

DRAFT CONCLUSION ADVISORY BOARD MEETING

04 April 2022, hybrid meeting: Vigo and online

CONCLUSIONS

Participants

Advisory Board representatives: Ms Rosa Caggiano (MEDAC), Mr José Beltrán (PELAC), Mr Alexandre Rodríguez (LDAC), Mr Julien Daudu (LDAC), Mr Esben Sverdrup-Jensen (BSAC), Mr Daniel Voces (MAC), Ms Tamara Talevska, Kenn Skau (NSAC), Ms Mo Matthies, Ms Irene Prieto (NWWAC), Ms Mihaela Candea-Mirea (BISAC), Ms Daniela Costa, Ms Fabiana Nogueira (ORAC), Ms. Cecile Fouquet (AAC).

European Fisheries Control Agency (EFCA): Dr Susan Steele (ED), Mr Pedro Galache (HoU 3), Mr Niall McHale (HoU 1), Ms Cristina Morgado (Deputy HoU 2), Ms Patricia Sánchez Abeal (HoS P&C), Mr Miguel Nuevo (HoS JDPs & RC), Mr Clara Fernández (HoS Med & BI S), Mr Leon Bouts (Administrator JDPs & RC).

0. Approval of the Agenda

The meeting was opened by EFCA Executive Director (ED) warmly welcoming the Advisory Board representatives.

The draft agenda was presented by the ED.

The participants who were present in the meeting room, presented themselves.

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.

Since the Advisory Board last met in October 2021, the **LDAC** published several advice:

- A joint advice on the Flags of Convenience (FoC) together with the MAC on fostering the EU's leadership in reducing the detrimental impact of FoC in the fishing sector. It prioritises the action on states having adopted policies of convenience while providing support to partner countries and other states willing to increase their capacity to fight IUU fishing and effecting fundamental reforms of their fisheries policies. This is another area where the work of EFCA is important.

- The Commission (EC) provided a detailed reply to the advice, confirming the continuation of the 'carding' system, supporting partner countries and their efforts on the international scene (including in RFMOs), and also explaining better their plans to enforce the provisions of the EU IUU Regulation in relation to nationals. EC also referred to the issue of "ports of convenience" which attract FoC vessels because of their weak control and enforcement measures.
- Reply to the "Targeted consultation on the 2022 Report on the Functioning of the Common Fisheries Policy". The reply focused on areas relevant for the LDAC, namely the external and the social dimension. In its reply the LDAC highlighted the importance of the enhanced role of EFCA and its beneficial effect to improve fisheries governance and monitoring, control and surveillance.
- Rethinking the role of the EU in the context of the North East Atlantic (NEA) multilateral negotiations for fisheries management in post-Brexit scenario. The idea is to strengthen and enhance the EU influence and role in the complex context of the NEA mixed fisheries with shared resources between several countries including Norway, Russia, Iceland, Faroe Islands. The advice contains a decalogue of 10 core principles for negotiations in relation to a number of scientific, technical, management and control considerations. These principles serve as the basis for setting the guidelines for the Commission when negotiating arrangements for demersal and pelagic stocks with coastal States and in the context of NEAFC.

Within this advice, the role of EFCA through SCIPs/JDPs in international waters of NEAFC is expected to be of growing importance to ensure adequate level playing field and promote a culture of compliance in the area.

With reference to the LDAC activities in the pipeline, reference was made to:

- The draft of two country-specific pieces of advice/letters: one in relation to China and another one on Morocco. They will cover IUU and compliance with RFMO resolutions (ICCAT, IOTC, etc.) amongst other issues.
- The setting up of a focus group on regional fisheries management for small pelagic (and other relevant species) in West Africa, with focus on multilateral cooperation on improving science, management and control measures. The possibility of setting up a RFMO will be contemplated, based on upgrade from CECAF or extension of scope and mandate of SEAFO.
- Continue following very closely the developments in RFMOs, particularly in ICCAT, IOTC and NAFO; the LDAC will reflect on the articulation between the RFMOs and their mandates and the new developments in the International Ocean Governance, such as the adoption of a Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ) treaty and the designation of Marine Protected Areas (MPAs) in the high seas.
- Active promotion of labour and social issues related to fisheries in the EU agenda, including in SFPAs, but also in the context of ongoing and future legislative proposals, and in the international arena. In addition, the LDAC will continue to follow the final steps of the evaluation of SFPAs and their implementation within the 2022 report of the functioning of the CFP.
- Following up on the legislative progress on the review of the EU Fisheries Control System and implementation of IUU Fishing regulation.
- In terms of cooperation with other organisations, the LDAC will continue exchanging on a number of topics of common interest with FAO e.g., on traceability of fish products, the fight against IUU fishing and the implementation to the Port States Measures Agreement (PSMA) and access agreements, which could also be relevant to EFCA.
- The work with ATLAFCO/COMHAFAT will continue, a joint workshop on the implementation of SFPAs is planned later in 2022.

The MAC informed that they would not be able to participate in EFCA's Administrative Board meeting on 5 April as Advisory Board representatives and have asked the LDAC to replace the MAC in it.

Regarding the activities of the **MAC**, the following information was highlighted:

- The MAC highlighted the good work and coordination carried out together on the joint advice (MAC-LDAC) on the FoC, previously debriefed by LDAC.
- An extensive advice replying to the Evaluation on the Functioning of the Common Fisheries Policy (CFP) has been issued by the MAC. One of the challenges in the implementation of the CFP was to guarantee an effective control and enforcement, as well as a consistent implementation. Another aspect was the landing obligation (LO) and the challenges related to the markets in the implementation and control. In this respect, the MAC underlined the importance for the consumers to rely on the legality of the product and the need to have fully documented fisheries, e.g. using electronic traceability tools. The MAC requested MS and EFCA to undertake the necessary controls and enforcement procedures. On the analysis of the impact of the LO, it was important to examine the availability in the market of catches below MCRS that shall not be used for direct human consumption and its social economic impact. On the latter, it continues to be difficult to estimate the impact of the LO in the market. Regarding the external dimension of the CFP, to ensure a fair competition between operators, imported aquaculture and catch fisheries products should meet the same or equivalent sustainability standards.

On the EU Fisheries Funds, the MAC advice recommends MS to use the funds for control fishing activities to develop sustainable aquaculture, to improve data collection, innovation and research and to look for solutions to any environmental problems.

The MAC reflected that the CFP generally remains a good legal framework, but improved implementation, control and enforcement are needed.

On the CMO, the MAC identified as important to ensure and guarantee the application of EU rules through surveillance and controls, particularly in third countries trading with the EU, to strengthen cooperation, audits, training and the use of digital tools free. Concerning traceability, it was pointed out that ensuring traceability from sea to plate remains a challenge for operators as there might be failures on the transmission of information between companies, namely between the first sale and the rest of the supply chain, and in the quality of the data. The origin of the product and the method of production should be clearly spelled out in the label. In this respect, the MAC highlighted the need to strengthen control in the Member States.

- They are currently working in advice on the impact of the LO that once adopted will be circulated to EFCA.

EFCA appreciated the Joint Advice on the FoC and thanked the ACs for the information provided, especially on the MCRS.

The MEDAC started its intervention with a support message addressed to the BLSAC regarding the difficult international situation and thanked EFCA for organising the meeting in a hybrid mode.

Regarding the activities of the **MEDAC**, the following information was highlighted within the control field:

- A letter referring to the issues in the Strait of Sicily with the Libyan fleet has been produced by the MEDAC and will also be sent to EFCA.
- In 2020, problems with the Egyptian fleet faced by Sicilian and Maltese fleets were already raised by the MEDAC. In February 2022, there was a meeting of the Focus group on Eastern Mediterranean and Strait of Sicily, in which this situation was brought to the attention of the participants. There are upcoming management measures to be agreed at GFCM level and there is a risk that the increasing activities of the Egyptian fleet are jeopardising the efforts of the countries concerned in the referred fisheries grounds, mainly Italy and Tunisia, risking not to adopt multiannual management measures in the area.

MEDAC members have observed that IUU activity from Egyptian vessels targeting deep water shrimps continues to take place. MEDAC underlines the strategic role of the GFCM and calls for strengthening joint monitoring and surveillance. These IUU activities cannot be controlled only by Egyptian control authorities and additional support is required. There are no historical data series. Therefore, more accuracy is needed in reporting data, this would facilitate an agreement on the MCRS and the implementation of selective gears.

On the fisheries restricted areas (FRA) and other effective area-based conservation measures areas (OECM), the MEDAC called to take into account the already existing and planned closed areas, where there are already other commercial activities limiting fishing possibilities. The advice has been sent to EFCA.

Last but not least, MEDAC appreciated GFCM and EFCA efforts and pointed out the positive participation of Tunisia in the different fora.

EFCA referred to the work that is being done in cooperation with the Italian and the Maltese authorities. It was noted that if chartered means are available following EFCA ongoing tender procedure, one of the chartered vessels could be deployed in the Mediterranean Sea basin.

On the advice related to the Egyptian fleet, EFCA mentioned that they would look very attentively into it. The Agency has specific campaigns embedding shrimp fisheries with Malta and Italy, including cooperation with other agencies (EMSA and Frontex), and will maximise its activity in the area. Equally, EFCA recalled the conditions applying to the existing GFCM international inspection scheme in the international waters of the Strait of Sicily.

With reference to the IUU activity observed by the MEDAC members, EFCA referred to the IUU legislation in force which foresees for this information to be sent to DG MARE and EFCA. In this respect, it is important to get available evidence in order to best base EFCA approach forward and the work with other authorities in the area.

The **North Sea AC** representative thanked EFCA for its involvement in their work.

They explained they are working with Scheveningen Group on public consultation of the CFP and there is ongoing work on the social aspects in collaboration with NWWAC, with whom they are increasing cooperation,

He also explained they are also working in the Marine Strategy Framework Directive.

They aim to be involved with Scheveningen Control Expert Group on the REM project, but they have not succeeded yet.

They have also been involved in the revision of the Control Regulation. They issued an advice on the increased use of AIS as alternative to VMS. There are many good reasons to consider this, including the costs associated with the electronic transmission of data.

On another token, they find the cost of fuel is a major issue for fishing sector, a cloud hanging over the industry.

They announced they would organise the next General Assembly and invited EFCA to participate and they were considering a workshop on control related issues in the North Sea.

EFCA ED would welcome hosting a joint meeting together with the AC, to help strengthen our relationship with the NSAC. The situation with fuel cost is indeed an issue for the sector and the subject of constant electronic transmissions concerns a topic to be further discussed.

The **BLSAC** thanked everyone for their support and referred to the unpredictable and complicated situation they were facing.

The BLSAC gave information on the following activities:

- They are currently focused on stressing the need to set up the necessary infrastructure at port to ensure a clear and transparent application of the LO, and to ease the control and data collection.
- Attention was drawn to the mines that have been spotted at sea by the fishermen. Some are afraid to continue fishing, especially close to the border, but they are risking lack of support to their families and local communities.
This situation has decreased IUU fishing from Ukrainian and Turkish fleet, but the military actions and equipment caused by the crisis in the area pose a serious risk for the entire ecosystem.
- Continue to work with the Member States to improve control and data collection in order, together with the required infrastructure, to put the CFP into practice.

EFCA acknowledged the difficult times that have been faced by everyone in the area and conveyed a message of support from EFCA.

The **North Western Waters AC** (NWWAC) informed their focus group on the Landing Obligation had issued their annual advice on choke species, with a LO choke species tool.

The NWWAC also informed the Focus Group Control was very active when the new control regulation was proposed and they are now waiting on the outcome. It may also involve work on risk categories, where also some work with EFCA may be needed.

She also reminded the joint workshop on LO held in 2020 where the commitment was made to keep them informed on the workplan of the NWW CEG.

She highlighted there are still unresolved issues in the Art. 27 on Technical Measures and art. 15 of the CFP. So far, no solution has been found and would appreciate if EFCA would keep an eye on this as well.

She also updated that on the fisheries management chart, the goal is to make an online tool, and she welcomed EFCA to participate in the workshop on seismic and windmill in 10 May.

EFCA ED thanked the NWWAC. She understands well that the Control Working Group is very attentive to the control regulation adoption. She found the presentation of the fishing management chart tool, very useful and interesting.

The **ORAC** referred to their activities as follows:

- Since September 2021 the ORAC has been working closely with the MAC on the trade of IUU products, both ACs intend to issue a joint recommendation on the topic.
In fact, ORAC has participated in the MAC Working Group 2, with a first approach to the IUU market in outermost regions. During the meeting some of the IUU fishing problems in outermost territories were addressed, e.g., the IUU fishing carried out by third countries in French Guyana targeting tropical shrimps and red snapper by countries using fishing gears not compliant with the EU regulation.
- The ORAC IUU Working Group met in March 2022. During the meeting the participants shared the challenges and good practices of the different outermost territories. Within the best practices, a project developed in Azores, called Bio legal, was presented to see if it could be reproduced and applied in other territories. The main objective is to raise awareness on the importance of buying fish from legal fishing. The IUU fishing in French Guyana, mainly for pelagic species, was also addressed during the meeting, as there was a reduction in control due to the COVID pandemic. In the Canary Island and Azores, they continued to report IUU problems coming from recreational fisheries without licence. From Mayotte attention was drawn to the IUU fishing trade from Madagascar.
- During 2022, four recommendations were sent and two more are under approval.
Advices sent:
 - Vulcano in las Palmas.
 - The nomenclature of MPAs in Europe. The problem identified was that there are areas similar to MPAs with related constraints but different names. In some territories they are close to the goal set up by the EU but they are not considered MPAs but just marine protected zones. Therefore, the ORAC has requested the Commission to revise the nomenclatures applied to the different protected areas.
 - Recommendation addressed to the Commission to work with ICES on the Azores ecosystem overview to updated information and review the existing one.
 - Recommendation on the plan for conservation of fishing resources and protected marine ecosystems.

Under preparation:

- Working on the difficulties identified in the process to establish MPAs in outermost regions.
- Aquaculture in outermost regions coming from the work presented in September 2021.

The ORAC asked EFCA if there had been a mandate to expand EFCA competences to cover outermost regions waters and if there would be any JDP involving the referred areas apart from the JDP embedding the bluefin tuna in Macaronesia.

On the question related to the change of EFCA mandate, EFCA clarified that there had not been any change in that respect. However, within the scope of the JDP covering bluefin tuna, EFCA would like to deploy a chartered mean in cooperation with the Member States in the Eastern Atlantic. In addition, EFCA reminded that Azores and Madeira EEZ were part of the Western Waters JDP covering certain demersal and pelagic fisheries.

Last but not least, the ORAC referred to the many issues with IUU fishing in French remote areas and asked for EU support.

The **Pelagic AC** (PELAC) acknowledged that the fishing sector is still recovering from the impact of COVID situation.

They held a workshop on long-term management plans. Challenges faced in 2022 have been reviewed. A lot of work was done on strengthening advice on the stocks through data. There have been several studies on seismic and genetics as well as with UK and Norway. They have addressed issues such as the protection of marine ecosystems and the impact of windfarms.

Mackerel is a priority for Coastal States management strategy, continuing with studies and workshops, genetic samples together with blue whiting.

There are also studies of the stocks of southern horse mackerel, which is a stock planned to be benchmarked by ICES in the coming year. A recovery plan is being addressed, but there is a lack of support from UK.

On the LO, there are several elements to be reviewed this year. Of those, the LO *De minimis* exceptions are due to be reviews this year.

EFCA has informed them of priorities of 2022, updated on activities carried out. Members appreciated its presence in the meeting as important points were discussed.

EFCA ED acknowledged there are clearly significant number challengers for 2022 and has taken note of those.

The **Baltic Sea AC** thanked EFCA for the very close relationship throughout the years, including recently a workshop on LO, which was an excellent opportunity to exchange views, and increase the knowledge base for members in relation to the ideas on REM and other aspects. It gave an opportunity to push some of the BS issues.

The Baltic Sea is in a special situation for certain stocks. Situation of zero-advice on Eastern Baltic cod, low by-catch TAC for the Western Baltic cod, zero advice for herring, and completely new advice for salmon. This affects the way control and monitoring is done, considering the zero-advice with by-catch quotas is very challenging.

Control of eel is particularly difficult because of the migration between fresh and salt waters, and the division of authority's competences. It happens the same with salmon, which is also semi recreational, and mixed with commercial fisheries.

He highlighted the work on the White Paper on the reform of CFP: since 2019, he is pleased to say that EFCA participated and contributed, and it is finalised now. They have issued recommendations on recreational fisheries and how to integrate it into the CFP. This is also of interest to EFCA, as any changes will affect the remit of EFCA.

Dealing with implementation of Technical Measures, they have found some surprises and difficulties. On the TM Regulation itself there was close communication with the EC, but not on the implementing acts.

The BSAC representative announced it was his last meeting as chair, as he is stepping down at the General Assembly later this year. He will focus on other activities in the fishing business.

EFCA ED thanked him warmly and stated she was looking forward to meeting his successor and helping with handover. It is very good to listen to the views from the Advisory Councils.

The **Aquaculture AC** said they are working on working on 12 recommendations, of which 2 are more related to EFCA

- Strategic guidelines implementation as well as many other initiatives, dealing with raising costs of production. Greater standards for importing aquaculture products for more sustainability. How this can be improved to ensure that EU production is adequately preserved (level playing field).
- Responding to the consultation on CFP and CMO, they have issued a common recommendation. Indeed, Aquaculture is very specific activity, sometimes far from fisheries, as it relates more to farmer than hunting. Some of the objectives of the CFP on stocks, do not always apply to aquaculture.

AAC has asked whether the CFP is renamed CFAP, including specific objectives more applicable to AQ.

They continue working on the implementation of specific guidelines and on the definition of sustainable small-scale AQ.

ED understands the difficulties with the position of Aquaculture. It is nevertheless a relevant area for EFCA as there are always risks involved.

2. EFCA's Annual Report 2021

EFCA ED informed that the AR would be approved tomorrow at the AB. She did a presentation highlighting the main results, such as:

- 98.6% of implementation of the Annual Work Programme.
- Budget execution of 99.1%
- Providing EFCA with the necessary operational capacity and three new projects
 - o – weighing
 - o Virtual regional training academy in West Med for control and inspection
 - o Maintenance of handbook online sectorial qualification framework for EU cooperation on European Coast Guard functions.
- Six JDPs running
- Cost assessment report of JDPs of 71 million euros in 2020.
- 32 specific actions in BS, NS, WW, 8 specific campaigns in MED and BIS
- JDP framework used to enhance standardisation of inspections, particularly last haul inspections
- JDPs inspections and suspected infringements evolution.
- 53567 coordinated inspections, 4031 suspected infringements
- Implementation TCA with UK
 - o Virtual Coordination Network
 - o Very complete situational awareness pictures
 - o Risk assessment

- Divergences between UK and EU regulations.
- Implementation REM
 - Pilot projects
 - WG
- Assistance to the international dimension of the CFP
- Implementation of the tripartite working arrangement of the European coast guard cooperation
- Training activities performed
- EFCA chartered means
 - OPVs
 - RPAS
- Integrated Maritime Services (IMS) for fisheries control
- Horizontal tasks supporting the good functioning of the Agency
- HR

EFCA presented the calendar of the evaluations on compliance with the LO in the different fisheries.

3. EFCA's draft Single Programming documents (SPD): Draft SPD 2023

The Head of Sector Policy and Communication presented the draft multiannual work programme 2023 – 2027, mirroring the structure of the multiannual work programme 2022 – 2026.

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

Currently the Advisory Board representative is the MAC. However, the MAC will not be able to attend EFCA's Administrative Board meeting on 5 April and the LDAC will be replacing them in that occasion.

In this respect, the LDAC asked the other ACs to send any relevant information to be conveyed to the EFCA's Administrative Board during the meeting.

5. AOB

The EFCA ED mentioned the 5-year evaluation of the Agency process had started. The input from the ACs will be gathered through interviews. EFCA appreciates the time they may need to put in it.

ED welcomes feedback on how we can do these hybrid meetings differently. Next time, she said a lunch will be offered.

BSAC representative (Esben Sverdrup Jensen) said that the relationship between EFCA and ACs has been a success, allowing for direct communication with fishermen and stakeholders. In the context of the work on REM, the ACs are a good forum where all experiences and issues come together.

EFCA explained there are different ways to do that, like more involvement of ACs in CEG, or participation in the Working Group at certain moments. However, the first step is to get the pilot

projects going. MS have this in mind. The cooperation and exchange of views with industry is in the workplans of the CEGs. EFCA also has this in focus.

The NWWAC also acknowledged the good collaboration with EFCA and queried about any update of the LO compliance evaluation of the NWW fisheries and if EFCA was planning to present in a joint workshop as done in 2020. EFCA provided an overview of the LO compliance evaluations that are currently being preparing for certain fisheries of the Baltic Sea, North Sea, North Western Waters and South Western Waters. EFCA clarified that this work is done by EFCA at the request of the respective Regional Control Expert Groups (CEG). The CEGs agreed that for the future LO compliance evaluations, the full report will be published. As done in the past, EFCA is planning to organize dedicated workshops to present the outcomes of such evaluations in collaboration with the CEG and the ACs.

The LDAC raised a question about the implementation of the PSMA in the EU context, that could be a question for the EC, i.e., whether a vessel flying the flag of a EU Member State 'A' would be considered a "foreign vessel" and subject to the full application of the PSMA when using the port of a EU Member State 'B'.

EFCA pointed out that the rules between MS already under the control regulation, and there can be no discrimination with the principles of the PSMA. PSMA does not apply between MS, as EU is party in UNCLOS. The EU scheme complies with PSMA but a more detailed legal opinion might be provided by the EC.

LDAC reflected about the impact of the measures against Russia and its potential effect on the RFMOs, as Russia might have veto power and block decision making in some of these organisations. The LDAC asked if there have been detected any problems on controls as a result of the activity of Russian fleets operating in the high seas and landing only in Russia due to the current blockage of the EU.

EFCA mentioned that it did not have any information and would look into it.

The ED closed the meeting by thanking all ACs members for their participation and that the EFCA will continue to support and work with them.