. Regarding EFCA's chartered vessel, Lundy Sentinel (LS), the HoU 3 mentioned that the vessel had changed flag to Portugal. He added that, following the signature of a Service Level Agreement (SLA) with the European Maritime Safety Agency (EMSA), the LS would soon have on board antipollution equipment provided free of charge by EMSA. This would enable the LS to participate in multipurpose operations in accordance with the Coast Guard cooperation mandate. The ED informed that the SLA with EMSA would be uploaded on Fishnet.

#### New Framework Financial Regulation

The HoU 1 announced that the new Financial Rules had to be adopted by EFCA following the adoption of the Framework Financial Regulation by the Commission on 18 December. He explained that the Council had asked for an extension period until the end of April, after which the Commission is expected to reply any requests to continue derogations, including EFCA's regarding grants. The HoU 1 pointed out that EFCA's Financial Regulation would need to be adopted by 1<sup>st</sup> July 2019. To that aim, he advanced that an AB written procedure would be launched in May or early June.

#### EFCA's Founding Regulation (codification)<sup>4</sup>

The ED informed that the Founding Regulation of EFCA had been codified and published in the Official Journal on 25 March 2019. It would come into force on 14 April.

#### Annual Communication Plan

The Communication Officer outlined the main communication objectives:

- The first objective is to make the general public aware of the work of the Agency and its contribution to the Coast Guard cooperation and to the PESCAO project, through the different activities planned (e.g. management of the Website ensuring transparency, the social media channels, printed publications and videos, communication of the outcomes of AB meetings and the participation in events such as the Seafood exhibition or the EU Maritime Day).
- The second objective would be to maintain a fluent flow of information with the institutional actors by raising awareness about the Agency's work and mission in general. She highlighted the close cooperation with the communication teams of EMSA, Frontex and DG MARE.
- Other annual objectives include contributing to build a culture of compliance of fisheries promoting trust and cooperation with stakeholders - i.e. through the Advisory Councils and visits to EFCA's premises-, addressing local public. She highlighted special initiatives in Spain, including the event with authorities on the Europe Day and the participation in Vigo Seafest, and the need to ensure an internal communication that occurs in both directions, by enhancing the Agency's intranet and developing a specific plan to stimulate a sense of participation of staff in the EU/EFCA's project.

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<sup>4</sup> Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18).

### Audits and Internal Control

The HoU 1 highlighted that, as in previous years, following the independent external audit, the report of the Court of Auditors had been positive. On the internal control he referred to the assessment of the Internal Control Coordinator with the inputs from the management embedded in the Annual Report 2018. With reference to the discharge by the European Parliament for the last exercise, he mentioned that there were no particular issues and it was expected in the coming weeks.

The Chair thanked EFCA for the different presentations and opened the floor for comments.

The representative of NL referred to the findings of the Internal Audit Service<sup>5</sup> (IAS) and supported a reduction in the number of performance indicators, focused on incorporating impact indicators in the programming document.

With reference to the draft conclusions of the Advisory Board meeting on 27 February 2019, the representative of NL asked whether the mention that “currently EFCA is not coordinating EU control operations in international waters in West Africa” implied that there was a possibility of having such coordination developed, and asked to have this issue debated in the AB if that would be the case in the future.

With reference to the recommendations of the IAS, the ED stated that indeed the recommendations would be addressed. The Agency will work to streamline the current indicators as much as possible, while moving to more impact indicators.

On the coordination in West Africa, the ED explained that EFCA is supporting the PESCAO cooperation program of the EU supporting regional and sub-regional organisations. The activity is divided in different areas: supporting legal improvement, increasing the capacity through training and development of the Monitoring Centre, and the operational aspect focused on the cooperation with the Regional organisation in the implementation of control campaigns, including with the provision of Copernicus Maritime Services. The joint control operations are coordinated by the Sub-regional Fisheries Commission, and EFCA is just providing support and know-how. This support is embedded in PESCAO agreement with a specific Work programme and assigned resources.

The representative of the Commission welcomed the accurate information received and pointed out the important work carried out by EFCA to move forward the coordination and harmonisation of control activities. She highlighted that the fact that the Agency had not received any critical recommendations was a clear sign that EFCA does its job in a sound and efficient way.

With reference to the debate on REM the previous day, the representative of the Commission pointed out that the technical guidelines were highly appreciated and encouraged the Member States to use the guidelines without waiting for any legislation in this field. She referred to the Agency’s proposal to continue with the Working Group on REM and backed the idea of working for a more standardised data format.

On the work of the CEGs, the representative of the Commission strongly supported the need to ensure implementation and full compliance with the landing obligation in the EU, and looked forward to receiving the compliance evaluation that is being prepared by EFCA.

The representatives of the Commission, FR and CY stressed the importance to ensure compliance with the EU commitments in the GFCM to fully cover Mediterranean control schemes, including the availability of EFCA’s chartered vessel for the area.

With reference to the outcomes of the Seminar on future control challenges, the representative of the Commission mentioned that the Heads of State would be voting that evening on an extension of the period under Article 50 of the Treaty on European Union and proposed a series of adjustments to align the wording of the outcomes of the Seminar with the official language.

The Chair invited the Commission and any Board representatives, having suggestions on the conclusions of the Seminar on future control challenges, to inform the ED.

The representative of DE requested further information on the forward planning of the deployment of EFCA’s chartered vessel after the Mediterranean Sea.

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<sup>5</sup> IAS Audit Report: IAS.A1-2018-W EFCA-001, Final Audit Report on Planning, Budgeting and Monitoring in the European Fisheries Control Agency (EFCA), 21 December 2018.

The ED presented the programme for EFCA's chartered vessel. He reminded the substantial increase of species to be dealt with in the Mediterranean Sea and informed that, within the Coast Guard framework, there would be a complete Drill in Catania on 4 June, a multipurpose exercise, involving fisheries control and environmental response.

There were no further comments. The Chair made a last reminder to keep in mind the new codification when citing the EFCA Founding Regulation from 14 April, and closed the item.

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 (AR) 2018

The Chair gave the floor to the ED, who informed that considering the comments from the Administrative Board in its meeting on 14 March 2018<sup>6</sup>, the activities have been grouped following the structure presented on the draft Programming Document containing the Multiannual work programme 2020-2024 and the Annual work programme 2020<sup>7</sup> (hereinafter draft PD 2020). Detailed information related to 2018 execution, in terms of multiannual and annual performance indicator results, budget and activity based management system (ABMS) execution and staff, is provided in the annexes.

The representative of NL, supported by DE and DK, drew the attention of the AB to the substantial increase in the number of inspections and the decrease in suspected infringements in 2018, the increase of costs in the JDPs between 2015-2017, namely in the North Sea and Baltic Sea, and the increase on control effort. He asked what the reason was behind the results.

The representative of NL suggested, if possible, a shorter report. He referred to the figures provided on the Multiannual objective No 1 and requested how the results have been calculated.

With reference to the Lundy Sentinel deployment, the representative of NL pointed out that, to determine the efficiency and/or effectiveness of the deployment, an evaluation over a period of one or two years was needed.

The representative of DE, supported by DK, asked if there were inspection guidelines and standards to be followed during an inspection.

The representative of DK referred to the information provided in the AR 2018 on the exchange of information on target lists by 12 Member States and asked how a level playing field was ensured.

On the question raised by several Member States related to the substantial increase in the number of inspections and the decrease in suspected infringements in 2018, the ED explained that the inspection and suspected infringements trend was very recent, and a longer trend was needed to extract conclusions. The increase of the number of inspections was mainly due to the increase of market inspections reported by UK. On the increase of the control effort in the Baltic Sea, he pointed out that, to some extent, the Lundy Sentinel had contributed to increase the control effort in that area. He clarified that the inspection costs were based on 2017 data, therefore the figures could not be compared with 2018 inspection numbers. He informed that the data collection for 2018 had not yet started, and for the time being it was not possible to change the data collection approach.

The ED highlighted that a detailed analysis would be provided in the annual assessment of the JDPs that will be issued around June 2019 and notified to the EP, the Commission and the Member States. The HoU 2 added that compliance should not be measured only in terms of the number of detected suspected infringements. EFCA has recently worked on guidelines of compliance indicators, which are a better measure of compliance, and Member States are encouraged to use them.

On the length of the AR 2018, the ED informed that a shorter version would be available.

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<sup>6</sup> Minutes of the Administrative Board meeting held on 14 March 2018, <https://www.efca.europa.eu/en/content/minutes>

<sup>7</sup> Decision No 18-II-5 of the Administrative Board of the European Fisheries Control Agency of 10 October 2018 concerning the adoption of the draft Programming Document (PD) containing the Multiannual work programme 2020-2024 and the Annual work programme for year 2020.

Minutes of the Administrative Board meeting held on 10 October 2018, <https://www.efca.europa.eu/en/content/minutes>

With reference to the figures provided under the Multiannual objective No 1, the ED clarified that the explanation was provided in footnote 26.

On the question related to the inspection guidelines and standards, the ED pointed out that EFCA has worked for years with the Member States on the standardisation of the inspections, but EFCA is not present in every inspection. Beyond the necessary standardisation, he launched a reflection on the protocol followed by each Member State. In this respect, the HoU 2 referred to Implementing Regulation No 404/2011 establishing how an inspection should be performed.

On the target lists, the HoU 2 mentioned that the risk assessment was a key element. EFCA tries to promote methodologies, but the tactical risk assessment remains a prerogative of the Member State.

The representative of the Commission thanked EFCA for taking on board the comments provided by the Commission on the AR 2018. She acknowledged a steady improvement of the AR, more reader friendly and easier to understand. She welcomed the preparation of a short version for the general public reflecting the AR essentials.

On the interpretation of the figures, namely the increase of inspections, costs, and the lower number of suspected infringements, the representative of the Commission stated that the AR 2018 should not prejudice the annual assessment of the JDPs, and suggested to qualify it in the AR 2018.

On the scope of the inspections, the representative of the Commission mentioned that the Commission was considering an audit cycle on the inspection schemes in the Member States to understand better how the inspection schemes work.

The representative of DE pointed out that the AR 2018 was very comprehensive and well structured. With reference to the annual assessment of the JDPs, she suggested to circulate them to the Administrative Board.

In line with the comments provided by the Board members a sentence was added to the AR 2018 on page 16, "A more detailed analysis will be provided in the annual JDP assessment reports"; and the word effective was deleted on the sentence related to the Lundy Sentinel deployment on page 56.

There were no additional comments and the Annual Report of EFCA for 2018 was adopted by consensus.

Proposed action	Adoption of the Annual Report 2018, including the analysis and assessment of the Administrative Board
Legal Basis	Article 23(2)(b) of Regulation (EC) No 768/2005 <sup>8</sup>
Decision	Adopted by consensus.

#### **4. IMPLEMENTATION OF NEW SPECIFIC CONTROL AND INSPECTION PROGRAMME (SCIP): RISK MANAGEMENT STRATEGY AND ALTERNATIVE COMPLIANCE BASED BENCHMARKS**

The Chair gave the floor to the ED who explained that the item replied to a request made by the representative of DE in the October 2018 Board meeting about the implementation of the new SCIP, mostly on the risk management strategy and alternative compliance based benchmarks.

The ED gave the floor to the Deputy HoU 2 who presented the agenda item. She referred to the risk management strategy under the new SCIP, Articles 5.1 and 5.2, namely to a harmonised methodology established by Member States in collaboration with EFCA, and to the elements to assess the risk, in terms of likelihood and impact:

- a) the likelihood depends on several aspects: deterrence and exposure. The methodology recommended is assessed using compliance indicators and, in the lack of compliance indicators, based on expert knowledge. EFCA also prepared guidelines for compliance indicators, and intends to have the compliance indicators for the most identified threats: landing obligation, misrecording and illegal gears;
- b) for the impact, the methodology considers two main factors, the stock status and the level of catch:

<sup>8</sup> Since 14 April 2019, Article 32(2)(b) of Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18).

- the stock status is based on the evaluation of the stock provided by recognised organisations and international agreed criteria, in line with the CFP, the MSY objectives and the safe biological limits. Fisheries exploiting stocks in bad status have a higher impact;
- the level of the catch: fisheries that are catching more are having a higher impact. The regional risk assessments use the TAC as a reference, and the national risks assessments use the national quota. In the methodology, EFCA refers to deviations of the methodology when the standard elements are not in place, such as when the level of the catches is not available, is not reliable or there is no TAC.

With reference to the compliance based benchmarks, the Deputy HoU 2 cited Article 7.2. of the SCIP, stating that by way of derogation, Member States may apply alternatively different target benchmarks, expressed in terms of improved compliance levels according to the harmonised methodology established in cooperation with EFCA.

To address the above provision, EFCA, in collaboration with the Member States and with the support of an external expert, has prepared guidelines on indicators to measure compliance in fisheries.

The Deputy HoU 2 pointed out that EFCA's guidelines are live documents, as there could be more indicators to be added. Currently, there are 8 indicators proposed to measure non-compliance (3 on landing obligation and 5 on misrecording). The first one to be added will be on the use of illegal gears.

Finally, the Deputy HoU 2 informed that since 11 March 2019 the EFCA Guidelines Risk Assessment Methodology and the Guidelines on Indicators to Measure Compliance in fisheries were available on Fishnet. She pointed out that the revision of the documents would be discussed with the experts at the Annual Risk Management meeting, scheduled for November 2019, and would be followed by a consultation and approval process with the Steering Groups.

The representative of the Commission thanked EFCA for its excellent work establishing harmonised methodologies for risk assessment and compliance indicators. She also mentioned the work and material EFCA has developed in the context of the NAFO JDP and the risk assessment methodology for individual vessels. She asked if EFCA envisaged to disseminate the documents to the public and if the PowerPoint presentation would be uploaded to Fishnet.

The representative of IE thanked EFCA for its active engagement and work. He remarked the need to separate the concepts of risk assessment and compliance evaluation. He referred to the document on Compliance indicators and asked to relook the language around the landing obligation and the discarding, being different components.

The Deputy HoU 2 acknowledged the different components in the landing obligation. She confirmed that current indicators were more on the discarding, and informed that EFCA would put other indicators on paper to move forward.

On the circulation of the PowerPoint presentation, the Deputy HoU 2 mentioned that, in principle, it could be uploaded to Fishnet.

On the documents dissemination, the ED agreed with the suggestion to publish them on EFCA's website.

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

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
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**5. DRAFT PROGRAMMING DOCUMENT CONTAINING THE MULTIANNUAL WORK PROGRAMME 2020-2024 AND ANNUAL WORK PROGRAMME FOR YEAR 2020**

The Chair opened the agenda item and gave the floor to the Policy Officer (PO).

The PO mentioned that the agenda item was not new since the draft PD 2020 had been presented and adopted by the Board in October 2018.

The PO summarised the PD 2020 adoption cycle and highlighted the main changes incorporated in the draft PD 2020 since its adoption in October 2018, namely:

- an amendment on 10 January 2019, AB Decision 19-W-2, adjusting the figures in two titles of the Budget;
- an update with the results of the performance indicators in 2018, which were not known at the stage of the draft PD 2020 adoption.

She informed that the Commission written opinion on the draft PD 2020, scheduled for July, would be taken on board by the Agency, and the draft PD 2020 would be presented for decision to the Board in October 2019.

On the main features of the draft PD 2020, the PO outlined that:

- following the comments of the Board last March 2018<sup>9</sup>, the draft PD 2020 has been substantially streamlined in its multiannual and annual part and the number of performance indicators has been reduced;
- the multiannual programming is structured around 6 strategic multiannual objectives (5 operational and 1 of a cross-cutting nature) and 4 strategic areas (Operational coordination, Risk assessment and data analysis, International dimension - compliance with international provisions, and Coast Guard functions and capacity building);
- the annual part has been reorganised in line with the strategic multiannual objectives and areas of intervention for 2020-2024;
- with regard to the EFCA Budget, apart from the amendment on January 2019, the General Budget would continue previous years approach.

The Chair thanked EFCA for the presentation and opened the floor for comments.

The representative of NL thanked the Agency for the documents. In relation to EFCA's mission and tasks as reflected in the draft PD 2020, he questioned on the state of play regarding the necessity of a reflection on how to plan EFCA's involvement in the international dimension.

With regard to the performance indicator percentage of EFCA chartered means operational days carried out in multipurpose operations, under objective number 6, the representative of NL asked for clarification on the 2018 result (100%) and the targets for 2019 and 2020 (percentage achieved in 2018, 100%; target in 2019, 60%; target in 2020, 60%).

The HoU 3 mentioned that the 2018 result was 83% and that there might be a clerical error in the figure. He explained that the high figure was due to the operations that had taken place in the Mediterranean in cooperation with Frontex.

On the question related to the timing for the reflection on the international dimension, the HoU 3 stated that the idea was to start as soon as possible, but always depending on the priorities yearly presented by the Commission in its informative document on the international dimension of the work of EFCA.

For future documents, the representative of the Commission suggested to establish a difference between the short-term priorities and the mid-term priorities, to better understand the long-term dimension of the international work of EFCA. She highlighted that the objective would be to have a long-term view on the international dimension, as the general concern of the Board is to avoid that the international dimension overshadows the traditional work of EFCA. She reassured the Board members that it was not the intention of the Commission that the international work would prevail.

The representative of DK made an observation on the lack of mention to a no-deal Brexit along the document. She stressed the need to discuss about obtaining and using the resources in such a case. She expressed her concerns on the fact that some expenditure resources were moved from operational to coast guard and capacity building, away from operational and risk assessment.

The ED explained that the draft PD 2020 had been drafted during the 2<sup>nd</sup> quarter of 2018, at that stage the situation was far away from the actual scenario. He pointed out that, following the approval or not of the withdrawal agreement for UK, the draft PD 2020 could be amended if necessary. He cautioned about taking more decisions at that stage, especially considering that fisheries would have a separate agreement in case of a Brexit with a deal.

On the question related to the move of expenditure to coast guard inspection, the ED stated that the Agency tries to provide more services on fisheries inspection and control, as well as to foster cooperation in the Member States on the different tasks of coast guard. He further mentioned that the Agency always tries to link it to a JDP as being the main vector for implementing EFCA's mission.

<sup>9</sup> Minutes of the Administrative Board meeting on 14 March 2018 <https://www.efca.europa.eu/en/content/minutes>.



The HoU 3 clarified that the increase in the budget in coast guard and capacity building was not a real change but an adjustment in the Budget lines, because the main cost was related to the charter of means of the Lundy Sentinel.

Finally, the ED stated that EFCA was still awaiting the Commission written opinion and the PD 2020 would be presented for discussion and decision in October 2019, having still enough time to get more information and to adapt the draft PD 2020 to the reality of the situation.

There were not additional comments and the Chair closed the agenda item.

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
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**6. AMENDMENT TO THE PROGRAMMING DOCUMENT CONTAINING THE MULTIANNUAL WORK PROGRAMME 2019-2020 AND THE ANNUAL WORK PROGRAMME FOR YEAR 2019 AND OF THE FINAL BUDGET AND ESTABLISHMENT PLAN OF THE EUROPEAN FISHERIES CONTROL AGENCY FOR YEAR 2019**

The Chair gave the floor to the HoU 1, who explained that EFCA services needed highly qualified operational staff, capable of coordinating missions with Member States experts at sea and ashore, but also with the ability to assist the entire JDP process (planning, implementation and evaluation).

He informed that one AST 10 post would be available as of 1 May 2019, due to the retirement of a staff member. Following the flexibility rule under the Article 38 of the EFCA Financial Regulation, which allows a change of 10% of the posts in the establishment plan, the Board was proposed to turn an AST 10 into and AD 7 post in the establishment plan for 2019. The amendment would be published in the Official Journal of the European Union within 3 months of its adoption.

The Chair opened the floor for discussion, there were no interventions, the Decision was adopted and the item closed.

Proposed action	Amending AB Decision No 18-II-4 of 10 October 2018 concerning the adoption of the Programming Document containing the Multiannual work programme 2019-2020 and Annual work programme for 2019 and of the Budget and the Establishment plan of the European Fisheries Control Agency for year 2019
Legal Basis	- Articles 17f, 23(2)(c) and 23(2)(d) of Regulation (EC) No 768/2005 <sup>10</sup> , - Article 32 of the EFCA Financial Regulation (AB Decision No 13-W-09 of 31 December 2013)
Decision	Adopted by consensus.

**7. ELECTION OF THE DEPUTY CHAIR OF THE ADMINISTRATIVE BOARD**

The Chair gave the floor to the ED, who explained that on 11 February the position of Deputy Chair of the Administrative Board became vacant. On 14 February, the Board members were invited to send their application for the post of Deputy Chair to EFCA by 7 March 2019. One application was received from Ms Melanie Seibert, representative of DE.

The Chair asked if there were any other candidates. It was not the case and the Chair asked Ms Melanie Seibert to introduce herself.

The AB voted by secret ballot on the proposal to appoint the Deputy Chair. Results of the secret ballot:

- 28 votes in favour;
- 1 abstention;
- 1 Board member abstained from voting.

<sup>10</sup> Since 14 April 2019, Articles 24, 32(2)(c) and 32(2)(d) of Regulation (EU) 2019/473.

Ms Melanie Seibert was appointed as Deputy Chair from 10 April 2019, until 15 October 2020 (being the end of her predecessor's term), or until the end of her membership of the Administrative Board, whichever is the earlier.

Proposed action	Election of the Deputy Chair
Legal Basis	Articles 25(1) and 27(1) of Regulation (EC) No 768/2005 <sup>11</sup> , with its detailed rules of application laid down in Article 3 of the Rules of procedure of the Administrative Board
Decision	Adopted by majority of the members with the right to vote

## **8. DESIGNATION OF THE REPORTING OFFICER FOR THE ANNUAL APPRAISAL OF THE EXECUTIVE DIRECTOR OF EFCA**

The Chair gave the floor to the HoU 1, who explained that the Board had appointed Mr Leon Lomans and Ms Veronika Veits as Reporting Officers for the annual appraisal of the EFCA Executive Director in 2017. As Mr Leon Lomans would cease to be a member of the Administrative Board, there was a need to replace him.

The Chair opened the floor for any volunteers or suggestions.

The representative of NL, and current Reporting Officer, thanked the Board for the trust and confidence put in him. He proposed the Italian Board member, Mr Riccardo Rigillo, as new Reporting Officer.

The Chair confirmed that there were no other proposals and asked Mr Rigillo if he was ready to become Reporting Officer.

The representative of IT confirmed that he would be available, should the Board agree.

The Chair pointed out amongst others that the decision text had been amended, so that the Decision would take effect on 1 July 2019. This would allow Ms Veits and Mr Lomans to finalise the 2018 appraisal exercise, before the latter ceases to be a Board member.

There were no comments and the Decision was adopted by consensus.

Proposed action	Designation of Reporting Officers for the annual appraisal of the Executive Director of 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.

## **9. INTERNAL CONTROL FRAMEWORK**

The Chair gave the floor to the Internal Control Coordinator (ICC) of EFCA, who explained the need to update the Internal Control framework. The upcoming Financial Regulation requires in its Article 30 that internal control is based on the best international practises and on the Internal Control Framework laid down by the Commission. He informed that the Internal Control Framework proposed for adoption was strongly based on the one laid down for the Commission. The internal control components are: the control environment, risk assessment, control activities, information and communication and monitoring of activities. They are building blocks that underpin the framework's structure and support the Agency in its efforts to achieve its objectives. The five components are interrelated and must be present and effective at all levels of the organisation for internal control over operations to be considered effective.

The ICC pointed out that the ED as Authorising Officer would implement the Internal Control Framework and would define general principles for the assessment of internal control. At least once a year an overall assessment of the presence and functioning of all internal components will be conducted, and for the first time at the latest within the framework of the Annual Report 2019.

There were no comments and the Decision was adopted by consensus.

<sup>11</sup> Since 14 April 2019, Articles 34(1) and 36(1) of Regulation (EU) 2019/473.

Proposed action	Adoption of the Internal Control Framework
Legal Basis	- Articles 23, 35, 38 of Regulation (EC) No 768/2005 <sup>12</sup> - Articles 30 and 44 of the EFCA Financial Regulation (AB Decision No 13-W-09 of 31 December 2013)
Decision	Adopted by consensus.

## **10. STAFF REGULATION IMPLEMENTING RULES**

The Chair gave the floor to the HoU 1, who outlined that the Decision presented for adoption was based on the Commission model decision on types of post and post titles. He added that the next model decision EFCA expected to be notified by the Commission is the one on engagement of Contract Agents and that it was not possible at that stage to provide more information concerning the timing.

There were no comments and the Decision was adopted by consensus.

Proposed action	Adoption of Staff Regulation Implementing Rules: rules on types of post and post titles in the European Fisheries Control Agency
Legal Basis	- Articles 19 and 23(2) of Regulation EC) No 768/2005 <sup>13</sup> - Staff Regulations of Officials of the European and the Conditions of employment of other servants of the European Communities in their version of 1 January 2014, in particular Article 110(2) thereof
Decision	Adopted by consensus

## **11. IMPROVING WORKING PRACTICES**

The Chair gave the floor to the ED, who asked the Board members for suggestions to improve EFCA working practices and support the Member States in the most efficient way.

The Chair highlighted the importance of the Roadmap on the Administrative Board recommendations following the Five-Year Independent External Evaluation of EFCA (2012-2016). He asked EFCA to present the state of play of the Roadmap and to include it in all the Administrative Board meetings.

The PO summarised the state of play of each recommendation and informed that from the 11 recommendations 1 had been closed in 2018 (Recommendation Number 1), and 10 recommendations were of an ongoing nature and were progressing in line with the roadmap presented to the Administrative Board on 10 October 2018<sup>14</sup>.

On the recommendation number 2, further development of e-learning and promotion of core curricula, the PO informed that the e-learning modules had been translated into additional languages.

On the recommendation number 3, contribute to the further harmonisation of control methods, procedures and minimum inspection standards, the PO referred as an example to the Seminar held the day before, where the Technical guidelines and specifications for the implementation of Remote Electronic Monitoring (REM) in EU fisheries had been presented.

On the recommendation number 5, related to EFCA's involvement in the international dimension, the representative of the Commission highlighted the role of the Commission and asked for the Commission involvement in the development of the mid-term plan to be included in EFCA's Roadmap.

On the recommendation number 6, related to the AB functioning, the PO informed that the Welcome Pack for new Board members was well advanced.

<sup>12</sup> Since 14 April 2019, Articles 32, 44 and 47 of Regulation (EU) 2019/473.

<sup>13</sup> Since 14 April 2019, Articles 28 and 32(2) of Regulation (EU) 2019/473.

<sup>14</sup> Written information provided to the AB on 19 March 2019, Documents for the 32<sup>nd</sup> Administrative Board meeting of EFCA : - Item 2, 5. Roadmap on the Administrative Board recommendations following the Five-Year Independent External Evaluation of EFCA (2012-2016); - Item 3, Annual Report 2018.

On the recommendation number 7, interaction between the AB and the Advisory Board, the PO mentioned that, to foster the communication between the Advisory and the Administrative Board, the intention was to hold the Advisory Board meeting on the eve of the Administrative Board meeting in October.

On the recommendation number 9, methodologies for measuring the added value and the impact of EFCA activities, using a result-based approach and leading to a small number of effective strategic Key Performance Indicators (KPIs), the representative of the Commission referred to the recommendation of the IAS and the comments made by some Board representatives to streamline the KPIs, and proposed to set up a small reflection group.

On the recommendation number 10, related to enhancing gender balance, the PO pointed out that EFCA staff that could potentially be part of a recruitment panel had followed a specific training on selection interviewing to raise awareness and prevent any kind of discrimination.

On the recommendation number 11, communication actions to further reach out the stakeholders, the PO recalled that the Communication Plan had been presented under item 2 of the agenda and circulated on 19 March 2019.

The representative of DE thanked EFCA for the presentation and the support provided during the meetings. She referred to the progress done on the different actions, namely the cooperation and exchange of good practices with EMSA and Frontex (recommendation number 8), citing as an example the Seminar held the day before.

The Chair closed the agenda item reminding the importance to allocate sufficient time in all the Board meetings to discuss the implementation of the Administrative Board recommendations following the Five-Year Independent External Evaluation of EFCA (2012-2016), item which might contribute to trigger strategic discussions.

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

The Chair and the ED thanked the representative of NL, Mr Leon Lomans, member of the AB for many years, for his very useful contributions and outstanding work, and wished him all the best in his future endeavours.

Tentative dates of the next AB meetings: 22 October 2019, 2 April 2020

There were no further comments from the AB members and the Chair closed the meeting.

The Administrative Board took note	of the information provided orally, at the meeting.  Next Administrative Board meetings: - 22 October 2019 (TBC) - 2 April 2020 (TBC)
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## ANNEX I

List of participants to the meeting of the  
Administrative Board of the EFCA  
Vigo, 10 April 2019

Members	Alternates
(BE) Belgium: Mr Jean-François VERHEGGHEN	-
(BG) Bulgaria <sup>15</sup> : Mr Dimitar VALKOV	-
(CZ) Czech Rep.: -	-
(DK) Denmark: Ms Nanna MØLLER	-
(DE) Germany : Ms Melanie SEIBERT	-
(EE) Estonia: Mr Indrek ULLA	-
(IE) Ireland: Mr Andrew KINNEEN	Mr Micheál O'MAHONY
(EL) Greece: -	-
(ES) Spain: Mr Juan Ignacio GANDARIAS SERRANO	-
(FR) France: -	Ms Pauline POTIER
(HR) Croatia: -	Mr Mario SKORJANEC
(IT) Italy: Mr Riccardo RIGILLO	Mr Lorenzo MAGNOLO
(CY) Cyprus <sup>16</sup> : Mr Yiannos KYRIACOU	-
(LV) Latvia: Mr Miks VEINBERGS	-
(LT) Lithuania: -	Mr Tomas KAZLAUSKAS
(LU) Luxembourg: -	-
(HU) Hungary: -	-
(MT) Malta: Mr Randall CARUANA	-
(NL) Netherlands: Mr Leon R. M. LOMANS	Mr Gerrit A. LAM
(AT) Austria: Ms Gabriela KÔNIG-JUSUFI	-
(PL) Poland: -	Mr Stanislaw KASPEREK
(PT) Portugal: -	Mr Carlos FERREIRA
(RO) Romania: -	-
(SL) Slovenia: -	Mr Slavko SISKO
(SK) Slovakia <sup>17</sup> : Mr Jan SUKOVSKY	-
(FI) Finland: Mr Harri KUKKA	-
(SE) Sweden: Mr Ingemar BERGLUND	-
(UK) United Kingdom: -	-
<u>European Commission:</u>	
Mr Reinhard PRIEBE (Chair)	-
-	-
-	-
-	-
Ms Veronika VEITS <sup>18</sup>	-
Ms Francesca ARENA <sup>19</sup>	Ms Marta MOYA DIAZ
<u>Advisory Board representative:</u>	
Mr Andrzej Bialas	
<u>Observers:</u>	
Ms Mariya Krestyanska (DK)	
Ms Marina PETROU (EL)	
Ms Nicoletta DE VIRGILLO (IT)	
Mr Gilbert Balzan (MT)	
Mr Harold HOOGLANDER (NL)	
Ms Sarah R. VITIELLO-FERRARA (European Commission)	

<sup>15</sup> Proxy from Romania (RO).

<sup>16</sup> Proxy from Greece (EL).

<sup>17</sup> Proxy from Czech Republic (CZ).

<sup>18</sup> Proxy from Commission (Ms H. Clark).

<sup>19</sup> Proxy from Commission (Mr B. Friess).

EFCA<sup>20</sup>:

**Office of the Executive Director**

Mr Pascal SAVOURET (Executive Director)  
Mr Marcel DEDIC (Accounting Officer)  
Ms Clara E. FERNÁNDEZ (Policy Officer)  
Mr Paulo CASTRO (Internal Control Coordinator)  
Ms Patricia SÁNCHEZ (Communication Officer)  
Ms Gregoria CUESTA (Assistant to the ED)  
Ms Rosa FUENTES (Executive Assistant)

**Unit Resources and IT (Unit 1)**

Mr Niall MCHALE (Head of Unit)  
Ms Rieke ARNDT (Head of Section HR and Legal)

**Unit EU Waters and North Atlantic (Unit 2)**

Mr Mario LOPES SANTOS (Head of Unit)  
Ms Cristina MORGADO (Deputy Head of Unit)

**Unit Coast Guard and International Programmes (Unit 3)**

Mr Pedro GALACHE (Head of Unit)

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<sup>20</sup> Staff attending all the agenda items.

## ANNEX II



Administrative Board



**Agenda of the 32<sup>nd</sup> meeting of the Administrative Board of EFCA**  
**on 10 April 2019 in Vigo**  
**09h00 – 13h30**  
(D=Decision; I=Information)

- |  |   |
|--|---|
| 1. Approval of the draft agenda  | D |
| 2. Information from the Executive Director (encompassing the Outcomes on the Seminar on future control challenges)   | I |
| 3. Annual Report 2018  | D |
| 4. Implementation of new Specific Control and Inspection Programme (SCIP): Risk management Strategy and alternative compliance based benchmarks  | I |
| 5. Draft Programming Document containing the Multiannual work programme 2020-2024 and Annual work programme for year 2020  | I |
| 6. Amendment to the Programming Document containing the Multiannual work programme 2019-2020 and the Annual work programme for year 2019 and of the Final Budget and Establishment Plan of the European Fisheries Control Agency for year 2019 | D |
| 7. Election of the Deputy Chair of the Administrative Board  | D |
| 8. Designation of the Reporting Officer for the annual appraisal of the Executive Director of EFCA   | D |
| 9. Internal Control Framework  | D |
| 10. Staff Regulation implementing rules  | D |
| 11. Improving working practices  | I |
| 12. AOB  |   |

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