

**DECISION NO 24-I-06
OF THE ADMINISTRATIVE BOARD
OF THE EUROPEAN FISHERIES CONTROL AGENCY
of 24 April 2024**

**concerning the adoption of the Rules of Procedure of the Administrative Board of
the European Fisheries Control Agency**



THE ADMINISTRATIVE BOARD OF THE EUROPEAN FISHERIES CONTROL AGENCY

Having regard to Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019¹ on the European Fisheries Control Agency, and in particular Article 32(2)(g) thereof,

Whereas:

- (1) The Rules of Procedure of the Administrative Board of the European Fisheries Control Agency (hereafter referred to as 'EFCA') were adopted on 1 February 2006.
- (2) A codification of EFCA's Founding Regulation was adopted by Regulation (EU) 2019/473, which led to a renumbering of several articles.
- (3) Article 33(1) of Regulation (EU) 2019/473 as last amended by Regulation (EU) 2023/2842² foresees that in addition to the representatives of the Member States and six representatives of the Commission, the Administrative Board shall be composed of one representative of the European Parliament.
- (4) The Administrative Board's Rules of Procedure have been amended several times and would need to be substantially amended for the reasons listed above. Therefore, in the interests of clarity and rationality, the Board's rules of procedure should be replaced by new rules integrating the necessary new amendments,

HAS DECIDED AS FOLLOWS:

Article 1

Rules of Procedure

In order for the Administrative Board to ensure that the Agency carries out its mission and performs the task assigned to it under the conditions laid down in Regulation (EU) 2019/473, the Rules of Procedure of the Administrative Board of EFCA laid down in the Annex are adopted.

Article 2

Repeal

- (1) The Rules of Procedure of the Administrative Board of EFCA adopted on 1 February 2006 are repealed.
- (2) References to the repealed Rules of Procedure shall be construed as references to the Rules of Procedure laid down in this decision.

Article 3

Entry into force

This decision shall enter into force on the day of its adoption.

¹ OJ L 83, 25.3.2019, p. 18.

² Regulation (EU) 2023/2842 of the European Parliament and of the Council of 22 November 2023 amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 1967/2006 and (EC) No 1005/2008 and Regulations (EU) 2016/1139, (EU) 2017/2403 and (EU) 2019/473 of the European Parliament and of the Council as regards fisheries control, ELI: <http://data.europa.eu/eli/reg/2023/2842/oj>.

Done at Vigo, on 24.04.2024.

(Signed)
Fabrizio DONATELLA
Chair of the Administrative Board

ANNEX I

Rules of Procedure of the Administrative Board of the European Fisheries Control Agency

Article 1
Membership

- (1) The duration of the term of office for each member, as set by Article 33(3) of Regulation (EU) 2019/473 (hereafter referred to as 'the Regulation'), is 5 years. This term of office may be renewed.
- (2) Each member shall have an alternate member nominated by the Member State or the European Commission or the European Parliament, as appropriate, in accordance with Article 33(1) of the Regulation. Only representatives of the Member States and the Commission shall have the right to vote.

Article 2
Chairmanship

- (1) In line with Articles 34 and 36 of the Regulation, the Administrative Board (hereafter referred to as 'Board') shall elect a Chair from among the Commission representatives and a Deputy Chair from among its members. The term of office of the Chair and the Deputy Chair shall be of three years and shall expire when they cease to be members of the Board. The terms of office shall be renewable once.
- (2) The Deputy Chair shall automatically take the place of the Chair if they are prevented from attending to his duties.
- (3) Where appropriate, the first election of the Chair shall take place after the Board adopts its Rules of Procedure. The election of their successor shall take place at a meeting of the Board convened by the outgoing Chair at least two months before the end of his term.
- (4) If the office of Chair or Deputy Chair falls vacant, a new Chair or Deputy Chair shall be elected at the next available ordinary meeting of the Administrative Board and in no case later than six months after the vacancy occurred. The member then elected shall serve as Chair or Deputy Chair for the remainder of their predecessor's term or until the end of their membership of the Administrative Board, whichever is the earlier.
- (5) The Chair shall be the spokesperson of the Board and may delegate some of their tasks to the Deputy Chair.
- (6) The terms of office of the Chair and the Deputy Chair shall begin on the first day after their predecessors' terms of office.
- (7) If both the Chair and the Deputy Chair are absent or unable to attend a meeting, the meeting shall be chaired by the longest serving member or, in the event of equal length of service, the oldest of the longest serving members.

Article 3
Election of the Chair

The election shall take place in accordance with the following procedure:

- (a) Where there is a single candidate or where the other candidates withdraw, leaving a single candidate, that candidate shall be elected provided that he receives a majority of the members with the right to vote.
- (b) Where there are only two candidates, the candidate that receives a majority of the members with the right to vote is elected. If both candidates receive the same number of votes, the person chairing the election process shall invite additional new names to stand as candidates and move to the next election round. If there are no additional names, the person chairing the election process shall repeat a vote until a candidate is elected.

- (c) Where there are three or more candidates, the candidate who receives a majority of the members with the right to vote shall be elected. If none of the candidates receive a majority of the members with the right to vote, the candidate who obtained the lowest number of votes is eliminated and the others go forward to another ballot. The process is repeated until the two candidates who obtain the highest number of votes are selected. The procedure described in point (b) shall then apply.

After having elected the Chair, the Board shall elect a Deputy Chair following the same procedure.

Article 4

Attendance of Meetings

- (1) Members should attend all meetings of the Board and when this is not possible, alternates should attend in their stead. Both members and respective alternates may participate together at meetings, but, in these cases, only members have the right to vote, without prejudice to Article 1(2).
- (2) Each member with the right to vote may be represented at the meetings by another member, provided that written authorisation from the absent member is submitted to the Chair. A member may represent a maximum of one other member.
- (3) In accordance with Article 35(4) of the Regulation, the Administrative Board may authorise any person whose opinion may be of interest, to attend its meetings as an observer without any voting right, for the agenda items necessitating their presence. Any member and alternate of the Administrative Board may propose the invitation of an observer. The proposal shall be submitted to the Chair in writing, detailing the name and qualifications of the observer. The Chair shall consult the Board on the proposal. Any objection to the proposal must be substantiated and communicated in writing to the Chair. The final decision whether an objection is substantiated lies with the Chair. If there is at least one substantiated objection, the Chair shall communicate the rejection of the proposal to the Board, together with the reasons for considering the objection as substantiated.
- (4) In accordance with Article 35(6) of the Regulation, the members of the Board may be assisted by advisers or experts.
- (5) Pursuant to Article 35(5) of the Regulation, any one member with the right to vote or his alternate present at a meeting may request that the Chair shall restrict the meeting to a closed session by requiring all persons to leave the meeting with the exception of the members and alternates of the Board. Following an explanation by the member requesting the closed session, the Board shall decide whether:
 - (a) To consider the matter in closed session;
 - (b) To consider the matter in an extended closed session with the inclusion of such additional persons as the Board may decide; or
 - (c) To consider the matter under normal meeting arrangements.
- (6) The Executive Director and the representative appointed by the Advisory Board shall take part in the deliberations without the right to vote.

Article 5

The convening of meetings

- (1) In accordance with Article 35 of the Regulation, meetings of the Board shall be convened by its Chair, and the board shall hold an ordinary meeting at least once a year. It shall also hold meetings at the instance of the Chair, or at the request of at least a third of the members with the right to vote, or at the request of the Commission.

- (2) Subject to paragraphs 3 and 4, the notice of convocation of a meeting of the Board, signed by the Chair, shall be transmitted no later than two weeks before the date of the meeting. The draft Agenda shall simultaneously be sent to all members together with relevant material for decision making.
- (3) When the Board is to meet at the request of at least one third of the members, the Chair shall convene a meeting to take place within six weeks of receipt of the request, or two weeks in urgent cases.
- (4) When the Board is convened to deliberate on a matter of urgency, the notice of convocation and the provisional agenda signed by the Chair shall be transmitted to members no later than one week before the date of the meeting.
- (5) If working documents are transmitted to the members outside the time-limits specified in paragraphs 2 and 4, no decision shall be taken on the question to which it relates, unless the Board decides otherwise.
- (6) The ordinary Board meetings shall be held at the Agency's premises or online as appropriate, or at another venue in Vigo. However, whenever circumstances require, and provided no more than one third of the members object, the Chair may change the date and/or the agreed place of a meeting of the Board. Notification of such change or changes shall be given to members no later than three weeks before the original or revised date of the start of the meeting, whichever is the earlier.

Article 6
Agenda

- (1) A provisional agenda shall be drawn up by the Chair. It shall contain, in addition to those items whose inclusion is requested by a member, any item whose inclusion is requested by the Executive Director.
- (2) Without prejudice to Article 5(4) of these Rules, items to be addressed on the provisional agenda shall be submitted to the Chair not less than six weeks before the date of the start of the meeting.
- (3) Any request by one or more members for inclusion, deletion or substitution of an item on the agenda shall state the reasons on which it is based. The Chair shall bring any such request to the notice of the other members.
- (4) The agenda shall be adopted at the beginning of each meeting.
- (5) If the Board so decides, urgent questions may be added to the agenda at any time prior to the end of the meeting, and an item on the agenda may be deleted or carried over to a subsequent meeting.

Article 7
Quorum

At least two thirds of all members of the Board with the right to vote shall constitute the necessary quorum for the meeting to be valid. For purposes of achieving the quorum and without prejudice to Article 1(2), alternates or proxy holders are considered as members having the right to vote on behalf of the member they represent.

8 Article
Voting procedures

- (1) Unless otherwise provided, the Board shall take its decisions by a majority of members with the right to vote. A two-thirds majority of members with the right to vote is required for:

- (a) Adoption of the Internal Rules of Procedure of the Administrative Board;
 - (b) Appointment and removal of the Executive Director.
- (2) For voting purposes, the number of members of the Board is that of the members entitled to cast a vote, present or not.
 - (3) In addition to his own vote, each voting member may cast one vote that he has received by proxy. The proxy shall be notified to the Chair at the beginning of the meeting.
 - (4) Unless a secret ballot is requested by at least one-third of the members with the right to vote, votes shall be taken by show of hands.
 - (5) Unless the Board unanimously decides differently, the Chair, the Deputy Chair and the Executive Director shall be respectively elected and appointed or removed by secret ballot.
 - (6) For each and every decision adopted by the Board, the result, along with the numbers of votes cast, shall be recorded. A statement of the views of the minority may be entered in the minutes along with the decision, if the minority so requests.
 - (7) The Chair may authorise a member to speak briefly in explanation of a vote he has cast.

Article 9
Decisions by written procedures

- (1) Without prejudice to Articles 3, 7 and 8 of these Rules, decisions of the Board may be taken by written procedure, on a proposal from the Chair, provided that no more than one third of the members with the right to vote object.
- (2) A proposal for a decision taken by written procedure shall not be subject to amendment. It shall be approved or rejected in its entirety. A proposal is adopted when it has gathered an absolute majority of votes.
- (3) Notwithstanding the provisions in paragraphs 1 and 2 of this Article, in exceptional cases, where a decision of the Board is needed in an emergency situation, documents and information may be transmitted and votes cast by the quickest available means which are acceptable to members.
- (4) The result of a written procedure will be notified without delay to the Board members.

Article 10
Appointment and removal of the Executive Director

- (1) In accordance with Article 39 of the Regulation, the Board shall appoint the Executive Director and shall have the power to remove them from office.
- (2) The selection of the Executive Director out of the list of candidates proposed by the Commission shall take place in accordance with the following procedure:
 - (a) Where there are only two candidates, the candidate that receives a two-thirds majority of the members with the right to vote is appointed. If none of the candidates receives the required majority of votes, the Chair shall invite the members to participate in up to a maximum of three additional ballots.
 - (b) If, as a result of the last ballot, one of the candidates receives the required majority, he shall be appointed. Otherwise, the Board shall immediately decide on the measures to be taken to overcome this situation, including the possibility of republishing the open competition for the post.
 - (c) Where there are more than two candidates, in each and every ballot, the candidate who receives the required majority of the votes shall be appointed. If none of the candidates receive the majority of the votes, the candidate who obtained the lowest

number of votes is eliminated and the others go forward to another ballot. The process is repeated until the two candidates who obtain the highest number of votes are designated. The procedure described in point (b) shall then apply.

Article 11

Transmission of documents

- (1) Regarding public access to documents and minutes of the Board meetings, the provisions laid down by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 concerning the public access to European Parliament, Council and Commission documents, shall apply.
- (2) Minutes of the Board meetings shall include the list of participants and an abstract of the proceedings.
- (3) On request of a member with the right to vote or their alternate, the numbers of votes cast at each decision as well as associated vote-statements shall be recorded.
- (4) The Chair shall make use of the quickest available means, which are acceptable to members, to circulate the draft minutes and an abstract of proceedings. Members of the Board are then requested to reply within a maximum of two weeks.
- (5) Once approved, the minutes shall be signed by the Chair and transmitted to the Board members, and the signed copy of the minutes shall be kept in the archives of the Agency. Whenever applicable, records of number of votes and related statements shall also be kept together with the relevant minutes in the archives of the Agency.
- (6) In accordance with the practical arrangements set out in the Agency's rules of operation to implement Article 41 of the Regulation and after being approved by the Board, the abstract of the proceedings of the Board meetings shall be made public notably through the website of the Agency.

Article 12

Confidentiality

In accordance with practical arrangements set out in the Agency's rules of operation, the members and the alternates of the Administrative Board shall sign a written declaration of compliance with the rules of confidentiality set out in Article 42 of the Regulation.

Article 13

Conflict of interest

In accordance with the EFCA Administrative Board Conflict of Interest Policy³, the members and their alternate shall make declarations of interests as set out in Article 37 of the Regulation. Those declarations shall be made annually in writing and whenever a conflict of interests may arise in relation to items on the agenda. In the latter case, the member concerned shall not be entitled to vote on any such items.

Article 14

Language regime

The Board shall decide the working language at meetings, for the minutes and for the correspondence with the members of the Board.

³ As adopted by AB Decision No 14-II-8(1) of 17 October 2024 adopting the policy on the prevention and management of conflicts of interest of the European Fisheries Control Agency.

*Article 15***Reimbursement of expenses**

- (1) All travel and subsistence expenses incurred by the Board members and the representative appointed by the Advisory Board in connection with meetings relating to Board business and activities shall be paid by the Agency in accordance with Annex VII of the Staff Regulations of Officials and the conditions of employment of other servants of the European Communities.

If stated in the invitation, all travel and subsistence expenses incurred by observers and experts in connection with meetings relating to Board business and activities shall be paid by the Agency in accordance with Annex VII of the Staff Regulations of Officials and the conditions of employment of other servants of the European Communities.

- (2) Expenses incurred by alternate members relating to Board meetings shall be paid by the Agency in accordance with paragraph 1, only in the case where the substitute replaces the Board member for whom he has been appointed as alternate.

*Article 16***Correspondence**

All correspondence with the Board shall be addressed to the Agency at its Headquarters location.

*Article 17***Secretariat**

In accordance with Article 35(7) of the Regulation, the Agency shall provide the Secretariat to the meetings and the appropriate administrative support to enable the Board to carry out its work.

*Article 18***Amendment of the rules of procedure**

- (1) The Board may amend these Rules of Procedure by a two-third majority.
- (2) Amendments to the Rules of Procedure shall enter into force on the date decided by the Board.