



ADVISORY BOARD MEETING

23 February 2016, Brussels

CONCLUSIONS

Participants

Advisory Board Representatives: Ms Vera Ohms, Mr Jose Beltran (Pelagic AC), Mr Reine Johansson (BSAC), Ms Rosa Caggiano, Ms. Erika Monnati (MEDAC), Mr Niels Wichmann (NSAC), Mr Alexandre Rodríguez, Ms Manuela Iglesias (LDAC).

European Fisheries Control Agency: Mr Pascal Savouret (ED), Mr Pedro Galache (HoU C), Ms Karin Hermansson (HoU B) and Ms Petra Spaniol (PO – Unit B).

1. Introduction and State of play in each Advisory Council (AC)

The ED opened the meeting by welcoming the AC representatives and pointed out that a summary of the outcome will be reported to the Administrative Board on 10 March, where the AC observer can take the floor as well.

He outlined that EFCA had closed a very positive year 2015 with a wide range of achievements, which will be further detailed under agenda point 2 (Annual Report 2015). It was highlighted that EFCA in 2016 will be involved in the EU pilot project on the European Coastguard capacity, together with EMSA and FRONTEX. Main focus of the project will be collaboration and exchange of data, but further dimensions are envisaged, including joint field operations and the development and/or compilation of core curricula for training. Additional resources will be attributed to EFCA for these new tasks and the Founding Regulation of the Agency has to be amended accordingly. More information was to be given under agenda point 5. Finally he confirmed EFCA's strong commitment to assist the MS in their control tasks to implement the CFP and gave the floor to the ACs to present their respective state of play.

The BSAC's Chair pointed out two crucial elements. First, special obstacles for the implementation of the Landing Obligation (LO) for the demersal fisheries could occur, if no political consensus could be reached regarding the current authorised gears. Second, he stressed that discussions and decision making took place only at political level without considering technical expertise. However, the BSAC considered crucial to involve fisheries control services from the MS in the decision making process and to give them the opportunity to express their opinion on the envisaged measures, since they had to enforce them.

The ED reminded that an Advisory Council had created a focus group on control and that might be an example to follow for the BSAC which then could liaise with the different control bodies to launch a dialogue. Karin Hermansson agreed that control experts should be involved from the very

beginning in any process. Industry and administrations will focus the same problems from different angles. However, this issue was not a novelty and the European Commission and the national ministries were very aware of the problem.

The ED envisaged that the EFCA could facilitate the dialogue between control experts and ACs. However, he underlined that the focus had to be reduced to some very technical topics, in lieu of more general or even political discussions. He suggested putting this option forward by consulting with the MS prior engaging any action with the ACs.

Pedro Galache added that the discussion between control experts and ACs could as well be promoted in the meetings of the control expert groups.

Ms Vera Ohms (Pelagic AC) informed that they had just started a Focus Group, with mostly positive experiences. The challenge was that the Pelagic AC had to discuss with several Regional groups, whilst it would be preferable having just one regional subgroup focusing on and limited to the Pelagic species. Help was asked from EFCA to get involved in joint workshops and seminars with the Regional Groups.

In general terms, the Pelagic AC considered important being involved already at the stage of drafting of the Control Expert Group reports (e.g. Scheveningen group) since their inputs could have helped improving the results. By now they have been consulted only on the final documents.

Finally, the importance of harmonizing the control mechanisms throughout the MS was stressed in order to guarantee a level-playing-field, both regarding EU and third country vessels.

Pedro Galache confirmed that the joint inspection campaigns were focusing both on EU and third country vessels. He added that the Regional groups (NWW Group, SWW Group and Scheveningen group) recognised the need to coordinate their actions for the pelagic fisheries in order to guarantee a level-playing-field. This was crucial since vessels were passing from one area to the other. EFCA could propose a dialogue (workshops, seminars) between the joint regional group and the Pelagic AC. However, it was pointed out that the regional groups are not an EFCA forum, and therefore EFCA could not initiate any action without the formal consent of the MS.

The NSAC's Chair expressed that the implementation of the LO for demersal species as it came into force on 1. January 2016 was considered very complicated. A species approach for the phasing in as proposed by the NSAC would have been easier; however, this proposal was rejected by the MS group. By now it is not yet clear how the decisions for 2017 and 2018 will be shaped. The biggest problems for the management and control of the LO were faced with regard to the exemption possibilities. It was pointed out that cod is only to be covered when the cod plan is changed to a multi-annual management plan. The NSAC is invited to participate in the next meeting of the Scheveningen group in March, in order to give advice on control issues. Regarding practical issues directly related to control, no experiences could be reported yet since the rules were only in force for 2 month.

With view to the cooperation with the regional groups it was reported that the situation had improved and that more communication was taking place now.

Mr Alexandre Rodriguez (LDAC) summarised the experiences with the implementation of the LO and reminded the specificities of the external waters. According to an external expert study some conflicts with international rules were identified (RFMOs: NEAFC, NAFO or other international organisation). A second study was launched in order to identify how to overcome these conflicts. The reports are still pending.

With view to 2017, LDAC had suggested to the Spanish Authorities the creation of a group of Member States, to prepare a discard plan and identify the species defining the fisheries. The MS working group should involve control experts and AC representatives to identify and coordinate problematic issues.

Some other priorities were highlighted, such as the external dimension of the CFP. It was referred to the recommendations elaborated in the recent LDAC seminar in Las Palmas, where it was considered crucial to provide assistance to SFPAs countries. The LDAC representative stated that the EFCA should have an enhanced capacity building role in the support to coastal states for improving their infrastructure, control capacities, etc. He also added that regarding the regional dimension for the highly migratory stocks, EFCA should be involved in the discussion with the African regional groups in order to provide capacity building in form of e-learning tools, Core Curricula or technical training on the spot.

Moreover, concerns were raised regarding the implementation of the Fishing Authorisation Regulation No. 1006/2008 (FAR), where coherence had to be ensured with the Control Regulation and the IUU Regulation. The LDAC representative considered crucial in the fight against IUU to create a common electronic system to provide immediate information to flag State authorities on fishing authorisations granted by third country coastal States for their vessels. Such a system could be developed as an “one stop shop” providing at the same time information on fishing licenses, e-logbook, VMS data, etc., and could be combined with the penalty point system. The LDAC representative concluded that it could even serve for the verification of IUU catch certificates. Additionally, with such a control tool the engagement of the third countries coastal States could be strengthened.

EFCA will be invited to give some key information on the NEAFC / NAFO JDPs in the next LDAC meeting of WG II, which will take place in April in Brussels.

Finally, the LDAC representative informed that they would participate in the public consultation on the evaluation of the Control Regulation, where they would propose to move towards electronic MCS systems and e-documentation and to involve EFCA correspondingly.

The ED referred to the capacity building activities for third countries and explained that this had already been done since 2014, but that the action was currently limited to 3 countries per year. However, some additional funds might be attributed to EFCA in 2017 by DG DEVCO and thus the training activities for third countries could possibly be enlarged.

Regarding the fight against IUU, EFCA replied that it would welcome a more operational role in terms of coordinating MS activities.

With view to the use of electronic means in fisheries control, Karin Hermansson agreed with the statement of the LDAC representative that common databases for fishing licenses, fishing authorisations and IUU catch certificates would be very valuable tools. However, it was clarified that it was not in the intention of the Commission to establish a common electronic IUU catch certificate. She referred to the ongoing development of a database compiling certain information from IUU catch certificates received by MS upon importation of the products. EFCA from 2016 onwards will be part of the technical working group established by DG MARE to this regard.

Moreover, she stressed that the available training material developed by EFCA should be used to the widest extent possible. The ACs were encouraged to engage into an exchange and to present their feedback to EFCA.

The MEDAC referred to the implementation of the LO and pointed out the good relationship and the officially established collaboration with MS. An open exchange and discussion with the administrations was important to overcome obstacles.

Regarding national and EU control activities, no particular issues were observed, nor did the de-minimis regime cause any problem for the time timing. However, this might be due to the current limitation of the regime to the small pelagic species. The situation could change with the implementation of the LO for the demersal species. MEDAC stakeholders were well informed and in general an improvement in the behaviour and commitment of fishermen could be observed. Since for the time being no sufficient scientific data was available, 2016 will serve for data collection in order to obtain a better understanding of the situation.

For swordfish an *Ad hoc* working group was organised recently and the Focus groups were enlarged in regional terms.

Finally, it was asked if third country vessels could be identified in EU waters. This was confirmed by EFCA referring to the Marsuv system available to all MS.

2. EFCA Annual Report 2015

A summary of the AR 2015 to be submitted to the AB for adoption was presented, which included, *inter alia*:

- details on the implementation of the JDPs with 17.000 inspections coordinated and 703 suspected infringements identified;
- outline of the support for the implementation of the LO, e.g. by regional projects, workshops and seminars, collaboration with regional bodies;
- achievements within Data Monitoring and Networks, i.e. the new EFCA Enterprise Architecture, contributions to the ERS and data management meetings and participation in RPAS projects;
- new technologies for maritime surveillance, i.e. the EFCA MARSURV service enhancement, participation to the CISE and Copernicus projects, RPAS technologies, interagency cooperation, information sharing and best practices;
- evolution of EFCA training activities with 690 inspectors trained in 38 events;
- Core Curricula courses published and available on the EFCA website and the EU bookshop;
- development of the EFCA E-learning platform as a basic tool for general information and tutorials;
- assistance to the European Commission in the international dimension of the CFP;
- Capacity Building in 3 SFPAs together with MS (Guinea-Bissau, Sao Tome and Principe and Senegal);
- IUU evaluation missions in support to DG MARE and analysis of catch certificates and supplementing documents;
- IUU workshops and seminars for MS officials on the implementation of the IUU Regulation and the verification of catch certificates.

After the presentation the floor was given to the ACs for comments.

The NSAC asked on the locations of the joint training courses. Pedro Galache replied that these regional trainings were usually hosted by a MS, and also EFCA staff was participating in national training events. The NSAC informed that they were discussing with national administrations to organise trainings for fisheries inspectors in education centres for fishermen in order to reach a better harmonisation and exchange.

3. Exchange of views: Activities within the framework of the Single Programming Document - Multiannual work programme 2017-2021 and Annual work programme 2017

The ED referred to the SPD as it had already been presented to the Advisory Board in October 2015. Since then no changes occurred except the new tasks with regard to the EU Coast Guard Functions (as outlined earlier in the introduction). Moreover, it was envisaged to enhance the capacity building activities for third country with new resource allocations to be granted by DG DEVCO.

Priorities were presented to be:

- Support the regional implementation of the Common Fisheries Policy (in particular of the landing obligation) and related maritime strategies;
- Support the Union in the international dimension of the CFP and the fight against IUU activities;
- Support the European Commission, the European Parliament and the Member States in the proceedings of the expert group on compliance;
- Provide training activities and training material in support of the effective and uniform application of the CFP based on the Core Curricula which will be kept updated.

No interventions were made by the ACs.

4. Conflict of Interest

EFCA gave a presentation on its reinforced policy on the prevention and management of conflicts of interest, which was initiated by a Resolution of the EP of April 2015. In order to contribute to a greater transparency, the scope of this policy will be extended to the Advisory Board members with the obligation to submit an annual declaration of (financial) interests and their CVs, which will then be published on the EFCA website. During its next meeting on 10 March 2016, the Administrative Board will make a decision and if approved, the Advisory Board members will receive the templates to be completed and signed.

5. European Union Coast Guard Capacity

EFCA informed about the Commission proposal towards a EU Border and Coast Guard to be established as of 1. January 2017, and about a corresponding Pilot Project to which EFCA will participate in 2016 together with EMSA and FRONTEX. This project will develop and test the implementation of the following 4 tasks:

- Task 1: sharing information,
- Task 2: providing surveillance and communication services,
- Task 3: capacity building,
- Task 4: capacity sharing.

EFCA will be coordinator for task 3, capacity building, whereas for the other areas input and support will be provided. To this regard, the EFCA Funding Regulation will have to be amended and additional financial and human resources will be allocated in the course of the year.

Moreover, EFCA informed about the already carried out participation in a patrol mission together with FRONTEX on board of an Italian patrol vessel.

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

The EFCA presented the yearly rotation system agreed by the Advisory Council representatives. The representative of the Advisory Board in the Administrative Board until 1 March 2016 is the NSAC, and the alternate the MEDAC. From 2 March 2016 until 1 March 2017 representative will be the MEDAC, alternate the NWWAC.

The NSAC suggested electing a representative for a period of 5 year, because the rotation on a yearly basis was not suitable. BSAC agreed and proposed to discuss this question internally and to come up with a consolidated proposal.

The ED agreed that different business models were possible. He invited the Advisory Board to come up with a proposal which would then be discussed with the AB. He suggested that as well the format of the Advisory Board meetings could be changed, if the AC representatives wished so.

The LDAC representative expressed that they were happy with the format, but he suggested including a list of action points at the end of the minutes of the Advisory Board meetings.

7. AOB

No interventions.

Encl: - presentations