



ADVISORY BOARD MEETING

21 October 2019, Vigo

CONCLUSIONS

Participants

Advisory Board representatives: Ms Chloé Pocheau (SWWAC), Ms Rosa Caggiano (MEDAC), Mr José Beltrán (PELAC), Mr Alexandre Rodríguez (LDAC), Mr Esben Sverdrup-Jensen (BSAC), Mr Daniel Voces (MAC), Mr Niels Wichmann and Ms Tamara Talevska (NSAC) and Mr Daniel Buhai (BISAC).

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).

Administrative Board: Mr Micheál O'Mahony (Ireland)

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 and highlight any issue relating to inspection and control that might be of their knowledge.

The MEDAC representative took the floor on the following items:

- She highlighted their contribution to the draft multiannual plan (MAP) for demersal stocks in the Adriatic Sea and the need of socioeconomic indicators. For that purpose, a permanent working group on socioeconomic impact of the measures was created, including both the professional sector and environmental NGOs. She acknowledged it has been the first draft MAP addressed with different scientists working together, both from STECF and SAC/GFCM.

European Fisheries Control Agency

Email: efca@efca.europa.eu – Tel: +34 986 12 06 10 – Fax: +34 886 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 MEDAC representative expressed its opinion on the proposed Fisheries Restricted Areas:
- On the Fisheries Restricted Area (FRA) in the Ligurian Sea “Maledetti Shoal Sensitive Habitat”, the MEDAC gave an unfavourable opinion, as it was not duly consulted.
- On the Fisheries Restricted Area (FRA) in the Bari Canyon in the Adriatic Sea, the MEDAC gave a favourable opinion.
- She highlighted the need to take into consideration that the Tyrrhenian and the Adriatic Sea are very different due to the geomorphological characteristics. She said that the MEDAC expects the draft MAP for the Adriatic Sea to follow the suggestions and opinions of MEDAC, such as considering more management tools as the spatial planning and the fleet capacity.
- Control measures: All the members agreed on the joint inspection scheme, also covering Albania and Montenegro. She stated that the professional sector and some NGOs, such as WWF, are in favour of all vessels having VMS and electronic logbook. Italian operators are in favour of electronic tools for trawlers but expressed their opposition to any tool that would imply extra costs.

The ED asked her about the social unrest of some ports in the Adriatic Sea, following up some Italian media to which the representative of the MEDAC responded that the protest came from only a small part of the fisheries sector, not represented by the MEDAC or any other fisheries association, specifically in Puglia, and therefore the MEDAC had not addressed specifically the issue.

The representative of the BISAC stated that it was its first meeting, as it is the youngest advisory council, so that he would act more as an observer. On species under discussion in the AC, part of them are not in the framework of the JDP. He stressed that more cooperation with Member States would be welcome. Their recommendations address the necessary harmonisation of legislation for both Romania and Bulgaria, the EU countries in the Black Sea, also entailing sanitary rules or the role of auxiliary fishing vessels.

The HoU3 confirmed that the JDP is functioning well in the Black Sea. The procedures for sanitary rules and the classification of fishing vessels are subject to be discussed with the EC, EFCA offered to present its activities in the framework of the JDP in the Black Sea AC.

The representative of the BSAC expressed its gratitude to EFCA for joining the BALTFISH Forum meeting on 3 September 2019 on the future of the reform of the CFP. He also informed on the BSAC contribution to the control regulation and highlighted some key issues that are causing concern for the fishermen in the Baltic Sea, such as how to deal with pelagic fisheries unsorted catches when there are differences between the Baltic and the North Sea. He also mentioned differences in sampling procedures for HER and SPR landings that were addressed in a workshop organised both by Denmark and Swedish control authorities. He also referred to the emergency measures for Eastern Baltic cod and asked how this would be controlled.

On a different note, he mentioned he had received a questionnaire from the Court of Auditors, as a key stakeholder, on EFCA’s performance. He considered that for advisory councils it was very difficult to answer these questions and would decline the questionnaire writing a letter with their opinion.

With regards to the issue of by catches, EFCA ED reminded that issues regarding the control regulation, should be addressed to the EC. HoU2 said to be aware about the different specific regulations in the North and Baltic Sea. He explained that EFCA had produced a sampling protocol in the framework of the JDP specific action for herring and sprat. However, after the specific action

was finalised, some MS went back to old practices. The pelagic fisheries sampling protocol would be promoted as a general practice at the JDP 2020 decision. He also pointed out the importance of the emergency measures for Eastern Baltic cod, which were already identified in the risk analysis with the MS.

The representative of the BSAC expressed its gratitude for the efforts made acknowledging the progress made between Swedish and Danish inspectors for more uniformity.

The representative of the LDAC pointed out the following issues:

- Review of the Control Regulation with the view of an increased role and involvement of EFCA in the external dimension of the CFP: particularly EFCA's expertise could be used to develop the technical specifications for achieving an effective implementation of the IUU Regulation; promoting a regional approach to fisheries management, Monitoring, Control and Surveillance and fight against IUU fishing (e.g. PESCAO) and enhancing capacity building and training in third countries linked to the SFPAs.
- Implementation of the Sustainable Management of the EU External Fishing Fleet ((EU) Regulation 2017/2403): The LDAC welcomes the imminent creation of the EU public register for fishing authorisations to achieve more transparency. This register is not yet in place because of its complexity in terms of IT support, as well as procedural delays and budgetary constraints, however it should be delivered by the end of 2019.
- EFCA's participation at a recent Workshop held in Madrid on 18 September 2019 under the title '*Bridging fisheries sustainability into the High Seas-South West Atlantic*' in the framework of the FARFISH Project H2020 – Atlantic South West (ASW –FAO 41): The main goal of this meeting was to address the governance challenges in High Seas, specifically in the FAO 41 area. EFCA provided there a comprehensive presentation on the SCIPs/JDPs functioning in international waters. The meeting identified two areas where EFCA could play a valuable role as member of the External Advisory Group of the project: to help to develop a methodology for cross checking VMS and AIS, and secondly, as a first step, to conceptually develop a template for a regional JDP for international fleets in the area.
- Exchange with COMHAFAT on social dialogue and the need for a global vision for the West Africa region, including piracy and security. An upcoming meeting on the social dialogue with COMHAFAT will take place.
- Under its own initiative in the second half of 2018, the LDAC started to carry out a performance review study. The LDAC has now initiated phase 2 of the project, which will look at work collaboration and external relations with EU and international organisations. It will contain a specific section on its work with EFCA and interviews will be performed and questionnaires submitted to relevant EFCA staff.

Both EFCA ED and HoU3 thanked the LDAC for their support and mentioned EFCA's limitations in terms of mandate but especially resources.

The ED took the opportunity to inform the ACs about the UN Ocean Governance conference from 2 to 6 June 2020 in Lisbon, which could be a good opportunity for reflecting more on the management and control capacity of the FAO 41.

The LDAC representative also asked about the state of play of the REM guidelines, and EFCA ED informed they were approved by the Administrative Board and available on EFCA's website.

The MAC representative started his intervention pointing out that Spain organises the Torremolinos conference on fishing vessels safety and that informed about a high level meeting planned between the social partners with the Spain and ILO to promote the ratification of the Work Fishing Convention No 188. For the new Commission the social agenda is very high.

He highlighted the main areas of work:

- Landing Obligation: During the last MAC meeting in September 2019, the Chair of WG1 explained that the MAC previously decided to wait for the full implementation of the landing obligation before making any assessment. Fishing industry stated that fish below minimum size could not be sold for human consumption and that this would distort the market; retailers argued that there was a perception that the LO was not being fully implemented and that it would have an impact on the reputation; NGOs drew attention to a workshop organised by the European Commission (EC) on the enforcement of the landing obligation, where it was discussed how the implementation was not effective. The Chair argued that, from an AC's point-of-view, it would be important to see figures, including how much additional fish was landed and proposed to have a meeting in January 2020.

EFCA asked where the data would come from and the MAC representative responded it had to be seen, but probably from a set of institutional sources, such as EUMOFA, JRC, STECF, etc. The LDAC representative pointed out that data could come from different places but they could be part of the expert groups to work on the data and include it in a comprehensive framework.

- Marketing standards for processed products: Standards for these products are almost 30 years old ((EEC) No 2136/89, (EEC) No 1536/92) and might be updated in accordance with the requirements of the CFP. Most of the MAC stakeholders further called for the revision, harmonisation and simplification of these regulations, including for fresh products, which should be refunded in a unique text for legal clarity. The EU industry of preserved tuna and sardines is of the view that the above-mentioned regulations were still suitable and should not be changed. MAC believed more efforts are needed when it comes to harmonised implementation of EU regulations and supports more controls in the market. The MAC would like to stress the importance of coherence with other EU rules (food safety, hygiene, consumer information, IUU regulation, control and conservation rules) as well as with other relevant standards. The EC had stated that they would integrate MAC opinion in the staff working document that would be published in the last quarter of 2019 on the evaluation.
- Level Playing field: In the context of the MEP Linnea Engstrom INI Report on the implementation of control measures for establishing the conformity of fishery products with access criteria to the EU market, from September 2019, the MAC adopted a comprehensive advice with a view to identify if and where EU legislation establishes an uneven playing field between EU and imported products, and/or between EU products depending on the way of production (fresh/frozen/processed), in the field of fisheries and aquaculture with regard to the access to the markets. The advice covers proper hygiene rules through strengthened audits in third countries and proper border checks, common customs code & tariffs, as well as the fisheries Control Regulation in EU waters to apply irrespective of the flag of the vessels, for both EU MS and non-EU vessels.

It is recommended that the IUU Catch Certificate is improved to include the exact identification of the fishing vessel (e.g. IMO number) and identification of the exact date and location where the catch took place. Additionally, the MAC welcomes the recent launch of the electronic database for the submission and handling of Catch Certificates. Moreover, sanctions and point systems should be harmonised across the EU and sanitary controls improved.

- EMFF: Regarding control and enforcement, the EC agrees with the MAC that funding should be provided to implement the proposed new electronic EU system for the Catch Certification

Scheme (CATCH). The EMFF can support the development of catch certification schemes under the control and enforcement budget line.

The representative of the SWWAC informed they had issued their opinion on the control regulation proposal.

The representative of PELAC summed up their main areas of activity:

- Landing obligation: Its implementation continues to be one of the biggest challenges as it has caused problems on choke species. Using the Choke Mitigation Tool, they keep working to avoid the premature closure of fisheries and they have submitted a recommendation in response to the new Disposal Plan for Demersal species in the North Sea and NW Waters.

- Control focus group: A PELAC focus Group on Control has been created with the objective of evaluating and developing recommendations to the Commission proposal on the Fisheries Control System. A complete document was sent to the European Commission.

- Multiannual Management Strategy. The development of a multi-year management strategy has always been a key objective for the PELAC. They are currently working on a genetic research project, together with an acoustic study, to differentiate the 6a North and 6a South and 7bc herring stocks. Another study on North Sea horse mackerel continues, and has extended to the NWW population. With the new ICES assessment of the stock of Western horse mackerel, the focus group has tried to develop a management plan that, given the current situation, could result in a reconstitution plan. The focus group on blue whiting is working to develop an appropriate management plan for stocks subject to high fluctuations in recruitment. Other species, such as the herring of the Celtic Sea, are being studied.

- Recommendation on TAC and Quota and other short-term management measures: Proposals are formulated based on the recommendations received by ICES in July and October.

- Fisheries Management based on the Ecosystem Approach: The lack of motivation by stakeholders for this approach continues to be a problem for its implementation. A specific Focus Group has been created to protect the spawning areas of the herring from other activities outside the fishing activity, such as seismic activities or the construction of wind turbine farms. This analysis study could be transferred to other stocks, but the lack of resources and capacity has slowed the progress within the PELAC.

- Regionalisation: The nature of the pelagic stocks made it necessary to apply regionalisation. PELAC has required the establishment of a regional subgroup for pelagic stocks, but it has not been achieved. The information received from the regional groups is limited.

EFCA asked about the issue of wind farms raised by the representative of the PELAC.

The representative of the BSAC said they would like to have more information on the herring spawning grounds, as it seems there is an overlap between the wind farms and its spawning grounds. On his side, the MAC representative said it was a worrying project certainly for some sectors in the UK, Denmark and Netherlands, as it overlaps with the fishing activity. He informed that the first action would be addressed to the European Parliament, and then they would organise a workshop.

The BSAC asked about the way EFCA interacted with Frontex issues, explaining that fishermen are obliged to contact their border authorities to have passports inspected. In Denmark they need to travel far to have passports checked for the border control scheme. He also raised the issue of communication with Lundy Sentinel, for example when they are in French waters and are addressed

by Spanish inspectors. It would be a good idea to inform the fishing fleet on how the EFCA vessel operates and what to expect.

The ED took on board the question of languages when inspecting vessels and suggested benchmarking the concept of the international maritime organisation standard vocabulary to develop a standard vocabulary to facilitate the inspections. He also explained that EFCA has a good cooperation with Frontex and could bring this topic to the dialogue.

The representative of the NSAC commented on the following issues:

- Wind mills: For many years they have an ecosystem working group that deals with activities other than fisheries, such as natural sites or windmills.
- Brexit: As a consequence, the secretariat has moved from Aberdeen to the Netherlands. Tamara Talevska is the new Executive Secretary. A new Chair has been elected, coming as well from the Danish association.
- Control working group: It has given advice for the control regulation, which was published on 3 April and available on the AC website.
- Landing Obligation: For the last five years, the AC has given 16 pieces of advice on LO and its development, which have been submitted to the Scheveningen Group. Much of the focus has been made on the possible exceptions, as they make control and data collection more difficult, and have implications like the lack of awareness on discarding behaviours in the North Sea. The AC believes it is time to start looking at the revision of the CFP, and make changes in article 15, as it does not work. There is a logistical problem as undersized fish can go to pet food, fish food or fish oil, but there are many places for landing.
- Control regulation: There will be a meeting with the Scheveningen Group, on 31 January in Berlin, with much focus on Brexit. In the North Sea there will be EU, UK and Norway, with maybe three different legislations on control. EFCA should reflect this into its work programme for over the next years.

The ED made a short state of play of the EFCA preparedness in case of a no-deal Brexit.

Regarding the Landing Obligation, the AB representative of Ireland said there are other answers to the ones proposed, as there is a much wider scope for usage of fish below minimum size.

2. EFCA's Annual work programme 2019 implementation

EFCA ED provided the main data as of 30 September 2019 for inspections and suspected infringements. He also reported on the no-deal Brexit preparedness, the cooperation with Regional Groups, the European cooperation on Coast Guard functions and the PESCAO project.

The representative of the LDAC asked who was taking care of the regional FMCs within PESCAO. The HoU3 replied that it depends, sometimes the States operate national centres, and in other cases, such as in the regional body FCWC, based in Ghana, they are acquiring a regional system that other countries could use as the national FMC.

3. EFCA's draft Single Programming Document: Multiannual work programme 2020-2024 and Annual Work Programme 2020

EFCA ED did a presentation on the draft Single Programming Document:

- The SPD 2020 was first presented to the Administrative Board in October 2018, then notified to the institutions in January 2019 and takes into account the Commission written opinion issued on 18 July 2019, as well as comments provided by the Commission after circulation of the document to the Board.

- The SPD 2020 has been substantially streamlined in its multiannual and annual part. The multiannual programming is structured around six strategic multiannual objectives and four (formerly three) strategic areas. It will keep the legacy of 2019.
- The annual activities have been restructured. The number of operational objectives has been reduced from 10 in 2019 to 6 in 2020. The performance indicators have been reviewed.
- 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 Board members' comments made during the Board meeting on 14 March 2018.
- 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.
- On the operational area:
 - o Implement JDPs and assist the Member States and the Commission in EU waters, the North Atlantic as well as in the Mediterranean Sea and Black Sea
 - o Promote a risk management based approach and compliance evaluation
 - o Support the EU in the implementation of the external dimension of the CFP
 - o Strengthen compliance through the implementation of EU international projects (e.g. PESCAO) as regards fisheries monitoring, control and surveillance
 - o Improve capacities to implement fisheries control and support other coastguard functions
- On the horizontal area:
 - o Provide the Board with the capacity for achieving its responsibilities in governance and expertise, in particular as regards a strategic discussion on the future of the Agency
 - o Ensure inter-agency cooperation and, where possible, streamline and/ or create synergies
 - o Streamline processes of the Agency to become more efficient. At the same time, as referred to in the preamble of the SPD 2020, moving to agile e-administration will help to achieve a good work-life balance at the Agency
- Concerning the budget, in Titles II and III there was a slight decrease compared to last year, in order to align EFCA activities and carry them out in the most efficient way.

The representative of the Baltic Sea said he was aware of EFCA staff to be overworked and asked if the slight increase for next year would solve this issue. He also asked about the workload for the interagency cooperation.

EFCA answered that understaffing in MS on fisheries control is a reality. EFCA has the possibility to decide on negative priorities with its Administrative Board. The cooperation with the other EU agencies has given EFCA more intelligence and data and has made EFCA's activities more efficient.

4. The way forward: draft Single Programming document: Multiannual work programme 2021-2025 and Annual Work Programme 2021

EFCA ED explained that the draft SPD 2021 covers a five-year period from 2021 to 2025, which are the first five years of the next Multiannual Financial Framework (MFF) period. The SPD 2021 will maintain the same level of 2020, as EFCA has been considered an agency working in the Security field.

From the presentation, the representative of the LDAC asked if any recommendation of the five - year external evaluation was considered not implemented. EFCA ED explained that part of EFCA's work has been integrated in the enforcement loop of the MS, and it is not easy to have a demarcation line on what EFCA is doing and what MS are doing when defining indicators. There will probably be a working group to improve this approach.

The ED also presented a proposal. Firstly, EFCA could present the work of the Agency in a session for all of the ACs as many are new. This could include not only a presentation on EFCA, but also an explanation of the different processes and a visit to the Operations room. Secondly, some terms of reference for this meeting would be presented and feedback will be asked. Thirdly, EFCA would support a joint Ex Com meeting of all ACs in Vigo to interact with them in 2020 or 2021.

Both BSAC and LDAC expressed the appreciation to this proposal.

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

The rotation of the Advisory Board Representative in the Administrative Board of EFCA was presented

The representative of the LDAC raised the issue of having more than one representative of the Advisory Board in the Administrative Board meeting as regards to the recommendation 7 of the External Evaluation calling for more and better interaction between the Administrative and the Advisory Boards.

EFCA ED referred to EFCA's founding regulation, as it only caters for one representative. However, the organisation of the rotation system is up to the Advisory Councils. He promised to come back on the issue.

6. AOB