

Vigo, 10 October 2018

**MINUTES OF THE 31<sup>ST</sup> MEETING OF THE  
ADMINISTRATIVE BOARD  
VIGO – 10 OCTOBER 2018**

**0. ATTENDANCE**

The Chair, Mr Reinhard Priebe, opened the meeting at 08h39 by welcoming the Administrative Board (AB) members and the Advisory Board representative present at the meeting. Everyone was reminded that only the AB members had the right to vote, and the appointment of the following representatives was announced:

- **Denmark:**  
Representative: Ms Mariya Krestyanska (reappointed)  
Alternate: Mr Mikkel Friberg
- **France:**  
Representative: Mr Stéphane Gatto  
Alternate: Ms Bérengère Lorans
- **Hungary:**  
Representative: Mr. Gábor Klenovics
- **Poland:**  
Representative: Ms Justyna Szumlicz
- **Spain:**  
Representative: Ignacio Gandarias Serrano
- **European Commission:**  
Representative: Mr Anders Jessens  
Alternate: Ms Marta Moya Díaz

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

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

- Observer from EL: Ms Marina Petrou
- Observer from IT: Ms Nicoletta de Virgilio
- Observer from NL: Mr Harold Hooglander
- Observer from PT: Mr José Carlos Simão
- Observer from EC: Ms Sarah Rosaria Vitiello

**European Fisheries Control Agency**

Email: [efca@efca.europa.eu](mailto: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

✓

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

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

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could be taken for communication, stating that if anyone would prefer not to be photographed or his/her image not to be published on the EFCA website and social media profiles, his/her choice would be respected.

Present	Proxies were given for all agenda items from
Quorum	The Chair concluded that the 2/3 quorum was obtained (29 votes out of 34).

## 1. APPROVAL OF THE DRAFT AGENDA

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

The representative of NL, supported by IT and the Commission, asked to add an additional item to the agenda on the reclassification of the Executive Director of EFCA.

The new item was added to the agenda (closed session). There were no additional comments on the agenda and it was adopted (Annex II).

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

## 2. INFORMATION FROM THE EXECUTIVE DIRECTOR

The AB members were informed about the main issues that had taken place and were ongoing since the last AB meeting on 14 March 2018. The EFCA staff (Executive Director (ED), Head of Unit Resources and IT (HoU 1), Head of Unit EU Waters and North Atlantic (HoU 2), Head of Unit Coast Guard and International Programmes (HoU 3) and the Communication Officer), informed the AB about the following:

- ❖ EU waters JDPs state of play 2018 and a look ahead to SCIPs/JDPs in 2019  
JDPs state of play 2018: year-round campaigns are being implemented across the different JDPs with a set of specific actions. Control effort is concentrated on risk based approach targets set by activity. There has been great focus in the context of implementation of the Landing Obligation (LO). During 2018 the first set of infringements related to the LO has been reported particularly in the context of North Sea and Baltic Sea JDPs. The approach of doing the gramme size analysis in the context of the mackerel fisheries was proved not effective and has been dropped.

On the exchange of inspectors, there has been improvement in 2018 mostly due to the EFCA chartered vessel Lundy Sentinel. The efforts made by Member States (MS) on this vessel by means of exchanges within the JDP framework are increasing the exchange of inspector figures. The importance to have MS support, particularly in European waters, was underlined.



It is important that all MS comply with the principle of transparency and cooperation by the exchange of target vessels; this has been an issue in the Baltic Sea and Western Waters; in the North Sea it has improved this year.

The number of inspections are expected to reach the same levels as in 2017, if not higher. There is a slight increase in the North Sea JDP. EFCA is also receiving a lot of inspections from the UK (Scotland) related to market inspections.

JDPs 2019: the first consultation with MS has concluded recently through the JDP Steering Groups. The official notification process can be initiated. EFCA is preparing the JDP text on the likely basis of the new SCIP proposal. Thus, EFCA's proposal will include demersal species in the Western Waters JDP. This introduction will increase the volume of activities in this area.

In the Mediterranean (MED), the inclusion of all species subject to the LO in the SCIP/JDP will also result in the introduction of demersal species.

The application of the LO in 2019 for the full range of species will also cause impact across all JDPs except the Baltic Sea where all important fisheries are being covered.

Following several years of cooperation through an operational plan, a new Black Sea JDP will be put in place.

- ❖ Risk Assessment is crucial for the optimal implementation of JDPs. This year all areas are covered in accordance with the same standard risk analysis methodology, also in supporting the MS regional Control Expert Groups (CEG).
- ❖ Cooperation with CEGs is at the core of EFCA's activities. EFCA continues cooperation with the control expert groups of Scheveningen, Baltfish, North Western Waters (NWW) and South Western Waters (SWW). The main areas of cooperation are developing risk assessment on the implementation of the LO, assisting on the cooperation with industry, promoting and supporting standardisation, and performing a compliance evaluation with regards to the LO implementation. A meeting is scheduled at the end of October in the Netherlands with Scheveningen and NWW to discuss the way forward.
- ❖ The Remote Electronic Monitoring (REM) Technical Working Group (REM TWG) has been created on request of the CEGs, JDP Steering Groups (SG), and DG MARE. The kick-off meeting took place on 24 April in Vigo. A drafting committee was formed to develop a first draft of the technical guidelines/minimum requirements. The drafting committee plan is to meet on 5-6 November in Madrid followed by a plenary session of the REM TWG on 20 November in Dublin to present and discuss the draft guidelines with all MS.

The representative of NL referred to the North Sea JDP suspected infringements and asked for clarification on what normal range meant.

The representative of PT pointed out an incident of a USA fishing vessel in NAFO. The contracting party had no quota to fish and the vessel had been for one month without a fishing logbook.

With regard to the question of the NL, the HoU 2 mentioned that the normal range referred to the rate of detection of infringements in the regional areas. There is a stable trend in infringements related to the reporting obligation and fishing gears, with an increased in the detection of infringements related to the LO.

With reference to the USA fishing vessel, the HoU 2 pointed out that the NAFO JDP 2018 Third Quarterly report already included the referred incident.

✓

The representative of the Commission congratulated EFCA for the progress made in the implementation of JDPs and in the preparation of the next JDPs for 2019. She was pleased in relation to the efforts in developing a harmonised risk assessment methodology and asked what EFCA's plans were to endorse this methodology and make it public.

The HoU 2 replied that the SCIP proposal consists of two main elements: the regional risk assessment methodology and the possibility for MS to move to a result based approach of their control activities. The SCIP proposal mentions that the methodology should be supported by EFCA. He further mentioned a regional risk assessment meeting scheduled in November where the final draft of the regional risk assessment methodology will be presented. The methodology has been applied this year in June across all the regions. The challenge of the new methodology for the compliance based benchmarks remains. He proposed to start with a simple methodology applicable to all MS. The first presentation is planned to take place in Lisbon on 13-14 November, and a SG meeting on 15 November for all regional areas where both methodologies would be presented.

As regards to the formal publication, the idea is to publish the latest update (after Lisbon) on Fishnet. Then, if further adjustments are needed a new version will also be available on the Fishnet platform.

- ❖ Cooperation in the context of GFCM. Regarding the Black Sea, in 2017 the GFCM adopted a recommendation to promote better conservation of turbot stocks, which included a pilot project to establish a voluntary observation and inspection programme before the end of 2019. On request by the Commission, and in cooperation with the MS concerned, EFCA implemented a pilot project in cooperation with Georgia, Turkey and Ukraine, with the Lundy Sentinel being deployed in April 2018 in that area. In cooperation with Frontex, Osprey aircrafts were deployed. The use of new control technologies was tested, mainly Copernicus imagery, in cooperation with EMSA. Further, EFCA has organised several meetings for best practice exchange and training actions for the three above-mentioned countries.

Concerning the Strait of Sicily, a pilot project was organised in 2017 on request by the Commission. As a result, the GFCM adopted the first control inspection scheme in the Med. This year EFCA is keeping the same cooperation under the JDP and incorporating third countries in the activities. The Lundy Sentinel has been deployed in the framework of the JDP for control of hake and rose shrimp fisheries. The exercise has been very interesting with good cooperation with the MS concerned and third countries. The activities serve to detect possible trends of non-compliance that are being discussed with the Commission, MS concerned and third countries. This has proved a good way to promote the level playing field in EU and third countries vessels. EFCA continues the exchange of best practices with Morocco, Tunisia, Algeria, Egypt and Libya, including the organisation of training activities.

- ❖ EFCA chartered means activities. The provisional plan for the deployment of the vessel in the different JDPs areas in 2019 was presented. The HoU 3 expressed gratitude to MS for their participation in the campaigns, underlining that this was a good opportunity to facilitate exchange of best practices. He pointed out that the activities of the vessel rely on the MS contribution as it is a tool for providing additional activities in the JDPs.

The representative of NL made an observation on the availability of human resources on board the chartered vessel, he stressed that the capacity of inspectors in MS is limited and asked to take into account the availability of inspectors also from MS.

The HoU 3 agreed that MS sometimes have difficulties to provide inspectors, and this is the reason why EFCA encourages the organisation of joint teams of different MS to facilitate the presence of a multinational team of Union inspectors. EFCA is open to discuss the matter when setting plans for the deployment.

The Commission representative pointed out that one of the reasons the Commission suggests changes in the EFCA founding regulation is to extend the inspection powers of EFCA inspectors to also inspect EU waters, not only international waters. On the GFCM, she was very pleased on the work being carried out, but stressed that action in the Med needs to be undertaken to ensure that



the conservation measures are implemented, and called for EFCA to put into practice inspection schemes, having all third countries on board.

The representative of BG referred to the Black Sea and highlighted the good cooperation with third countries. He felt optimistic that next year the cooperation will continue to improve with EFCA's support. He then enquired if in 2019 the vessel would also be deployed in the Black Sea.

The HoU 3 replied that it is planned to continue the cooperation and mentioned that the deployment of the patrol vessel in the Black Sea is not envisaged for the time being but it can be examined.

The representative of IE expressed support regarding the Lundy Sentinel platform. However, he drew the attention of the AB to go beyond at sea controls and to move to new technologies (e.g. REM) and control at land (landing inspection, post landing controls).

The ED commented that the inspections at sea are only part of the inspection target. EFCA supports the idea of combining inspections at sea and landing inspections, as it is being done in the last haul of specific action operations. He further mentioned that EFCA coordinates 20 000 inspections a year and highlighted that there should be less and better inspections combining at sea and landing inspections.

As regards the vessel platform, the ED commented that the platform is also deployed in the framework of multipurpose operations. On the possible empowerment of EFCA staff as EU inspectors in EU waters, the ED was inclined to clarify any doubts e.g. through a service level agreement with MS.

The representative of RO conveyed that thanks to the support of EFCA their activities have improved. He felt optimistic that in future all problems of the Black Sea region will be solved but needed also the support of the rest of the countries in the region and the continuous support of EFCA.

❖ Code of Conduct for all persons participating in EFCA activities.

The ED explained that the idea of the Code of Conduct is to provide a piece of soft law for improving the relationships and to avoid any fundamental rights breach.

The representative of IE enquired if the Code of Conduct would be supported by training, if there was already any training material and how it would be provided to the individuals. He further questioned if in the Code of Conduct the master of the vessel is considered as the arbitrator of the code or as an individual.

The ED confirmed that the Code of Conduct would be supported by training; it could also be summarised in a handbook for people going onboard, asking them to endorse this Code. With reference to the master of the vessel, the ED replied that on the ship the authority of the master, who represents the owner, prevails. Overall, there are three authorities: the master, EFCA's liaison officer on board, and MS and third country inspectors. They have to recognise the principles of the Charter of Fundamental Rights of the EU. EFCA has to be sure that no behavior infringes the fundamental rights.

The representative of PT suggested that some of the rules of the Code of Conduct could be inserted in the next revision of the Control Regulation, since some rules are related to the powers of inspectors. He added that the MS have no power on some of the parts of the Code of Conduct.

The Chair asked for clarification on the scope of the Code of Conduct.

The ED explained that it addresses the activities on the assets operated by the Agency and ashore. He added that the Agency could be in a situation where behavior does not comply with EFCA's principles, and this is a way of addressing the non-contractual liability of the Agency. The aim is to have guidelines to make people aware of the principles EFCA would like them to comply with in relation to its activities.

- ❖ Tripartite Working Arrangement implementing the European Coastguard Function. The EFCA is starting to work on the implementation of a handbook containing guidelines, recommendations and best practice. A letter will be sent to MS to appoint experts to be involved in the preparation of the guidelines handbook for Coast Guard Functions. A first meeting with the experts is scheduled in January 2019.
- ❖ PESCAO state of play. A kick-off meeting was held in May in Dakar. Amongst the activities of the project there is the mapping and carrying out of a legal review of different legislations of the countries benefitting from the programme. On the operational side, EFCA has participated in the first control campaign and cooperated in the delivery of Copernicus satellite images in cooperation with EMSA. EFCA is planning the first risk assessment cooperation at the end of November. The Agency also cooperates with the regional organisations in the acquisition of a system to create two Regional Fisheries Monitoring Centers. On capacity building EFCA is working on the selection of trainers. The first training for trainers is scheduled at the end of October in Vigo.

The representative of the Commission congratulated EFCA for the excellent cooperation between the agencies. On the issue of PESCAO, she confirmed it is important that the dialogues with third countries in the fight against IUU are consistent with EFCA activities under PESCAO.

- ❖ Data Protection: the ED reported on the state of play of the Data Protection Regulation applicable to EU institutions and agencies. The text was approved by the EP and has to be adopted by the Council of the EU; he also informed that the European Data Protection Supervisor carried out a remote inspection of the content of EFCA's website.
- ❖ Financial management and Procurement: the execution of the budget as of 01/09/2018 was 89% in commitments and 55% in payments. The budget execution expected by the end of the year is 99.1%.
- ❖ On procurement, in September the open call for travel agency and event management services in cooperation with OSHA was launched. The budget estimated is 7 million EUR for 4 years. A call for communication services will be launched before the end of the year and another one for IT services in January 2019.

On Human Resources, the establishment plan is almost completely filled.

- ❖ Audits: as regards the European Court of Auditors, in the 2017 accounts no issues were found. An audit has been carried out by the Internal Audit Service on the design, efficiency and effectiveness of the management and control systems for the planning, budgeting and monitoring of activities. The final report is expected in January 2019. Besides, the outcome of 2017's audit on internal data governance and IT is being finalised, no big issues expected. The EP has granted the discharge for 2016.
- ❖ Communication. The cooperation has been strengthened with DG MARE and at interagency level. The following communication activities were mentioned:
  - the seminar on 9 October on fisheries control and coast guard cooperation was an opportunity to bring together all the stakeholders;
  - a specific communication plan was set up for the kick-off of the PESCAO project;
  - following the recommendations of the AB a short version of the AR 2017 has been published;
  - an internal communication strategy has been launched;
  - EFCA participated in the Vigo Seafest, promoting workshops for children on sustainability issues and better knowledge of the marine environment.

The ED referred to a ED decision on the publication of information of meetings with organisations or self-employed individuals. He highlighted that EFCA is a transparent organisation and, when a company requests a meeting, they are invited to register in the lobby register of the EU. The same



applies to some NGOs that do not form part of the Advisory Councils. These meetings are published on EFCA's website.

The representative of NL expressed appreciation for having issued the summary version of the AR following the recommendations of the previous meeting and hoped it would become normal practice.

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

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

### 3. - **IMPLEMENTATION OF:**

- o **Article 30 of the Common Fisheries Policy (international dimension). DG MARE strategy – update for 2019**

The representative of the Commission summarised the International Dimension Paper circulated to the AB on the international dimension activities forecasted for EFCA in 2019. The plan for 2019 aims at continuity with very few changes.

She called the attention of the AB to the disclaimer at the beginning of the document on the impact of the human resources of the Agency. She acknowledged that certain activities could only be undertaken if the human and financial resources are in place, and stated that the Commission does not intend to undermine the classical activities of EFCA.

On the International Dimension Paper, the representatives of NL, DE, DK, IE, CY, IT and CY praised the transparency of the document provided by the Commission and raised several questions, *inter alia*:

- the need to estimate the impact of the international activities to be carried out by EFCA in terms of human and financial resources;
- to maintain the core business of the Agency and to keep a balance between EFCA activities inside and outside the EU;
- the need to prioritise, e.g. fishing control activities in areas with shared stocks with third countries;
- the amount of EFCA staff currently allocated to IUU activities;
- what would be the effect of the RFMOs recommendation in EFCA's work? And what approach would be followed in EEZ?
- considering the statement on the document "*The specific implementation of the suggested actions will be discussed and agreed with EFCA on a case by case basis ...*" the need to clarify who will be deciding with EFCA the activities to be implemented and asked for the involvement of the AB.

The representative of IT welcomed the new pilot projects on the Ionian and Adriatic Seas. However, he called for a reservation stating the absence of any EU regulation or GFCM recommendation.

The representative of the Commission explained that the Commission is extremely transparent about EFCA's work in the international dimension and what the Agency has been asked to do. She recalled that EFCA's Administrative Board has to provide an agreement on the strategic direction on the international activities, as stated on pages 18 and 19 of the Programming Document of the Agency<sup>1</sup>. She drew the attention of the AB to item 8 of the AB agenda on the follow up for the recommendations in the context for the Five-Year Independent External Evaluation of the EFCA. One of the recommendations, number 5, outlines "A reflection should be promoted on how to plan EFCA involvement in the international dimension in relation to its mission and tasks". Therefore, it is

<sup>1</sup> Item 5 of the AB agenda "Adoption of the Programming Document containing the Multiannual work programme 2019 - 2020 and Annual work programme for 2019 and of the Budget and the Establishment plan of the European Fisheries Control Agency for year 2019".

important to have a midterm debate about EFCA's orientation on the international dimension in the AB.

The representative of the Commission pointed out that the international activities also get additional budget. For PESCAO, EFCA gets a five-year grant amounting to 2.58 million euros, and has recruited new staff members for the project, 2 CA and two SNEs. Other projects could also provide additional funding, e.g. ECOFISH.

On the question related to the GFCM recommendations, the representative of the Commission clarified that the positions in the GFCM meetings are negotiated at the level of the Council and an agreement has been reached at Council level. The Commission is aware about sensitivity on the jurisdiction areas. Therefore, she suggested to the representative of Cyprus to consult with the Cyprus representative in the GFCM. With reference to the reservation made by Italy on the pilot projects, she stated that the position had been adopted through a decision at the Council Working Party.

The ED thanked the Commission for its comprehensive paper on the international dimension. He referred to the considerable amount of fish imported into the EU market, approx. 60%, and the need to tackle unfair competition and to take worldwide responsibility.

In line with Article 30 of the CFP basic Regulation, EFCA is legally committed to the Union in these tasks.

The ED thanked the AB in its role for advising and monitoring the Agency. He highlighted that most of the tasks are already carried out by the Agency. However, there are a few new tasks, i.e. the pilot project for Ionian, Levant and Adriatic Sea, that could start in the framework of the JDP, without additional resources at the beginning. In addition, new projects could be carried out with additional support, e.g. for the implementation of the FAO Port State Measures, the Agency expects to have additional resources.

In terms of staff, he referred to the new staff contracted through the PESCAO project and detailed that the IUU desk in the Agency has 5 staff.

To close the point, the Chair outlined that there is an appreciation for the reflection carried out by the European Commission on the international dimension. There is a general concern around the table that resources have to be carefully watched. On the one hand, a certain flexibility is needed on these activities, on the other hand, the AB has a strong feeling on being involved in the international activities of EFCA. Moreover, in some cases, these are executing the decisions taken elsewhere like in the Council and not in this AB.

- **Article 95 of the Control Regulation (Specific control and inspection programmes): state of play**

The representative of the Commission gave an update on the state of play of the SCIP revision. The intention is to have a new decision adopted by the Commission in the form of a single decision by the end of 2018. To ensure transparency a consolidated text with the comments received from the MS will be circulated by the Commission. The Committee on Fisheries and Aquaculture will be probably called to express an opinion on the new SCIPs on 26 November.

The Commission pointed out that one of the concerns raised during the discussions on the revision of the SCIP was that there should be a regular review process of the SCIP by the Commission. In the past this review process was already embedded in the legal text, as a provision, although there was no critical review of the approach of the SCIPs and of the target benchmarks. Even if the text that will result from the exercise at the end of the year will be rather stable, the Commission will continue discussing with MS and especially in the light of the outcomes of the first year of implementation.



The Commission identified that the main challenge faced was the definition of suitable target benchmarks. In this respect, the Commission has prompted EFCA to work with MS on compliance benchmarks and to move to a new generation of benchmarks.

Finally, the Commission highlighted that EFCA has already organised several steering group meetings with the MS in September. Therefore, the drafting of the new JDPs for 2019 is already well advanced and in line with the new orientation of the SCIP.

On the new SCIP, the representative of DE pointed out that it could be useful to have an overview in the next AB about the critical points on the discussions, e.g. benchmarks and the different strategies.

The representative of CY referred to the risk analysis methodology of EFCA and asked how a new method for risk categorisation, where the risk analysis is based on the vessel and not on the fishery, would affect the methodology applied throughout the years.

On the question of CY, the representative of the Commission clarified that the Commission was not contesting the new draft of EFCA's methodology on risk assessment, and that it should be linked to the JDP.

On the comment from DE, the Commission agreed to have a more strategic discussion in the Administrative Board on how to benchmark in the future, moving to compliance benchmarking.

#### **- AMENDMENT TO THE EFCA FOUNDING REGULATION: STATE OF PLAY**

The representative of the Commission recalled that the proposal for the revision of the control system tabled earlier this year affects the EFCA Founding Regulation. She summed up the main amendments:

- aligning the Agency objectives and mission to the CFP;
- extending the geographical scope of the inspection powers of EFCA;
- clarification of rules on exchange and processing of data and data protection;
- aligning EFCA's Founding Regulation with other EU decentralised agencies establishing regulations;
- adding the possibility to generate more income, with the possibility for revenues on the basis of delegation agreements and ad hoc grants for more funding in the future.

It is foreseen that the rapporteur in the European Parliament will table the first draft report in November 2018. Therefore, the final report might not be ready before the recess of the EP. The discussions on the revision of the control system would be resumed after the EP recess.

The new scheme will be applicable two years after the entry into force of the amendment to the Control Regulation, so they can get prepared for new technology, while the amendment to the EFCA Founding Regulation will enter into force with the adoption of the amendment to the Control Regulation.

A workshop on digital tools for small scale fisheries has been scheduled on 4-5 December.

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

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

✓

#### **4. RECLASSIFICATION OF THE EXECUTIVE DIRECTOR**

The representative of the NL, supported by IT and the Commission requested to add this point to the agenda. All delegations present agreed.

Deliberations on this item were carried out in a closed session (with AB representatives only).

The representative of the Commission explained that it is common practice in EU Agencies to reclassify Executive Directors from grade AD 14 to grade AD 15 when they have successfully carried out their duties for several years and, in particular, when their mandate has been renewed. This is a decision of the AB to be taken by absolute majority of votes.

The Chair added that Mr Savouret has been Executive Director since 1 September 2011, his mandate has been renewed in 2016 and he has assumed his duties on a high level of performance.

All delegations agreed that his reclassification to AD 15 was fully appropriate.

The Chair suggested that the reclassification decision took effect on 1 November 2018.

The AB then decided that the Executive Director, Mr Pascal Savouret, shall be reclassified to the grade AD 15 with effect 1/11/2018. The Decision was adopted by consensus.

Proposed action	Reclassification of the Executive Director, Mr Pascal Savouret, to grade AD 15 with effect 1/11/2018
Legal Basis	<ul style="list-style-type: none"><li>- Article 23(2) of Regulation (EC) No 768/2005</li><li>- Staff Regulations of Officials of the European Union and the Conditions of employment of other servants of the European Union in their version of 1 January 2018, in particular Article 16 of the Conditions of employment of other servants of the European Union.</li></ul>
Decision	Adopted by consensus.

#### **5. ADOPTION OF THE PROGRAMMING DOCUMENT CONTAINING THE MULTIANNUAL WORK PROGRAMME 2019 - 2020 AND ANNUAL WORK PROGRAMME FOR 2019 AND OF THE BUDGET AND THE ESTABLISHMENT PLAN OF THE EUROPEAN FISHERIES CONTROL AGENCY FOR YEAR 2019**

The ED and the Heads of Unit presented the Programming Document containing the Multiannual work programme 2019 - 2020 and Annual work programme for 2019 (hereinafter the PD 2019) and of the Budget and the Establishment plan of the European Fisheries Control Agency for year 2019. Some of the main points highlighted were:

- the PD 2019 was notified to the institutions in January 2018 and takes into account the Commission written opinion issued on 18 July 2018 (no feedback received from the EP) and the comments provided by the AB on the consultation related to the strategic annual plan for the Coast Guard Function;
- there has been a small adjustment of figures regarding the installation and salary costs made between Title I Salaries and Title II Other administrative expenditure; introduction of the ad hoc grant for PESCAO;
- the priorities and KPIs have been streamlined, the PD 2019 supports the EU on the international dimension (e.g. PESCAO) and incorporates subtle improvements driven by the discussion on the Annual Report 2017 (AB meeting on 14 March 2018);
- On the operational area:
  - o assistance to the Commission and MS as to comply with the CFP, both for JDPs and assistance to the regional groups; the landing obligation and related maritime strategies;
  - o support to the Union in the context of the international dimension;



- cooperation with other agencies and the support of MS and national authorities carrying out the Coast Guard Function;
- contribution to the achievement of a level playing field: training activities, data management and enhancement of the EFCA ICT infrastructure;
- On the horizontal area:
  - Ensure good governance, transparency, accountability, and efficient use of resources;
  - Good visibility of EFCA's mission and EU values.

The representative of NL thanked the Agency for the documents and he expressed his support to the Commission for its written opinion, namely on the distribution between operational activities and horizontal tasks, and the geographical balance regarding EFCA staff.

With regard to the first comment on the horizontal tasks, the ED explained that the figure tried to respond to recent common guidelines which required EU agencies to separate what is operational, administrative or horizontal and neutral. The ED noted that the quantification may well vary from one Agency to another. He underlined that, when the Agency's budget and establishment plan were increased in 2017, the administrative staff did not increase, and claimed that one staff member is 1.2% of the staff in the establishment plan. The ED stressed the efforts made to reduce administrative burden and paper work through the leverage of IT systems, the introduction of e-administration and a number of agreements with the Commission, and joint procurement with the Commission and other agencies.

The possibility of moving one staff to Operations was pointed out by the ED, who cautioned against more, reminding the need of strong financial and human resources to minimise any risk of non-compliance with the procedures, as part of the assurance of the Agency. A point was made on the fact that, despite being a small Agency, the EFCA applies the same package of legislation as the biggest ones. The ED explained that, to comply with these rules, the Agency must implement all related administrative tasks, like the payment of salaries, as well as the delivery of specific functions such as the DPO, ICC and ISO, which are not operational and where agreements with other agencies are not always possible.

The ED evoked the clean track record of EFCA with its auditors, including the Court of Auditors, the discharge granted by the European Parliament, and the many quotes obtained for doing a lot with very limited staff. The ED added that in terms of combining efficiency in the assurance of EFCA's finance and accounts, a new agreement for Business Continuity for the Accounting Officer is currently under discussion with EMSA.

On the geographical balance, the ED noted that in the context of the staff increase in 2017, DG HR provided the instruction to recruit from the reserve lists of previous recruitments, which turned out to have an overwhelming presence of Portuguese nationals. The ED stated that, for each selection, the Agency takes into consideration the need to improve gender balance and geographical diversity, while trying to find the best profile for the job.

The HoU1 intervened to complement what was said by the ED: on the first point, he referred to the heavy administrative burden, despite the best attempts to minimise it as much as possible, and emphasised that staff in administration was not increased as staff in operations. He mentioned that with that basis going forward, an increase in this area will not be required, while operational figures are expected to increase with the staff recruited in relation to the grants. The HoU1 anticipated a slight reduction in 2018, in comparison with the snapshot of 2017, and asserted that the EFCA is a small organisation that needs to have a minimum administrative resource in place to guarantee the required assurance.

On the second point the HoU1 acknowledged the large number of job applicants from Spain and Portugal, stating that the qualifications of those candidates must be assessed on their merits and the Agency does not discriminate by nationality; he concluded that the presence of nationals of the MS where the Agency is based is also very high in other Agencies and EFCA is no exception in that regard.

The representative of DE requested clarification about the strategic multiannual objective number 3 on the Support to the Union in the international dimension of the CFP and the fight against IUU activities, and its 100% target referred to the % of analysis of catch certificates, she asked which certificates correspond to third countries or Member States, and in which context they were to be analysed.

The ED clarified that following a request by the Commission, EFCA analyses the catch certificates going to the MS from third countries, thus mostly third country catch certificates are transmitted to the Agency automatically through FISHNET.

The representative of DK asked if it was planned to charter additional vessels and/or aircrafts.

The ED explained that it is an open possibility that would be discussed in the AB, if ever additional appropriations were provided, for example for the cooperation with Frontex or in the framework of the Mediterranean. The ED stated that, in order to cope with the full array of theoretical commitments of boosting fisheries control and coast guard functions, a ship would be needed 365 days in the Mediterranean Sea. The ED stated that the Agency is inclined to deliver these additional services, combining fisheries control and other tasks such as border control, search & rescue, environmental protection, etc. should the opportunity arise.

The representative of NL asked to reflect further and to evaluate the need of increase sea controls of the Agency, not only in terms of the vessel, but also inspectors that are needed for that vessel. He requested a reflection on the operational aspects of increasing the use of chartered vessels in the future, when discussing the PD for 2020-2024, and added that this was related not only to the vessels but also to the inspectors and the crew.

With regard to the assistance to third countries such as North Atlantic coastal states in the North Sea, Baltic Sea, WW, NAFO and NEAFC, the representative of Poland asked in what way EFCA would assist particularly in the North Sea and in Western Waters, where the only coastal states which are not EU members are Norway and Faroe Islands.

The ED replied that the Agency was invited to participate in the Working Group operated by the Commission in the framework of coastal states, and this work will be a continuation of what has been done so far with Norway and Faroe Islands, mostly addressing pelagic species. The representative of the Commission clarified that "assistance to third countries" by EFCA will actually be delivered to the EU Delegations in the context of negotiations with those countries.

In the absence of further comments, the Chair proceeded to the voting. The item was adopted by consensus.

Proposed action	Adoption of the Programming Document containing the Multiannual work programme 2019 - 2020 and Annual work programme for 2019 and of the Budget and the Establishment plan of the European Fisheries Control Agency for year 2019
Legal Basis	Art. 17f, and 23(2)(d) of Regulation (EC) No 768/2005 and Art. 32 and 33 of the EFCA Financial Regulation (AB Decision No 13-W-09 of 31 December 2013)
Decision	Adopted by consensus

## **6. ADOPTION OF THE DRAFT PROGRAMMING DOCUMENT CONTAINING THE MULTIANNUAL WORK PROGRAMME 2020 - 2024 AND ANNUAL WORK PROGRAMME FOR 2020**

The ED presented the draft Programming Document containing the Multiannual work programme 2020 - 2024 and Annual work programme for 2020 (hereinafter the draft PD 2020). The draft PD



2020 has been substantially streamlined in its multiannual and annual part. The multiannual programming covers 5 years and is structured around 6 strategic multiannual objectives and 4 strategic areas.

The Annual work programme 2020 has been reorganised in line with the strategic multiannual objectives and areas of intervention for 2020-2024, and responds to the comments of the Administrative Board members during its meeting on 14 March 2018<sup>2</sup>.

Considering that the Annual Report structure and content depends on the one established for the Annual work programme in the PD, the ED informed the AB that EFCA would mirror the changes proposed in the draft PD 2020 into the AR 2018.

On the envisaged budget, the ED noted that EFCA had a slightly different amount from 2020. A small increase for staff was noted; the remaining administrative expenditure is the same and an increase of operational expenditure in Title 3 of approx. 60 000 Euros.

The representative of DK raised a budgetary question related to differences on the operational expenditure, risk assessment, between the budget 2020 and the budget 2019.

The HoU 1 explained that the structure for the Budget 2020 has been changed due to the new activities.

On the international dimension of EFCA, page 14, strategic multiannual objective number 3 (cooperation provided to fight against IUU fishing at international level), and page 36, annual objective number 4 (support the EU in the implementation of the external dimension of the CFP), the representative of NL asked why the target related to 8 missions per year embedded in previous PDs had disappeared, and requested its reinsertion.

On the Coast Guard Function and Capacity Building (page 19), the representative of NL questioned how the AB would be involved in the plan to be agreed between the 3 agencies. With reference to other information and figures that could not be presented to the AB at this early stage or will need to be reviewed, he requested to present the reviewed draft PD 2020 to the AB in the next AB meeting in 2019.

On the strategic multiannual objective number 3 (cooperation provided to fight against IUU fishing at international level), the ED mentioned that the Key Performance Indicator (KPI) was connected with the annual part implementation, which mirrors the multiannual part. On the annual objective 4 (support the EU in the implementation of the external dimension of the CFP), the EFCA would try to implement 100% of the tasks requested by the Commission and Member States depending on resource availability.

With reference to the Annual Strategic Plan, the ED explained that the document is usually notified for feedback to the AB in June/July. The ED mentioned that the Annual strategic plan follows the calendar of the Tripartite working arrangement committees and the Annual Event for Coast Guard Function.

The ED added that the draft PD 2020 is a live document, not all the information is ready at the stage of preparation, and EFCA would need to add 2018 achievements in January 2019. He pointed out that it was necessary to consider the document as a draft. The state of play of the document will be presented to the AB in March/April 2019.

The representative of the Commission mentioned that they would like to be earlier with their written comments. However, the formal written procedure will depend on the budget allocated to 2020, which would be presented in May, and therefore the procedure cannot be advanced.

The Chair pointed out that this point could be added to the Agenda for the next AB meeting hoping that the Commission could provide some feedback.

<sup>2</sup> Minutes of the Administrative Board meeting on 14 March 2018 <https://www.efca.europa.eu/en/content/minutes>

The representative of IE drew the attention of the AB to the Brexit, mentioned twice in the draft PD 2020, and suggested that EFCA should take into account its impact on the role of the Agency. He encouraged EFCA to present a standard piece of work for the next AB meeting.

The Chair indicated that a reflection would be certainly needed regarding Brexit; for the time being, EFCA had been instructed not to interfere on the negotiations but in March, it would have to be addressed.

The representative of NL referred to the strategic multiannual objective number 1, page 14, to evaluate the level of compliance by JDP, and propose measures for improvement in cooperation with the MS and the Commission; he proposed to replace the verb enhance by another e.g. promote, increase, elevate.

The ED explained that the objective would be an approach to compliance and how to encourage it, e.g. EFCA would identify, through key performance indicators, some segments that could require implementing remote electronic monitoring.

The HoU 2 pointed out that compliance would depend on many factors e.g. the control effort, the management measures in place, or the pressure markets may put on compliance themselves. He mentioned that there would be difficulties to establish a compliance indicator as it would be possible to measure where it stands but, to enhance, it would be an effort that would surpass EFCA's competences.

It was agreed to redraft the Strategic multiannual objective as follows: to evaluate and to contribute to enhancing the level of compliance by JDP, and propose measures for improvement in cooperation with the MS and the Commission.

Regarding page 69, foot note 62, the representative of DE asked if the steering group and technical deployment group could be merged and what the added value would be.

The ED explained that, on the one hand EFCA is criticised by MS for holding too many meetings, though EFCA would try to reduce them as much as possible; on the other hand, sometimes there was a lack of communication between the steering groups and the technical groups, a possibility would be to merge both meetings, which would reduce the number of meetings, though in many of these meetings organised by DG Mare, Fishnet videoconference would be used. The negative aspect would be a risk of not having the same level of experts.

The representative of DK suggested to highlight the main changes in the draft PD 2020 compared to 2019 in order to track the development and react to that progress.

The ED clarified that EFCA has prepared a correspondence table 2020-2019 to track the changes. He displayed the document on the screen and a hard copy was distributed to the AB.

In the absence of further comments, the Chair proceeded to the voting. The item was adopted by consensus.

Proposed action	Adoption of the draft Programming Document containing the Multiannual work programme 2020-2024 and the Annual work programme for year 2020 of the European Fisheries Control Agency
Legal Basis	Art. 17f and 23(2)(c) of Regulation (EC) No 768/2005 and Art. 32 and 33 of the EFCA Financial Regulation (AB Decision No 13-W-09 of 31 December 2013)
Decision	Adopted by consensus.



## **7. ANTI-FRAUD STRATEGY OF EFCA**

The Chair gave the floor to the HoU1 who made clear that the decision presented was a light update of the anti-fraud strategy of EFCA adopted by the Board in 2014. The update contained a review of the implementation of that strategy. The review concluded that the actions decided in the previous action plan had been implemented. It also concluded on the basis of an updated risk assessment that the risk of fraud for EFCA remained low. In addition, it concluded that procedures in place for mitigating the low risk were adequate. The action plan was updated to take into account what had been implemented in the past three years.

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

Proposed action	Adoption of the EFCA Anti-fraud strategy
Legal Basis	Article 23(2)(h) of Regulation (EC) No 768/2005
Decision	Adopted by consensus.

## **8. ADOPTION OF STAFF REGULATION IMPLEMENTING RULES**

The Chair gave the floor to the HoU1 who explained that three implementing rules of the Staff Regulations were presented to the Board for adoption. The first two decisions were based on model decisions developed jointly by the EC and the agencies. The third decision was a direct application by analogy of rules applicable at the Commission.

The new set of rules for middle management staff is an update of the one currently in place at EFCA. Inter alia, the rules introduce a phase of assessment centre as part of recruitment.

The new rules on function of adviser are currently not of such importance for EFCA. However, since the Commission provided for them, EFCA should also have a set of rules on function of adviser. In addition, it may happen in future that EFCA will have an adviser function.

The rules on outside activities are an application by analogy of the new rules adopted by the Commission. Inter alia, they introduce a series of clarifications on what exactly falls under the scope of outside activities and replace the ones currently in place at EFCA.

The Chair asked whether the decision on the function of adviser was currently purely theoretical, whether only in the case there was an adviser, those rules would apply.

The HoU1 confirmed this and explained further that if the Agency did decide not to apply the rules on the function of adviser based on the model, the Commission rules would apply after a certain standstill period. The model rules had specifically been adapted for agencies, that is why they should be adopted.

There were no additional comments and the Decisions were adopted by consensus.

Proposed action	Adoption of the Staff Regulation Implementing Rules: <ul style="list-style-type: none"><li>- Middle management staff</li><li>- Function of adviser</li><li>- Outside activities and assignments and occupational activities after leaving the Service</li></ul>
Legal Basis	<ul style="list-style-type: none"><li>- Articles 19 and 23(2) of Regulation (EC) No 768/2005</li><li>- Staff Regulations of Officials of the European Union and the Conditions of employment of other servants of the European Union in their version of 1 January 2018, in particular Article 110(2) thereof.</li></ul>
Decision	Adopted by consensus.

**9. DISCUSSION ON WAYS TO FURTHER IMPROVE THE WORKING PRACTICES: ROADMAP ON THE ADMINISTRATIVE BOARD RECOMMENDATIONS FOLLOWING THE FIVE-YEAR INDEPENDENT EXTERNAL EVALUATION OF EFCA (2012-2016)**

The Policy Officer (PO) presented the state of play on the actions related to the AB recommendations issued on the Five-Year Independent External Evaluation of EFCA<sup>3</sup>, the document was circulated to the AB on 18 September.

On the recommendation number 1, regarding the review of the Control Regulation and EFCA's Founding Regulation, the Commission asked to consider the action closed as the proposal has been already presented by the Commission.

On the recommendation number 5, related to EFCA's involvement in the international dimension, the representative of the Commission welcomed the idea of having a reflection and preparing a document to that respect. She called for the Commission leadership.

On the recommendation number 6, related to the AB functioning:

- The representative of Sweden referred to the strategic points for discussion to be presented by AB members and/or experts, and pointed out that there was still room for improvement, as there was a tendency to discuss details. He asked to discuss strategic questions in a structural way in the AB spring meeting in 2019.

The representative of IE mentioned the strategic discussion held during the morning under the item 3 of the AB agenda and suggested agreeing on strategic topics for discussion, e.g. Brexit, changes coming out of new regime for managing CFP regionally. He also proposed to develop a mechanism where in advance of meetings there would be the possibility to propose topics for discussion.

- On the integration of new AB members, the initiative to invite the newcomers to visit the Agency was pointed out.  
The representative of DE acknowledged the usefulness of the visit organised by the Agency the day before and asked if the newcomer's welcome package under preparation by EFCA included a mentorship.  
The PO explained that mentorship would be part of the welcome package and invited the AB to provide feedback.

On the recommendation number 7, interaction between the AB and the Advisory Board, the Chair referred to the yearly rotation of the Advisory Board representative in the Administrative Board. He mentioned that during the Advisory Board meeting (9 October 2018) he had made some suggestions to the Advisory Board members to increase efficiency.

With reference to the Advisory Board request to increase the number of representatives in the AB, the Chair explained that at the last meeting the AB had already come to a conclusion and no change is foreseen in the proposed amendment to EFCA's Founding Regulation.

The Chair mentioned that it was useful to keep the agenda item on the AB recommendations following the Five-Year Independent External Evaluation of EFCA and to update the tables. There were no additional comments, and the Chair closed the agenda item.

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

<sup>3</sup> The Five-Year Independent External Evaluation Report of EFCA and the Administrative Board recommendations are available at <https://www.efca.europa.eu/en/content/external-evaluation-2017>



## **AOB**

Feedback was provided by the AB members on the potential date of the next AB meeting<sup>4</sup>. The Chair and several delegations welcomed the new location.

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

---

<sup>4</sup> On 25 October 2018 the AB was informed that the next AB meeting would be taken place on 10 April 2018.

## ANNEX I

List of participants to the meeting of the  
Administrative Board of the EFCA  
Vigo, 10 October 2018

Members		Alternates
(BE) Belgium:	Mr Jean-François VERHEGGHEN	-
(BG) Bulgaria:	Mr Dimitar VALKOV	-
(CZ) Czech Rep.:	-	-
(DK) Denmark:	Ms Mariya KRESTYANSKA	-
(DE) Germany :	Ms Melanie SEIBERT	-
(EE) Estonia:	Mr Indrek ULLA	-
(IE) Ireland:	Mr Andrew KENNEEN	Mr Micheál O'MAHONY
(EL) Greece:	Ms Theoni PAPADOPOULOU	-
(ES) Spain:	-	-
(FR) France <sup>5</sup> :	Mr Stéphane GATTO -	Ms Bérenègre LORANS
(HR) Croatia:	-	-
(IT) Italy:	Mr Riccardo RiGILLO	Mr Lorenzo MAGNOLO
(CY) Cyprus:	Mr Yiannos KYRIACOU	-
(LV) Latvia:	Mr Miks VEINBERGS	-
(LT) Lithuania:	Ms Agnė RAZMISLAVICIUTE-PALIONIENE	Mr Tomas KAZLAUSKAS
(LU) Luxembourg:	-	-
(HU) Hungary:	-	Mr Janos GABOR
(MT) Malta:	-	-
(NL) Netherlands:	Mr Leon R. M. LOMANS	Mr Gerrit A. LAM
(AT) Austria:	Ms Gabriela KÖNIG-JUSUFI	-
(PL) Poland:	-	Mr Stanislaw KASPEREK
(PT) Portugal:	-	Mr Carlos FERREIRA
(RO) Romania:	Mr Nicolae DIMULESCU	Ms Ancuta KAZIMIROVICZ
(SL) Slovenia <sup>6</sup> :	-	Mr Slavko SISKÓ
(SK) Slovakia <sup>7</sup> :	Mr Jan SUKOVSKY	-
(FI) Finland:	Mr Harri KUKKA	-
(SE) Sweden:	Mr Ingemar BERGLUND	-
(UK) United Kingdom:	-	-
<u>European Commission:</u>		
Mr Reinhard PRIEBE (Chair)		-
-		-
-		-
-		-
Ms Veronika VEITS <sup>8</sup>		-
Ms Francesca ARENA <sup>9</sup>		-
<u>Advisory Board representative:</u>		
Mr Francisco PORTELA ROSA		
<u>Observers:</u>		
Ms Sarah R. VITIELLO-FERRARA (European Commission)		
Ms Nicoletta DE VIRGILLO (IT) Italy		
Mr Harold HOOGLANDER (NL) The Netherlands		
Mr José Carlos SIMÃO (PT) Portugal		

<sup>5</sup> Proxy from PT.

<sup>6</sup> Proxy from HR.

<sup>7</sup> Proxy from CZ.

<sup>8</sup> Proxy from EC (Mr B. FRIESS)

<sup>9</sup> Proxy from EC (Mr A. C. JESSEN).



Ms Marina PETROU (EL) Greece

EFCA:

Mr Pascal SAVOURET (Executive Director- ED)

Mr Niall MCHALE (Head of Unit Resources and IT - Unit 1)

Mr Mario LOPES SANTOS (Head of Unit EU Waters and North Atlantic – Unit 2)

Mr Pedro GALACHE (Head of Unit Programmes and Assistance - Unit 3)

Ms Clara E. FERNÁNDEZ (Policy Officer)

Mr Marcel DEDIC (Accounting Officer – OED)

Ms Patricia SÁNCHEZ (Communication Officer– OED)

Ms Rieke ARNDT (Head of Section HR and Legal - Unit 1)

Ms Marta RAMILA (Data Protection Officer – OED)

Ms Gregoria CUESTA (Assistant to the ED – OED)

Ms Rosa FUENTES (Executive Assistant – OED)

Ms Donianzu MURGIONDO (Head of Section Finance and Procurement – Unit 1)

Mr Miguel NUEVO (Desk Manager, Desk JDPs and Regional Cooperation – Unit 2)

Mr Alexandre KEMPFF (Desk Manager, Desk Training and IUU – Unit 3)

## ANNEX II



### Administrative Board

**Agenda of the 31<sup>st</sup> meeting of the  
Administrative Board of the EFCA  
10 October 2018 in Vigo  
09:30 am to 17:00 pm  
(D=decision; I=Information)**

1. Approval of the draft agenda D
2. Information from the Executive Director I
3. - Implementation of;
  - o Article 30 of the Common Fisheries Policy (international dimension). DG MARE strategy – update for 2019 I
  - o Article 95 of the Control Regulation (Specific control and inspection programmes): state of play
- Amendment to the EFCA Founding Regulation: state of play
4. Reclassification of the Executive Director D
5. Adoption of the Programming Document containing the Multiannual work programme 2019 - 2020 and Annual work programme for 2019 and of the Budget and the Establishment plan of the European Fisheries Control Agency for year 2019 D
6. Adoption of the draft Programming Document containing the Multiannual work programme 2020 - 2024 and Annual work programme for 2020 D
7. Anti-fraud strategy of EFCA D
8. Adoption of Staff Regulation implementing rules D
9. Discussion on ways to further improve the working practices: roadmap on the Administrative Board recommendations following the Five-Year independent External Evaluation of EFCA (2012-2016) I
10. AOB

*[Handwritten signature]*

**European Fisheries Control Agency**

Email: [efca@efca.europa.eu](mailto:efca@efca.europa.eu) – Tel: +34 986 12 06 10 – Fax: +34 986 12 52 37

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

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