



Vigo, 21 April 2021

**MINUTES OF THE 35TH MEETING OF THE
ADMINISTRATIVE BOARD
VIGO – 21 APRIL 2021**

1. ATTENDANCE

The Chair, Ms Veronika Veits, opened the meeting at 09h00 by welcoming the Administrative Board (AB) members and the representative of the Advisory Board. The Chair reminded that the meeting was divided into two sessions: one in the morning for agenda items 1 to 7 and a second session in the afternoon for items 8 and 9 to be attended only by the AB members with the right to vote. Participants were reminded that only the Board members have the right to vote. The appointment of the following representatives was announced:

- **Germany:**
Alternate: Mr Berndt Soentgerath
- **Cyprus:**
Alternate: Ms Andriani Heracleous
- **Hungary:**
Representative: Mr Peter Lengyel
Alternate: Mr Gabor Reczey
- **Lithuania:**
Representative: Mr Justas Poviliunas
- **Slovenia:**
Representative: Mr Slavko Sisko
Alternate: Mr Robert Smoje
- **Austria:**
Alternate: Mr Valentin Opfermann
- **European Commission:**
Representative: Ms Lena Andersson Pench (new Director DG MARE D)
Representative: Mr Fabrizio Donatella (principal Adviser to the Director-General)
Representative: Ms Maja Kirchner (Acting Director DG MARE C)
Alternate: Mr Joost Paardekooper
Alternate: Mr Yves Van Poeke
Alternate: Mr Jérôme Broche

The Chair introduced the observers participating as experts without voting right:

- Observer from Denmark: Ms Mariya Krestyanska
- Observers from Commission: Ms Sarah Vitiello-Ferrara and Ms Manuela Musella

The Chair mentioned the proxies given for all the items in the agenda subject to decision.

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

The Chair recalled that there is a decision from the Administrative Board to declare the absence of any conflict of interest through a duly completed and signed form, to be provided annually to the European Fisheries Control Agency (EFCA) that together with the résumés, are subject to publication on the EFCA website and should be updated whenever necessary. To date, not all AB members have met that obligation. The European Parliament is closely monitoring the application of the EFCA conflict of interest policy as part of the discharge procedure.

Finally, Board members were reminded that the meeting would be recorded, with the exception of the part where the candidates would be interviewed, and that during the meeting some photographs could be taken for communication purposes. If anyone would prefer not to be photographed or that his/her image not to be published on the EFCA website and social media profiles, their choice would be respected.

The Chair commented about the gender balance among the AB representatives and alternates:

- AB representatives: men 71 %, women 29 %.
- AB alternates: men 73 %, women 27%.

The documents have been sent ahead of the meeting and are in line with the rules of procedure.

Present	Proxies were given for all agenda items
Quorum	The Chair concluded that the 2/3 quorum was obtained (22 votes out of 33).

1. **APPROVAL OF THE DRAFT AGENDA**

The Chair informed the Board of the documents and presentations circulated by the Executive Director and presented the agenda for approval:

Morning session

- Under item 2: Information from the Executive Director
- Under item 3: Adoption of EFCA's Annual Report 2020
- Under item 4: Single Programming Document containing the Multiannual work programme 2021-2025 and Annual work programme for 2021
- Under item 5: Draft Single Programming Document containing the Multiannual work programme 2022-2026 and Annual work programme for 2022
- Under item 6: Staff Regulation implementing rules
- Under item 7: Administrative Board's recommendations following the Five-Year Independent External Evaluation of EFCA: state of play and way forward

Afternoon session

- Under item 8: Appointment of a new Executive Director (*closed session*)
- Under item 9: Provisions for an acting Executive Director
- Under item 10: AOB

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

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

2. INFORMATION FROM THE EXECUTIVE DIRECTOR

EFCA ED presented the development of the Agency focusing on the developments since 1 January 2021:

- Update about the main conclusions of the Advisory Board meeting that took place on 15 April 2021.
- In the context of BREXIT, the JDPs for the North Sea and Western Waters include a strategy to support a common approach between MS at regional level based on the new Trade and Cooperation Agreement (TCA) in place. This includes the identification of possible threats and the coordination of continuous monitoring from the EFCA Virtual Network Centre (VNC) to enhance the common situational awareness picture.
- The BREXIT VNC was operative since 4 January. In addition to the routine meetings, which are a key forum for discussion, there was an exchange of information and intelligence available daily through both FISHNET and EFCA points of contact, who continued to be available during the working week. The EFCA IMS system was an important tool to build-up the awareness picture and provided a common regional overview of all UK vessel activity in all MS. EFCA OPV was deployed with the participation of inspectors from Ireland, Spain, France and (Poland). RPA was used as an auxiliary tool and with protocols adapted to COVID-19.
- The main JPD updates were the following:
 - o There were new control elements addressing fisheries restrictive measures: Marine Protective Areas (MPAs) and Acoustic Deterrence Devices (ADD).
 - o In the Baltic Sea, two specific actions were implemented on demersal fisheries related with LO and cod closures, one more on misrecording of salmon/sea trout, and another on misrecording of unsorted catches of small pelagics.
 - o In the North Sea, the specific actions addressed misreporting of area of capture in the sole fisheries and the use of illegal gear or attachments. Real Time Closures were implemented in the EFCA IMS.
 - o In Western Waters, the specific actions addressed the non-compliance in mackerel fisheries, the misrecording of area of capture of demersal species and the misrecording of anglerfish.
 - o In the Mediterranean Sea the specific campaign “Closed areas” is dedicated to detecting possible non-authorized activities in the FRAs established by the GFCM. More than 150 alerts have been established in the EFCA IMS in cooperation with Member States to automatically monitor the movement and activities of fishing vessels.
 - o In the Black Sea JDP, work is on-going to prepare the participation of the fisheries community in the joint maritime operation in the Black Sea for 2021.
 - o In the NAFO and NEAFC the updated Post Activity Risk Analysis (PARA) methodology was adopted for all NAFO landings in EU ports and for landings of EU fishing vessels in other Contracting Parties ports. The NAFO/NEAFC sea campaigns were implemented in 2021 as planned. Trainings were carried out for NEAFC, NAFO, and FMC staff.
- There are several LO compliance evaluations in process: for the Baltic Sea 2017-2018 evaluation, the executive summary is in publication process and the one in 2019-2020 is in preparation. The North Sea 2018-2020 and the Northwestern Waters 2018-2020 evaluations are in preparation and the one for Southwestern Waters 2019-2020 will be initiated in the second half of 2021.

- The work of the e-ISR Working Group between MS, EC and EFCA is ongoing. 2021 will focus on inspections on fishing vessels at sea (module 1) and in port (module 3). EFCA is developing an application to exchange the e-ISR, which will also be used by the EC.
- EFCA REM Working Group (REM WG) was created originally for development of “Technical Guidelines and Specifications for Implementation of Remote Electronic Monitoring (REM) in EU Fisheries”. EFCA has received several requests for assistance in the preparation of REM operational plans for pilot projects at regional and national level: Regional requests from the MS Control Expert Groups (Scheveningen, Northwestern Waters, and BALTFISH), and national projects from Denmark, Ireland and Cyprus. Other requests, although not properly formalised yet, are in process under the agreed records on MCS aspects for pelagic stocks in the Northeast Atlantic (EU-NO-FO) and reefer vessels in ICCAT.
- The REM WG could be reactivated to follow up and support the implementation of MS and regional projects, promote exchange experiences and best practices among MS involved in REM projects, advance on common data format for analysis, assist on data analysis and reviewing procedures, promote a level playing field and training. Profiting from experience gained through the implementation of operational projects, the REM Technical Guidelines will be updated. The Terms of Reference of the REM WG would be developed by EFCA in cooperation with the MS.
- EFCA, in the framework of the cooperation established under the European Coast Guard initiative, has identified some possible areas of cooperation with three other agencies: European Union Satellite Centre (SatCen), European Global Navigation Satellite Systems Agency (GSA) and the European Space Agency (ESA). This cooperation would lead to an improved capacity for detecting, identifying and categorisation of suspected non-compliance fishing activities, providing additional tools for the operational activities coordinated by EFCA. This cooperation would respect relevant responsibilities and tasks as defined in the constituent acts of the agencies and would fully respect their institutional settings and operational frameworks.
Following article 25 of the EFCA founding regulation, EFCA Executive Director requested the authorisation of the Administrative Board to enter into negotiations with SatCen, ESA and GSA, in order to conclude administrative cooperation agreements. The Administrative Board will be requested to approve each of these agreements before they are concluded.
- Following the Decision of the Commission to amend the Financing Agreement for the PESCAO project, increasing the budget assigned to EFCA for the PESCAO project (addition of 1,227 million euros) and extending the implementation period, preliminary contacts have been established with the Commission and the EU Delegation in Senegal for the preparation of the necessary changes to the contract, in order to: extend one year the duration of the project (until 31 December 2023), adapt the total budget and specify the additional activities to be programmed as regards support to operational activities
The EFCA Executive Director requested the authorisation of the Administrative Board to sign the revised PESCAO project contract with the Delegation of the EU in Senegal. The new activities and budget will be reflected in the SPD 2022-2026.
- The main issues to communicate about in 2021 are those reflected in the SPD 2021-2025. EFCA adapted its communication strategy to a context of pandemic and lockdown. In this context, the digitalisation of the communication tools is reinforced, with a special focus on video production and social media. This strategy also considers the wider EU objectives and the EU Agencies priorities, such as the Green Deal and Digital Transition, which respond to EU citizens’ expectations for change and reflect the ambitions of the Sustainable Development Goals.

The floor was given to the Advisory Board representative present in the meeting.

The Advisory Board representative requested access to the data used for the mackerel compliance evaluation with the Landing Obligation (LO), as it had been denied by the MS regional groups. He

claimed the lack of transparency was a concern. He asked for a meeting with EFCA to discuss the issue and prevent a similar problem in the future.

The ED clarified that EFCA is not the data controller, Member States are. The methodology for compliance evaluation is public and available on the EFCA website. A joint meeting PELAC-EFCA-CEGs was organised in The Hague on 5 March 2020 to present and discuss data used, methodology and results of the evaluation. Some Control Expert Groups (CEG) have planned to change their approach for the next period evaluation and full reports would be published. On the request from the NWWAC on more cooperation and participation on the regional risk assessment (RRA) and JDP preparation this is not possible. What EFCA could do is to continue promoting dialogue with Advisory Councils (ACs) through their participation in some parts of the CEG meetings, where for example results of the RRA are presented.

The representative of Ireland commented that everyone had to work to improve dialogue with both parts, control authorities and ACs. The level of transparency has to be improved and disclose as much as possible. DG MARE should also learn from other DGs, such as SANCO, who publishes audit reports.

The Chair said that the publication of LO compliance evaluation full reports is being addressed and it will be solved in the future evaluations.

The Chair raised three issues presented by the ED for endorsement of the Board:

- 1) The reactivation of the EFCA REM Working Group
- 2) The agreement for cooperation with other agencies
- 3) The extension of the PESCAO project

The representative of Denmark expressed her full support to the reactivation of the EFCA REM WG and to the cooperation of EFCA with other agencies.

The representative of Germany agreed with Denmark on the support of cooperation of EFCA with other agencies, as it would aid in the upcoming challenges in fisheries control. She inquired about what was EFCA offering in this cooperation and what was EFCA being asked to offer in this regard. She also indicated her support to the reactivation of the EFCA REM WG and stressed its importance to ensure REM experiences are coordinated and can be exchanged among MS. She expressed some concern about having too many WG which generate too many meetings.

The representative of Ireland said that the REM WG reactivation was quite useful for the challenges ahead, and it would prevent that each MS would develop systems individually by coordinating efforts. He said that a debate was needed on data formats, developing standards, and legal issues. He believed EFCA was well placed to coordinate these debates.

The representative of the EC said she was very pleased with the work of EFCA, especially on the Virtual Coordination Network for BREXIT. She hoped it would continue and ensured the support from the EC will continue. She also expressed the full support to the reactivation of the EFCA REM WG and to the cooperation with other agencies and extension of PESCAO.

The Chair commented that DG MARE will be actively involved in the work of the EFCA REM WG.

The ED replied to Germany that three agencies have shown interest in cooperating with EFCA:

- ESA: EFCA suggested ESA ideas in the framework of Earth Observation for enhancing surveillance and identification of illegal activities, thus improving capacities.
- SatCen: EFCA suggested developing new skills including earth observation technologies in oceans and fishing vessels surveillance, using machine learning and artificial intelligence.
- GSA: Chartered FPVs to be used for cooperation mostly in the scope of Galileo.

He also considered that the number of meetings had increased due to Video Conferencing and agreed with Germany that this should be monitored. However, he added that a special attention was paid to transparency and exhaustive reporting of meetings. A series of meetings was linked to his online presentation of the agency to an association of French companies involved in defence equipment and services, which triggered additional similar presentations, falling under the communication undertaking of EFCA.

The Chair concluded all three points presented have been endorsed by the AB and inquired EFCA which was the plan for preparation of the EFCA REM WG Terms of Reference (ToR).

The ED replied that the ToR will be prepared in cooperation with the regional Control Expert Groups (CEG). The discussion with MS and the COM would start before the Summer 2021 and the ToR would be presented to the AB in March 2022. The Chair agreed with this planning.

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
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3. ADOPTION OF EFCA's ANNUAL REPORT 2020

EFCA presented the main elements of the Annual Report:

- Despite the Covid context, EFCA managed to adapt and implemented 90% of the planned activities according to the annual work programme adopted by the Administrative Board in the framework of the Single Programming Document (SPD). EFCA had a coherent budget execution of 97.2%, above what was expected considering the circumstances of this special year.
- In the context of the Covid-19, EFCA carried on assisting the EU to fulfil its international control and inspection obligations, in particular with the activities of the “Lundy Sentinel” (LS) prioritising the implementation of the RFMOs rules. EFCA developed specific procedures, including measures for joining the patrol vessel and for inspecting fishing vessels. EFCA also used other available tools, including additional surveillance flights in cooperation with Frontex, deployment of drones within the cooperation with EMSA, and analysis of satellite images from Copernicus. The EFCA Coordination Centre (CC) activities were implemented online via a “Virtual CC”. Other meetings, trainings and workshops took place online without major disruption.
- EFCA implemented 6 JDPs. In total there were 30 specific actions proposed in the framework of three JDPs (BS, NS and WW) and six specific campaigns implemented in the framework of the Mediterranean Sea and Black Sea JDPs. In total, 38,452 inspections were carried out in 2020 and 1787 suspected infringements were detected. Of these suspected infringements 45% referred to misrecording, 29% to non-compliance with

conservation measures, 3% to non-compliance with the landing obligation and 23% to other types.

- Regarding the BREXIT, EFCA took actions together with the European Commission and concerned Member States for preparing for BREXIT different risk-based scenarios in the framework of the NS JDP and WW JDP. An important component of the mitigation measures was the making of a common maritime situational awareness picture at regional level. Also, the Steering Groups agreed on a “Virtual Coordination Centre” based on a network of Member States FMCs and contact points with the support of EFCA. Finally, following the Trade and Cooperation Agreement (TCA), the two JDP Decisions (NS and WW) were adopted accordingly.
- On the international dimension of the CFP, EFCA continued to assist the Commission to cooperate with third countries and RFMOs (namely, NAFO, NEAFC, ICCAT and GFCM). In the fight against IUU activities, EFCA assisted the European Commission with the analysis of 514 catch certificates and 191 processing statements from four third countries. In PESCAO, EFCA continued to provide remotely technical assistance to the Sub-Regional Fisheries Commission (SRFC), to the Fisheries Committee for the Western Central Gulf of Guinea (FCWC) and to their partaking Member States.
- On the European Coast Guard cooperation, EFCA continued to cooperate with Frontex and EMSA and assumed the chairmanship of this cooperation in May 2020 to support national authorities carrying out coast guard functions.
- As to training, the activities were mainly delivered online, and the e-learning platform was reinforced with additional language versions. Currently more than 1000 staff from EU and non-EU countries are registered users of the EFCA e-learning platform.
- The EFCA chartered OPV “Lundy Sentinel” was operational for 335 days leading to a total of 40 inspections and 5 infringements detected in support of the implementation of JDPs. In the COVID-19 context, EFCA adopted a strict protocol to ensure safety of the staff on board of the “Lundy Sentinel”. It implied a reduced number of boardings compared with previous years. However, the patrol vessel was available for multipurpose tasks.
- The number of flights contracted by EFCA in support of JDPs was 35, providing 54 sightings shared with Member States.
- Regarding the exchange of information/JDPs, the VMS was made available to Member States through IMS. The access to IMS was provided to the European Commission and Member States staff, and EFCA noted an increased use of this platform.
- Concerning horizontal tasks, EFCA indicated that 100% of its procedures were “paperless” and noted that teleworking was a good incentive in this regard. EFCA also informed on the conclusion of the implementation of the recommendations issued by the Administrative Board following the Five-Year Independent External Evaluation of EFCA (period 2012-2016). The Annual Communication Strategy was adapted to the COVID-19 context by further developing the digital presence of EFCA to reach its stakeholders, basically through social media.

Finally, EFCA informed it will produce a summarised version of this Annual Report. The Chair welcomed this initiative.

For the representative of Germany, this annual report was a very good document, with an enhanced and clear design.

The Chair thanked EFCA for its very good report.

Proposed action	Adoption of the Annual Report 2020, including the analysis and assessment of the Administrative Board
Legal Basis	Article 32(2)(b) of Regulation (EU) 2019/473

Decision	Adopted by consensus.
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4. SINGLE PROGRAMMING DOCUMENT CONTAINING THE MULTIANNUAL WORK PROGRAMME 2021-2025 AND ANNUAL WORK PROGRAMME FOR 2021

The Chair introduced this item clarifying that it was not for adoption, but to inform the AB members on the amendments to the adopted Single Programming Document containing the MWP 2021 - 2025 and the AWP for 2021, including the EC legislative proposal for an increase in the final budget.

The EC representative, Ms. Andersson Pench, presented the additional resources proposed to accomplish the new tasks resulting from the future changes in the control regulation, in its founding regulation and in the context of the extended maritime border between the EU and UK waters.

She detailed the main activities to be covered by additional funds:

- The chartering of two additional OPV and aerial surveillance in the UK waters.
- The setting up, running and maintenance of a database of EU fisheries data accessible to MS and to the EC.
- The creation of the Operational Coordination & Monitoring Centre in the Agency to facilitate the information exchange.

She specified that the planned increase will amount to 4 million in 2021 plus 12 million € per programmed year. Regarding human resources she anticipated 23 posts, of which 16 are either AD or AST, for the deployment on board, coordination purposes and the coordination centre.

The EC also informed on three projects to be implemented already from this year with grants under the new EMFAF, two in the context of the maritime security and surveillance under the Coast Guard activities, and the third on fisheries control and enforcement:

1. A three-year project of one million, two temporary staff to establish the Mediterranean Virtual Regional Training Academy on fisheries and control inspection.
2. A five-year project for 2 437 000 and four temporary staff to maintain the Coast Guard Qualifications Network and the Coast Guard Functions Handbook.
3. A study on the weighing process and fisheries products in the Member States, during a maximum two years, with 739 000 euros and three contractual agents.

The EC representative concluded by referring to the state of play of the EC proposal for the amended 2021 budget, pending decision by the Budgetary Authority, and also confirmed the political agreement regarding EMFAF projects, stating that their formal adoption was expected in June.

The Chair welcomed this information and gave the floor to the ED, reminding that a separate *ad hoc* Administrative Board would be dedicated to the amended SPD before the Summer.

Regarding the impact of this amendment, the ED highlighted that, under Objective 1, EFCA would be fulfilling EU international obligations in cooperation with UK as a third country, following the Trade and Cooperation Agreement. He also pointed out and further detailed the budget increase in Title II and Title III. He announced that preparatory work would start in 2021 with a view to the development of a unified information system in 2022. He added that the proposal for the draft SPD 2022 was still being discussed and subject to EC opinion in July, as well as to the financial statement and final settlement of the Budgetary Authority.

The representative of Denmark inquired about the timeline of the procurement to charter the additional OPVs. Regarding the staff on board the two vessels he asked about the vision of the MS inspectors involved in the JDP.

The delegate from Cyprus welcomed the budget increase and commented that 2021 would be a starter, supporting the comment from Denmark on the challenge to implement the proposed amendments for the year considering the procurement procedures.

With reference to the SPD update reflecting the new need to patrol the Atlantic due to Brexit, he asked whether LS would be mostly active in the Mediterranean and suggested an adaptation in the wording to provide for flexibility. He also raised a question about the organisation of permanent staff on board and asked the ED if the Covid-19 protocols for the LS missions were to be modified considering vaccinations.

Regarding the EMFAF funding proposals, Cyprus expressed interest about the fisheries academy, and asked the EC intention regarding its professionals and possible certificates.

On the project linked with the tripartite Coast Guard working agreement, the representative questioned the EMFAF suitability, as cooperation in training for coast guard is a large task for a small agency and claiming that EFCA should keep its main task.

Answering these questions, the ED admitted that procurement length is critical, and outlined two different scenarios:

- using the SLA with EMSA to contract one of the vessels of the antipollution fleet that are now based in Greece, France and Spain. Depending on the budgetary agreement, this could mean one additional vessel available from July 2021.
- following the EU procurement system to agree with the LS shipowner for chartering an additional vessel, taking into consideration the ceiling of the framework contract.

Regarding the availability of Union inspectors, the ED reminded that there is a large number of them and mentioned that the Agency expected the support of the MS for the future empowerment of EFCA Union inspectors in EU waters.

Regarding the role of the additional staff, it was clarified that most of them would be deployed aboard the vessels according to a routine of three stages, while the other part of the staffing would be in aircraft missions and for supporting the IT part of the unified information system.

The ED confirmed the intention to provide flexibility with one of the vessels in the future, also depending on the evolution of the situation with UK vis-à-vis the EU fleet.

On the COVID-19 protocols, he explained that EFCA addresses the risk of contamination from the inspector to a fisherman or vice versa and precautions cannot be reduced yet.

In reply to Cyprus regarding the Coast Guard cooperation, the ED considered that that the Agency received much more [RPAS on board LS and enhanced communication system lent by EMSA, significant air surveillance flight volume obtained from Frontex, etc.] than what was given, stressing that fisheries control would not have the same capacity without the Coast Guard cooperation. LS as an antipollution vessel of opportunity increases also EMSA environmental protection fleet with oil spill recovery equipment installed by EMSA. The RPAS on board increased the safety of the inspectors and improved the controls capacity, the aircraft of Frontex in specific operations in the Strait of Sicily, allowed a huge number of sightings.

The ED introduced the virtual academy project as a training capacity to develop capacity building. The HoU Coast Guard and International Programmes (HoU 3) intervened to point out that this project could solve the scarcity of means mentioned by Cyprus and reminded the recurrent EC requests to cooperate in the external dimension and mostly in the Mediterranean to support GFCM partners. This project allows EFCA to provide training, through a virtual training centre, involving MS and third countries, such as the work in the scope of the WESTMED initiative in cooperation with the EC. Regarding the Coast Guard cooperation, he mentioned that additional resources could help improving the benefits for this cooperation.

The EC representative complemented stressing the need of patrolling the Mediterranean. Despite the challenges, two additional vessels open the possibility to deploy one vessel in the Mediterranean on a permanent basis. She agreed with Cyprus in pledging for flexibility although the idea is to start focusing on the waters adjoining the UK.

The representative of France welcomed both the budget increase as well as the possibility to have a second OPV permanently in the Mediterranean but shared the other MS concerns on their capacity to provide additional inspectors on board the second chartered vessel. She also wondered about the concrete working methods between the national FMCs and the future coordination centre.

The Chair acknowledged the comments on the additional patrol vessels versus the capacity of MS inspectors, while noted the ED's comment on the planned revision of the control system regarding the possibility for EFCA to inspect in EU waters, if accepted by the co-legislators.

Regarding the future cooperation methodology between national FMCs and future coordination centres, the ED underlined the need of an EU common awareness situational picture. He affirmed that EFCA could provide additional layers of information. The ED also emphasised the importance of elaborating a comprehensive vision of the real fishing effort in EU waters.

While the representative of Germany welcomed the updates about the Agency, she insisted that cooperation should improve between Member States and EFCA and the control vessels in the JDP planning. Regarding the single database, she asked what the consequence would be in case this was not assigned to EFCA in the control regulation.

On the increased budget from the EMFAF, she showed surprise about EFCA conducting a study on the weighing process and expressed concern that this would possibly lead to an EC audit.

The Chair suggested to defer for another moment the discussion on the cooperation between EFCA and MS in the use of the control vessels and how to incorporate that into the JDPs.

The Commission replied to the question by Germany on the study on weighing reassuring that it would not imply an audit or pointing at shortcomings, but rather focus on the methodological approach of weighing and samplings and how samplings are carried out. She announced that this topic was to be discussed at the Fisheries Control Expert Group in a dedicated agenda point.

On the preliminary forecast regarding the single database, the EC agreed with Germany that this would depend on the decision based in the EP adopted position, while budget would be available for this or another task. She clarified that its inclusion in the legislative financial framework follows the standard practice to react to any proposal by the co-legislator.

Before concluding the Chair mentioned the need to organise an additional ad hoc meeting in early June once the co-legislators have taken the decision on the budget amendment to formally adopt the changes to WP/SPD so that EFCA could ensure the availability of patrol vessels by 1 July 2021.

Ireland advised that EFCA and the EC take into account the AB members questions on resourcing and planning of procurement with a view to have developed answers for the planned ad hoc meeting in June.

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
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5. DRAFT SINGLE PROGRAMMING DOCUMENT CONTAINING THE MULTIANNUAL WORK PROGRAMME 2022-2026 AND ANNUAL WORK PROGRAMME FOR 2022

The Chair gave the floor to EFCA to inform the AB members on the latest changes in the Draft Programming Document containing the Multiannual Work Programme 2022-2026 and the Annual Work Programme for 2022 since its presentation in the previous AB meeting in October 2020.

The Chair reminded that the EC would provide a formal opinion on the document in July so it would then be submitted to the next AB meeting in order to prepare for the budget year 2022.

The Head of Sector Policy and Communication pointed out that the draft was notified to the institutions in January 2021, recalling that the new EC template and the recommendation expressed by the Internal Audit Service on 21 December 2018 were observed, and the quality of the KPIs enhanced and streamlined, with a direct link between each multiannual objective and its area of interventions.

It was emphasized that the additional resources addressed in item four were not yet reflected in the draft in order to be updated with the final decision of the co-legislators. They would be addressed in the final version of the document to be presented in October 2021.

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
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6. STAFF REGULATION IMPLEMENTING RULES

The Chair explained that there were two points to be considered, one for a decision and one for information. The presentation and further discussion would be split into two parts.

The Head of Unit Resources (HoU 1) took the floor and explained that EFCA proposes to apply by analogy two Commission decisions. In detail, the following draft decision was proposed to the AB for adoption:

- Commission Decision C(2011) 1278 of 3 March 2011 on the general implementing of provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on the transfer of pension rights and
- Commission Decision C(2020) 4818 of 20 July 2020 amending the Commission Decision C(2011)1278 of 3 March 2011 on the general implementing of provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on the transfer of pension rights.

The HoU highlighted that the Commission decision and its amendment were already applied by PMO in the framework of the SLA EFCA had signed with PMO and that EFCA had not been required to adopt Commission Decision C(2011) 1278 of 3 March 2011 for application by analogy in the past.

Further along, he stated that the Commission had recently adopted the above amendment to the original Commission Decision that should be adopted by Agencies in accordance with Article 110 of the SR. Both the original Commission Decision and the amendment had been notified to EFCA for application by analogy.

Additionally, and with regard to the second point of the item, the HoU 1 stated that decision on a combined general implementation of provisions on working time and teleworking would come up for adoption within a short-term period.

He went on to express that according to Article 110 SR, in principle, such implementing rules shall enter into force at EFCA nine months after the date on which the Commission informed EFCA of the adoption of the respective implementing rule. By way of derogation, EFCA might, before the expiry of the nine-month period and after consulting its Staff Committee, submit to the Commission for its agreement implementing rules which were different from those adopted by the Commission.

He continued by explaining that the implementing of provisions on working time currently in force at EFCA¹, do not meet the service requirements of EFCA, in particular, when it comes to recuperation of days worked for staff on sea-going missions. He finalised by concluding that following the notification by the Commission to EFCA of the new rules, EFCA would analyse them to see if they matched the EFCA service requirements. Should that not be the case, EFCA would propose to the Administrative Board to request a derogation and submit to the Commission for its agreement implementing rules which the modifications required. The Decision would be presented to the AB members for their adoption by written procedure.

The representative of Ireland thanked the presentation and showed his understanding of the difficulties coming from the accumulation of overtime hours for EFCA staff deployed on the patrol vessel. Further along, he went on to query if EFCA could see any other potential activities which could be under the scope of the potential derogation application.

The HoU 1 replied that he could not give a definitive answer, but that, in principle, it would be specifically linked to the deployment on the vessel. Nevertheless, EFCA would be analysing any other areas if such a derogation were requested and presented to the AB members for its adoption.

Proposed action	Adoption of General implementing provisions to the Staff Regulations on the transfer or pension rights
Legal Basis	<ul style="list-style-type: none"> - Articles 28 and 32(2)(h) of Regulation (EU) 2019/473 - Staff Regulations of Officials of the European Union and the Conditions of employment of other servants of the European Union in their version of 1 January 2021, in particular Article 110(2) thereof
Decision	Adopted by consensus
The Administrative Board took note	that the Agency will analyse the future rules on working time and teleworking, and if deemed appropriate, may request a derogation to the

¹ AB Decision 16-III-11(1) of 11 October 2016.

	Commission.
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7. ADMINISTRATIVE BOARD’S RECOMMENDATIONS FOLLOWING THE FIVE-YEAR INDEPENDENT EXTERNAL EVALUATION OF EFCA: STATE OF PLAY AND WAY FORWARD

The HoS P&C presented the state of implementation of each of the 11 recommendations showing the degree of implementation through different actions. As stated in the last AB meeting, all the recommendations can be considered as implemented, even though some of them are of an on-going nature in the level of implementation.

The Chair acknowledged the work carried out by EFCA in the implementation of the recommendations and added that an essential element in this achievement had been the regular discussions in the AB meetings on the follow-up of the recommendations. She concluded that it was a good practice to follow once the results of the new recommendations are in place.

a. Discussion of the Terms of Reference (2017-2021)

The Chair reminded that the timetable for the preparation of the evaluation, including the adoption of the ToR, was agreed in the AB meeting of October 2020. She clarified that what should be approved in this meeting was the evaluation mandate. In this respect, following a call for volunteers a Steering Committee (SC) was set up in March 2021 and started working immediately.

The Accounting Officer (AccO) updated the members of the Board on the progress made since the last AB meeting. He indicated that the SC is composed of seven members (amongst which representatives of MS, COM and EFCA staff) and has met twice so far. The SC has advanced well on the work of the ToR, but realised these needed a major overhaul, as the techniques, handbooks and guidelines of the EC have evolved since the first five-year evaluation. Meanwhile, EFCA has joined an interinstitutional tender for contracting an external evaluator. The tender is on-going and it is expected that the framework contract will be signed in the early Summer. Since EFCA has joined the interinstitutional tender, the ToR are not needed at this stage and should be ready when the framework contract is signed.

The AccO further commented that, besides the progress made to finalise the ToR, which will be presented at the next AB meeting for adoption, the SC has come up with a first task, which is the definition of the mandate. Other tasks of the SC include the assessment of the technical offer, to guide and monitor the evaluator throughout the process and to take an overall look at the progress of the evaluation in the next year.

The AccO continued on the topic of the evaluation mandate. He underlined that in previous exercises this task was somehow hidden in the ToR. Now the SC had convened that, to have qualitative ToR, an evaluation mandate for this exercise needs to be defined. The purpose is to inform the public and the stakeholders early in the process that a new evaluation is starting and that once the mandate is approved by the AB it will be published on EFCA’s website.

The mandate has three high-level objectives: to assess the overall impact of the Founding Regulation including the 2016 Agency’s extended mandate on European Coast Guard Cooperation, to assess EFCA’s working practices, performance and flexibility and to assess the

possible need to make changes to the Agency's tasks, in view of forthcoming operational and administrative challenges.

As regards the ToR the AccO explained that they are shortened and restructured in line with the evaluation guidelines and that they will give more details on how to implement the evaluation and on the expected deliverables. The SC also resolved that the number of evaluation questions of previous exercises was too high and needs to be reduced.

The AccO ended his intervention by outlining the preliminary timetable of the exercise. Some of the most important deadlines are:

- Adoption of ToR by the AB: Q2 2021
- Signature of contract: Q3 2021
- Final Report: Q3 2022
- AB Seminar with stakeholders: Q4 2022

The Chair thanked the members of the Steering Committee for the work they have carried out and felt positive that works would progress within the scheduled timeframe. In the absence of comments, the evaluation mandate was endorsed.

The German member of the SC announced that due to a change in her functions within the German administration she could no longer continue her activity as member of the SC and asked if there was any volunteer willing to step in to replace her.

The representative of Italy volunteered to take this position and expressed that he would be happy to join and give his support to the Committee. The Chair thanked the representative of Italy for coming forward and felt convinced that his contribution would be a good asset in the discussions of the Committee.

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

List of participants to the online meeting of the Administrative Board of the EFCA Vigo, 21 April 2021

	Members	Alternates
(BE) Belgium:	Mr Geert DEVOGEL	-
(BG) Bulgaria:	Mr Dimitar VALKOV	-
(CZ) Czech Rep.:	-	Mr Jacub MORICKY
(DK) Denmark:	Ms Nanna MØLLER	-
(DE) Germany :	Ms Melanie SEIBERT	-
(EE) Estonia:	Mr Indrek ULLA	-
(IE) Ireland:	Mr Andrew KINNEEN	-
(EL) Greece:	Ms Theoni PAPAPOULU	Mr Ioannis OIKONOMAKOS (am)
(ES) Spain:	-	Mr Borja VELASCO TUDURI
(FR) France:	-	Ms Bérengère LORANS
(HR) Croatia:	-	Ms Ivana FURAC
(IT) Italy:	Mr Riccardo RIGILLO (am)	Mr Lorenzo MAGNOLO
(CY) Cyprus:	Mr Yiannos KYRIACOU	Ms Andriani HERACLEOUS (am)
(LV) Latvia:	Mr Miks VEINBERGS	-
(LT) Lithuania:	Mr Justas POVILIŪNAS	Mr Tomas KAZLAUSKAS (am)
(LU) Luxembourg:	Mr Pierre TREINEN	-
(HU) Hungary:	-	Mr Gabor RECZEY
(MT) Malta:	-	Mr Marvin SAGUNA
(NL) Netherlands:	Ms Carian POSTHUMUS MEIJES	Mr Albert A. LAM
(AT) Austria:	Ms Margareta STUBENRAUCH	-
(PL) Poland:	Ms Marta RABCZYNSKA-KAPCINSKA	Mr Stanislaw KASPEREK (am)
(PT) Portugal:	-	Mr Carlos FERREIRA
(RO) Romania:	-	Ms Ancuta KAZIMIROVICZ
(SL) Slovenia:	Mr Slavko SISKO	-
(SK) Slovakia:	Mr Jan SUKOVSKY	-
(FI) Finland:	Mr Harri KUKKA	Mr Ali LINDAHL (am)
(SE) Sweden:	Mr Niclas TÖRNELL	-
<u>European Commission (EC):</u>		
Mr Fabrizio DONATELLA (pm)		-
Mr Bernhard FRIESS (pm)		-
Ms Veronika VEITS (Chair)		-
Ms Maja KIRCHNER (pm)		-
Mrs Lena ANDERSSON PENCH ²		-
Ms Francesca ARENA ³		Mr Jérôme BROCHE (am)

Advisory Board representative:

Mr José Manuel FERNANDEZ BELTRAN (PEL AC)

Observers:

Ms Mariya KRESTYANSKA (DK)

Ms Sarah R. VITIELLO-FERRARA (EC)

Ms Manuela MUSELLA (EC)

² Proxy from EC (FD) for am session.

³ Proxy from EC (BF) for am session.

EFCA:

Office of the Executive Director

Mr Pascal SAVOURET (Executive Director)

Mr Marcel DEDIC (Accounting Officer)

Ms Patricia SÁNCHEZ (Head of Sector Policy and Communication)

Mr Paulo CASTRO (Internal Control Coordinator)

Ms Gregoria CUESTA (Assistant to the ED)

Ms Marta RAMILA (Assistant Communication Officer and Deputy DPO)

Ms Rosa FUENTES (Executive Assistant)

Ms Eva MADARIAGA (Administrative Assistant Accountancy)

Unit Resources and IT (Unit 1)

Mr Niall MCHALE (Head of Unit)

Ms Rieke ARNDT (Head of Sector - HR and Legal)

Ms Donianzu MURGIONDO (Head of Sector - Finance and Procurement)

Unit EU Waters and North Atlantic (Unit 2)

Mr Mario LOPES SANTOS (Head of Unit)

Ms Cristina MORGADO (Deputy Head of Unit)

Mr Miguel NUEVO (Head of Sector - JDPs and Regional Cooperation)

Mr Alexis BENSCH (Head of Sector - Data Management Analysis)

Mr Piotr STACHOWIAK (Head of Sector - Operations in EU Waters and North Atlantic)

Unit Coast Guard and International Programmes (Unit 3)

Mr Pedro GALACHE (Head of Unit)

Mr Vytautas LUKAS (Deputy Head of Unit)

Ms Clara FERNANDEZ (Head of Sector - Mediterranean and Black Sea)

Mr Alexandre KEMPPFF (Head of Sector - Training and IUU)

Mr Rafael DUARTE (Head of Sector - Inter-agency Cooperation)

ANNEX II

Adopted Agenda of the 35th meeting of the Administrative Board of the EFCA on 21 April 2021

09h00 – 13h30

15h00 – 17h30

(D=decision; I=Information)

1. Approval of the draft agenda D
2. Information from the Executive Director I
3. Adoption of EFCA's Annual Report 2020 D
4. Single Programming Document containing the Multiannual work programme 2021-2025 and Annual work programme for 2021 I
 - a. Possible amendment of the SPD and the budget
 - b. Possible new projects with grants
5. Draft Single Programming Document containing the Multiannual work programme 2022-2026 and Annual work programme for 2022 I
6. Staff Regulation implementing rules D
7. Administrative Board's recommendations following the Five-Year Independent External Evaluation of EFCA: state of play and way forward D
 - a. Discussion of the Terms of Reference

Lunch break

8. Appointment of a new Executive Director (*closed session*) D
 - Examination of the applications
 - Interviews of the candidates
 - Deliberations and votes
9. Provisions for an acting Executive Director D
10. AOB