

## ADVISORY BOARD MEETING

15 April 2021, via videoconference

### CONCLUSIONS

#### Participants

**Advisory Board representatives:** Ms Rosa Caggiano (MEDAC), Mr José Beltrán (PELAC), Mr Alexandre Rodríguez (LDAC), Mr Julien Daudu (LDAC), Mr Esben Sverdrup-Jensen (BSAC), Mr Daniel Voces (MAC), Mr Pedro Reis Santos (MAC), Mr Kenn Skau Fischer (NSAC), Ms Tamara Talevska (NSAC), Ms Puri Fernández (NWWAC), Ms Mihaela Candea-Mirea (BISAC), Ms Daniela Costa (ORAC), Ms Cecile Fouquet (AAC), Ms Charlotte Musquar (AAC).

**Administrative Board members:** Mr Jakub Mořický (Czech Republic), Mr Peter Lengyel (Hungary), Mr Ioannis Oikonomakos (Greece), Ms Theoni Papadopoulou (Greece)

**European Fisheries Control Agency (EFCA):** Mr Pascal Savouret (ED), Mr Pedro Galache (HoU 3), Mr Mario Lopes Santos (HoU2), Ms Patricia Sánchez Abeal (HoS P&C), Mr Miguel Nuevo (HoS JDPs & RC).

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

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

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

The draft agenda was presented by the ED.

The agenda was approved.

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

The ED gave the floor to the ACs representatives to present their activities since the last Advisory Board meeting,

The PELAC representative took the floor and updated about its latest activities since the last Advisory Board meeting:

- Advice and recommendations were submitted to the Commission on how to work with the AC.
- Their Ecosystem Working Group explored the issue of Climate Change.
- On 14 January, they had working group meetings where they discussed onshore wings, underwater noise, seismic activities, the pandemic, fishing opportunities advice and others. PELAC made some recommendations, on blue whiting and to meet with the UK government for future plans for data collection and analysis.
- The Brexit focus group noted that representatives of other ACs were present at the meeting, which was useful to the discussion. PELAC provides different proposals for the different scenarios. Another point of discussion was the convenience of participation of UK

representatives in PELAC meetings. The importance to work with UK scientists was highlighted.

- Also several meetings were held on the recovery plan for Western horse mackerel.
- On the discards plan a response is being prepared.

The representative of the LDAC referred to activities done since last meeting of the Advisory Council:

- As regards the IOTC, two advices have been adopted, one related to the decision making process related to the conservation and management measures for tropical tuna and another one regarding the use of large scale pelagic driftnets in the area. The advice proposes the implementation of actions to comply with international rules on prohibition of use of this gear in international waters as well as tackle specific issues referring to non-compliance within the IOTC convention area taking into account socio-economic impacts.
- On ICCAT, the work was focused in the northern Atlantic shortfin mako, with the production of detailed advice to promote measures to protect the stock other than a retention ban, i.e. the increase use of observer coverage, the use of electronic monitoring and adequate technical measures (e.g. seasonal closed areas for protecting spawning aggregations).
- The AC has been active in the EU public consultation on setting a retrospective evaluation of the SFPAs launched by DG MARE. In its first response in November 2020, it requests the Commission to put more emphasis in policy coherence between fisheries, cooperation for development, trade and labour aspects, and more synergies between the SFPAs and the fight against IUU fishing.
- The LDAC acknowledged the important role of EFCA in this context, and in the context of the EU funded PESCAO project and indicating the interest of learning more on EFCA actions in this area on the occasion of future meetings of the LDAC.
- They have carried out tasks to promote the implementation in the EU and beyond of the international agreed standards as regards the social dimension, followed-up the initiatives related with the Blue Growth and are working on developing a piece of advice on level playing field that is expected to be adopted in the coming weeks.
- As regards regional cooperation, and under their current partnership with ATLAFCO/COMHAFAT as regards West Africa, work is being done as regards control of FADs in the Atlantic, regional observers/port inspection protocols and the preparation of a compendium of fisheries regulations.
- LDAC is also starting contacts for exploring avenues for cooperation as regards the Indian Ocean through the EU funded project ECOFISH.

EFCA thanked the information provided, confirmed its availability to participate in meetings with the LDAC to present the activities in PESCAO and requested some information about the cooperation with ECOFISH, as a cooperation of EFCA with ECOFISH project is also foreseen.

LDAC informed that they were approached by the coordinator of the project and they are discussing what type of cooperation could be established, mostly related to management of FADs or capacity building and training initiatives. He also referred to a work being done in the context of the h2020 project FARFISH for developing a theoretical approach to set up a regional control plan in the South West Atlantic (FAO 41).

The representative of the MAC presented the main tasks done during the last periods:

- They have been active during the COVID period supporting the preparation of different advices on their effects in the EU market

- They have prepared an advice on the evaluation of SFPAs, mostly regarding the impact in the market/trade and the need to tackle the need for policy coherence with the fight against IUU
- On the Landing Obligation, an advice has been prepared indicating the difficulties to evaluate the impact of the LO, due to the lack of information on the impact in markets particularly in relation to catches below the minimum conservation reference sizes and the existing exceptions for a number of species in different regions to the LO. Therefore, the MAC requested more data.
- An advice was adopted on the fisheries in Ghana, as regards the exportation of squid and cuttlefish to the EU and its impact in the local community. The Commission was requested to use all the IUU regulation mechanisms to ensure that control measures are duly applied.
- Work is ongoing on a study about the import of control schemes adopted by the three main players at international level (USA, Japan, EU) that represent the 57% of the world fisheries markets. The final aim should be to step up through further harmonisation and prioritise electronic means for control (catch certificates).
- The preparation of an advice on flags of convenience is ongoing.

The representative of ORAC has focused on:

- The need to improve data collection in several Outermost regions areas, acknowledging the different situations in each area.
- Several problems with some presumed IUU activities in French outermost areas. The Commission answered to the ORAC indicating that control of IUU activities is responsibility of the Coastal MS.
- Another problem identified is the drifting FADs in the Atlantic, that may reduce tuna migration in Canaries, Azores and Madeira.

The NSAC representative informed about the following points:

- They are exploring becoming an observer to ICCAT as tuna is moving to the North Sea in the region.
- Regarding control, they note that the distance between policy making and reality is increasing. Understanding the COVID situation, they feel the EC and the EFCA are not participating in as many meetings in the NSAC as in the past. They are keen in having a meeting in Vigo and working together with EFCA.
- Brexit has caused a lot of work for the NSAC. They have not been involved in this work and have spent too much time in the role of the NSAC. They have not found their feet in this aspect and need to see how things develop cooperation between Norway, UK and EU will develop.
- Work on the Landing Obligation (LO) has been ongoing as there is an evaluation in process. Nobody is happy about how the LO is being implemented.
- On the revision of the Control regulation there is still a lot of work doing on. How the LO is controlled? The NSAC did a paper on the control regulation last year, and in the beginning of this year they made a contribution on the use of REM and CCTV. They have not bright consensus as regards fisheries control, but they would need to handle this when discussing these issues. A lot of references on the work of EFCA on REM and CCTV. EFCA still has to work on the legal aspects of this matter. In the North Sea, a lot of the fish are mixed fisheries. Following EFCA's risk assessment, most of the species in the North Sea would fall in high risk fleet segments, and then, CCTV would be used extensively.
- Work has been done by MS in the establishment of the marine protected areas. The AC has tried to contribute.

- On the technical measures, there is still work to be done to follow up on the revision of the technical regulation made two years ago. There are still areas with issues and questions and have a constructive cooperation with the Scheveningen group.

EFCA ED clarified that EFCA has been making all efforts to participate in the relevant NSAC meetings (namely meetings of the Demersal Working Group and the Executive Committee) and assured to continue this commitment with the work of the AC. He further clarified that EFCA has been preparing for a possible non agreement of Brexit. Fortunately, there is now a Trade and Cooperation Agreement with the UK. EFCA spent some resources and time in understanding the UK Bill and how it could impact the EU fleet.

The Head of Sector of JDPs and Regional Cooperation (HoS JDP & RC) clarified to the NSAC that EFCA had participated in the following NSAC meetings in 2021: on 26 January in the NSAC Executive Committee, on 11 February on the Demersal WG, and on 14 April in the Demersal WG.

On the LO and its monitoring, EFCA ED said EFCA has been thriving to support the EC and MS in its implementation. So far, the best way forward for its operational control is REM, as also agreed in the regional Control Expert Groups framework.

The NSAC representative stated that, as Chair of the AC, his position towards the CCTVs is neutral, but the study of legal aspects needs to be done. He said to consider two aspects: fishing vessels can be considered a second home, and there are no cameras in our house as well as they can be considered self-incrimination.

EFCA ED said they are cooperating with Denmark among other MS on REM pilot projects and would continue to support MS in this undertaking.

The representative of the NWW AC said that since the meeting held in October, they are working on different issues, like Climate, Environment, Brexit and Control. Specially, work has been carried out in the Brexit focus group and the Control focus group. Their most important items to follow up are the following:

- Organisation of a meeting with EFCA to discuss the JDPs in NWW in progress this year.
- NWW AC asked that, in order to better contribute to improve ACs cooperation with EFCA, they would like to be involved to provide advice in the definition of JDPs priorities and objectives and in the risk assessment in the JDPs.
- Meeting with EC, EFCA and MS control expert groups should be convened to discuss on article 27 of the technical measures regulation and compare this article versus article 15 of the CFP.
- There will be a new joint recommendation on the discard plan.
- They have the perception that Brexit is overshadowing the work in other areas.
- NWW AC asked to disclose the full report of the compliance evaluation with the LO in NWW in 2016 and 2017 in selected fisheries and ensure transparency in the process so they can provide advice.

The NWW AC asked whether there was the ambition of having an agreement in Control between the UK and the EU. In case of any divergencies in the LO (e.g. de minimis), how they would be implemented. She also asked if there any updates in the improved cooperation between NWW AC and EFCA.

On the issue of AC's involvement in the JDP cycle, EFCA ED answered that EFCA has already involved them in the framework of meetings convened by the regional control expert groups on the

outcomes of the regional management strategies and the implementation of the LO. An idea could be to discuss the risk assessment and factor the AC feedback in the risk assessment evaluation. He said EFCA was available to have the meetings of the Advisory Councils in Vigo when the vaccination process is advanced and the situation improves.

On the disclosure of the compliance evaluation, EFCA already replied to the NWWAC by letter, and in any case this issue will be addressed in the Administrative Board meeting next week. On the issue between the relations of UK and the EU, so far, EFCA does not have the information, and it would require to be addressed to the Commission.

The Head of Unit of EU Waters and North Atlantic clarified that the compliance evaluations are done in cooperation with the control expert groups. The discussions are in this framework, and not in the one of the JDPs. JDP provides data (i.e. Last Haul) to feed the process. The catch composition is an important element to address.

The NWWAC said that to their knowledge the COM is about to finalise the second 5-years evaluation report for the period 2015-2019, focusing on the implementation of the Control Regulation by the Member States whose publication was expected in early April. They asked if EFCA was aware of it and could report to the ACs. The HoS JDP & RC indicated he believed that it has not been published yet but would report if any news were received. In the meantime, he invited the AC to liaise again with the Commission staff for update.

The BSAC appreciated EFCA's contribution to their review on the CFP. They are now working on a White Paper with recommendations on the future of CFP. They added that the Baltic has faced the situation of the collapse of cod stock and control challenges. These are issues discussed with EFCA, including the management of eels. A special focus was also placed on salmon. They are looking forward the virtual meeting of 6 May 2021 and the physical meeting in Vigo later in 2021 if possible.

The representative of the Black Sea AC presented the activities in the last period:

- A fast response group for following the changes to the reproduction patterns of species in the Black Sea has been promoted. The answer from Bulgaria to this group has been positive.
- Discussions on species of interest as rapa whelk, picked dogfish and mussels has been promoted.
- A specific meeting in cooperation with EFCA is still pending for discussion on control of Black Sea fisheries. EFCA confirmed their will to participate in such a meeting as soon as practicable.

The representative of MEDAC presented last activities:

- Specific work is dedicated to ensuring that homogeneous rules applied to all Mediterranean Sea through the GFCM framework.
- A letter was sent in July 2020 collecting complains of FR, IT and ES fishermen on presumed illegal activities with driftnets in the Mediterranean. EFCA confirmed that driftnet fishing is one of the threats identified in the swordfish fishery and that there are running specific campaigns in the Med JDP to tackle this problem.
- Other activities of the MEDAC relate to climate change and its effects on fisheries, the Green Deal and the Biodiversity Strategy.
- On the landing obligation, some work is expected as regards the renewal of the discard plan for demersal species that will expire in December 2021.

The representative of the AAC presented the last activities that could have some relation with EFCA work:

- A Recommendation was published on the Data Framework Collection, which takes stock of all the data collected for aquaculture in order to identify gaps and redundancies.
- Specific work has been done in recommendations as regards seaweed, consumer information, food security and the climate footprint of the EU food system.
- In December, the AAC contributed to the European Commission's consultation on "Maritime sector – a green post-COVID future".
- A focus group on "level playing field and sustainability standards" has been launched, with the purpose of finding solutions to guarantee that imported aquatic products follow similar production standards as the EU ones when sold on the EU market.

## 2. EFCA's Annual Report 2020

EFCA ED presented the main results of EFCA's Annual Report 2020:

- EFCA implemented 90% of the Annual Work Programme (AWP) adopted by the Administrative Board in the framework of the Single Programming Document (SPD), despite COVID.
- The implementation was aligned with a coherent budget execution of 97.2%, above what was expected considering the circumstances of this special year.
- EFCA's Anti COVID measures included:
  - o Supporting the Union and the Member States: EFCA carried on assisting the EU fulfil its international control and inspection obligations. The operational plan of the Offshore Patrol Vessel (OPV) Lundy Sentinel was adapted prioritising the implementation of the rules from RFMOs. Following a request for assistance from the EC regarding the impact of COVID-19 on fisheries control, inspection and MS enforcement EFCA adapted the control plans in concert with MS and the EC.
  - o Ensuring safer conditions for inspectors: EFCA developed a specific procedure for the operations on board of its inspection platform, including measures for joining the OPV and for inspecting fishing vessels.
  - o Moving to other inspection instruments, such as data monitoring and analysis, based on the EFCA methodology for compliance indicators. 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. EFCA Coordination Centre (CC) activities were implemented online via "Virtual CC"
  - o Meetings, trainings and workshops took place online without major disruption.
  - o Corporate level: Where necessary processes and procedures were adapted in consideration of the teleworking measures. Electronic workflows and the digitalisation of the communication tools were also reinforced.
- Six JDPs were implemented.
- Following the JDPs 2019 – Cost Assessment Report, the overall cost evaluation for implementing JDPs in 2019 were approximately of €77 million.
- 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.
- EFCA used the framework of the JDPs to enhance the standardization of inspections, in particular through last haul observation procedures during inspections at sea in all EU JDP areas and the sampling procedure for unsorted pelagic landings in the Baltic Sea area.



- EFCA's cooperative efforts led to 38452 coordinated inspections and 1787 suspected infringements detected.
- Of the suspected infringements, 45% corresponded to misrecording issues, 29% to non-compliance with conservation measures, 3% to non-compliance with the LO, and 23% to other types of suspected infringements.
- On Brexit, EFCA took actions together with the European Commission and concerned Member State for preparing for BREXIT scenarios [agreement and disagreement] in the framework of the NS JDP and WW JDP. EFCA performed a risk assessment only for the non-agreement scenario and committed to performing a risk assessment for the agreement scenario, after an agreement would be achieved. One of the highest risks was a major fishing effort shift to the EU 27 waters.

An important component of the mitigation measures was the making of a common maritime situational awareness picture at regional level, through the continuous exchange of data, information, and intelligence. The Steering Groups agreed on a Virtual Coordination Centre based on a network of Member States FMCs and contact points with the support of the agency.

Finally, following the Trade and Cooperation Agreement [TCA], the two JDP Decisions (NS and WW) were adapted accordingly.

- EFCA continued to assist the Commission to cooperate with third countries and international organisations dealing with fisheries such as RFMOs (namely, NAFO, NEAFC, ICCAT and GFCM), to strengthen operational coordination and compliance.
- In the fight against IUU activities, EFCA assisted the European Commission with the analysis of 514 catch certificates and 191 processing statements for four third countries.
- In PESCAO, EFCA continued to provide technical assistance to the Sub-Regional Fisheries Commission (SRFC), the Fisheries Committee for the Western Central Gulf of Guinea (FCWC) and their member countries.
- EFCA successfully cooperated with Frontex and EMSA and assumed the chairmanship of this cooperation in May 2020 to support national authorities carrying out coast guard functions.
- Training activities in support of the effective and uniform application of the CFP are crucial to guarantee a fair and equitable treatment to the Union operators. Currently more than 1000 staff from EU and non-EU countries are now users of the EFCA e-learning platform.
- The Lundy Sentinel was operational for 335 days leading to a total of 40 inspections and 5 suspected infringements detected in support of the implementation of JDPs. The COVID-19 obliges to adopt a strict protocol to ensure safety of the staff on board of the Lundy. It implied a reduced number of boardings compared with previous years.
- The Lundy Sentinel was available for multipurpose tasks in the framework of European cooperation on coast guard functions.
- The number of flights contracted by EFCA in support of JDPs was 35, providing 54 sightings.
- Horizontal procedures have now achieved a 100% paperless objective, many of the objectives set out have been achieved earlier than expected due to the teleworking arrangements as a result of the COVID-19 pandemic situation.
- EFCA concluded 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 had to be adapted to the new COVID-19 by further developing the digital presence of EFCA to reach its stakeholders, basically through social media.

### 3. EFCA's Single Programming Document (SPD): SPD 2021 and draft SPD 2022

EFCA Head of Unit Coast Guard and International Programmes presented the SPD 2021 and draft SPD 2022:

In the SPD 2021, the four strategic areas and their relationship with the strategic multiannual objectives and the KPI were presented: Operational coordination, Risk assessment and data analysis, international dimension: compliance with international provision and Coast Guard functions and Capacity Building.

- The operational objectives of the Annual Work Programme 2021 are:
  - o Implementation of JDPs and assistance to the Member States and the Commission in EU and international waters
  - o Promotion of a risk management-based approach and compliance evaluation
  - o Support the EU in the implementation of the external dimension of the CFP
  - o To strengthen compliance through the implementation of EU international projects (e.g. PESCAO) as regards fisheries monitoring, control and surveillance
  - o Improve capacities to implement fisheries control and support other coast guard functions
  
- The horizontal tasks of the Annual Work Programme 2021 are:
  - o Promote a culture of compliance of the Common Fisheries Policy and foster the European Union values
  - o Provide the EFCA Administrative Board with the capacity for achieving its responsibilities in governance and expertise
  - o Ensure an effective dialogue at the level of the Advisory Councils through the Advisory Board
  - o Ensure the Agency representation, cooperation, dialogue and transparency with other institutional bodies, EU agencies and third parties
  - o Ensure the optimisation in the allocation and use of EFCA's resources in accordance with the principle of sound financial management and with the guarantee concerning the legality and regularity of the underlying transactions
  - o Ensure the rationalisation, simplification, scalability and streamlining of EFCA's processes

Regarding the draft SPD 2022, it covers a 5-year period (2022-2026). The draft SPD 2022 was presented for consultation to the Member States and the Advisory Board and is presented for decision to the Administrative Board in October 2020. The draft SPD 2022 was notified to the institutions in January 2021. A written opinion on the draft SPD 2022 will be issued by the EC

The SPD 2022 will be presented for decision to the AB in October 2021:

- The draft SPD and multiannual WP 2022-2026 and annual WP for 2022 takes into consideration the Commission opinion of 30 June 2020
- The draft SPD 2022 acknowledges the new guidelines described in the Communication C(2020) 2297 for the year 2022-2026 and takes into account the results on key performance indicators of the AB Working Group and the recommendations expressed by the Internal Audit Service (IAS) on 21 December 2018.
- The Agency has enhanced the quality of the KPIs in limiting their number and reviewed and streamlined the objectives, results and outputs of both the Multiannual Programming as well as the Annual Work Programme.
- A direct link has been established between each multiannual objective and area of intervention.
- The objectives set in the Annual Work Programme were simplified.



- The multiannual objectives are
  1. Enhanced coordination of fisheries monitoring control and surveillance
  2. Promote compliance through an effective and harmonised application of Union inspection procedures
  3. Assist the EU in its international dimension in accordance with article 30 CFP Regulation
  4. Provide operational support to national authorities in Coast Guard functions
- The operational activities of the Annual Work Programme 2022 are:
  - o Effective coordination of joint fisheries control operations
  - o Development of methodologies and fisheries information systems in support of MCS activities
  - o Development of methodologies and fisheries information systems in support of MCS activities
  - o Support the EU in the implementation of the external dimension of the CFP
  - o Strengthen compliance through the implementation of EU international projects as regards fisheries monitoring, control and surveillance
  - o Support to fisheries control and other national authorities working in the field of Coast Guard functions
- The horizontal activities of the Annual Work Programme 2022 are:
  - o Promote a culture of compliance of the Common Fisheries Policy and foster the European Union values
  - o Ensure the smooth and secure functioning and availability of administrative and operational applications
  - o Ensure sound management and efficiency in key governance and administrative processes

The LDAC representative asked if in 2021 and 2022 there was the intention to extend the concept of JDP in the international dimension, as it was previously foreseen, and if this has been materialised. He also asked if the limit of 4 missions to support the EC in IUU was still valid or if it has increased.

The Head of Unit Coast Guard and International Programmes said that to expand the concept of the JDP was inside the framework of the recommendations of the previous five-year external evaluation of EFCA. In this regard, much work was done. In the Mediterranean, there is permanent cooperation with third countries, in the coordination of the operations under the JDP. This is especially useful in areas where there are third countries vessels operating in the same areas than MS. It has happened in the case of Tunisia, Algeria, and other Third countries in the Mediterranean. EFCA cannot do it in areas where it does not have a mandate to operate.

To apply the JDP concept to the IUU Regulation has not been possible, as a specific programme to be adopted by the Commission is needed to coordinate MS activities in this area, including exchange information on catch certificates, risk management, etc.

As regards the limit of missions of support EC in IUU missions, the limit of EFCA is the limit of its resources. That is why every year EFCA discusses with the EC what is the limit of its possible support. For 2021 and 2022, the support to the EC will continue and EFCA will do its best.

#### **4. Future Advisory Board – EFCA seminar in Vigo (Covid 19 depending)**

EFCA ED expressed its hope that next Autumn will be feasible to organize a meeting of the Advisory Board in Vigo back-to-back to the Administrative Board meeting.

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

The rotation of the Advisory Board Representative in the Administrative Board of EFCA was presented. From 2 March 2021 to 1 March 2022, the AC representative to the Administrative Board meeting is PELAC and the alternate, the MAC.

## **6. AOB**

The PELAC representative asked the rest of the ACs to send any comment they would have for EFCA Administrative Board meeting.