

Vigo, 20 April 2023

**MINUTES OF 40TH MEETING OF THE
 ADMINISTRATIVE BOARD
 VIGO – 20 APRIL 2023**

From 09h30 to 16h30

0. ATTENDANCE

The Chair, Mr Fabrizio Donatella, opened the 40th AB meeting at 09h30 by welcoming the AB members, the Advisory Board member and all the participants. The Chair reminded that only AB members have the right to vote.

The Chair stated that since the last AB meeting of EFCA there are a few new appointments of representatives or alternates:

- Bulgaria (BG): Ms Vanya STAMATOVA (Representative)
- Ireland (IE): Mr Michael FINN (Alternate)
- Lithuania (LT): Mr Tomas KAZLAUSKAS (Representative)
- Lithuania (LT): Mr Alenas BULAUSKIS (Alternate)
- Austria (AT): Ms Klara MELBINGER (Alternate)
- Poland (PL): Ms Magdalena ZASEPA (Representative)
- Slovakia (SK): Mr Dominik SKODA (Alternate)

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

- Observer representing the Advisory Board: Mr Ivan Lopez Van der Veen (LDAC)
- Observer from the European Commission (EC): Ms Sarah Vitiello-Ferrara

Present	Proxies were given for all agenda items from CZ to SK, from LV to LT, from EL to CY and within the Commission delegation, from Ms Delilah Al Khudhairy to Ms Lena Andersson Pench and from Ms Céline Idil to Mr Jérôme Broche The presence list is attached in Annex I.
Quorum	The Chair concluded that the quorum was obtained

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

The Chair recalled that there is a decision from the AB to declare the absence of any conflict of interest through a duly completed and signed form, to be provided annually to the EFCA that together with the résumés, are subject to publication on the EFCA website and should be updated whenever necessary. To date, not all AB members have met that obligation. On the absence of conflict of interest, the Chair highlighted that the Agency is under scrutiny of the European Parliament, and we need to ensure that there is no possibility to enter into a discussion on conflict of interest. He further stressed that it is also important in the context of the discharge procedure, which is particularly important to ensure that the functioning of the Agency is according to the obligations that are set in particular by the mandate of the Agency.

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

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

- AB representatives: men 69 %, women 31 %.
- AB alternates: men 64 %, women 36 %.

1. APPROVAL OF THE AGENDA

The Chair asked the AB members if they had any comments on the agenda to be added under AOB. In the absence of comments, the agenda was adopted (Annex II).

The Chair informed of the recent passing away of Mr Randall Caruana, former AB member who worked in the Maltese administration and who joined the EC just before the pandemic. The Chair praised the engagement and dedication of Mr Caruana throughout his career in the fisheries field, showing always an utmost professionalism and dedication to duty. He added that Mr Caruana was kind and respectful and was a great loss for all who knew him.

2. INFORMATION FROM THE EXECUTIVE DIRECTOR (ED)

Susan Steele, EFCA's Executive Director, expressed her gratitude to the members of the Administrative Board for the smooth interaction between the MS and the Agency, a partnership that made possible all the work performed by the EFCA.

She informed that during the last year, the Agency achieved 95.4% implementation of the work programme, a very high level of implementation, and stressed that she will nevertheless offer an interim report of what's been happening in the Agency between the last Board meeting and today:

She reported on the Advisory Board meeting, held the day before, which went in a satisfactory manner. The Mediterranean and Aquaculture Advisory Councils were missing, but there was attendance from all the other Advisory Councils.

There was a focus on the working arrangements with the Agency, which is appreciated in a mutual way between both the Agency and the Advisory Councils. The ACs raised frequently issues related to MPAs, impact of climate change, and impact of wind farms. Another recurrent issue was the decarbonisation of fishing vessels.

The ED took the opportunity to welcome the Long Distance Advisory Council representative, Ivan López, who was attending as the observer from the Advisory Council, a position that he will hold until March of next year.

Then, she gave an update on operational activities indicating the state of play of the implementation of the JDPs in the North Sea, Baltic Sea, Western Waters, NAFO and NEAFC, the Mediterranean and the Black Sea. She also updated on the following operational activities:

- In relation to the Vulnerable Marine Ecosystems (VMEs) implementing regulation, EFCA's role has been contributing effectively to promote compliance. In this sense, the VME polygons have been included in the EFCA IMS, facilitating to visualise when vessels are inside or in the proximity of the VMEs. Additionally, the possibility to set alerts based on defined rules was also offered. The alerts facilitate the follow-up actions by Member States, when a fishing vessel in an assumed fishing speed is inside a polygon.
- With regards to the Remote Electronic Monitoring Working Group, together with Member States, EFCA has been developing regional pilot projects, looking at the tender process, the installation of systems, data management and the REM Operational Plan for NAFO fisheries.
- In the cooperation with the UK, EFCA's participation has been taking place in weekly meetings with COM. A third-country vessels info sheet has been developed by the Agency and the trilaterals meetings (EU, UK and NO) have been occurring. Besides, there are plans to host UK observers on board of EFCA OPV in a North Sea patrol in 2023.
- Concerning the cooperation of the Agency with other European institutions and bodies, there has been some progress: the working arrangement for the international dimension has been agreed and signed between the Agency and DG MARE, as well as the Service Level agreement (SLA) with EMSA. The signature of the Memorandum of Understanding with the European Environment Agency was done on 22 March. The Memorandum of Understanding with the European Space Agency is ongoing, and the signature is expected later on 2023. Concerning the relationship with Frontex, the SLA is in review to be updated. Besides, there is a very positive cooperation with Satcen and the formalisation of a cooperation agreement is getting closer. On the other hand, the MOU with the Indian Ocean Commission is prepared and expected to be signed soon (it will be looking at the cooperation for the Ecofish project for the Indian Ocean, and the role of the Agency will be in capacity building support).
- The launch event of the three new vessels chartered by EFCA has been preceded by an extensive procurement process and since January all three OPVs have been active patrolling means. One OPV has a RPAs on board and is planned to equip the three OPVs with anti-pollution equipment. One surveillance aircraft has already been deployed, adding a significant benefit to the operational support provided by the Agency.
- In the area of the weighing project, visits to Member States have taken place to look at the methodologies for weighing with the aim of providing recommendations on best practices, methodologies and procedures.

The ED continued with non-operational issues and mentioned that, in Communication, the most relevant event was the launching of the three new OPVs, but EFCA also participated with DG MARE with a stand in Agadir, Morocco, and at the International Fisheries Observer and Monitoring Conference (IFOMC) in Tasmania.

Regarding the audits, the Agency again has had no observations from European Court of Auditors and the discharge for 2021 will be adopted by the European Parliament most likely in May 2023. Following the external five-year evaluation for the period 2017-2021 and the growth in resources, a

project has been contracted through an external to assure an optimal reorganisation. The works on the ground floor of the building are going ahead, implying additional operational coordination rooms and a Board meeting room.

As final note, she referred to gender balance and reported that the Agency staff is now 52% female and 48% male.

The EC thanked EFCA for the operational activities carried out since last time, and acknowledged the work behind, crucial in order to maintain the credibility of the Common Fisheries Policy (CFP). Regarding the JDPs, she signalled the importance of EFCA's support into developing a culture of compliance in the Mediterranean area: there are high achievements at the level of the GFCM in the fight against the illegal fishing, but it is important to continue working. The EC is working to reinforce the legislative framework of the GFCM. It is very important to maintain a relevant inspection presence in the regulatory area, and to have a strict control of both Union and third-country fleets.

Regarding the REM working group, it is essential also to gain experience on the REM and the use of artificial intelligence. Therefore, the EC encouraged Member States to be actively in the area. At this point, she informed that the EC is preparing a Control Expert group, most likely at the end of September, where REM will be addressed.

When it comes to the interagency cooperation, and more concretely to the project of coast guard cooperation and the capacity building projects, the EC encouraged EFCA to continue to participate in the cooperation activities with EMSA and Frontex. Besides, she congratulated EFCA for the chartering of the new means, a real asset for the effective implementation of the CFP and for the international inspection and surveillance schemes.

Finally, the EC had a question related to the working group on inspection and surveillance reports (ISR): DG MARE is helping in drafting and defining the flux standard for the inspection and surveillance reports, and she wanted to know whether the two first modules would be ready by June 2023.

Denmark appreciated EFCA's work going on in the weighing project, as a very good way to gather information in order to ensure level playing field. She stressed that it would be key also to look at scientific issues related to weighing.

Ireland acknowledged Advisory Councils' representatives for the presentations shared and the work taking place in this field.

The Head of Unit EU Waters and North Atlantic (HoU 2) confirmed that the developments of the e-IRS application are progressing well. The application is planned to be ready by June 2023, noting the caveat that delays are often common concerning IT developments.

3. RENEWAL OF THE MANDATE OF THE CHAIR AND ELECTION OF THE DEPUTY CHAIR

The Deputy Chair explained that according to Article 2.4 of the Rules of Procedure of the EFCA Administrative Board, Mr Fabrizio Donatella was elected Chair of the EFCA AB on 5 April 2022 for the remainder of his predecessor's term, until 15 October 2023. The Deputy Chair referred to the letter the EC has sent informing of the availability of Mr Donatella for a second term. The Deputy Chair asked the participants if they agreed to vote by raising hands. In the absence of objections to this proposal, he launched the voting exercise. There were no votes against and no abstentions.

Mr Fabrizio Donatella was re-elected as Chair from 16 October 2023 until 15 October 2026, or until the end of his membership, if he ceases to be member of the AB earlier.

The Deputy Chair congratulated the Chair for his re-election. The Chair thanked the AB for their continuous trust and support in the running of these meetings.

Proposed action	Renewal of mandate of the Chair
Legal Basis	Article 34 of Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency and Articles 2 and 3 of the Rules of Procedure of the Administrative Board
Decision	Adopted by majority of the members with the right to vote

Similarly, the Chair informed that Mr Yiannos Kyriacou was elected Deputy Chair of the EFCA AB on 14 October 2021 for the remainder of his predecessor's term, until 15 October 2023. Following a call for candidates, Mr Kyriacou informed of his availability for a second term; there were no other candidates.

The Chair invited the Board to vote on the election of the Deputy Chair. He asked the participants if they agreed to vote by raising hands. In the absence of objections to this proposal, he launched the voting exercise. There were no votes against and no abstentions.

Mr Yiannos Kyriacou was re-elected as Deputy Chair from 16 October 2023 until 15 October 2026, or until the end of his membership, if he ceases to be member of the AB earlier.

The Chair congratulated Mr Kyriacou and looked forward to a continuous interaction in conducting the Board meetings.

Proposed action	Renewal of mandate of the Deputy Chair
Legal Basis	Article 34 of Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency and Articles 2 and 3 of the Rules of Procedure of the Administrative Board
Decision	Adopted by majority of the members with the right to vote

4. ADOPTION OF EFCA'S ANNUAL REPORT 2022

EFCA presented an outline of the Annual Report, stating the comments received by the EC were taken on board. The Head of Unit Resources (HoU 1) emphasized the degree of implementation of the annual work program with almost 100% of the KPIs achieved, as well as the high level of administrative performance and adherence to the rules. The HoU 2 presented the operational highlights of the report for 2022.

Germany requested some clarification about the increase in the number of suspected infringements within the JDPs versus the decrease in the inspections reported and the possible relation with non-compliance.

The HoU2 explained that, although making conclusions on compliance levels in certain areas may be speculative, the risk assessment enables a higher detection rate. Compliance evaluation such as the ones EFCA is involved on LO are more indicative in terms of compliance than the number of

infringements. He underlined the complexity of such analysis and commented that there is not necessarily a direct relationship between infringement rates and compliance.

Austria congratulated the Agency for the work involving the chartering of the new vessels and enquired about the consequences of the breakdown of one of the vessels in 2022 in both financial terms and for the rate of inspections.

The HoU3 noted that the broken vessel, Aegis, was chartered through a temporary agreement with EMSA, and stated that there were no charges for the agency when the vessel was off service; he added that, although the current vessels are brand new, breakdowns could not be excluded, and highlighted the fact that this breakdown did not put anybody at risk.

Denmark commented that the extended capacity on sea control should involve considerations on efficiency, and asked about the experience so far, and whether there were indicators to organise the inspections through risk assessment.

The HoU2 underlined the importance of ensuring that the capacity at sea adds value to the MS control efforts, like the fact of being multinational by nature. In that sense, he declared that every patrol has a specific report and a joint statement by the participating Member States, which includes a review on best practices and possible improvements. It was reminded that the vessels are at the service of the JDP, from the tactical risk assessment to the day-to-day operations. He stressed that the main goal for efficiency would be to secure in practice the fullest possible participation by MS in EFCA patrol missions, and to seek complementary planning to establish a complete view of MS and EFCA assets allowing the best use of the available resources. The enhanced role of the Agency in patrol missions in the international context was also emphasised.

The annual report was unanimously adopted.

Proposed action	Adoption of the Annual Report 2022
Legal Basis	Article 32(2)(b) of Regulation (EU) 2019/473 Article 48 of AB Decision No 19-W-5 of 29 August 2019 concerning the Financial Regulation of the European Fisheries Control Agency
Decision	Adopted by consensus.

5. DRAFT SINGLE PROGRAMMING DOCUMENT CONTAINING THE MULTIANNUAL WORK PROGRAMME 2024-2028 AND ANNUAL WORK PROGRAMME FOR 2024

The Head of Unit International Programmes and Coast Guard (HoU 3) explained EFCA's activities plan from 2024 onwards until 2028 and, more specifically, for 2024. The document shows four areas of intervention at operational level, being a continuity in the multiannual objectives in accordance with the current work programme.

After presenting the outline of the document, he highlighted two relevant points. The first one was related to the possible new task in 2024 due to an amendment of the SCIP. It will cover some fisheries in the Indian Ocean which, as a new area of activity, will have an impact on EFCA's work and resources. A second issue would be related to Annex XII of the work programme: the international dimension activities, prepared in cooperation with the European Commission, which will be affected by the amendment of the working arrangement with the EC.

The EC requested the floor and clarified that the Commission's services are currently looking at the document and informed that EC's opinion will be transmitted by the 1st of July, as expected.

The Chair, once there were not more questions, concluded that the Board has taken note of the information provided by the agency on the preparation of the single programming document and closed this point.

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

6. **FIVE-YEAR INDEPENDENT EXTERNAL EVALUATION OF EFCA: STATE OF PLAY**

The Chair gave the floor to EFCA to inform the AB members about the state of play of the implementation of the Administrative Board recommendations agreed at the previous Board meeting and derived from the latest evaluation. The Chair encouraged the AB members to take note of this presentation, intending to follow up on this topic at the next AB meeting.

Regarding the AB recommendations of the five-year independent external evaluation of EFCA adopted by the AB during the meeting in October 2022, the Head of Sector Policy & Communication (HoS P&C) presented detailed information of the six recommendations along with their corresponding objectives, current state of play, and actions foreseen.

The Chair deemed useful to have regular presentations on the work done to follow up how the recommendations adopted last year were being implemented.

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

7. **AOB**

The Chair informed of the dates for the next Advisory and Administrative Board meetings:

- Advisory Board meeting 23 October 2023 online
- Administrative Board meeting 24 October 2023 online

The Chair announced that this was the last meeting for Ms Andersson Pench who will take up retirement in the coming weeks. He thanked her for her valuable contribution throughout the meetings of the Board and underlined the enormous impact of her contributions in the discussions of the meetings.

The ED further expressed her gratitude to Ms Andersson Pench and said how fortunate they were to have her involvement in the agency.

Ms Andersson Pench said it was a great pleasure spending the last years of her career working for the Common Fisheries Policy and involved in EFCA's work, discovering an enormous amount of interesting points. She thanked the members of the Board and EFCA team.

The Chair concluded the meeting by praising the work of EFCA staff in the organisation of the meeting.

ANNEX I

LIST OF PARTICIPANTS TO THE MEETING OF THE ADMINISTRATIVE BOARD OF THE EFCA VIGO, 20 APRIL 2023

	Members	Alternates
(BE) Belgium:	Mr Geert DEVOGEL	-
(BG) Bulgaria:	-	-
(CZ) Czech Rep.:	-	Mr Jakub MORICKY
(DK) Denmark:	Ms Nanna MØLLER	-
(DE) Germany:	Ms Anne LOOS	-
(EE) Estonia:	Mr Indrek ULLA	-
(IE) Ireland:	-	Mr Michael FINN
(EL) Greece:	-	-
(ES) Spain:	-	Ms Aurora DE BLAS
(FR) France:	-	Ms Bérengère LORANS
(HR) Croatia:	Ms Branka TANRANDEK	-
(IT) Italy:	-	-
(CY) Cyprus ¹ :	Mr Yiannos KYRIACOU	-
(LV) Latvia:	-	-
(LT) Lithuania ² :	Mr Tomas KAZLAUSKAS	-
(LU) Luxembourg:	-	-
(HU) Hungary:	-	Mr Zoltán ROMÁN
(MT) Malta:	Mr Bjorn CALLUS	Mr Marvin SEGUNA
(NL) Netherlands:	Mr Mats SOTTHEWES	-
(AT) Austria:	Ms Margareta STUBENRAUCH	-
(PL) Poland:	-	Mr Stanislaw KASPEREK
(PT) Portugal:	-	Mr Carlos FERREIRA
(RO) Romania:	Mr Marian AVRAM	Ms Ancuta KAZIMIROVICZ
(SL) Slovenia:	-	-
(SK) Slovakia ³ :	Mr Jan SUKOVSKY	-
(FI) Finland:	Mr Harri KUKKA	-
(SE) Sweden:	Mr Niclas TÖRNELL	-
<u>European Commission (EC):</u>		
	-	-
	-	-
	-	-
	Mr Fabrizio DONATELLA	-
	Ms Lena ANDERSSON PENCH ⁴	-
	-	Mr Jérôme BROCHE ⁵
<u>Advisory Board representative:</u>		
	Mr Ivan LOPEZ VAN DER VEEN (LDAC)	

¹ Proxy from EL to CY for all items

² Proxy from LV to LT for all items

³ Proxy from CZ to SK for all items

⁴ Proxy from EC (DAK) for all items

⁵ Proxy from EC (CI) for all items

Observers:

Ms Sarah R. VITIELLO-FERRARA (EC)

EFCA:

Office of the Executive Director

Dr Susan STEELE (Executive Director)

Mr Marcel DEDIC (Accounting Officer)

Dr Patricia SÁNCHEZ (Head of Sector Policy and Communication)

Mr Paulo CASTRO (Internal Control Coordinator)

Ms Marta RAMILA (Assistant Communication Officer and Deputy DPO)

Ms Maria CORONADO (Executive Assistant Policy and Communication)

Ms Evvy MADARIAGA (Administrative Assistant Accountancy)

Ms Gregoria CUESTA (Assistant to the Executive Director)

Mr Mantas BLINSTRUBAS (Policy and Communication)

Unit Resources and IT (Unit 1)

Mr Niall MCHALE (Head of Unit)

Ms Donianzu MURGIONDO (Deputy Head of Unit)

Mr Andrej DUBOVSKIJ (Head of Sector Finance and Procurement)

Unit EU Waters and North Atlantic (Unit 2)

Mr Mario LOPES SANTOS (Head of Unit)

Ms Cristina MORGADO (Deputy Head of Unit)

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

Unit Coast Guard and International Programmes (Unit 3)

Mr Pedro GALACHE (Head of Unit)

Mr Vytautas LUKAS (Deputy Head of Unit)

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

ADOPTED AGENDA



Agenda of the 40th meeting of the Administrative Board of the EFCA

on 20 April 2023

09h30 – 13h00

15h00 – 17h00

(D=decision; I=Information)

- | | |
|--|---|
| 1. Approval of the draft agenda | D |
| 2. Information from the Executive Director | I |
| 3. Renewal of the mandate of the Chair of the Administrative Board
and election of the Deputy Chair | D |
| 4. Adoption of EFCA's Annual Report 2022 | D |
| 5. Draft Single Programming Document containing the Multiannual
work programme 2024-2028 and Annual work programme for 2024 | I |

Lunch

- | | |
|---|---|
| 6. Five-Year Independent External Evaluation of EFCA: state of play | I |
| 7. AOB (next meetings) | |