



Administrative Board

Vigo, 21 June 2017

MINUTES OF THE 28TH MEETING OF THE ADMINISTRATIVE BOARD VIGO – 21 JUNE 2017

0. ATTENDANCE

The Chair, Mr Reinhard Priebe, opened the meeting at 08h30 by welcoming the Administrative Board (AB) members and the Advisory Board representative present at the meeting. He announced that since the last meeting EFCA had received written confirmation about the appointment of the following new members and alternates:

- **Slovakia:**
Representative: Mr Ján Sukovsky
- **European Commission:**
Representative: Ms Francesca Arena
Alternate: Ms Manuela Musella

The Chair reminded the attendees that only the AB members had the right to vote but not the observers and experts, and that the meeting would be recorded.

The Chair asked if any of the participating AB members had any direct or indirect interests in relation to any matter on the agenda of the meeting, since AB members were required to declare those interests. There were no direct or indirect interests raised by the AB members.

The Chair reminded that the AB members needed to fill in the conflict of interest forms provided by EFCA, which shall be submitted annually. He also reminded the AB members of their obligation to submit résumés of their CVs which would be published on the EFCA website and should be updated whenever necessary. He pointed out that to date not all AB members had met that obligation which was established in March 2016 (AB Decision No 16-I-10 amending AB Decision No 14-II-8(1) of 17 October 2014 adopting the policy on the prevention and management of conflicts of interest of the European Fisheries Control Agency). He reminded the AB members that the European Parliament was closely monitoring the application of the EFCA conflict of interest policy as part of the discharge procedure.

European Fisheries Control Agency

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Present	Proxies were given for all agenda items from Austria to Slovakia, from Poland to Malta, from Latvia to Estonia, from Greece to Cyprus, from Slovenia to Italy, from Luxembourg to the Netherlands, from Croatia to Ireland, from Lithuania to Finland and in the delegation of the European Commission (EC) from Ms V. Veits to Ms F. Arena. The presence list is attached in Annex I.
Quorum	The Chair concluded that the 2/3 quorum was obtained (29 votes out of 34).

1. **APPROVAL OF THE DRAFT AGENDA**

The Chair mentioned the following new documents distributed by the Executive Director (ED) before the meeting:

- Under item 2: Service Level Agreement (SLA) between Frontex and EFCA

Following, the Chair presented the agenda and asked the AB members if they had any comment or new item to be added.

There were no additional comments on the agenda and thus it was adopted without changes (Annex II).

No further interventions were made, the Chair proposed to start by item 3 of the agenda.

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

3. **EFCA EVALUATION - ISSUING OF RECOMMENDATIONS**

The Chair displayed on the screen the draft AB recommendations outlined by the AB "drafting ad hoc group on the recommendations regarding the Five year evaluation of EFCA" after the seminar on 20 June.

He presented the structure of the paper and pointed out that since the document is to be sent to the EC, the Council and European Parliament (EP), the recommendations should be short, clear and comprehensive. The draft recommendations were divided in two headings: one regarding the Regulation (EC) 768/2005 (founding regulation of EFCA) and a second one regarding EFCA's working practices.

The Chair opened the floor to comments. He proposed to gather all the comments and to incorporate the changes in the document later.

The representative of DK conveyed his full support to the draft AB recommendations.

The representative of IE praised the good job done. He asked to consider an amendment to the opening paragraph and expressed concern for the absence of direct reference made to the recommendations stated on the Five-Year Independent External Evaluation of EFCA.

The representative of the NL highlighted the importance of a possible future amendment of the founding regulation of EFCA and the need to refer in the external dimension to the mission and tasks of the Agency (recommendation number 5).

The representative of BG asked for clarification as regards minimum inspection standards or other control standards (recommendation number 3).

The ED replied that this was linked to inspection standards and proposed to rephrase the sentence.

The representative of IT referred to the recommendation number 4, and pointed out that a wider application of JDPs should consider the SCIP adoption, and eventually an amendment to the Control Regulation. He suggested that recommendation number 4 could be better placed under recommendation number 1.

The representative of the EC pointed out that, considering that there is no final decision as to whether this will eventually be considered in the revision of the Control Regulation, changing it to the first point may convey the wrong message. The idea of having this recommendation is to explore ways to do it within the context of EFCA's work.

The representative of the Advisory Board evoked the development of the EFCA since its establishment and stressed the regionalisation process. He mentioned the growing role of the Advisory Councils (ACs) and requested to consider having more than one Advisory Board representative in the AB of EFCA to better contribute to the work of EFCA and to be more active.

The Chair recalled that the issue had already been discussed during the previous AB meeting on 5 April 2017. He quoted the relevant paragraph of the minutes and clarified that there was no endorsement for the Advisory Board suggestion.

The representative of DE mentioned that it could be politically desirable to have more than one Advisory Board representative in the AB but confirmed that in accordance with the current regulation for the time being it is possible to have only one.

The representative of IE advised to make an effort to find a different way to support the ACs, and encouraged the AB to engage in a real partnership with them.

The Chair enquired if something could be added on the work of the Advisory Board (recommendation number 7).

The representative of IE mentioned that there could be ways to enhance the interaction with the Advisory Board, e.g. a meeting every two years, and pointed out that recommendation number 7 enables the discussions between the Administrative Board and the Advisory Board without limits.

The representative of CY mentioned whether it would be convenient to underline in the first part of the introductory paragraph that the AB was also welcoming the evaluator recommendations.

The Chair pointed out that the second part of the paragraph already referred to the evaluator recommendations.

The Chair commented that there was no mention about gender balance in the recommendations and asked for suggestions.

The representative of MT suggested including a sentence on gender balance.

A new recommendation (number 10) was included on gender balance.

The draft recommendations outlined by the AB "drafting ad hoc group on the recommendations regarding the Five year evaluation of EFCA", as amended during the meeting in order to mirror the AB comments, were displayed on the screen.

There were no further comments and the recommendations of the AB were adopted by consensus.

Proposed action	Within the frame of the 5 year evaluation of the Agency, issue the recommendations regarding the changes to the Agency establishing Regulation, the Agency and its working practices.
Legal Basis	Art. 39 (3) of Regulation (EC) No 768/2005.
Decision	Adopted by consensus.

2. INFORMATION FROM THE EXECUTIVE DIRECTOR

The AB members were informed about the main issues that had taken place and were ongoing since the last ordinary AB meeting on 5 April 2017. *Inter alia*, the ED informed about the following:

1. Interagency cooperation: Pilot Project "Creation of a European coast guard function" and Action Plan 2017

The closing Seminar on the Pilot Project on European Coast Guard cooperation was organised on 2 June 2017 in EMSA to give an account of the achievements and outcomes of the Project. Representatives of the Administrative/Management Boards of the three agencies attended the workshop. The final report of the Pilot Project will be notified to the EC in September 2017. As regards the tasks, EFCA was coordinating task 3, "*capacity building*", within which EFCA provided an outline of guidelines for a sectoral qualification framework (handbook). EFCA also presented its contribution to task 4 "Capacity Sharing" in close cooperation with Frontex. Around to 1000 sighting reports were conveyed to EFCA by Frontex' operating means.

2. Implementation of the Action Plan 2017 for Coastguard cooperation

The Agency participates in multipurpose operations with Frontex in the Mediterranean Sea. The Member States are involved through the implementation group (Mediterranean JDP Steering Group and Frontex border Control Member States representatives). The different Frontex joint operations (JO) are namely Triton (Central Mediterranean Sea), Poseidon (Eastern Mediterranean Sea) and Indalo (Western Mediterranean Sea). Moreover EFCA has cooperated in a drill in the Black Sea. A joint operation with Frontex and EMSA in the Baltic Sea is envisaged for 2018.

Another Frontex JO of interest is Hera (Atlantic Ocean western approaches of the Strait of Gibraltar). Regarding the period of the multipurpose missions, EFCA Joint Deployment Plans (JDPs) for the Mediterranean (Med) and Atlantic and Frontex JOs Triton and Poseidon are year-round operations; Indalo would be from May to October. As regards the future deployment in the Baltic Sea, EFCA will work with the Baltic Sea border control coordination group of Frontex to define the time of the year.

MS and EFCA assets will be considered to decide the type of operational means to be used, without prejudice of the RPAS¹ currently procured by EMSA. Flying a drone in a flight information region (FIR) requires a long process for obtaining authorisation from the Air Traffic Management (ATM) Authorities concerned, EFCA may need the support of EASA and Eurocontrol for this purpose.

EFCA has worked intensively in the deployment of an aircraft to improve the awareness and enhance the exchange of information between the different operational centres. Concerning the next steps for maritime aerial surveillance (MAS project), the SLA with Frontex is encompassing additional information on cooperation in the framework of aerial surveillance between Frontex and EFCA. EFCA is purchasing flight hours from Frontex in the framework of this agreement, without prejudice to the use of a future call for tender launched by Frontex allowing EFCA to contract directly its own needs of aerial services. From March/April EFCA has been using MAS1 services. A new maritime surveillance operation (MAS2) will start now until the last quarter of 2017. EFCA is

¹ Remote Piloted Aircraft System.

also on discussions with Frontex and EMSA regarding the services of two patrol vessels (see point 5 below for details).

3. Strait of Sicily Pilot Project (GFCM)

The pilot project in the strait of Sicily will promote the implementation of the GFCM Recommendation 2016/40/4 focussing on fishing activities targeting hake (*Merluccius merluccius*) and deep-water rose shrimp (*Parapenaeus longirostris*). This pilot project is also part of the so-called "Catania strategy" enhanced in March 2017 in Malta with the conference Medfish4ever and the signature of Ministerial Declaration. EFCA has been empowered by the EC to manage this pilot project and to engage third countries in it. The cooperation framework includes beyond the EU, Morocco, Algeria, Tunisia, Libya, Egypt and the GFCM. Trainings have been delivered and meetings held for preparing the activities. For the time being it has not been possible to involve Libya and Egypt.

The ED presented the timeline of the pilot project. The outcomes will be presented during the GFCM Annual session scheduled in October 2017. The idea is for the EC to propose the Terms of Reference of a full-fledged international inspection scheme for the GFCM Pilot Project.

4. Worldwide MARSURV

The pilot project incorporates worldwide capacity within MARSURV application, and aims to provide support to the Member States in the implementation of the IUU Regulation. The project user group is composed by 10 Member States and DG MARE. The second meeting took place in May 2017 and the next one is foreseen in September 2017. The project is trying to link MARSURV information with the work to be carried out by Member States on the revision of catch certificates. EFCA has an Agreement with EMSA for the upgrade and transformation of MARSURV into a worldwide version with new and improved graphical interface and development of additional functionalities.

5. Procurement

A budget of 20 million EUR, over a 5 years period, is scheduled for procuring inspection capacities. Part of this budget has been used for maritime aerial surveillance. EFCA launched 2 open calls for tender for chartering a fisheries patrol vessel (FPV): the first one, launched in July 2016, was unsuccessful; a second open call was launched before the end of 2016 but had to be cancelled due to unexpected needs. A third open call for procuring chartered capacities will be launched during the summer 2017. The ED stressed on the fact that the contract shall comply with both the EU Financial Regulation and the Merchant Navy BIMCO Supply time 2017 template requirements.

In addition, and in the framework of the interagency cooperation, EFCA has a contingency plan in place through 2 SLAs with EMSA and Frontex, namely:

- one with Frontex that will enable EFCA to source a ship and pay to Frontex the cost of this service;
- a second one with EMSA which is being fine-tuned that will enable EFCA to make use of the services of one patrol vessel through an EMSA contractor.

The ED pointed out that with the contingency plan there was a reasonable level of expectations to deploy the FPVs and execute the budget allocated accordingly. Should the situation change, the AB will be informed accordingly.

The ED mentioned the rest of the on-going procurement procedures:

- Supply of office stationery and material,
- Outsourced Services in the Field of Security, Auxiliary and Facilities Management, (interagency open call lead by EFCA with participating agencies: F4E and EU OSHA),

- Legal assistance from a Maritime Law firm in the drafting of tender documentation for the open call for tender for the chartering of an offshore fisheries patrol vessel,
- Provision of language training to EFCA,
- 3 other low value negotiated procedures.

6. Recruitment

Referring to the new organisation presented in April 2017, the ED commented that, out of the 10 new posts, 6 have been recruited. The selection procedure for 3 out of 4 of the remaining job positions is finalised. Job offers for two job positions have already been accepted. The ED was confident that by September 2017 all job positions would be occupied.

Considering the new tasks EFCA has received from DG MARE and DG DEVCO (PESCAO project), encompassing additional budget, a third operational unit in lieu of two might be a necessity for the smooth delivery of EFCA's mission in the EU waters including the PACT approach and in the international dimension; also encompassing the fight against IUU and the support to the European Coast Guard functions. There would be three operational units from a total of four.

7. EFCA's participation in meetings

The information has been provided to the AB under point 5 of Item 2

8. Decisions and agreements of the Executive Director since the Administrative Board on 5 April 2017

The information has been provided to the AB under point 6 of Item 2.

The Chair opened the floor for comments. There were no 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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4. **AMENDMENT TO THE SINGLE PROGRAMMING DOCUMENT CONTAINING THE MULTIANNUAL WORK PROGRAMME 2017-2021 AND THE ANNUAL WORK PROGRAMME 2017**

The HoU 2 presented the amendment referred to the Annual work programme 2017 in relation to the involvement of EFCA in the Project "Improved Regional Fisheries Governance in Western Africa" (PESCAO), as adopted by the EC at the end of April 2017. The PESCAO project was already presented in the last Administrative Board meeting on 5 April 2017.

A part of the PESCAO Project shall be implemented in indirect financial management by EFCA. This implementation entails providing technical assistance to Regional Fisheries Bodies (Subregional Fisheries Commission (SRFC) and Fisheries Committee for the Western Central Gulf of Guinea (FCWC)) and their member countries in order to improve regional cooperation in the fight against IUU fishing. In this respect a grant of up to 2,585,000 EUR, over an indicative period of 5 years, will be awarded to EFCA.

The HoU 2 indicated that for 2017, EFCA's involvement will mostly entail:

- support to the EU Delegations in Senegal and Ghana in the preparation of the grant contracts;
- preparation of the grant contract between EFCA and the EU Delegation in Senegal (covering both SRFC and FCWC areas).

Therefore, EFCA is proposing to amend the SPD 2017 in order to include the preparation of the implementation of the PESCAO Project. EFCA aims to have the final contracts ready by the end of 2017 and to mirror the planned activities in the SPD 2018 to be adopted in October 2017.

The representative of the NL asked about the work of EFCA in this respect. He asked whether the countries under the scope of PESCAO were decided by DG DEVCO. He also questioned if 2.5 million EUR would also include chartering of vessels and planes, and if this amount would be enough as chartering is an expensive activity.

The HoU 2 clarified that:

- the PESCAO Project covers several countries in the West Coast of Africa, mostly all countries from Mauritania to Nigeria.
- Regarding the possibility of chartering, the Project has initially foreseen a possible dedication of 35% of the amount to contract flights, but this possibility has to be further explored and confirmed in discussion with the RFMOs and individual countries concerned.

The representative of the NL said he understood this support was open not only to Senegal and Ghana, which was confirmed by the HoU 2.

There were no further comments and the amendment to the SPD 2017 was adopted by consensus.

Proposed action	Adoption of an amendment to AB Decision No 16-III-05 of 11 October 2016 concerning the adoption of the EFCA Single Programming Document (SPD) containing the Multiannual work programme 2017-2021 and the Annual work programme for year 2017 and of the Final Budget and Establishment Plan of the European Fisheries Control Agency for year 2017.
Legal Basis	Article 23(2)(c) of Regulation (EC) No 768/2005.
Decision	Adopted by consensus.

5. STAFF REGULATION IMPLEMENTING RULES

The HoU 3 explained that, in accordance with the procedure laid down in Article 110 of the Staff Regulations (SR), the Agency shall adopt appropriate implementing rules for giving effect to the new SR. EFCA follows the path indicated by the EC and the Coordination of the agencies in view of establishing the rules for harmonised standards and working conditions. Regarding the anti-harassment rule, EFCA adapted the EC template that was received in December 2016, and chose the option of having an Inter-agency open call for confidential counsellors to establish a network of confidential counsellors between Agencies.

The Chair clarified that the adoption of the model decision obliges EFCA to stick to the template including the drafting of the decision itself.

The Chair opened the floor to comments.

There were no comments and the AB adopted EFCA's policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment by consensus.



Proposed action	Adoption of the Staff Regulation Implementing Rules: rules on the EFCA's anti-harassment policy.
Legal Basis	<ul style="list-style-type: none"> - Articles 19 and 23 (2) of Regulation (EC) No 768/2005 - 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.

6. **ADOPTION OF THE EFCA ACCOUNTS 2016**

The Accounting Officer of EFCA explained that in accordance with Article 99 of the Financial Regulation of the EFCA the Final Annual accounts shall be submitted to EFCA's AB for an opinion. The ED circulated the Final accounts 2016 on 30 May 2017. The Final Annual Accounts 2016 - accompanied by the decision of the AB of EFCA representing its opinion on the accounts - shall be submitted by the Accounting Officer by 1 July of 2017 to the following institutions: the European Parliament, the Council, the Accounting Officer of the EC and the European Court of Auditors.

The Accounting Officer presented the key figures of the 2016 Final Accounts and explained the development of the Net Assets and Economic Result in comparison to the year 2015. Moreover, he noted that the budget result was further reduced from 92.7 to 67.5 KEUR and explained that this was good news, as it reduces the amount of funds to be paid back to the EC by EFCA. He also indicated that –despite additional grants for pilot projects received in 2016- the commitments and payments implementation rates were still satisfactorily high and explained some accounting specifics of 2016. He concluded by confirming the sound financial and budgetary management for the financial year 2016, the positive preliminary outcomes of the audits of the 2016 Accounts and his certification of the Final Accounts.

The Chair highlighted that the Five-Year Independent External Evaluation report of EFCA confirmed the sound budget and financial management of the Agency.

The Chair opened the floor to questions.

There were no comments and the AB adopted the EFCA's accounts 2016 by consensus.

Proposed action	Adoption of EFCA's Final Annual Accounts of 2016.
Legal Basis	Article 36 (5) of Regulation (EC) No 768/2005 and Article 99 of the EFCA Financial Regulation (AB Decision No 13-W-09 of 31 December 2013).
Decision	Adopted by consensus.

7. **REPORTING OFFICERS FOR THE ANNUAL APPRAISAL OF THE EXECUTIVE DIRECTOR OF THE EFCA**

The HoU 3 reminded that, in line with the guidelines for the appraisal of the Executive Director adopted by the AB on 15 October 2009, at least two Reporting Officers shall be designated by the AB from among its members to carry out the appraisal of the ED. The provisions recommend that there is an EC representative among the Reporting Officers.

The current Reporting Officers are Mr Fabrizio Donatella and Mr Gary Owen.

The European Commission has proposed to designate Ms Veronika Veits as a replacement for Mr Fabrizio Donatella.

Mr Gary Owen has informed EFCA that he is no longer in a position to act as Reporting Officer.

The Chair asked for volunteers.

The representative of DE proposed Mr L. R. M. Lomans, representative from the NL, as Reporting Officer and Mr L. R. M. Lomans accepted.

The Chair asked if there were any other volunteers and if the AB agreed with the EC proposal.

There were no other volunteers and the AB agreed by consensus with the appointment of Ms Veronika Veits and Mr L. R. M. Lomans as Reporting Officers.

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

AOB

The Administrative Board took note	<p>of the information provided orally, at the meeting.</p> <p>Next Administrative Board meetings:</p> <ul style="list-style-type: none">- 18 October 2017;- 22 March 2018.
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Since no further interventions were made, the Chair thanked the AB members for their participation and contributions and closed the meeting.



ANNEX I

List of participants to the meeting of the
Administrative Board of the EFCA
Vigo, 21 June 2017

Members		Alternates
(BE) Belgium:	Mr Jean-François VERHEGGHEN	-
(BG) Bulgaria:	Mr Dimitar VALKOV	-
(CZ) Czech Rep.:	-	Mr Petr CHALUPA
(DK) Denmark:	-	Mr Mik JENSEN
(DE) Germany:	Mr Hermann POTT	-
(EE) Estonia ² :	Mr Indrek ULLA	-
(IE) Ireland ³ :	Mr Andrew KINNEEN	Mr Micheál O'MAHONY
(EL) Greece:	-	-
(ES) Spain:	-	Ms Teresa MOLINA SCHMID
(FR) France:	-	Ms Pauline POTIER
(HR) Croatia:	-	-
(IT) Italy ⁴ :	-	Mr Lorenzo G. MAGNOLO
(CY) Cyprus ⁵ :	Mr Yiannos KYRIACOU	-
(LV) Latvia:	-	-
(LT) Lithuania:	-	-
(LU) Luxembourg:	-	-
(HU) Hungary:	-	Mr Janos GABOR
(MT) Malta ⁶ :	Ms Andreina FENECH FARRUGIA	-
(NL) Netherlands ⁷ :	Mr Leon R. M. LOMANS	Mr Gerrit A. LAM
(AT) Austria:	-	-
(PL) Poland:	-	-
(PT) Portugal:	Mr José MACIEL	-
(RO) Romania:	-	-
(SL) Slovenia:	-	-
(SK) Slovakia ⁸ :	Mr Jan SUKOVSKY	-
(FI) Finland ⁹ :	-	Mr Ali LINDAHL
(SE) Sweden:	Mr Ingemar BERGLUND	-
(UK) United Kingdom:	-	-
<u>European Commission:</u>		
Mr Reinhard PRIEBE (Chair)		-
-		-
-		-
-		-
-		-
Ms Francesca ARENA ¹⁰		-
<u>Observer:</u>		
Mr Staffan Larsson (Advisory Board Representative)		

² Proxy from Latvia.

³ Proxy from Croatia.

⁴ Proxy from Slovenia.

⁵ Proxy from Greece.

⁶ Proxy from Poland.

⁷ Proxy from Luxembourg.

⁸ Proxy from Austria.

⁹ Proxy from Lithuania.

¹⁰ Proxy from EC (Ms V. Veits).

EFCA:

Mr Pascal SAVOURET (Executive Director- ED)
Ms Karin HERMANSSON (Head of Unit Operations - Unit 1)
Mr Pedro GALACHE (Head of Unit Programmes and Assistance - Unit 2)
Mr Niall MCHALE (Head of Unit Resources and IT - Unit 3)
Ms Clara FERNÁNDEZ (Policy Officer - OED)
Mr Marcel DEDIC (Accounting Officer – OED)
Ms Patricia SÁNCHEZ (Communication Officer- OED)
Ms Gregoria CUESTA (Assistant to the ED – OED)
Mr Mario LOPES SANTOS (Deputy Head of Unit Programmes and Assistance - Unit 2)
Mr Alexandre KEMPFF (Desk Manager Training and IUU – Unit 2)
Ms Rieke ARNDT (Head of Section HR and Legal - Unit 3)

WY

Agenda of the 28th meeting of the Administrative Board of the EFCA
on 21 June 2017 in Vigo
08h30 – 13h00
(D=decision; I=Information)

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| 1. Approval of the draft agenda | D |
| 2. Information from the Executive Director | I |
| 3. EFCA evaluation - issuing of recommendations | D |
| 4. Amendment to the Single programming document containing the Multiannual work programme 2017-2021 and the Annual work programme 2017 | D |
| 5. Staff Regulation implementing rules | D |
| 6. Adoption of the EFCA accounts 2016 | D |
| 7. Reporting Officers for the annual appraisal of the Executive Director of the EFCA | D |
| 8. AOB | |

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