

ADVISORY BOARD MEETING

9 October 2020, via videoconference

CONCLUSIONS

Participants

Advisory Board representatives: Ms Rosa Caggiano (MEDAC), Mr José Beltrán (PELAC), Mr Alexandre Rodríguez (LDAC), Ms Beatrice Gorez (LDAC), Mr Esben Sverdrup-Jensen (BSAC), Ms Ewa Milewska (BSAC), Ms Sally Clink (BSAC), Mr Daniel Voces (MAC), Mr Pedro Reis Santos (MAC), Mr Kenn Skau Fischer (NSAC), Ms Tamara Talevska (NSAC), Ms Puri Fernández (NWWAC), Mr Yordan Gospodinov (BISAC), Ms Mihaela Candea-Mirea (BISAC), Mr Luis Ambrosio (SWWAC), Ms Daniela Costa (ORAC), Mr David Pavón (ORAC).

Administrative Board members: Mr Jakub Mořický (Czech Republic), Mr Peter Lengyel (Hungary), Ms Susan Steele (Ireland), Mr Yiannos Kyriacou (Cyprus), Mr ΘΕΩΝΗ ΠΑΠΑΔΟΠΟΥΛΟΥ (Greece)

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

0. Approval of the Agenda

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

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

The draft agenda was presented by the ED.

The agenda was approved.

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

The ED gave the floor to the ACs representatives to present their activities since the last Advisory Board meeting, highlighting any issue relating to inspection and control that might be of their knowledge.

The MEDAC representative took the floor and updated about its latest activities:

- In the scope of the GFCM Strategy 2021-2025, the MEDAC proposes Actions dedicated to strengthen the cooperation between GFCM and contracting parties for fighting IUU fishing and the harmonisation of the existing measures at regional level with regional inspection and surveillance schemes.
- Adoption by consensus of an opinion on a future MAP for small pelagic species in the Adriatic Sea taking into account socioeconomic and environmental factors. Regarding the environmental factors, the MEDAC believes there is a need to take into consideration other environmental variables as additional factors, other than fishing mortality, such as the pollution, the impact of the climate change, marine litter for the establishment of MAPs (multi annual plans).

The BISAC representative informed about the postponement of the meeting between EFCA, Member States and the Advisory Council due to the COVID-19 related restrictions. She also reported they were following up the implementation of the Landing Obligation (LO) and control issues, and they were gathering information on sales points and landing ports.

The HoU3 intervened to say that the meeting with EFCA is still on their agenda.

The BSAC representative pointed out they were planning, if possible, a meeting with EFCA in Vigo in March 2021. They were working on the recommendations for TAC 2021: the critical issues are the state of Eastern Baltic cod, Western Baltic cod and herring, given the serious situation of these stocks. Regarding control, he also mentioned the closure areas and the control of those areas and the bycatch limit on cod. Already in March 2020, issues of misrecording of herring and sprat were brought up and asked EFCA for an update on EFCA's specific actions. He mentioned that they had discussed with the Commission and MS how to reduce bycatches of harbour porpoises and asked if EFCA had been involved in possible control measures. In terms of species, he also referred to the ongoing discussions on eel, which are caught on the coastal zone, in salt waters, brackish waters and in fresh waters. Finally, he focused on ecosystem related issues, given the critical status of the stocks, and asked if there were any control measures related to *permanetisation* of the fleet.

EFCA ED replied to the BSAC representative saying that EFCA is working on eels and recreational fisheries in the Baltic Sea, however there is a legal issue on EFCA's empowerment for freshwater species. EFCA has started working on the issue of accidental by-catches of cetaceans, such as harbour porpoises, and it has been conveyed in the draft decision for the Baltic Sea JDP for 2021.

The HoU 2 also expressed his wish to being able to organise the meeting in Vigo in March 2021, after having to postpone due to the COVID-19 situation the meeting planned in October 2020. Regarding the issue of the TAC in 2021, he acknowledged the pressure both for the industry and control, as there can be a mismatch between catch opportunities and effort deployed. EFCA has been following up the area closures of this year, but there were questions about the precision of these area closures, were it was clarified, in meetings with the Commission and at the BALTFISH group, that these closures were meant for all the vessels likely to fish cod, including pelagics fisheries that may have bycatch for cod at a reduced percentage. This has been closely followed up in the JDP.

Regarding the misreporting of sprat and herring, there was a specific action in 2020, though it has been jeopardised in the context of exchanges and some boardings at sea for the COVID situation. He appreciated the updated sampling protocol in Poland, as it provided guarantees and it is a step forward in the good direction in terms of control and a level playing field. In the JDP, EFCA is proposing a pelagic sampling guidelines protocol that EFCA promotes and expects all MS to use. Regarding the bycatch of cod, he explained there is no European definition of by-catch. From a control perspective, the compliance with TACs consumption is monitored. As ED explained, it is the first time that EFCA looks into the issue of harbour porpoises and includes it in the JDP. There was a dedicated meeting with the Baltic control expert group including for the issue of eels, which is in the SCIP. About the scrapping of vessels, he clarified it is not within EFCA's remit.

The NSAC representative commented they would also like to organise a NSAC meeting in Vigo in 2021. He acknowledged that the COVID-19 crisis had significantly impacted their work and updated about their ongoing activities. He said that the focus group on Control is now working on CCTVs and electronic monitoring, and that they are still working on the LO in cooperation with the Scheveningen group. On this aspect, he expressed their appreciation for EFCA's technical work on REM and would welcome that the legal framework is in line with the GDPR. Furthermore, they aim at issuing an

opinion on the control regulation by the end of the year. He also explained there is a growing concern on the level playing field in the North Sea, especially on the sanctions and serious infringements.

EFCA ED said he would be very happy of organising this event in Vigo if conditions are met in 2021. He also explained that EFCA believes REM is the adequate technology to check compliance with the LO, after years of experience with the last haul inspections in the framework of specific actions. In terms of efficiency, CCTVs and remote monitoring look like the way forward. Article 15 of the CFP provides for the necessary legal basis and EFCA has provided some technical guidelines based on its expertise on MCS. Regarding the point systems, he clarified it was out of EFCA's mandate, as the Agency coordinates the suspected infringements, and does not always know what the outcomes in the Court are. On the LO, EFCA has carried out a series of specific actions that have brought more transparency and level playing field.

The HoU2 noted that EFCA will attend the NSAC demersal working group on 13 November 2020. Regarding the legal basis of REM, he pointed out that, for instance, Denmark has already a national legal basis for a REM programme, with a quite large number of vessels, that EFCA supported. Moreover, there has been developments of the Coastal Agreement in the framework of the cooperation with Norway, Faeroe and Iceland, where there is an agreement between the parties to work on REM including CCTVs in a pilot project in the pelagic fisheries.

The NWWAC representative explained they were working in the terms of reference on how the ACs could improve their interaction with EFCA and sent it to EFCA in June. Connected with this, a good example of interaction is the workshop that took place in July on the control of the LO. From their perspective, it was very successful as also MS and the Commission attended, and some fruitful discussions took place. They are also working on the issues of plastics and cetaceans, with specific focus groups. Their concerns on control are related to the LO and REM and have already been put on the table as well as the level playing field with regards to sanctions, as already mentioned by our other colleagues from the ACs.

The HoU2 agreed about the satisfaction of the July workshop and the reactions to the results of the LO compliance evaluation. EFCA is also giving more priority to cetaceous, specifically to the linkage between the technical measures and acoustic deterrence devices.

The PELAC representative informed about the following points:

- They are working on the LO and chokes species. He also requested full access to the LO Compliance Evaluations published by EFCA, of which only the executive summaries have been disclosed. The NWWAC also wrote to Member States with the same request.
- He asked for a meeting on control together with EFCA and DG MARE, where also the issue of the gramme size can be addressed.
- PELAC continues to provide advice on the stocks and the related legislation.
- PELAC also focuses on plastic and the farm to fork strategy.
- On regionalisation, their working group counts with different Member States groups.
- Brexit will impact PELAC for 2021, as 11 or 12 stocks are shared with the UK.

EFCA ED explained that the data from the LO Compliance Evaluations belong to Member States, and not to EFCA, and therefore EFCA cannot override Member States decisions on not sharing of the full reports. In the future, it can be discussed with Member States how to be more comprehensive in the communication of these results. He also acknowledged the importance of climate change, as mentioned by PELAC, as it brings about change in patterns for the industry.

The representative of the LDAC updated about their activities linked to fisheries control:



- Ongoing work on how to improve the fisheries control system outside EU waters, including the IUU and the Sustainable Management of the External Fishing Fleet. The LDAC is also promoting the role of EFCA in the external dimension of the CFP.
- Consultation on the International Ocean Governance process and promote the EU in this arena, such as enhancement of transparency and cooperation with RFMOs
- Production of advice for NAFO. The Control and Compliance Committee made a recommendation on the Flemish Cap cod and approved some measures including an area closure and hundred percent control of landing of vessels engaged in this fishery, and this will provide some challenges for EFCA.
- Production of advice for ICCAT in preparation on the tropical tuna, as there is an issue on big eye tuna, with a low level of the stock, and sharks.
- LDAC is promoting regional coordination in the Gulf of Guinea and supports EFCA's work in PESCAO. They understand there have been some disruptions due to the current travel restrictions.
- In the Indian Oceans, on Ecofish project, they are at an early stage, looking to develop some terms of reference.
- On SFPAs, LDAC is strongly advocating for the good use of the sectoral support with actions related to Capacity Building and enhancement of control and surveillance in these beneficiary countries.
- Exploring synergies in maritime governance and surveillance and would like to know more about the Coast Guard activities.
- They are also working, as the MAC, in some areas related to Trade aspects and advised on the review of the trade agreements systems, GSPs, and for a level playing field in control of imports and the labour aspects.

EFCA ED regretted that PESCAO had to be slightly slowed down due to the COVID situation, but remote training has been kept and EFCA is working to adapt the support to the project partners to this situation.

He also clarified the EU Coast Guard cooperation has focused on EU waters so far. EFCA tries to reinforce the EU response to challenges in the maritime domain in our cooperation with EMSA and FRONTEX. EFCA is using satellite monitoring and aircraft surveillance, mostly in the Mediterranean Sea. The Agency has also deployed its vessel and a small drone provided by EMSA. EFCA has addressed fisheries control, safety and security issues. Probably this cooperation could be extended to other areas in the future and would imply a step forward in terms of compliance and level playing field.

EFCA ED welcomed LDAC's work on the Trade and Preference System as well as on the Labour conditions. EFCA tries to work with MS on the aspects of respect to Human Rights, Labour conditions, and compliance with fisheries regulations in order to bridge the gap between the FAO, the EU, ILO and the IMO systems.

The HoU3 said that in Ecofish there is the possibility to cooperate in risk management.

The LDAC representative thanked EFCA for following up on the different issues and understood the difficulty to carry on with the control operations with the current restrictions.

As regards Labour conditions, they were working on the social dialogue with Trade Unions, ETF and Europeche to prepare a roadmap on a number of areas, such as the review of the measurement of fishing capacity in boats, the implementation of international rules from IMO, ILO and FAO, and a

better alignment of the legislations of these three UN bodies. This roadmap for the next three years can be shared with EFCA.

On NAFO, the LDAC representative also informed that on the cod, they are proud because the industry agreed to have the season closure from January to April. On the gears, there has also been an agreement on the implementation. Finally, on shrimps, LDAC is working on how to convert days at sea into tonnes, also with the Commission. Moreover, LDAC members would like to include a provision on bycatches on shrimps.

The HoU2 stated that on cod having technical measures will improve the situation and that the hundred percent control on landings will be implemented through the JDPs. He also informed that, to his knowledge, the shrimp fishery is starting now with the first vessel.

The MAC representative informed they had produced a number of advices, the first one on the LO, following the request from the Commission to contribute to the Annual Report on the implementation of the LO in 2019. MAC produced an advice stating that information on impact in markets is not available for stakeholders and, as there are temporary exceptions for a number of species in different regions, it makes difficult to assess the impact on the markets. Therefore, they considered that without further relevant data, further analysis is not possible.

He informed they had an exchange of views with MEP Clara Aguilera in September on the control regulation: they addressed the harmonisation of sanctions, the regulation of lots and the direct sales of seafood products. On the LO, she asked about using bycatches of undersized fish for social and charitable causes, for the MAC would not be a problem, but they also warned the LO is not realistic. Moreover, they discussed on recreational fisheries, where she argued that more data was needed. On small scale fishermen, she would like to know MAC views about the provision of covering all vessels (except smaller than 8-10 metres) with VMS, digital logbook, etc. and they explained it was outside MAC's remit.

On control import schemes (IUU regulation), MAC suggested more alignment, interoperability and harmonisation of the import system. He informed that the development of the e-catch system may have an effect for this control. The European Commission (EC) promised the sector to produce a mock up website to test the new tools and share with the advisory councils.

The MAC representative also informed they are working on an advice on Ghana, touching on the issue of illegal fishing. They have also produced an advice on the data collection framework by the STECF as they have found some inconsistencies in price averages (e.g. mackerel). They have also produced an advice on the European Commission's inception impact assessment on the marketing standards framework.

The HoU3 said on the catch tool EFCA is cooperating with the Commission. EFCA also supports the Commission in the implementation of the IUU regulation and took note of the information on Ghana, as the country is covered by the PESCAO project.

The ORAC representative joined recently and informed they are attending the Advisory Board meeting for the first time.

2. EFCA's Annual work programme 2020 implementation

HoU2 and HoU3 provided the main data as of 30 September 2020 for inspections and suspected infringements. They also reported on other EFCA operational activities, namely, on Remote Electronic and Monitoring (REM) and cooperation with Member States (MS) regional groups;

preparedness under the North Sea and Western Waters JDPs in case of withdrawal without a EU-UK fisheries agreement, and Coast Guard cooperation and international dimension.

3. EFCA's draft Single Programming Document: Multiannual work programme 2021-2025 and Annual work programme 2021

EFCA ED gave a presentation on the draft Single Programming Document: Multiannual work programme 2021-2025 and Annual work programme 2021:

- A first draft version of the Single Programming Document containing the Multiannual work programme 2021-2025 and the Annual work programme 2021 (hereinafter the SPD 2021) was adopted by the AB on 22 October 2019. The draft SPD 2021 was notified to the institutions in January 2020. The European Commission issued its written opinion on the EFCA's draft SPD 2021 on 30 June 2020.
- The SPD 2021 follows the multiannual priorities set up in the previous multiannual programming
- Following the European Commission written opinion, the Agency has amended the SPD 2021 accordingly. In particular, objectives 1 and 2 of the Annual Work Programme have been merged.
- A new chapter (30) has been added to the Budget structure of Title III. Taking into consideration the evolution of the expenditure in this Title, the ICT infrastructure costs have been moved under this chapter.
- The six strategic multiannual objectives were presented, as well as the four strategic areas and their relationship with the strategic multiannual objectives and the KPI.
- The operational objectives of the Annual Work Programme 2021 are:
 - Implementation of JDPs and assistance to the Member States and the Commission in EU and international waters
 - Promotion of a risk management based approach and compliance evaluation
 - Support the EU in the implementation of the external dimension of the CFP
 - To strengthen compliance through the implementation of EU international projects (e.g. PESCAO) as regards fisheries monitoring, control and surveillance
 - Improve capacities to implement fisheries control and support other coast guard functions
- The horizontal tasks of the Annual Work Programme 2021 are:
 - Promote a culture of compliance of the Common Fisheries Policy and foster the European Union values
 - Provide the EFCA Administrative Board with the capacity for achieving its responsibilities in governance and expertise
 - Ensure an effective dialogue at the level of the Advisory Councils through the Advisory Board
 - Ensure the Agency representation, cooperation, dialogue and transparency with other institutional bodies, EU agencies and third parties
 - Ensure the optimisation in the allocation and use of EFCA's resources in accordance with the principle of sound financial management and with the guarantee concerning the legality and regularity of the underlying transactions
 - Ensure the rationalisation, simplification, scalability and streamlining of EFCA's processes

4. The way forward: draft Single Programming document: Multiannual work programme 2022-2026 and Annual work programme 2026



HoU3 gave a presentation on the draft Single Programming Document: Multiannual work programme 2022-2026 and Annual work programme 2022:

- The draft Single Programming Document containing the Multiannual work programme 2022-2026 and Annual work programme for 2022 takes into consideration the Commission opinion on the draft Single Programming Document for 2021-2025 of 30 June 2020.
- The draft SPD 2022 acknowledges the new guidelines described in the Communication C(2020) 2297 for the year 2022-2026 and takes into account the results on key performance indicators of the Administrative Board Working Group and the recommendations expressed by the Internal Audit Service (IAS) on 21 December 2018.
- The Agency has enhanced the quality of the KPIs in limiting their number and reviewed and streamlined the objectives, results and outputs of both the Multiannual Programming as well as the Annual Work Programme.
- A direct link has been established between each multiannual objective and area of intervention.
- The objectives set in the Annual Work Programme were simplified.
- The multiannual objectives are
 1. Enhanced coordination of fisheries monitoring control and surveillance
 2. Promote compliance through an effective and harmonised application of Union inspection procedures
 3. Assist the EU in its international dimension in accordance with article 30 CFP Regulation
 4. Provide operational support to national authorities in Coast Guard functions
- The operational activities of the Annual Work Programme 2022 are:
 - Effective coordination of joint fisheries control operations
 - Development of methodologies and fisheries information systems in support of MCS activities
 - Development of methodologies and fisheries information systems in support of MCS activities
 - Support the EU in the implementation of the external dimension of the CFP
 - Strengthen compliance through the implementation of EU international projects as regards fisheries monitoring, control and surveillance
 - Support to fisheries control and other national authorities working in the field of Coast Guard functions
- The horizontal activities of the Annual Work Programme 2022 are:
 - Promote a culture of compliance of the Common Fisheries Policy and foster the European Union values
 - Ensure the smooth and secure functioning and availability of administrative and operational applications
 - Ensure sound management and efficiency in key governance and administrative processes

5. How to enhance the interaction of EFCA with its Advisory Board

EFCA ED presented a summary of the different contributions received by the Advisory Board members on the issue of how to enhance the interaction of EFCA with its Advisory Board. The Advisory Councils who sent their contributions on written to EFCA were the BSAC and PELAC, who did it jointly, the AAC, the NWWAC, the LDAC and the MEDAC. As there is a variety of different suggestions, he proposed to have an individual follow up with bilateral meetings.

The LDAC representative explained that they acknowledged some of their proposals were a bit provocative, but they would like to be free, also in the light of the new external evaluation coming

up. Regarding the training calendar they proposed, he recognised it may be difficult but he would encourage more transparency about the follow up of the trainings. He also added that representation of the ACs in EFCA's Administrative Board is an old issue, but still some flexibility was needed as the current system of only one representative is not working. He understood that some ACs are not in favour of drafting terms of reference as such, but some more guidelines would be appreciated.

The BSAC representative appreciated EFCA's engagement with the BSAC participating in their work and in light of the revision of the Common Fisheries Policy. He also made the question whether Advisory Councils are meant to advise or inform.

The NWWAC representative said fishermen need to know on the work done that affects them. ED proposed to discuss about how to communicate with the stakeholders in the framework of the steering groups.

The MEDAC representative asked for having a focal point in EFCA and two representatives in the Administrative Board, instead of one.

6. Rotation of the Advisory Board representative in the EFCA Administrative Board

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

The HoS P&C informed on the letter received by the AAC on 26 June 2020 asking to skip its turn in the rotatory system.

7. AOB

