



Administrative Board

Vigo, 21 June 2016

**MINUTES OF THE 25TH MEETING OF THE
ADMINISTRATIVE BOARD
VIGO – 21 JUNE 2016**

0. ATTENDANCE

The Chair, Mr Reinhard Priebe, opened the meeting at 09h30 by welcoming the Administrative Board (AB) members and alternates present at the meeting. He announced that since the last meeting EFCA had received written confirmation about the appointment of the following new members and alternates:

- Latvia
Representative: Mr. Miks Veinbergs
Alternate: Mr Maksims Bizjuks

- Romania
Representative: Mr Nicolae Dimulescu
Alternate: Ms Ancuta Kazimirovicz

Further, he pointed out that the representative of the Advisory Board, as from 01 March 2016, was from the Mediterranean AC and the alternate from the North Western Waters AC.

The Chair reminded the attendees that only the AB members had the right to vote but not the observers, and that the meeting would be recorded.

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

Present	Proxies were given from Slovenia to Croatia, from Malta to Italy, from Austria to Germany, from Estonia to Latvia, from Luxembourg to The Netherlands and in the delegation of the European Commission (EC) from Bernhard Friess to Ernesto Penas and from Hubert Gambis to Francois Ziegler. The EC had five representatives. The EC delegation also included one expert, Mr Staffan Ekwall. The EC delegation having more than one speaker the Commission
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	representatives' and expert's names are quoted in the minutes when taking the floor. The presence list is attached in Annex I.
Quorum	The Chair concluded that the 2/3 quorum of 23 votes was obtained, whilst two votes were missing (EL, CY).

1. APPROVAL OF THE DRAFT AGENDA

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

The representative of Ireland flagged that under AOB he would like to give some information on the state of play of the EFCA 5-year external evaluation 2012-2016.

There were no additional comments on the agenda and thus it was adopted without changes (Annex II).

Following, the Chair mentioned that revised and new documents had been uploaded in Fishnet since Friday, 17 June:

- ❖ On Item 2 – Amendment to the Annual Work Programme for year 2016:
 - Revision 1 of AB Draft Decision amending AB Decision No 15-II-08 of 15 October 2015

New documents:

- Commission Decision Coastguard pilot project
- Commission Decision Coastguard pilot project – Annex
- Commission Decision MARSURV pilot project
- Commission Decision MARSURV pilot project – Annex
- Commission Decision MARSURV pilot project – Budget impact assessment

- ❖ On Item 6 - Staff Regulations Implementing Rules:

The updated versions of the following documents:

- Draft AB Decision GIP Reclassification CA
- Draft AB Decision GIP Reclassification TA 2f
- Draft AB Decision Opting out Telework

- ❖ Two documents would be distributed during the meeting:

- Note for the file Performance indicators in the Financial Statements of the pending amendments of the three agencies Regulations (EMSA, FRONTEX, EFCA)
- Last available version of the pending EFCA Regulation amendment (COREPER 6 April 2016)

The Chair proposed to start the meeting with a comprehensive presentation of the landscape situation regarding the European Coastguard pilot project and the MARSURV system to offer the AB members the opportunity of an open and in-depth discussion, and then to move to the agenda topics step by step, since to a big extent those points were interlinked.

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

❖ **STATE OF PLAY - Presentation by EFCA**

The ED took the floor by underlining the reasons for this additional AB meeting. He reminded that first there were new tasks and a budget increase of 85% envisaged for 2017, which demanded a specific discussion to prepare the necessary decisions and arrangements.

Second, he pointed out that the approval of the AB was requested for the amendment of the Work Programme 2016 with regard to the implementing decision for the pilot projects on the EU Coastguard Capacity (which had already been discussed twice during the last meetings of the AB) and on the extension of the MARSURV system towards a worldwide surveillance with the aim of providing data for cross checks with regard to the implementation of the IUU Regulation. He underlined that the EU Coastguard project would be jointly carried out in cooperation with EMSA and FRONTEX, and the MARSURV project in cooperation with EMSA.

He informed further that DG MARE and DG BUDG requested to amend the Work Programme 2016 by including the preparation of the chartering of inspection capacities in order to be ready for implementation in the beginning of 2017.

Finally, he referred to the necessary amendments in the Single Programming Document (SPD) 2017 related with the pending amendment of the EFCA Founding Regulation.

❖ **Pilot project EU Coastguard Function**

The ED presented a list of tasks identified in the pilot project, and pointed out that discussions on how to define the activities in detail were still ongoing in Brussels. He reminded that the implementation of these tasks are interlinked with the proposed amendments of the Founding Regulations of the three agencies involved (EMSA, EFCA and FRONTEX).

He explained that the new Art 3 of the EFCA Founding Regulation would allow for a wider approach with regard to the management of resources, and in this context the EFCA approach was to use the additional resources to comply with its tasks in the Coastguard project. At the same time the EFCA core business, the Fisheries Control Capacity, should benefit from synergies therewith.

An important aspect was to define the relationship between the three agencies, which had to be defined by the three ABs. Therefore, the EC and MS representatives were invited to give their opinion on the content of the future Tripartite working arrangement, and to discuss some Terms of References in order to give EFCA ED the lines of what should be discussed with EMSA and FRONTEX.

He reminded that the cooperation with FRONTEX was already ongoing, and mentioned as example the very valuable exchange of information in the context of the 2016 Bluefin Tuna campaign in the Mediterranean JDP, where by now 90 sightings reports referred to fishing activities had been received.

❖ **Future cooperation in Coastguard functions**

With this introduction, the ED passed the floor to the Head of Unit C, Mr Pedro Galache, who presented the draft Terms of Reference for the future working arrangements regarding the cooperation with EMSA and FRONTEX, and gave some indication for possible future practices. He came back to the example mentioned earlier by the ED on cooperation with FRONTEX in the Mediterranean campaign, which had been planned and executed in full transparency and cooperation with the MS. He underlined that regular stakeholder meetings and common trainings for Fisheries inspectors were organised together with FRONTEX, and that information on 90

sightings had been shared with the MS. Moreover, MS and EFCA fisheries inspectors participated in FRONTEX missions and an exchange of control centre staff took place.

He underlined that exactly the same standards established in the JDPs should be maintained in the Coastguard pilot project, and that MS would be fully informed and included in the discussion.

Two very specific examples of cooperation with FRONTEX were outlined: The first referred to the exchange of information on sightings, for which a particular form had been developed so that the relevant information could be transmitted in an immediate and systematic way by FRONTEX, allowing for a quick data cross check and feedback, e.g. on vessel identification, fishing authorisations in RFMO areas, etc. The second referred to the fact that EFCA staff participated in monthly briefing meetings with FRONTEX on the means active in the MED area. The purpose of those meetings was to identify possible interests to do an inspection by analysing the additionally gained information.

Coming back on the future working arrangements to establish the modalities for the Interagency cooperation for the Coastguard functions, he pointed out that the cooperation had to be established within the mandate of each participating agency as established by the draft amendment of the respective Agencies Founding Regulations. To this regard, the main lines of the Tripartite working arrangement had to be approved by the AB.

He repeated that it was of utmost importance to maintain full transparency and that he counted on the acceptance of the MS concerned for the different actions to be implemented. In this sense, the creation of an implementation group with the participation of MS and Agencies experts and the establishment of Standard Operational Procedures (SOPs) was envisaged. The underlying objective was to provide to the best extent possible support to MS, either directly to the national authorities or indirectly via cooperation between the agencies. A yearly decision cycle would be established along the chain “drafting – discussion – consultation – approval – evaluation”, including the identification and definition of possible services, definition of KPIs and performance monitoring.

The Head of Unit B, Ms Karin Hermansson, added that for the implementation of tasks 1, 2 and 3 of the Coast Guard Pilot Project an amendment of the Annual Work Programme 2016 was necessary. The purpose of the operational cooperation was to have a functional system available for the benefit of all participants.

Task 1 was explained to concern the information sharing by making available all necessary data to all services involved, through the Integrated Maritime Service platform. Coordinator for task 1 was EMSA. Task 2 concerned new surveillance services under the coordination of FRONTEX. Task 3 referred to capacity building and ran under the coordination of EFCA. At the moment a mapping of existing collaborations between the agencies was done covering the four tasks as well as a workshop with the EU Coastguard Function Forum was organised in order to prepare the work of elaborate the outline of the guidelines covered under task 3 and making sure there were no overlapping of the existing projects. A call for experts would be launched for the drafting of an outline of guidelines taking into account the outcome of the mapping exercise and experiences available. Starting 2017, the outline should then be filled with content.

❖ MARSURV Pilot Project

The Head of Unit B, Ms Karin Hermansson, elaborated the objective of the project as to provide worldwide coverage of the MARSURV system and to obtain a reliable vessel data source for MS to support manual and automated data cross checks with regard to the verification of IUU catch certificates. The project will have a duration of 18 months, running from 01 July 2016 until the end of 2017, with a total budget of 420.000 €. MS would be involved and informed through the IUU Working and Steering groups.

❖ Chartering of capacities

The ED pointed out that one of the foreseen amendments in the Annual Work Programme 2016 concerned the chartering of two Fishing Patrol Vessels with a contract volume of 20 Mio €. It was foreseen to launch the open call for tender before the summer break to enable the deployment foreseen from 2017 on. He clarified that even if the chartering was an important component of the joint operation within the Coastguard mission, the vessels would however be targeted to fisheries monitoring and control without exclusion of other tasks. It was therefore important to discuss and agree on the areas of deployment, since there should be a flexible approach to deploy the vessels within and / or outside EU waters.

The Chair thanked EFCA for the comprehensive and detailed presentations and opened the floor for questions and discussion.

Mr Ernesto Penas (EC) thanked EFCA for the useful presentations and agreed that the information sharing was an important issue. It had therefore to be discussed and agreed on how to best organise the information sharing and which data to exchange. From past experiences it was clear that this issue was of particular relevance to MS, and he reminded that the property of the information and data exchanged remained within the ownership of the MS. It was particularly pointed out that the sharing of information could only work if it was organised in an unlimited, smooth, complete, timely and reliable manner. Similar transmissions in the past had shown to be difficult, and as example he mentioned the exchange of VMS data. A good, effective and quick information sharing however was crucial to make the Coastguard system work. Therefore he asked if MS were committed to share their data unconditionally and quickly. Those MS having any limits of sharing information in their property were asked to map and communicate those limits in order to find appropriate modalities for the exchange, as it was a crucial point for the Commission.

The Chair agreed that this indeed was an important question and opened the floor for reactions from the MS.

The representative of the Netherlands thanked EFCA for the organisation of the additional AB meeting and for having the chance for an in depth discussion on these crucial issues. With regard to the intervention made by the EC he pointed out that the issue of information sharing was as well included in the Control Regulation, and thus not new but already an issue of practical implementation of the CFP.

The representative of Denmark thanked for the information presented by EFCA. He queried on the working arrangements in general, if EFCA had had former preliminary contacts to EMSA and FRONTEX, and if the other agencies did agree on the general approach and concept regarding the working arrangements.

The ED answered that by now no discussion could be initiated yet even if suggested twice by EFCA in April and May 2016. This was the reason why the AB was asked to agree on the draft Terms of Reference in order to allow EFCA to engage in the drafting of the working arrangements which afterwards had to be formally adopted by the ABs of all agencies involved. He pointed out that the discussion should not be further delayed, and that the Terms of Reference would serve as a catalyst for the three agency discussion.

The Chair clarified that regarding the proposed amendment of the EFCA Founding Regulation the other agencies were obliged to undergo the same amendments to their founding regulations in order to reflect the revised mandates.

The representative of Ireland thanked EFCA for this important meeting, where a lot of pending questions could be discussed by the AB in a confidential environment. However, important issues such as the information sharing might take more time to be discussed and decided, and the AB members might want to consult with their colleagues at national level before giving a statement. To this regard he asked to receive the presentations made by EFCA during the meeting.

Further, he expressed that the pilot projects looked very interesting, but it seemed that the approach was to centre the activities in the MED area. He questioned how the other MS would be involved and to which extent they could benefit.

The ED confirmed that all information was in principle open and transparent and could be shared, save some confidential figures on the open call for tenders. Concerning the focus on the MED as field of activity he ensured that all MS would be informed and would have access to all information. Good experiences had been gained already in the MED campaign and this would continue during the second part of the campaign in autumn. The plan was to use the pilot project to jointly monitor the swordfish closing period through the Coastguard cooperation. The gained experiences would benefit future activities in other areas. Guidelines and working practices would be drawn up and discussed in order to move to a broader cooperation at EU level.

The ED appreciated the approach to share the information presented in the meeting at national level in order to gain as much experience and expertise as possible, since the EFCA core business would still be Fisheries control. All MS were encouraged to do so.

The Chair agreed on this approach and encouraged all MS to share the presentations with other national administrations. Towards EFCA he reminded, that the other agencies involved should ensure to present the same issues to their ABs.

The representative of Germany shared the concern of the EC regarding the exchange of data and claimed that a clear legal basis was needed. He pointed out that in Germany very strict rules applied for the exchange of personal data due to very strict data protection provisions. For this reason VMS data could only be exchanged for pure Fisheries control purposes, not for other purposes.

The ED reminded that this opinion was not shared by the European Data Protection Supervisor, since VMS data as such was not to be considered personal data. However, the concern expressed by Germany would certainly be taken into account.

The representative of the Netherlands appreciated the very active approach from EFCA on the Coastguard pilot projects, but asked for clarification if the other agencies did contribute to the same extent, in particular regarding their financial shares.

The ED clarified that the other agencies were as well very active. For the first EU Coastguard pilot project, FRONTEX for example did not request any money from the additional budget provided by the EC. EMSA would receive additional funds for their tasks, and so would EFCA. For the MARSURV project an additional budget of 420.000 € was granted of which EMSA would receive a part to cover the development costs on their side.

In terms of the Coastguard Pilot Project tasks, EFCA was indeed the most advanced and quickly had adapted to the new requirements, in particular regarding task 3 on the development of capacity building guidelines running under EFCA coordination. The other tasks were under the coordination of FRONTEX and EMSA. In this context the ED thanked Sweden and Denmark for increasing the number of SNEs seconded to EFCA, and he informed that Austria will detach an SNE from September on.

Mr Ernesto Penas (EC) came back to the intervention of Germany and suggested that there might be a possibility to render the VMS information "neutral" in order to not consider it "personal data". He appreciated these kind of comments and encouraged all MS to express their specific problems or confidentiality issue in order to find solutions.

The Head of Unit B, Ms Karin Hermansson, clarified that task 1 on the information sharing would strengthen the collaboration of the agencies through the new data available with the new surveillance tools. Furthermore, EMSA was in the process of procuring Satellite AIS data for the next coming four years, valued 12 Mio € per year, which EFCA will benefit from.

The representative of Spain underlined that Spain was open to share information on a case-by-case basis, as already expressed in the last meeting. A protocol should be drafted on the terms of transmission of data to other agencies.

The Chair directed this request to the EC and asked if they agreed to make such a protocol.

Mr Ernesto Penas (EC) replied that the first question was rather if and how this item had to be clarified, since the different national positions needed to be expressed, e.g. the data protection concerns expressed by Germany. If Spain referred to a case-by-case decision, the parameters and criteria for these decisions needed to be disclosed to the EC before being able to elaborate a procedure.

The Chair concluded that further exchange was needed on this question, since MS gave very different reading to the provisions on data protection. Since the legal framework for all three agencies was to be established and the information exchange was a crucial part of this exercise, clarification was necessary on the position of the MS.

Mr Staffan Ekwall (EC expert) presented himself as the liaison officer for Coastguard services in DG MARE and explained that the information exchange with other agencies was an important tool to gain a better common understanding among the different agencies on the information available, so that better risk analysis and precise judgements were possible before tailoring the activities with regard to the various mandates. He gave several examples, such as Libyan vessels in the Mediterranean Sea, which were an issue in terms of Fisheries control, but as well with regard to the refugee crisis and other sectors of illegal activities (e.g. drug smuggling, illegal arm smuggling). For the time being the Mediterranean had to face a complex situation with a number of different actors involved (FRONTEX, NATO, Coastguards, NGO's) and a very good overview was necessary to know which vessels were in a particular area in order to be able to make a quick judgement and to best deploy the capacities available. Therefore as much information as possible was needed, among this the VMS data, to distinguish fishing vessels from other vessels.

The representative of Lithuania added that good progress was made in the control of landings of reefers, which could now be traced with the help of SAT-AIS, which was not possible with VMS. He underlined the importance of the MARSURV system as source for data cross checks with regard to the verification of IUU catch certificates.

The Head of Unit B, Ms Karin Hermansson, agreed that the MARSURV system was an excellent example of the added value which could be gained by collaboration among different agencies. If MS wished to obtain more information on the system and the pilot project they were invited to contact EFCA on a bilateral basis.

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
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Since no further interventions were made, the Chair moved to point 2 of the agenda.

2. AMENDMENTS TO THE ANNUAL WORK PROGRAMME 2016, BUDGET 2016 AND MSPP 2016-2018

The ED referred to the presentation held earlier on the pilot projects to be included in the Work Programme 2016 and pointed out that the additional budget allocation of 750.000 € (420.000 € for the MARSURV project and 330.000 € for the Coastguard project) as well as additional SNEs were integrated (pp. 20, 25). Following, he explained all changes in the Work Programme 2016 and the amendments made to the activities fiches on p. 29 ff. He pointed out that considering there were

no changes in the EFCA statutory staff, the Multiannual Staff Policy Plan was not to be amended. The additional contract agent positions were funded under the pilot projects. Moreover, to anticipate some risks and possible incidences, it was suggested to adopt an increased ceiling for the open call for tenders for charter of inspection means to cover unexpected situations.

The Chair opened the floor for questions and comments.

The representative of the Netherlands asked clarification on the additional funds for the chartering, which would come into effect only from 2017.

The ED explained that a budget allocation of 330.000 € for the Coastguard project was received already in 2016 and had been broken down into titles I, II and III. Those additional funds were already needed in 2016 to implement the activities linked to the pilot project.

On the other side, the launching of the open call for tenders is to be included into the Work Programme 2016 in order to have the charter agreement ready in 2017. He further confirmed that the operational budget implication for the chartering however would only take place from 2017.

The Chair opened the floor for further questions, and since no interventions were made by the AB members he proceeded to the voting. The decision was adopted by consensus of the represented votes, with no negative votes and no abstentions.

Proposed action	Adoption of an amendment to AB Decision No 15-II-08 of 15 October 2015 ¹ concerning the adoption of the Multiannual Work Programme for years 2016-2020, the Annual Work Programme for year 2016 and the budget 2016.
Legal Basis	Art. 23(2)(c) of Regulation (EC) No 768/2005
Decision	Adopted by consensus.

3. CONTRIBUTION TO A TRIPARTITE WORKING ARRANGEMENT BETWEEN THE EUROPEAN FISHERIES CONTROL AGENCY, THE FUTURE EUROPEAN BORDER CONTROL AGENCY AND THE EUROPEAN MARITIME SAFETY AGENCY ON EUROPEAN COOPERATION ON COASTGUARD FUNCTIONS

The ED referred to the explications already given in the beginning of the meeting and reminded that the presented Terms of References should be used for the drafting of the working arrangements with the other agencies, which then had to be approved by the AB. He pointed out that it was important to distinguish between the two levels of cooperation: the cooperation between the agencies and the level of Agencies direct support to MS.

The Chair summarized that the presented document contained a preliminary set of topics which should serve as a basis for the discussion with the other agencies on the working arrangements to be set up. He opened the floor for questions and interventions.

The representative of Denmark stated that he in general agreed on the structure of the document, but asked clarification on the content of the action plan mentioned in the last sentence on page 1.

¹ As amended by AB Decision No 16-I-07.

The ED explained that the idea was to identify within the EFCA Annual Work Programme the tasks and activities dedicated to the EU Border and Coastguard action plan, and thus to allow for early discussions on the activities in order to facilitate the AB decision and the dedication of resources. He pointed out that the legislative proposal was not yet drafted, and that a procedure was needed which respected on the one hand the full empowerment of the MS to decide on the arrangements for the cooperation, but on the other hand allowed as well continuity of the discussions.

The representative of Ireland wanted to know what the next steps should be and if EFCA had a strategy to resolve problematic issues between the different agencies.

The ED replied that one part of this strategy was EFCA itself at agencies' level, but the other part was the collaboration and exchange of the AB members at national level. He suggested the AB members to get into contact with their counterparts in the ABs of FRONTEX and EMSA. In the seminar in Catania in November 2016 a joint proposal of the working arrangement of the three agencies would be presented. A draft thereof should be circulated soon to the other Agencies, in order to prepare a discussion in the next AB meeting in October. With this approach clear issues should be separated from areas where more time was needed to find consensus, in order to streamline the discussion.

Mr Ernesto Penas (EC) came back on the issue of exchange of VMS data and stressed again its utmost importance for the functioning of the cooperation. He reminded that at the last AB meeting many MS did not have answered the questionnaire on the transmission of VMS data and asked them to do so in order to identify critical issues. Concerning the EU Border and Coastguard action plan he agreed that the new tasks and projects should not interfere and undermine the core business and mandate of EFCA. To this regard clarity and transparency had to be ensured.

The representative of the Netherlands asked EFCA to ensure that the working arrangements would be drafted in a clear and transparent manner and that it included a revision clause, e.g. after two years, as well as regular evaluation and assessment of its functioning. This was of particular importance since EFCA was the smallest player in the arrangement.

The ED reminded that a working agreement had already been signed with FRONTEX and EMSA in 2009, which should now be continued with the new working arrangement. A Service Level Agreement (SLA) with EMSA exists for the sharing of information under the ongoing MARSURV project as well as an SLA with Frontex for the sharing of VMS data for border control purposes. He agreed that whilst transparency was necessary, the arrangement as such had to be kept general and to be supplemented by more specific implementing agreements on the technical details. He ensured that the AB would be involved at any stage. He thanked the Netherlands for the constructive remark to include a revision clause and the capacity to monitor the efficiency and achievements of the working arrangement, which could maybe be done via KPIs.

Since there were some more questions raised on the wording, the Chair concluded that EFCA should revise the document in terms of language and check possible linguistic improvements to be made.

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
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4. **DRAFT SINGLE PROGRAMMING DOCUMENT (SPD) INCLUDING THE PROVISIONAL MULTIANNUAL WORK PROGRAMME 2017-2021 AND ANNUAL WORK PROGRAMME FOR YEAR 2017 (ALSO INCLUDES DRAFT BUDGET 2017, ESTABLISHMENT PLAN AND FORMER MULTIANNUAL STAFF POLICY PLAN)**

The ED explained in detail the amendments made to the draft SPD 2017, which combined different documents that had already been presented separately at an earlier stage. His presentation was supplemented by the Head of Unit A, Mr Niall McHale, on the human and financial resources part (p. 21ff), by the Head of Unit C, Mr Pedro Galache, on the changes with regard to the operational coordination (p. 29ff) and by the Head of Unit B, Ms Karin Hermansson, on the changes with regard to capacity building (p. 32ff).

The Chair clarified that this was a point for information, and he invited the AB to discuss the draft SPD, in particular the highlighted modifications, with a view to final adoption at the next AB meeting in October 2016. He opened the floor for questions and remarks.

The representative of Denmark asked if the budget increase of 85% gave room to amend the organisation structure of EFCA.

The ED confirmed that a new organisation was being prepared to enter into force in 2017, and that the AB would be informed on the details in due time.

The representative of the Netherlands asked clarification on one amendment with regard to capacity building for third countries (p. 18).

The ED elaborated that discussions were ongoing for more than one year with DG MARE and DG DEVCO to grant additional resources to EFCA for supporting DEVCO projects in third countries, particularly in Western Africa. However, so far no concrete commitment had been established and if realized additional staff would be needed in form of contract agents. Possible synergies with the Coastguard project had to be analysed, as initiated in the Coastguard Pilot Project Contact Group in Warsaw in May, since the Coastguard undertaking foresaw as well capacity building activities in third countries. He ensured that the AB would be kept informed on this issue.

Mr Ernesto Penas (EC) reminded that the AB for the last two years had agreed on the EFCA participation in capacity building events in third countries, limited to three countries per year. For 2016 only two missions were planned so far, to Liberia and the Seychelles. In 2017 a new programme would be set up, with parallel attribution of additional resources in order not to interfere with the EFCA core business, as agreed with the AB.

The representative of Ireland made an observation on the wording with regard to the risk description concerning resources (p.64).

The ED agreed that the drafting was still a bit conservative at this stage, and would be rephrased and more focused once the document had been approved. The profiles of the additional posts would however mainly remain in the Fisheries control area.

The representative of Denmark pointed out that only one Multiannual KPI had been added with regard to the Coastguard functions (p. 11) what might be a bit unbalanced given the fact that the project implied a budget increase of more than 80% for EFCA.

The ED explained that some of the standing KPIs could also be applied to the working arrangements for the Coastguard functions, and that specific KPIs should be applied to the FRONTEX - EMSA - EFCA working arrangement, as discussed before. EFCA would come up with a drafting suggestion for the AB meeting in October.

The representative of Finland asked how EFCA ensured to have the additional 12 recruitments already operational in the beginning of 2017.

The ED mentioned that 70% of the new staff would be recruited from already existing reserve lists, and only those posts which required new profiles would be published.

The Head of Unit A, Niall McHale clarified that actually only 10 new staff will be recruited, since EFCA in parallel to the increased resources still had to cope with a cut of 2 posts. The existing reserve lists had carefully been screened, and 8 of the 10 new posts could most probably be covered from 1 January 2017, all necessary steps for this had been taken.

Mr Ernesto Penas (EC) observed a certain room for improvement of the documents and suggested that EFCA amended and improved the readability and comprehensibility of the documents. To this regard the representative of Italy had as well a remark on the consistency of the language throughout the documents.

The Chair concluded that the AB would come back to this point in the October meeting. He considered this prior exchange of information very useful and thanked EFCA for the good efforts made to provide updates and to keep the AB informed.

The ED thanked for all comments received and ensured that the documents would be revised in terms of language and consistency before the next AB meeting.

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
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5. ADOPTION OF EFCA ACCOUNTS 2015

A video conference was held with the acting Accounting Officer of EFCA, M. Tomusca. She explained that she had revised the EFCA Annual Accounts 2015 in line with the preliminary observations received on 18 May 2016 from the European Court of Auditors, which were positive in terms of reliability, legality and regularity. The Final Accounts had thus been transmitted to the AB for adoption. She explained different aspects and details of the accounts and underlined that they had been prepared taking into account the changes EFCA was facing. Moreover, she pointed out the excellent budget implementation in 2015.

The ED added that the level of carry forward had dramatically been reduced in 2015 since EFCA had been capable of committing and paying most projects in the course of the year. He referred to the information on the budget increase in 2017 which was mentioned and explained already in the context of the Coastguard project.

The Chair opened the floor for further questions.

Mr Ernesto Penas (EC) congratulated EFCA for the very good execution of the budget.

Since no further interventions were made by the AB members the Chair proceeded to the voting. The decision was adopted by consensus of the represented votes, with no negative votes and no abstentions.

Proposed action	Adoption of the EFCA Final Annual Accounts of 2015
Legal Basis	Art. 36 (4) and (5) of Regulation (EC) No 768/2005 and Art. 99 of the EFCA Financial Regulation (AB Decision No. 13-W-09 of 31 December 2013)
Decision	Adopted by consensus

6. ADOPTION OF STAFF REGULATION IMPLEMENTING RULES

The Head of Unit A, Niall McHale, informed that in accordance with the procedure laid down in Article 110 of the new Staff Regulations, EFCA had to adopt appropriate implementing rules for giving effect to the new Staff Regulations. He explained the process of this adoption, which was usually done by analogy with the Commission implementing rules to the Staff Regulations. However, as some of the EC rules were not applicable or suitable for agencies, DG HR had agreed to establish a model set of rules for agencies. Three of those model set rules were proposed to be adopted by the AB in view of establishing harmonized standards and working conditions in all agencies, namely concerning the reclassification for Temporary Agents, the reclassification of Contract Agents and the setting up of a Staff Committee.

Other rules however were not considered suitable for EFCA, thus EFCA had to formally opt out from applying those. To this regard the AB was asked to adopt a decision on the non-application of the EC decision rules on telework and on the limitation of the duration of contracts for Temporary Agents.

In detail the following draft decisions were proposed to the AB for adoption:

<p>Decision laying down general implementing provisions regarding Article 54 of the Conditions of Employment of Other Servants of the European Union</p>	<p>This decision adopts rules for the reclassification of Temporary Agents and replaces the old scheme which has been in place since 2011. The major terms of reference for reclassification exercises remain the same. The option to maintain merit point systems was granted by the EC and allows EFCA to maintain the consistency of its procedures. The role of the Staff Committee in the exercise has been enhanced.</p>
<p>Decision laying down general implementing provisions regarding Article 87(3) of the Conditions of Employment of Other Servants of the European Union</p>	<p>This decision adopts rules for the reclassification of Contract Agents which follow the provisions for Temporary Agents. However, they are processed as separate exercises.</p>
<p>Decision on setting up a Staff Committee</p>	<p>This decision adopts rules for setting up of a Staff Committee adapted to the needs for agencies. Specifically for EFCA, the possibility of a smaller Staff Committee of at least 3 members is necessary.</p>
<p>Decision on the non-application of the Commission Decision on telework</p>	<p>EFCA opts out from applying the EC rules with a view to a specific model decision adapted to agencies which will be agreed by the Commission for adoption later.</p>
<p>Decision on the non-application of the Commission Decision on the maximum duration for the recourse to non-permanent staff in the Commission services</p>	<p>EFCA follows the advice of the EC to adopt an explicit decision on the non-application of an EC decision.</p>

The Chair opened the floor for questions and comments.

Ernesto Penas (EC) agreed with the plan presented by EFCA. He clarified that the non-application of telework was solely temporary, until a specific model template would be elaborated for this issue giving more flexibility to agencies for its application.

The Head of Unit A, Niall McHale, confirmed this and clarified that the reason for opting out at this stage was that the EC decision rules on telework were too specific for EFCA. Once a more flexible model was elaborated for the agencies, EFCA would certainly adopt it.

The representative of Ireland pointed out that the documents referred to discussions held with the EFCA Staff Committee, e.g. on the non-application of telework, and asked some information on the outcome of those discussions.

The Head of Unit A, Niall McHale, informed that no concerns had been raised by the Staff Committee. However, he reminded that once a model decision was taken, there was only limited room for manoeuvre to either adopt the model or to opt out. No specific changes to the model could be made by an individual agency.

After these clarifications the Chair proposed to vote jointly on all 5 decisions. The decisions were adopted by consensus of the represented votes, with no negative votes and no abstentions.

Proposed action	Adoption of the Staff Regulation Implementing Rules
Legal Basis	<ul style="list-style-type: none">- Art. 19 and 23 (2) of Regulation (EC) No 768/2005- Staff Regulations of Officials of the European and the Conditions of employment of other servants of the European Communities in their version of 1 January 2014, in particular of Article 110(2) thereof
Decision	Adopted by consensus.

7. **AOB**

The Chair announced that the next AB meeting was scheduled for the 11 October 2016. The seminar in Catania would be postponed to the 29-30 November 2016 and dedicated to the new EFCA tasks..

The Chair opened the floor for the issues to be discussed under AOB.

The representative of Ireland presented a point for information regarding the process of the 5-year external evaluation of the EFCA. He informed that an external expert had been appointed, who would soon be in contact with the MS. As the timetable to engage with the MS was rather tight, the AB members were asked to transmit this information at national level and to encourage collaboration.

The Chair referred to the fact that the EC had requested access to the EFCA MARSURV application by note of 9 June 2016 under the basis of article 34 of EFCA founding regulation, which had been circulated to the AB members together with a cover note for information.

The representative of the Advisory Board (representing the Advisory Councils) took the floor and underlined on behalf of the Long distance AC the specific and important role EFCA had in the fight against IUU fishing by assisting to promote a culture of compliance. To this regard it was acknowledged and welcomed that the budget for capacity building in support of third countries (flag and coastal states) was to be considerably raised by EC.

The ED thanked the Advisory Board representative for this intervention and referred to the ongoing strategic reflection in the EC regarding the EFCA role to assist MS and EC in the fight against IUU. The MARSURV project could be seen as one aspect, another was the continued capacity building

exercises in third countries. Additional DEVCO funding should be available to support EC with regard to its work with SFPAs countries, and EFCA was available to contribute to this task upon request from EC.

Finally, since there was no further intervention, the Chair gave farewell to Mr Ernesto Penas (EC), who would take a fellowship in the USA, and thanked him for all his efforts and constructive contributions provided to the EFCA AB and wished him good luck.

The Administrative Board took note	of the information provided in writing as well as orally, at the meeting.
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The Chair closed the meeting at 15h20.



ANNEX I

List of participants to the meeting of the
Administrative Board of the EFCA
Vigo, 21 June 2016

Members	Alternates
(BE) Belgium: -	Jean-Francois VERHEGGHEN
(BG) Bulgaria: Dimitar VALKOV	-
(CZ) Czech Rep.: -	Petr CHALUPA
(DK) Denmark: Anders M. JENSEN	-
(DE) Germany: -	Bernd KREMER
(EE) Estonia ² : -	-
(IE) Ireland: Andrew KINNEEN	-
(EL) Greece: -	-
(ES) Spain: Carlos LARRAÑAGA CES	Hector VILLA
(FR) France: -	Matthias BIGORGNE
(HR) Croatia: Ivana MILETIC	-
(IT) Italy: -	Dario CAU
(CY) Cyprus: -	-
(LV) Latvia: Miks VEINBERGS	-
(LT) Lithuania: Agné RAZMISLAVICIUTE-PALIONIENE	-
(LU) Luxembourg ³ : -	-
(HU) Hungary: -	Janos GABOR
(MT) Malta ⁴ : -	-
(NL) Netherlands: Leon R. M. LOMANS	Gerrit A. LAM
(AT) Austria ⁵ : -	-
(PL) Poland: -	Stanislaw KASPEREK
(PT) Portugal: José MACIEL	-
(RO) Romania: Nicolae DIMULESCU	Ancuta KAZIMIROVICZ
(SL) Slovenia ⁶ : -	-
(SK) Slovakia: -	Silvia TAKACOVA
(FI) Finland: Jarmo VILHUNEN	-
(SE) Sweden: Ingemar BERGLUND	-
(UK) United Kingdom: Gary OWEN	Cephas A. RALPH
<u>European Commission:</u>	
Reinhard PRIEBE (Chair)	-
Ernesto PENAS ⁷	-
-	-
-	-
-	François ZIEGLER ⁸

Staffan EKWALL (expert)

² Proxy given by Estonia to Latvia.

³ Proxy given by Luxembourg to The Netherlands.

⁴ Proxy given by Malta to Italy.

⁵ Proxy given by Austria to Germany.

⁶ Proxy given by Slovenia to Croatia.

⁷ Proxy given by B. Friess (EC) to E. Penas Lado.

⁸ Proxy given by H. Gambs (EC) to F. Ziegler.



Observer :

Rosa CAGGIANO (MEDAC)

EFCA:

Mr Pascal SAVOURET (Executive Director- ED)

Mr Niall MCHALE (Head of Unit Resources - Unit A)

Mr Karin HERMANSSON (Head of Unit Capacity Building- Unit B)

Mr Pedro GALACHE (Head of Unit Operational Coordination - Unit C)

Ms Patricia SANCHEZ ABEAL (Communication Officer- OED)

Ms Rieke ARNDT (Legal Officer - Unit A)

Ms Petra SPANIOL (Project Officer – Unit B)

Mr Mario LOPES DOS SANTOS (Deputy Head of Unit Operational Coordination - Unit C)

Ms Donianzu MURGIONDO (Budget and Finance Officer– Unit A)

Mr Alexandre KEMPF (Senior Project Officer – Unit B)

Mr Neil ANSELL (Desk Officer – Unit C)

Mr Sven TAHON (Senior Project Officer - Unit B)

Ms Gregoria CUESTA (Assistant to the ED – OED)



Agenda
of the 25th meeting of the Administrative Board of the EFCA
on 21 June 2016 in Vigo



Administrative Board



Agenda of the 25th meeting of the Administrative Board of the EFCA
on 21 June 2016 in Vigo

09h30 – 13h00

14h00 – 16h30

(D=decision; I=information)

1. Approval of the draft agenda D

2. Amendments to the Annual Work Programme 2016, budget 2016 and MSPP 2016-2018 D
 - Pilot project: "Creation of a European Coastguard function".
 - Pilot project "Modernising fisheries controls and optimising vessel monitoring through the use of innovative European systems
 - Chartering of capacities
 - Electronic Inspection Report Working Group (EIRWG)
 - AOB

3. Contribution to a Tripartite working arrangement between the European Fisheries Control Agency, the future European Border Control Agency and the European Maritime Safety Agency on European cooperation on coastguard functions I

4. Draft single programming document including the provisional Multiannual Work Programme 2017-2021 and Annual work programme for year 2017 (Also includes draft budget 2017, establishment plan and former Multiannual Staff Policy Plan) I

5. Adoption of EFCA accounts 2015 D

6. Adoption of Staff Regulation implementing rules D

7. AOB I

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