



Administrative Board

Vigo, 17 October 2014

MINUTES OF THE 21ST MEETING OF THE ADMINISTRATIVE BOARD VIGO – 17 OCTOBER 2014

0. ATTENDANCE

The Acting Chair, Mr Dario CAU, opened the meeting at 09h00 by welcoming the Administrative Board (AB) members and alternates, and the Advisory Board representative present at the meeting, and suggested observing a minute's silence in Jörgen Holmquist's memory.

The Acting Chair listed the written confirmation of new members and alternates.

The Acting Chair reminded the attendees that the observers do not have the right to vote and that the meeting would be recorded.

Present	Proxies were given by Malta to Italy, by Luxembourg to The Netherlands, by Croatia to Spain and by Greece to Cyprus ¹ . The Commission had 6 representatives, Mr Reinhard Priebe, Mr Ernesto Penas Lado, Mr Bernhard Friess (acting also as Deputy Director in Directorate E), Mr Francisco Javier Vázquez Álvarez and Mr François Ziegler. The presence list is attached in Annex I.
Quorum	The Chair concluded that the quorum of 23 votes was obtained.

1. APPROVAL OF THE AGENDA

The Acting Chair informed the Board of the new documents circulated by the Executive Director (ED):

- Under item 3:
 - Report of the European Court of Auditors;
 - Internal Audit Service, Annual Internal Audit Report for 2013;
 - Draft conclusions of the Advisory Board;
 - Budgetary implementation and planned carry forward 2014-2015;
 - Draft SLA with FRONTEX;
 - EFCA Social media policy;
- Under Item 4:
Focus group: cost assessment;
- Under Item 5:
Foreword of the Chair (distributed later under item 5).

¹ The proxy arrived on 17 October 2014 at 09h49; therefore the proxy covered items 3, 4, 5, 6, 7, 8, 9 and 10 of the agenda.

European Fisheries Control Agency

Email: efca@efca.europa.eu – Tel: +34 986 12 06 10 – Fax: +34 986 12 52 37
Address: Edificio Odriozola, Avenida García Barbón 4, E-36201 Vigo – Spain
Postal Address: EFCA - Apartado de Correos 771 - E-36200 Vigo – Spain

71

The Acting Chair asked the Board if there was any comment on the draft agenda sent on 25 September 2014.

The representative of The Netherlands asked to include the minutes of the previous Administrative Board (AB) meeting at the beginning of the Agenda.

The Executive Director (ED) explained that the approval of the minutes timely after the AB meeting is important for the implementation of EFCA's activities. The draft minutes of the AB are circulated for comments during the month following the AB meeting. The AB members have two weeks to provide comments. After that period the comments from the AB members are incorporated and the minutes are signed by the Chair and circulated to the AB members.

The ED suggested keeping the current system which ensures timely delivery and, on top of that, circulating a copy of the minutes of the previous AB meeting together with the documents of the next AB meeting .

The Acting Chair concluded that a copy of the minutes would be circulated with the rest of the documents of the next AB meeting.

There were no additional comments and the agenda was adopted as sent on 25 September 2014.

2. ELECTION OF THE CHAIRPERSON

As on 28 March 2014 the Office of the Chairperson of the AB fell vacant, a new Chairperson needed to be selected among the Commission representatives in accordance with Article 25 of Council Regulation (EC) No 768/2005 and Articles 2 and 3 of the Rules of Procedure of the Administrative Board.

The Acting Chair gave the floor to the European Commission (EC).

The EC presented the candidate, Mr Reinhard Priebe, as special advisor from the EC and representative in the Administrative Board of EFCA. Mr Priebe introduced himself to the AB.

The Acting Chair gave the floor to the Legal Officer (LO) of EFCA who reminded the Rules of procedure of the AB for the election of the Chair, namely a secret ballot unless the AB unanimously decided otherwise.

The Acting Chair asked whether the AB members would like to have an open vote.

The AB members unanimously agreed on an open vote. By unanimous vote Mr Reinhard Priebe was elected new Chair of the AB.

The ED thanked the Acting Chair for his work. The Acting Chair thanked EFCA for its support during the acting period.

The new Chair took over the mandate and expressed his gratitude to the AB members and the Acting Chair for their support.

The Chair gave the floor to the AB members.

The representative of Germany referred to the written procedure (Decision 14-W-02) on the election of the Chair. The written procedure proposed to postpone the election of the Chair to the ordinary Board meeting on 17 October 2014 in order to avoid the expenditure of an extraordinary AB meeting. In this respect, he asked to include an item in the draft agenda of the next AB meeting in March 2015, namely the amendment to the Rules of procedure of the AB of EFCA in order to contemplate the situation described in the above mentioned written procedure.

The LO explained that the Rules of procedure of the AB of EFCA already have specific provisions when the office of the Chair falls vacant, that the case in question was very particular, and that the majority requested during the written procedure was a two-third majority, which is the majority required to amend the Rules of procedure of the AB.

The ED mentioned that the point would be included in the agenda of the next AB meeting.

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

Proposed action	Election of the Chair
Legal Basis	Art. 25(1) of Regulation (EC) No 768/2005
Decision	Adopted by consensus

3. INFORMATION FROM THE EXECUTIVE DIRECTOR

The ED informed the Board on the main issues that have taken place and are ongoing since the last AB meeting on 13 March 2014, *inter alia*:

❖ Advisory Board meeting on 17 September 2014 in Vigo

The draft conclusions of the Advisory Board meeting were circulated to the AB. The ED summarised that the Advisory Council (AC) representatives have requested more information and opportunities for having exchange of views regarding the implementation of the CFP Policy. The ED explained that it was brought to their attention that EFCA has a limited mandate, however the Agency is ready to organise a meeting with the Member States, the EC and Advisory Councils to provide exchange of views, maybe in 2015.

❖ International fora

The information regarding the participation of EFCA in international fora was distributed to the Board on 25 September.

❖ Financial management

The budget execution is very high. In accordance with the principle of annuality EFCA has paid around 80% of the carry forward from 2013, and there has been a cancellation rate of approx. 1,6%.

On the planned carry forward, the ED mentioned that in accordance with the current planning it would be approx. 11% of 2014 Budget.

❖ Procurement

The Procurement activity has been in line with the planning. The ED informed that some important calls for tenders would be launched before the year end: Travel, Communication and IT development and Support. EFCA is using all capacity of Framework Contracts provided by the EC in order to reduce the burden of the Agency.

❖ Internal Control Standards (ICS)

During the summer the EC reviewed the ICS. EFCA will launch a written procedure in order to align EFCA's requirements with the new ICS system.

❖ Audits

The three levels of audits were explained, namely the European Court of Auditors (ECA), the Internal Audit Service (IAS) and the Internal Audit Capability (IAC). The latter would be handled under item 7 of the agenda.

❖ Landing obligations project implementation in JDPs

The first step by the Agency has been focused on the recording of discards, Article 14.4 of EU Control Regulation. The information has been collected through projects incorporated to the Joint Deployment Plans, in cooperation with the Regional Steering Group (RSG) to gain knowledge of the situation in the fisheries of the Baltic Sea, pelagic fisheries in Western Waters and pelagic fisheries in the Mediterranean Sea. STECF and ICES information is also being considered. A dedicated report has been presented in the RSG. The ED thanked the MS for their effort.

As part of the raising awareness campaign the Agency has disseminated a document to the ACs to inform the industry.

❖ Joint Deployment Plans (JDPs) Highlights

There has not been a substantial increase of the apparent infringements detected. The number of inspections has increased by more than 1000. In 2014 some significant changes were made to the Mediterranean JDP, with the inclusion of swordfish and the small pelagic species in the scope. Today all JDPs are multispecies, multiannual and continuous.

❖ Data management systems/new intranet/website

MARSURV, Electronic Report System (ERS) and Electronic Inspection Report System (EIR) are operative. The EFCA EIR system has now been available to all MS. And this system is offered to MS to use as their own making Member States that do not have an EIR system compliant with Article 78 of the EU Control Regulation.

EFCA has scheduled data management system trainings in the different MS. Some sessions have already taken place.

The Agency introduced a new intranet. With reference to EFCA's website, the AB was informed that the new website of the EFCA will incorporate the social media networks.

❖ European Maritime Fisheries Fund (EMFF)

The ED referred to the outcomes of the Focus Group meeting in Gothenburg (25-26 June 2014). The work on compliance and cost on inspection and control will be presented under item 4 of the agenda.

The EMFF provides capacity to MS to have part of their operational costs co-funded to a significant level. The ED asked MS to consider co-financing the cost of their operational missions related to EFCA activities when notifying their EMFF operational project.

❖ Training / Core Curricula (CC)

The new CC modules are available in OPOCE. Training of Union inspectors is essential for fisheries control. The project for 2015 is to provide regionalised CC for Union inspectors, in line with Article 7b of the founding Regulation, as well as a basic training package for capacity building in third countries, if the AB maintains the activity of the Agency.

❖ IUU Audit Evaluation Missions

The Agency has received several requests from the EC to support audit evaluation missions in third countries. The Agency will analyse the requests (see item 5 of the agenda).

❖ Draft SLA with Frontex

The AB has received a copy of the draft SLA sent to Frontex. The discussion is still ongoing with FRONTEX.

❖ Synergies with other Agencies

The European Environmental Agency (EEA) and EFCA are now under the new Commissioner for Environment, Maritime and Fisheries portfolio. Potential synergies with EEA will be explored.

The collaboration with EMSA is very robust. The SLA sharing the Internal Audit Capability (IAC) service is one of the main examples. EMSA also provided support in 2014 for ex-post control and the possibility to host part of EFCA IT systems in EMSA, for security and business continuity, it is still under discussion.

❖ Executive Director Key Performance Indicators (KPIs)

Following the request from the EC to the EU decentralised Agencies, EFCA has included an annex in the Draft Multiannual work programme (MWP) 2015-2019 and Annual work programme (AWP) 2015 with the KPIs of the ED.

❖ Budget 2015

The Fisheries Committee of the European Parliament proposed and adopted an opinion and several amendments to increase EFCA's budget and establishment plan for 2015.

On 29-30 September 2014 the Committee on Budgets of the European Parliament voted for an increase in the budget in several agencies (i.e. EBA, EIOPA, ESMA, EMSA, EFCA, EMCDDA, EASO, Frontex);

The European Parliament will vote its position in the plenary meeting on 22 October (see item 9 of the agenda)².

The Chair opened the floor for comments and questions.

The EC thanked EFCA for the very comprehensive and transparent information and mentioned the following issues:

- Within the framework of the Advisory Board, the EC welcomed the idea of holding a seminar on the landing obligation. The EC mentioned that the co-legislator has established an Expert group on compliance³ that would be set up next year and will follow up the implementation of the CFP regulation. The EC pointed out the need to coordinate with the Agency on future initiatives;
- The Omnibus regulation tries to avoid contradictions in EU law, namely on technical measures. It will be very difficult to have it adopted and translated before the end of the year, therefore, there will be a campaign to inform the stakeholders on the applicable rules;
- The evaluation of the Control regulation to which the Agency will be closely associated. In this context, the EC will take into account new ideas and the input of EFCA that would be useful; a snapshot on the number of inspections and infractions translated in trends would be of extreme interest.
- One of the challenges of the Agency is to cope with less human and financial resources and to implement new projects. The use of the EMFF facilities should be considered as it has substantially increased the amount of money in the MS, with a high rate of co-financing in particular as regards operational costs relating to inspection and control activities⁴.

² On 17 November 2014 the Council and the European Parliament took note of the fact that further talks were needed to reach an agreement on the 2015 EU budget. Since the 21-day conciliation period provided for by the Lisbon Treaty has now expired, the Commission has to propose a new draft budget. Should the budget not be adopted at the beginning of 2015, a sum equivalent to not more than one twelfth of the budget appropriations for 2014 or of the draft budget proposed by the Commission, whichever is smaller, may be spent each month for each chapter of the budget.

³ Article 37 of EU Regulation n°1380/2013 on the CFP.

⁴ Article 76 of EU Regulation n°508/2014 on the EMFF.

Therefore, it is an excellent opportunity to use the money in the JDPs, if MS do so the Agency could encompass new projects

The representatives of Spain, Germany and The Netherlands mentioned that they were already closing their programmes.

On the Omnibus regulation the representatives of Germany and The Netherlands raised concerns on the application of the landing obligation from January 2015 and asked for guidelines.

The representative of Denmark stated that the use of the EMFF to pay the travel costs of civil servants participating in EFCA meetings could give savings to EFCA but generate more administrative burdens for the MS; eventually it could even lead to a decrease in the participation at meetings, which would negatively affect the level playing field.

The representative of Ireland pointed out that the EMFF should be for new initiatives. He highlighted that training and CC were of great value and asked to consider creating CC for other areas such as electronic logbook, Vessel Monitoring System (VMS), traceability, commercialisation, processing industry etc. With reference to the IUU evaluation missions, he asked the Agency to put in place a mechanism of information on the activities performed by the Agency on that domain.

The EC highlighted that:

- The use of the EMFF mechanism has changed (from direct to shared management) and it is much simpler; it is not just for new actions. The EC published on 15 July the implementing act on control priorities for the use of the EMFF by MS⁵, the coordination of efforts is a priority, thus mainly JDPs.
- On the Omnibus regulation the information campaign could have taken place earlier, but that would have not incentivised the process.

The representative of Spain pointed out that the EMFF is generous but MS should comply with ambitious obligations, e.g. the landing obligation. On the Omnibus regulation, he raised concerns on the application and mentioned that a certain degree of flexibility was needed.

The EC mentioned that the situation on the operational programmes is known and MS should look for pragmatic solutions.

On the proposal made by Ireland to extend the CC to other areas, the ED suggested organising a meeting with the experts.

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

The Board took note	of the information provided in writing as well as orally, at the meeting
---------------------	--

4. Implementation of the Multiannual work programme 2014 – 2018 and Annual work programme for year 2014

1. The ED summarised the outcomes of the Focus Group meeting in Gothenburg (25-26 June 2014). The pilot project results under the Focus Group on Compliance evaluation were well received by the participants in EFCA's seminar and were also distributed to the AB under this item of the agenda. EFCA incorporated a proposal on future work, namely that the AB selects yearly a fishery that can be subject to a full analysis of the compliance situation. The proposal is reflected in the draft MWP 2015-2019 and AWP 2015.

⁵ Commission implementing decision of 15 July 2014.

The ED asked the AB to endorse the work done by the Administrative Board Focus Group on Compliance evaluation.

The representative of Denmark pointed out that the information provided mentions the identification of species to be adopted every year, and asked if there would be other indirect operational actions affected by that.

The ED explained that the Agency has been working on compliance and has the capacity to closely monitor some fisheries and species within the JDP framework. The methodologies are ready; if the Expert group on compliance decides to use them they will be available.

The representative of Ireland mentioned his overall agreement and welcomed the Agency work. However, he pointed out that the work of the Focus Group on Compliance has overlapped with the work of the RSG and Technical Group and asked which coordination tools the Agency has in place.

The ED explained that the Focus Group was mainly attended by the AB members and that sufficient information flow between the different groups is required to avoid duplicating efforts. Maybe one solution to avoid misunderstandings would be to stop the Focus Group on compliance and move it to the steering group, or be sure that the RSG representatives are participating in the Focus Group.

The Chair highlighted that confusion has to be avoided.

There were no additional comments and the work done by the AB Focus Group on Compliance evaluation was endorsed.

Proposed action	Endorsement of the work done by the Administrative Board Focus Group on Compliance evaluation
Agreed	Endorsed by consensus.

2. With reference to the capacity building missions in third countries the ED thanked France and Spain for their cooperation. During the last AB meeting the expenditure on this domain was capped to €30 000. The ED explained that there might be a mission to Cape Verde before the year end and that it could require additional 5000€. Therefore the AB is requested to adopt an amendment to AB Decision No 13-II-08 of 15 October 2013 concerning the adoption of the Multiannual work programme for years 2014-2018 and the Annual work programme for year 2014 and the Final Budget of the European Fisheries Control Agency for year 2014.

The representative of The Netherlands agreed with the €5000 increase, but asked to refer back to the discussion during the AB on 17 March 2014 and not to prejudge 2015.

The ED mentioned that the increased proposed for 2014 did not prejudge 2015.

There were no additional comments and the amendment was adopted by consensus.

Proposed action	Adoption of an amendment to AB Decision No 13-II-08 of 15 October 2013 concerning the adoption of the Multiannual work programme for years 2014-2018 and the Annual work programme for year 2014 and the Final Budget of the European Fisheries Control Agency for year 2014
Legal Basis	Articles 17f, 23(2)(c) of Regulation (EC) No 768/2005
Decision	Adopted by consensus.

5. ADOPTION OF THE MULTIANNUAL WORK PROGRAMME 2015-2019 AND ANNUAL WORK PROGRAMME FOR YEAR 2015

The ED gave a detailed presentation on the item and stressed that the overall objective was to deliver a comprehensive and holistic project for the activities/projects to be progressively implemented and evaluated over the next 5 years.

EFCA's MWP 2015-2019 is focused on the delivery of its commitments and the challenges of the new CFP, whilst coping with limited resources. The ED explained the prioritisation made in the MWP 2015-2019 and the rationalisation EFCA aims to achieve, e.g. through simplification, streamlining, profiling of staff, the move to e-administration and e-training and other synergies. He outlined the strategy for the implementation of the PACT⁶ approach and pointed to a new business model.

In particular the ED highlighted the following issues:

❖ Assistance to the EC and the MS for the implementation of the CFP

As priorities for 2015 – 2019 the MWP lays down:

- The support in the regional implementation of the CFP. He pointed out that the summary of the Gothenburg seminar was taken into account. New elements have to be developed and applied with this regard, which at the same time had to match and comply with the resources limitations to be faced. The big challenge will be the implementation of the landing obligation from January 2015 on. If MS so request, a SCIP/and JDP for the pelagic species in the North Sea could be adopted to assist MS in this task, but beyond this EFCA had no legal basis within the current SCIP/JDPs to be active. If however considered in the framework of Article 15 of Council Regulation 768/2005, under the PACT approach, it would be possible to work without having to adopt a new JDP;
- The support of the CFP in the international dimension: support to the EC in partnership agreement missions could be prolonged into 2015.
For the Agency's work with the IUU catch certification schema, the proposal is to move to a more operational model for the IUU workshops in order to assist MS to compare information and to gain valuable information for risk analyses and management purposes;
- To support the Expert group on compliance, thus to contribute actively as observer.

❖ Enhancement of capacity building instruments

With reference to the data management systems (DMS), the ED informed the AB that EFCA Training and DMS are intertwined. In regard to training, the ED referred to the already published and still to be developed CC and informed the AB that the suggestion to enlarge the CC to other areas will be taken into account. Extracts of certain CC modules might be created to be used for capacity building missions in third countries. Moreover, e-learning applications and material will be developed which could help to reduce the number of missions and trainings and thus reduce costs, time effort, but most importantly be used as a reinforcement of the face-to-face training techniques used today. In this line the implementation of the Fisheries information system (FIS) is an important tool. On the IUU domain, the ED pointed out that an impact study on the feasibility of an IUU electronic catch certificate system would be carried out.

The ED explained that all these commitments should be achieved by rationalisation, simplification, and the use of synergies with other Agencies, *inter alia*:

- Profiling of EFCA staff;
- Further explore synergies with other agencies;
- Move to e-administration: it will need some time, e-administration could improve global outcome and efficiency;

⁶ Partnership, Accountability, Cooperation and Transparency.

- Reduce operational missions: with the possibility of Fishnet less travelling is required for coordination purposes.
- E-learning; increased efficiency when MS and possibly third countries can use EFCA e-learning courses;
- FIS: when all operational systems are being used by all MS, coordinators can coordinate remotely and larger regions.
- IUU evaluation missions: capped to 4 missions per year

Different ways to cooperate should be elaborated in the future, focusing on the use of intelligence, data management and risk analysis.

Finally the ED presented the strategy for implementing PACT and the new business model that would be the result of EFCA's proposed priorities and rationalisation.

The Chair opened the floor for comments and questions.

The EC:

- Expressed its full support to EFCA's approach to rationalisation and the use of synergies. Given the budgetary constraints EFCA has to face, rationalisation is the only way to embark on new fields of action;
- Welcomed the efforts of EFCA to address the implementation of the discard ban and agreed to go through an alternative involvement of the Agency. The EC prefers a more horizontal way for the Agency to getting involved, Article 15 of the founding regulation provides the legal basis for that;
- Regarding IUU evaluation missions and the Sustainable Fisheries Partnership Agreements (SFPAs) capacity building in Western African countries, the EC stressed that they want EFCA to do more in this regard. The participation of EFCA in IUU evaluation missions is seen as fundamental to allow a high degree of delivery. Therefore, the EC suggested that the number of 4 missions for the IUU evaluation missions mentioned in the MWP 2015-2019 should be seen as minimum, but possibly EFCA could participate in more. In 2015 the EC will publish a 5-years-report on the implementation of the IUU Regulation to be followed by a high level discussion on the revision of the IUU Regulation and therefore the involvement of EFCA is crucial.

The EC complemented its comments with a presentation on EFCA assistance on the SFPAs. The EC made a summary of the three capacity building missions performed in 2014 under the Fisheries Partnership Agreements. The first mission took place on 1-3 July to Ivory Coast, the second on 2-4 September to Gabon and the third mission is planned to Cape Verde by the end of November. The EC explained that the content of each mission was based on priorities elected by the countries concerned, which focused mainly on operational issues, technical assistance, controls at sea and in port and the management and use of IT tools (VMS, AIS, ERS). It was underlined that the EFCA assistance and support has been essential. For 2015 the EC tentatively foresees missions to Senegal, Guinea-Bissau and Sao Tome & Prince.

The Chair gave the floor to the AB.

The representative of Austria referred to the EFCA regional workshop on the implementation of the IUU Regulation held on 11 September 2014 in Madrid, where the participants stressed the urgent need to establish a common EU central electronic database for the registration of IUU catch certificates. She reminded the AB that the discussion has been ongoing for several years and asked the EC to urgently take up this crucial issue.

The EC thanked Austria and pointed out that the EC is fully aware of the situation. To set up a system based on paper is extremely difficult and the EC believes that the coordination should go through an electronic way of handling. It cannot be done overnight, it is costly and requires third countries exporting fish to the EU to have electronic systems. Certainly how to make the IUU system more effective will be one of the big questions on the future debate of the IUU Regulation.

The representative of Spain thanked Austria for raising the issue and agreed with the urgent need to set up a tool for the MS, as fast solutions are needed for the right implementation of the IUU Regulation.

The representative of Ireland agreed with Austria and Spain and asked the EC in which phase the 5-year-report on the implementation of the IUU Regulation was.

The representative of Poland agreed with the comments made by Austria, Spain and Ireland and pointed out that the use of copies of catch certificates should be tackled.

The representative of The Netherlands expressed that the absolute priority of EFCA activities should be to support MS in the implementation of the new CFP. However, it is acknowledged that EFCA has more tasks, amongst others the support of the EC in international obligations to promote control and enforcement in third countries, and he asked the EC to provide more information on alternative financing for these tasks (e.g. DG DEVCO, TAIEX). The representative of The Netherlands referred to the minutes of the AB meeting in March 2014 where the involvement of EFCA in capacity building missions to third countries had been restricted until the EC presented a strategy on the international activities. He pointed out that for 2015 the EC has presented some ideas but a long term strategy was needed for the sake of clarity and in order to avoid *ad hoc* decisions. He also asked for clarification from the Agency on why third countries cooperation appeared in different tables in the AWP section.

With reference to the Multiannual Staff Policy Plan (MSPP), pages 47 and 48 in the MWP 2015-2019 and AWP 2015 document, the representative of The Netherlands asked for clarification as the MSPP calls for compliance trends and cost effectiveness and this should be focused on the EU not in third countries.

The ED clarified that the MSPP had already been discussed and accepted by the AB in March 2014 and mainly concerned human resources. Concerning the third country activities, they have to appear under various headings due to break down of the different AWP 2015 activities, e.g.

- Implementation of JDPs and operational plans;
- Level playing field concept (RFMO level, IUU evaluation missions);
- Training (capacity building missions).

The ED highlighted that it is the responsibility of the AB to set the priorities and only afterwards the budget will be attributed.

The EC replied that there was no issue on the general question of a certain involvement of EFCA in the international arena. The question is more on the amount of effort and the level of priority. The EC explained that the IUU evaluation missions will be included in the 5-years-report the EC will present on the implementation of the IUU Regulation and on the strategy for the future development. The needs for 2015 have been presented to AB and the AB is requested to decide for 2015.

The representative of Ireland mentioned that it was not clear how the EC chose the third countries and EFCA involvement should be clarified.

The ED explained that the basis for the third countries training is the CC developed by EFCA. The missions are supported by MS (in 2014 by FR and ES), and have a relatively low impact for EFCA in terms of human and financial resources. In particular EFCA involvement in 2014 did not affect or limit any other activities of EFCA.

The representative of Spain supported in general the participation of EFCA in the capacity building missions in third countries, in particular in the area chosen by the EC (Western Africa). However, he asked for the participation to be in line with the available resources. The representative of Spain showed his availability to cooperate, as in Gabon in 2014.

The representative of Denmark pointed out that the issue had been discussed at the last AB meeting, and the conclusion was that for the future strategy and planning had to be presented before any further action can be decided.

The representative of Germany agreed with the previous speaker and insisted that further supporting information from the EC was needed to take a decision. He called to clearly limit the number of evaluation and capacity building missions in third countries as EFCA has limited human and financial resources.

The ED suggested distinguishing between the IUU evaluation missions and the capacity building missions in third countries. For the IUU evaluation missions the proposal of EFCA was to limit the missions to a maximum of 4. In 2014 EFCA has participated in 8 missions. In terms of human resources approximately one full time equivalent was dedicated to the task. In the AWP 2015 it is proposed to reduce the effort for the benefit of other tasks, thus limiting the number of IUU evaluation missions to 4. With reference to capacity building missions in third countries, it is understood that MS in general support the participation of EFCA as long as the activity is limited to 3 missions per year, and under the condition that the EC presents a long-term strategy in the next AB meeting in March 2015.

The representatives of Germany, Italy, The Netherlands and Spain insisted on the need to agree on a maximum number of missions to be carried out.

The Chair reminded the AB that the presentation held by the EC earlier in the morning already included some criteria which could be considered as a strategy for 2015. The Chair suggested including a footnote on p. 13 of the MWP 2015-2019 and AWP 2015 in this respect.

The EC assured the AB that the MS questions will be addressed by the EC in the coming meeting in March 2015. For the IUU evaluation missions the EC would like to delete the limitation of the EFCA support to a maximum of 4 missions. The EC proposed to foresee a minimum of 4 missions rather than a maximum of 4 missions.

The EC pointed out that the capacity building missions have to be seen as assistance in the framework of SFPAs, therefore a country can only be eligible if there is a FPA in place. Then there must be a request from the country and an interest for the EU, e.g. with regard to the fishery or the level playing field.

The Chair pointed out that the minutes should make clear reference to the explanation given by the EC.

The representative of Ireland pointed out that the request for information on the outcome of the IUU evaluation missions was related to the problem to establish and value the effort done by EFCA. He highlighted that information was needed to make a decision.

Following the request from Ireland the HoU B did a presentation on the tasks EFCA carried out in the preparation and conduction of the IUU missions.

The representatives of The Netherlands, Italy and Spain welcomed the presentation and insisted on the need to set up a limit that could be amended with the agreement of the AB.

The EC highlighted that cooperation with third countries is a core task of EFCA and quoted in particular Article 30 of the CFP Regulation related to compliance with international provisions⁷.

The ED proposed to include the following footnote in page 13 of the MWP 2015-2019 and AWP 2015:

⁷ "The Union shall, including through the European Fisheries Control Agency, cooperate with third countries and international organisations dealing with fisheries, including RFMO's, to strengthen compliance with measures specially those to combat IUU fishing, in order to ensure that measures adopted buy such international organisations are strictly adhered to" ..

“The selection of the missions to third countries shall be based on the European Commission strategy with third countries which will be presented to the Board”.

The Chair suggested keeping the number of foreseen evaluation and capacity building mission but to delete cap through terms like “no more than”. Should there be the situation that more missions come up than envisaged in the MWP it would be subject to the AB agreement to approve an extension. Moreover, a footnote as proposed by the ED should be included clarifying that the selection of the missions to third countries shall be based on the COM strategy to be presented to the Board.

The proposed amendments were adopted unanimously.

The Chair concluded that:

- 1) The Board agreed that EFCA in principle is involved in the capacity building activities for third countries under the FPAs;
- 2) The Board agreed to set the number of IUU evaluation missions and capacity building missions in third countries;
- 3) The strategy and planning for the capacity building missions will be presented to the AB.

Proposed action	Adoption of the EFCA Multiannual work programme 2015-2019 and Annual work programme 2015
Legal Basis	Articles 17f, 23(2)(c) of Regulation (EC) No 768/2005
Decision	Adopted by consensus.

6. ADOPTION OF THE BUDGET AND ESTABLISHMENT PLAN OF EFCA FOR YEAR 2015

The HoU A made a presentation on the Budget 2015. The overall amount proposed is the same as in the AB meeting on 17 March 2014. In order to facilitate the budget implementation and in view of the low amounts allocated under some budget lines in Title II, it is proposed to merge the following budget lines:

- “Telecommunication Equipment” (A02411) + “Telecommunications charges” (A02410)= “Telecommunication charges and equipment” (A02410).
- “Advisory Board Meetings” (A02501) + “Administrative Board meetings” (A02500)= “Administrative and Advisory Board Meetings” (A02500).

The HoU A mentioned that, as explained during the agenda item on the Information from the Executive Director, the budgetary procedure has not finished yet, and therefore the Budget 2015 will only become final after the adoption by the Budgetary Authority.

The Chair reminded that any change in the final budget adopted by the Budgetary Authority will be incorporated into EFCA’s Budget for 2015.

The Chair gave the floor to the Board. There were no additional questions and the Budget and establishment plan for 2015 were adopted by consensus.

Proposed action	Adoption of the Budget and establishment plan of the European Fisheries Control Agency for year 2015.
Legal Basis	Art. 23(2)(d) of Regulation (EC) No 768/2005
Decision	Adopted by consensus.

7. INTERNAL AUDIT CAPABILITY FUNCTION: SLA ON IAC with EMSA and IAC AUDIT PLAN 2015

The Chair gave the floor to Mr Tom Van Hees (IAC) through videoconferencing.

The IAC provided a PowerPoint explaining the different auditor actors, the role of the AB, the activities of the IAC in 2014 and the audit plan 2015.

In accordance with Article 84 of EFCA's Financial Regulation, the IAC shall report to the AB on his findings and recommendations. The AB and the ED shall ensure regular monitoring of the implementation of the IAC's recommendations.

During 2014 the IAC focused his activities in the following domains:

- Assessment of the Internal Control Standards (ICS) of the Agency;
- Consulting regarding the Building Blocks of Assurance;
- Audit on financial monitoring and reporting;

The conclusions on the activities performed in 2014 can be summarised as follows:

1. ICS:

- Recurring activity;
- High level assessment of the Agency's internal control standards;
- Internal controls in place provide reasonable assurance to ensure that EFCA's operational activities are effective and efficient whilst also certifying that all legal and regulatory requirements are met, financial and management reporting is reliable, and assets and information are safeguarded;
- Points for attention (situation in January 2014):
 - o fine tuning and definition of smart objectives in the annual work programme and reporting in the annual report;
 - o implementation of a business continuity plan;
 - o implementation of a document management system;
 - o update of the Agency's intranet to improve internal communication.

The IAC informed the AB that some of the above mentioned actions have already been addressed.

2. Audit on financial monitoring and reporting. The scope included procurement, payments, financial, budgetary and accounting. The recommendations related to:

- More regular reporting on progress of planned procurement at the management meetings;
- Improve tools for planning and reporting for procurement;
- Some clarification as to the ex-ante controls related to procurement files;
- Streamline filing and document management (related to procurement)
- Agree on a set of KPI's for administrative services and their targets and ensure internal reporting;
- Fine-tuning of some internal reporting;
- Internal awareness regarding exception reporting.

The IAC informed the AB that EFCA has provided an action plan to address all the above recommendations.

With reference to the IAC audit plan for 2015, the IAC proposed the following activities:

- Assessment of the ICS of the Agency: in depth assessment – state of play of business continuity at EFCA;
- Assessment of the project management in EFCA;
- Follow up of previous audit recommendations.

The Chair gave the floor to the AB representatives.

The representative of Denmark asked the IAC if there was a timeframe to implement the recommendations.

The IAC explained that the responsibility of accepting an audit recommendation and to come up with an action plan remains entirely in the Agency, who sends the proposal to the IAC for approval. If the IAC disagrees with the timeline implementation he will inform EFCA accordingly. Officially there is not a deadline but usually there is a reasonable period. If a recommendation is not accepted or respected the AB would be informed.

The ED thanked the IAC for the presentation and pointed out that the IAC was an important tool. The ED asked the AB if they want to maintain the IAC service, a shared service through a SLA with EMSA and to approve the IAC Audit plan for 2015. The ED also mentioned that the ICS is a live process and the amendment to the ICS will be circulated by written procedure.

The HoU A pointed out that the AB adopted the ICS requirements in 2008, the same as the EC. The EC has recently reviewed and reduced the ICS, therefore EFCA will be launching a written procedure in order to align its ICS with the new ones in the EC.

The Chair asked the AB to confirm the establishment of the IAC and the SLA shared with EMSA and to agree on the Internal Audit Plan for 2015.

The AB confirmed and agreed on the issues above and the Chair closed the agenda item.

Proposed actions	a) Confirmation of the establishment of the IAC at EFCA; b) Confirmation of sharing of the IAC with EMSA and the practical modalities of the shared IAC as laid down in the SLA concluded with EMSA; c) Approval of the Internal Audit Capability Audit Plan 2015.
Legal Basis	Art. 84 of EFCA's Financial Regulation (AB Decision No 13-W-09)
Decision	Approved by consensus.

8. EFCA's CONFLICT OF INTEREST POLICY AND ANTI-FRAUD STRATEGY

The HoU A made a presentation on the proposed Conflict of interest policy and the Antifraud strategy.

The Conflict of interest (Col) policy is based on the Commission Guidelines on Col and also takes into account good practice from other agencies. The Policy mainly covers the AB members and the Agency staff and provides that the following information will be made public in EFCA's website:

- AB rules of procedure;
- AB meeting minutes with participants' list;
- AB members' names and their employer;
- AB members', ED's and HoU's annual Declaration of Interest;
- AB members' and ED's résumés are made available on a voluntary basis.

The Antifraud strategy has been developed in coordination with OLAF. There has been an assessment of the fraud risk in EFCA; it has been considered low, particularly on financial fraud, as there are no grants, which could be a potential source. The Agency is also working on a whistle blowing procedure.

The HoU A welcomed any suggestion and contribution from the AB and mentioned that the AB members would need to fill in a new template for their annual declarations of interest.

There were no comments from the AB members and the Conflict of interest policy and the Antifraud strategy were adopted.

The Chair reminded the AB representatives to fill in the Declaration of Interest form for 2014.

Proposed actions	a) Adoption of the Policy on the prevention and management of
------------------	---

72

	conflicts of interest of the European Fisheries Control Agency b) Adoption of the EFCA anti-fraud strategy
Legal Basis	a) Articles 23(2)(h) and 28 of Council Regulation (EC) No 768/2005 of 26 April 2005 b) Art. 23(2)(h) of Council Regulation (EC) No 768/2005 of 26 April 2005
Decision	Adopted by consensus.

9. DISCUSSION ON WAYS TO IMPROVE THE WORKING PRACTICES

The ED mentioned that following the feedback received in the AB meeting on 13 March 2014 the Agency has considerably reduced the number of ppts to leave more time for discussion. The ED also asked the AB for feedback on EFCA's working practices, e.g. RSG, TJDG, etc.

Under this item of the agenda the ED proposed to have an exchange of views with the AB on the potential projects/initiatives that could be put in place if the Budget of EFCA is increased in 2015. The Budget 2015 has been discussed in the EP PECH and BUDG Committees, which have tabled an amendment to 2015 Budget. The amendment would mean an increase of around 3 million € and 8 additional posts (4 AD 8 and 4 AD 7) in EFCA's budget and establishment plan for 2015.

The ED put on the table some ideas to be discussed, namely:

- Level playing field and landing obligation:
 - o Risk management approach;
 - o Cooperation sampling plans;
 - o New technologies/research;
 - o EU data centre;
 - o Training/E-learning.
- Improve compliance and transparency:
 - o Enhanced support to compliance;
 - o Cross check and visualisation tool;
- International dimension and IUU:
 - o Risk analysis;
 - o Cross-checking data;
 - o Catch certificate;
 - o Global Marsurv.

The ED asked for suggestions from the AB.

The Chair gave the floor to the AB and reminded them of the suggestion made by Germany for the next AB meeting agenda, to include as an item of the agenda the rules on the election of the Chair of the Administrative Board of EFCA.

The representative of Germany highlighted the importance of the JDP implementation and suggested that the increase of resources should be devoted to the JDP implementation.

The representative from Ireland welcomed the news from the EP and thanked the Agency for making plans in anticipation of the budget. He also asked what the interaction and flow of information was between the Advisory Board and the AB.

The ED pointed out that the JDP were the "raison d'être" of the Agency. With reference to possible dynamics between the Advisory Board and the Administrative Board, the ED clarified that, in accordance with the founding regulation of EFCA, the Advisory Board shall at the request of the ED advise him in the performance of his duties under the Founding regulation. The ED reminded that the AB may attend the Advisory Board meetings. In order to boost the dialogue and the exchange of views between the AB members and the Advisory Councils the ED proposed to hold a seminar/meeting that could take place in 2015.

The Chair gave the floor to the representative of the Advisory Board.

The representative of the Advisory Board pointed out that the AB had received a copy of the draft conclusions of the last Advisory Board meeting, which reflect the main concerns of the Advisory Councils, namely the landing obligation. He stressed that there is a risk of involuntary infringements because technical rules are in conflict and there is a situation of uncertainty. He requested some flexibility in the application, at least during the first year of application.

The Chair welcomed the news on the amendment tabled by the EP and highlighted that if 2015 Budget is increased the AB will need to react quickly.

The EC pointed out that in the event that the conciliation procedure will lead to an increase in 2015 Budget there could be a written procedure.

10. AOB

The next Board meeting was scheduled for 5 March 2015.

The representatives of several MS mentioned that the acoustics, micros and ventilation of the meeting room should be improved.

The ED mentioned that there were two possibilities, either to spend more money on sound systems or to rent a meeting room.

There were no further comments from the AB members.

The Chair thanked EFCA and the AB Board members for their participation and closed the meeting.

ANNEX I

List of participants to the meeting of the
Administrative Board of the EFCA
Vigo, 17 October 2014

Members	Alternates
<u>Chair</u>	
Reinhard PRIEBE (EC)	
(BE) Belgium:	Jean-Francois VERHEGGHEN
(BG) Bulgaria:	-
(CZ) Czech Rep.:	Vladimir GALL
(DK) Denmark:	Anders M. JENSEN
(DE) Germany:	Hermann POTT
(EE) Estonia:	Indrek ULLA
(IE) Ireland:	Andrew KINNEEN
(EL) Greece ⁸ :	-
(ES) Spain:	Carlos LARRAÑAGA CES
(FR) France:	Hector VILLA
(HR) Croatia ⁹ :	Matthias BIGORGNE
(IT) Italy:	Dario CAU
(CY) Cyprus:	Yiannos KYRIAKOU
(LV) Latvia:	Vladislav BARSUKOV
(LT) Lithuania:	Darius NIENIUS
(LU) Luxembourg ¹⁰ :	-
(HU) Hungary:	János GABOR
(MT) Malta ¹¹ :	-
(NL) Netherlands:	Leon R. M. LOMANS
(AT) Austria:	Gabriela König
(PL) Poland:	-
(PT) Portugal:	José MACIEL
(RO) Romania:	-
(SL) Slovenia:	-
(SK) Slovakia:	Jan SUKOVSKY
(FI) Finland:	Jarmo VILHUNEN
(SE) Sweden:	Ingemar BERGLUND
(UK) United Kingdom:	Gary OWEN
<u>European Commission:</u>	
Chair	Aronne SPEZZANNI
Ernesto PENAS LADO	-
Bernhard FRIESS ¹²	-
-	-
-	Francisco J. VÁZQUEZ ÁLVAREZ
-	François ZIEGLER

EFCA:

Mr Pascal SAVOURET (Executive Director- ED)
Mr Niall Mc HALE (Head of Unit Resources - Unit A)
Mr Karin HERMANSSON (Head of Unit Capacity Building- Unit B)
Mr Pedro GALACHE (Head of Unit Operational Coordination - Unit C)
Ms Clara FERNÁNDEZ (Policy Officer- OED)

⁸ Proxy given by Greece to Cyprus.

⁹ Proxy given by Croatia to Spain.

¹⁰ Proxy given by Luxembourg to The Netherlands.

¹¹ Proxy given by Malta to Italy.

¹² Acting also as Deputy Director in DG MARE Directorate E.

Ms Malvine TOMUSCA (Accounting Officer– OED)
Ms Rieke Arndt (Legal Officer-Unit A)
Ms Donianzu MURGIONDO (Budgetary Officer – Unit A)
Mr Alexandre KEMPF (Senior Project Manager – Unit B)
Ms Petra SPANIOL (Project Officer – Unit B)
Mr Mario LOPES DOS SANTOS (Deputy Head of Unit Operational Coordination - Unit C)
Mr Glenn QUELCH (Desk Officer for Compliance Evaluation – Unit C)



Chair of the Administrative Board

**Agenda of the 21st meeting of the Administrative Board of the EFCA
on 17 October 2014 in Vigo**

09h00 – 13h00

14h00 – 17h30

(D=decision; I=Information)

- | | |
|---|---|
| 1. Approval of the draft agenda | D |
| 2. Election of the Chairperson | D |
| 3. Information from the Executive Director | I |
| 4. Implementation of the Multiannual work programme 2014-2018 and Annual work programme for year 2014 | D |
| 5. Adoption of the Multiannual work programme 2015-2019 and Annual work programme for year 2015 | D |
| 6. Adoption of the Budget and Establishment Plan of EFCA for year 2015 | D |
| 7. Internal Audit Capability (IAC) function: SLA on IAC with EMSA and IAC audit plan 2015 | D |
| 8. EFCA's conflict of interest policy and anti-fraud strategy | D |
| 9. Discussion on ways to further improve the working practices | I |
| 10. AOB | |

European Fisheries Control Agency

Email: efca@efca.europa.eu – Tel: +34 986 12 08 10 – Fax: +34 866 12 52 37

Address: Edificio Odriozola, Avenida García Barbón 4, E-36201 Vigo – Spain

Postal Address: EFCA · Apartado de Correos 771 · E-36200 Vigo – Spain



Chair of the Administrative Board

**Summary of decisions of the EFCA Administrative Board meeting held in Vigo
on 17 October 2014**

The EFCA Administrative Board:

- Has adopted the Agenda of the 21st meeting held in Vigo on 17 October 2014;
- Has elected Mr Reinhard Priebe as Chairperson of the EFCA Administrative Board with effect from 17 October 2014;
- Has endorsed the work done by the Administrative Board Focus Group on Compliance evaluation;
- Has discussed the presentation by the European Commission on the EFCA assistance within the Fisheries Partnership Agreements;
- Has amended the Multiannual work programme 2014-2018 and Annual work programme for year 2014;
- Has adopted the Multiannual work programme 2015-2019 & Annual work programme 2015 together with the Budget and establishment plan of the Agency for 2015;
- Has confirmed the establishment of the Internal Audit Capability (IAC) at EFCA, the sharing of the IAC with EMSA and the practical modalities of the shared IAC as laid down in the SLA concluded with EMSA, and has approved the IAC Audit Plan 2015;
- Has adopted the policy on the prevention and management of conflicts of interest of EFCA;
- Has adopted the anti-fraud strategy of EFCA;
- Has welcomed the presentation on the state of play of the 2015 budgetary procedure;
- Has discussed ways to further improve the working practices of the Administrative Board.

A handwritten signature in black ink, appearing to read "Reinhard Priebe".

Reinhard Priebe
The Chair