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COMMISSION STAFF WORKING DOCUMENT

Evaluation

Accompanying the document

Recommendation for a

COUNCIL DECISION

authorising the opening of negotiations with Cabo Verde for the conclusion of a Protocol implementing the Fisheries Partnership Agreement between the European Communities and Cabo Verde

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1. INTRODUCTION

Purpose and scope

Bilateral sustainable fisheries agreements (hereafter - SFPAs) between the EU and third countries are covered by the Common Fisheries Policy (CFP) regulation.¹ SFPAs help to implement the CFP objectives internationally, ensuring that fishing activities of the EU fleet outside Union waters are based on the same principles and standards as those applied in EU waters. SFPAs are based on the principles of sustainability and best available scientific advice, transparency, non-discrimination, solidarity through partnership. All in all, SFPAs contribute to the establishment of a governance framework for external fishing activities.² Furthermore, the EU commitment to promote ocean governance at a global level should be incorporated in newly negotiated SFPAs.

The Council Conclusions on the external dimension of the Common Fisheries Policy adopted on 19 March 2012, calls for an ex-post and ex-ante evaluation to be carried out by the Commission before negotiating a new protocol.³ This stems from Article 31(10) of the Basic CFP Regulation. Ex-ante and ex-post valuation studies aim to inform decision makers, before the negotiation directives by the Council are adopted.

This staff working document (SWD) presents the results of an ex-post and ex-ante evaluation of the current Protocol (2014-2018) between the EU and Cabo Verde, which will expire on 22 December 2018. The study covers the period from the entry into force of the Protocol (23 December 2014) till the end of 2017. The ex-post evaluation is made on the basis of assessment criteria: effectiveness, efficiency, economy, coherence, relevance, EU added value and acceptability. For the ex-ante analysis, the focus was on the lessons learned; possible benefits of the new Protocol, available options (renewal or non-renewal of the Protocol) and the associated risks, as well as the added value for the EU.

2. BACKGROUND TO THE INTERVENTION

Description of the intervention and its objectives

To explain the logic of this intervention, it is important to explain the rationale of SFPAs. SFPAs consist of 3 major parts: Agreements, Protocol and Technical Annexes. While once negotiated SFPA Agreements are automatically extended, the Protocols have to be renegotiated before their expiry. SFPAs are rendered operational through implementation Protocols that contain Technical Annexes. It is for this reason that the evaluation study is needed (as explained in the introduction), in order to decide whether it is beneficial or not renewing the Protocol and, if so, under which conditions.

EU concludes fisheries partnership agreements with third countries to enable the EU fleet to fish surplus resources in the exclusive economic zone (EEZ) of partner countries (in this case - Cabo Verde), in a legally regulated environment and in exchange for a financial contribution by the EU and ship-owners. The EU contribution is made up of two separate components: 1) EU access fee that gives access for the EU fleet to fisheries resources of a partner country; and 2) EU sectorial support devoted to development of the fisheries sector in partner countries. The EU public contribution is complemented by contributions paid by EU ship-owners.

¹ Regulation (EU) 1380/2013 of 11 December 2013 the Common Fisheries Policy (OJ L354, 28.12.2013, p. 22);

² Overview of SFPAs: http://ec.europa.eu/fisheries/cfp/international/agreements_fr;

³ Doc. 7086/12 PECHÉ 66.

Each SFPA is an exclusive agreement: once in place, EU vessels can only fish under this SFPA, and cannot enter into private agreements with the partner country. The SFPA ensures a level-playing field and establishes minimum standards for sustainable resource management as it includes provisions prohibiting the granting of more favourable conditions to other foreign fleets. The implementation of the Agreement and the Protocol is managed by a Joint Committee, composed of representatives of both parties.

The EU and Cabo Verde concluded a bilateral Fisheries Partnership Agreement (FPA) in September 2006⁴. This Agreement provided fishing possibilities exclusively for highly migratory species for EU vessels fishing in Cabo Verde waters. It entered into force on 30 March 2007 and has been automatically renewed twice for periods of 5 years (last renewal was on 29 March 2017). The existing Protocol, which expires on 22 December 2018 and thus has to be renegotiated, foresees a maximum of 71 EU tuna vessels to the fishing zone of Cabo Verde (28 purse seiners, 30 surface longliners and 13 pole and line vessels) in exchange for an annual EU contribution of EUR 550 000 – 500 000 of which EUR 275 000 – 250 000 is devoted to the sectorial support. In addition, the ship-owners from three Member States (France, Spain, Portugal) pay a minimum of EUR 300 000 fee for access to Cabo Verde waters.

The newly negotiated Protocol has to re-evaluate various existing components of the Protocol, such as reference tonnage, financial compensation (EU and ship-owners), fishing possibilities; technical conditions (embarking of seamen and observers; fishing of sharks; declaration of catches; landings in Cabo Verde; support vessels, and other), and also include new elements if necessary (for ex. Blue Growth pillar which might be included in the new EU protocol with Cabo Verde under their request).

Important to note, that bilateral cooperation between EU and Cabo Verde in fisheries area, should be looked in a larger context. In July 2017, EU and Cabo Verde renewed Special Partnership strategy (10th anniversary of Partnership), and included new areas of cooperation, such as maritime policy and Ocean Governance. DG MARE works in close cooperation with other Commission services (DEVCO, TRADE, SANTE, ENV) and with EEAS in order to ensure synergies in actions undertaken by different services. Synergies are also sought with other financial donors (World Bank in particular) in the region, in order to avoid double financing, and ensure maximum benefits to Cabo Verde.

3. IMPLEMENTATION/STATE OF PLAY

As regards the implementation of the Protocol (ex-post evaluation), a number of areas are identified in order to reflect what the situation was like before the intervention started, and how it was expected to develop and other relevant points of comparison.

Utilisation of fishing opportunities. Overall uptake across fishing categories (seiners, longliners and pole and liners) during the first three years of the Protocol has ranged from 58% to 68%, with a good utilisation for seiners (France: 83-100%) and Spain: 69-81%) and a more moderate for longliners and pole and line vessels. The new protocol should reflect the number of active vessels and historical uptake of licences, and thus adjust fishing categories.

Catches and their reporting. Average volume of catches at the period 2011-2017 has been around 7000 – 7500 tons, which exceed the reference tonnage of 5000 tons foreseen in the current protocol. To note that in 2017 catches amounted to almost 10 000 tons. The reference tonnage in the new Protocol should take into consideration historical catches

⁴ Adopted by [Council Regulation \(EC\) No 2027/2006](#) of 19.12.2006 (OJ L414 of 30.12.2006).

and the growing trend of catches over the recent years. Regarding the reporting of catches, during the current Protocol there was no operational Electronic catch reporting system (ERS) system in place that would have allowed Cabo Verde to receive information on catches on daily basis by electronic means, and the Vessel monitoring system (VMS) was not fully compatible either. The VMS and ERS systems are to be installed in the coming months, and the new Protocol will mark major improvements in this regard.

Scientific cooperation. The Protocol foresees that EU and Cabo Verde authorities should monitor the evolution of catches, the fishing effort and the state of the targeted fishery resources, and to improve data collection and its analysis. The Protocol specifically establishes a mechanism for the monitoring of sharks based on a quarterly exchange of data on shark catches. The future Protocol should continue supporting the reinforcement of scientific cooperation between Cabo Verde and the EU scientists, as it was the case during the conduct of a study on sharks financed by the EU last year⁵. Thorough and regular monitoring of sharks should continue, ensuring that the EU fleet provide with reliable timely data on shark catches.

Support vessels. The Protocol requires the authorisation of support vessels, subject to the adoption of national legislation regulating the activity of such vessels. A legal draft was elaborated at the end of 2016 but has not been adopted by the Government of Cabo Verde. This impeded the delivery of licences for support vessels for the first two years of the Protocol, as for the last years an arrangement was found at the Joint committee). Therefore, the new Protocol should foresee clear provisions allowing the support vessels and regarding their activities.

Landings. The landings have doubled and have significantly exceeded the total catches under this SFPFA, in 2015, 2016 and 2017, on average by 186%. This increase is due to the development of landing and processing infrastructures in Mindelo port (Sao Vicente island) and due to the reduced landing fees as well as the landing incentives under the Protocol. It is important to maintain or even increase the volume of landings and attract the EU fleet to the Mindelo port, thus having a positive increasing socio-economic impact in Cabo Verde.

Embarking of seamen. The current protocol requires a total of 13 Cabo Verde seamen to be recruited, while in reality 97 seamen have been embarked on the EU vessels (all in longliners, and none in other categories), and thus exceeded the Protocol requirement. The new Protocol will likely have to address this issue with possible review of this clause.

Inspections at sea. Partnership with the EU is particularly important to strengthen the fight against Illegal, unregulated and unreported fishing (IUU). The Vessel monitoring and Electronic catch reporting systems will reinforce the Cabo Verde capacities in this area. The sectorial support should continue contributing to monitoring and control axis.

⁵ Specific Contract No 7 under Framework Contract MARE/2012/21

Embarking of observers. The current protocol foresees obligation for the EU vessels to embark Cabo Verdean observers designated by Cabo Verde. This provision has never been implemented, in absence of appropriate observer scheme in Cabo Verde. Nevertheless, to ensure transparency of fishing activities, EU vessels had scientific observers on board and ensured 100% voluntary observer coverage. The new protocol and in particular sectorial support should finance training of Cabo Verde observers.

Sectorial support. The sectoral support under current protocol particularly focused on strengthening monitoring and surveillance axis, leaving other important areas, such as research and science, small scale fisheries, statistics, certification etc., behind. The bulk of financing was devoted to the installation of Vessel monitoring and Electronic catch reporting systems. The new Protocol should aim to more fairly distribute sectorial support resources to cover adequately other areas as well.

Blue growth / Ocean Governance. The current Protocol does not have any reference to Blue Growth/ Ocean Governance axis that has become very important for the EU. To note, that the latter aspect, as well as maritime policy became an integral pillar in the renewed EU – Cabo Verde Special Partnership, agreed in July 2017. In this light, the sectorial support contribution paid by the EU will also have to be reassessed by incorporating support to the Blue Growth actions, and Cabo Verde will likely request that.

3. METHODOLOGY

The evaluation study was conducted between November 2017 and February 2018, under the guidance of an inter-service Steering Group and within the general framework of the Terms of Reference. The methodology used in the evaluation included analysis of documentation and data available, and consultation of Cabo Verde and EU stakeholders. (more information in Annex 2 of this document).

The preparation of the evaluation report took into account the guidelines recommended by the EU, including the "Toolbox" on evaluation, in particular on how to assess the impacts on third countries, and the methodological elements specific to the external dimension of the CFP, such as those concerning the methods of assessment of the socio-economic benefits of fisheries agreements.

All in all, the contractor respected all the requirements set by the Steering group, and all the meetings were held without delay. There was a very constructive communication between the Steering group and the contractor along the whole evaluation process, and the cooperation was mutually much appreciated.

4. ANALYSIS AND ANSWERS TO THE EVALUATION QUESTIONS

The 2014-2018 Protocol between the EU and Cabo Verde generally meets the minimum conditions of effectiveness, efficiency, economy relevance, coherence, acceptability and the EU added value and. The current Protocol can be broadly described as win-win deal for both parties, for Cabo Verde on one side and the EU and ship-owners on the other.

Effectiveness. The Protocol supports conservation and management rules adopted by International Commission for the Conservation of Atlantic Tunas (ICCAT), applied to the EU fleet, and does not contradict ICCAT's by-catch and discard measures. The Protocol also supports Cabo Verde's active participation in the work of this RFMO through its sectorial support component. However, the level of scientific co-operation between Cabo Verde and the EU scientists could be improved. What is more, EU vessels comply with EU regulations for Vessels monitoring systems, but the Cabo Verdean

system was not compatible and a much needed upgrade was delayed (at this point in time the compatible Vessels monitoring system is about to be installed). EU-Cabo Verde Protocol positively contributed to activities of fish processing factories, following increase of the volume of landings in Mindelo port.

Efficiency. On average, the EU contribution is commensurate with the fishing opportunities uptaken, that varies each year. Sectoral support payments by the EU were slower than planned because of political elections that impeded smooth absorption of the sectorial support. Access fees to Cabo Verde waters represent 6% of EU vessel turnover in relation to the SFPAs, and 16% of the profits, that commensurate to effective catches and profits. However, gross profits for EU purse seiners were estimated to be negative in the first two years when catches were somewhat lower. Overall the EU - Cabo Verde SFPAs Protocol generates reasonable distribution of benefits to Cabo Verde (estimated at 32% of the total gross value added and 26% of the employment supported), thus bringing direct and indirect benefits to the Cabo Verdean economy.

Economy. Cabo Verdean needs were well estimated by the firsts Joint Committee of the current Protocol, and important actions foreseen, particularly focusing on reinforcing surveillance and control capacities as a priority. The EU has disbursed the sectoral support financial contributions in a timely manner and consistent with the Protocol for the first two tranches. However, payment of the last two tranches is pending approval of the respective programming, which is about to be presented.

Relevance. The Protocol remains relevant to the objectives of the SFPAs and to Cabo Verde's fisheries sector management and sustainable development plans. The Protocol is also relevant to the objectives of ICCAT, and contributes to a network of SFPAs in the region that enables EU vessels to target highly migratory species throughout the whole Western Africa coast.

Coherence. The Protocol is consistent with other EU initiatives and the policies of international donors (particularly the World Bank) and contributes to their effectiveness, ensuring synergies. The Protocol contributes to achieving the priorities identified in the strategic framework for the fishery sector of Cabo Verde. The Protocol between EU and Cabo Verde also helps to maintain a coherent network of tuna agreements in the region.

The EU added value. The EU's financial contribution payments for sectoral support were logically suspended for a time due to a lack of implementation for the last two years of the Protocol, but it has largely contributed to the fisheries sector of Cabo Verde as a whole over the first two years. Compared to a scenario where EU vessels could negotiate individually with Cabo Verde for access, the EU's participation in the process has ensured that the Protocol promotes sustainability and includes conditions and objectives that are consistent with CFP objectives. There is also much indirect value, and significant positive socio-economic benefits in terms of jobs due to increasing landing in Mindelo port.

Acceptability. EU ship-owners support the renewal of the Protocol and suggested that the new Protocol should review some provisions, particularly in relation to observers; support vessels, targeted species, catching of live bait (the latter for pole and liners). Regarding the visibility of the SFPAs, the EU makes information on the SFPAs publicly available via its website, which is not the case on the Cabo Verde side, where civil society raised concerns about the lack of information and thus the absence of transparency about the EU-Cabo Verde SFPAs. Concerns were also raised about sustainability of the surface longline fishing in Cabo Verde waters, as well as about reporting conditions and implementation of control measures. Overall, the Protocol is very beneficial for both sides, and is strongly supported by the Cabo Verde fish

processing sector. Overall, the authorities of Cabo Verde are satisfied by the Protocol and support its renewal.

6. CONCLUSIONS

The contractor has fully addressed the evaluation questions and provided the Commission with concrete, reliable and credible results. The renewal of the Protocol seems to provide the optimal benefits for both parties. The Protocol can be broadly described as a win-win agreement as it addresses the identified needs of both parties and different stakeholders.

The contractor has drawn conclusions and made specific recommendations, such as: (1) Proportionality between the amount of financial compensation and the fishing opportunities exploited, thus adjusting the reference tonnage and taking into account the level of historical catches of EU tuna vessels in the Cabo Verde; however, it is important not to ignore other factors such as the importance of the fishing zone and variability of tuna stocks, when determining the reference tonnage; (2) Review the issue of embarking of seamen in light of Cabo Verde interests and the EU fleet constraints; (3) Establishment of training schemes for observers foreseeing allocation in the sectorial support, and thus resolving the issue of absence of Cabo Verde observers in the EU vessels; (4) Regarding sectorial support, it should continue focusing on reinforcing surveillance capacities, and the training of observers and inspectors; the sectorial support should contain a more explicit breakdown of activities with objectively verifiable indicators, reducing complexity and enabling easier implementation; and ensuring complementarity with other programmes, such as PRAO Phase II (World Bank); (6) Include specific provisions for the EU-flagged support vessels; (7) Incorporate the Blue Growth / Ocean Governance pillar in the new Protocol; (8) Duration of a future Protocol to be at least four years (like the current Protocol). Finally, it considers appropriate to explore ways to increase the impact of the Protocol on the economy in terms of jobs and creating added value locally and promoting investments.

To sum up, the Commission supports the conclusions of the assessment made by the contractor in favour of a renewal of the protocol to the SFPA with Cabo Verde.

Annex 1: Procedural information

1. LEAD DG, DeCIDE PLANNING/CWP REFERENCES

Responsible DG: DG MARE – Maritime Affairs and Fisheries/PLAN/2017/1462

2. ORGANISATION AND TIMING

Tasks	Time
Signature of the contract	9 November 2017
Kick-off meeting	17 November 2017
Report of the Kick-off meeting	20 November 2017
Submission of the inception report	29 november 2017
Comments to the inception report	15 December 2017
Meeting to discuss inception report	Exchange in written with the Steering committee
Submission of the draft final report	19 January 2018
Meeting to discuss draft final report	30 January 2018
Submission of the final report	16 February 2017

3. EXCEPTIONS TO THE BETTER REGULATION GUIDELINES

The legal and procedural requirements for the preparation of the renewal of fisheries protocols lead to a tight schedule which prevents the holding of an open public consultation. Moreover, the impact of SFPA is relatively limited, as they focus on a small number of stakeholders. The consultation strategy excludes open public consultations.

4. CONSULTATION OF THE RSB (IF APPLICABLE)

The Contractor used data provided by DG MARE, DG DEVCO and EEAS, and the interviews with the authorities of Cabo Verde; EU Member States concerned; tuna fishing representatives or associations; NGOs and civil society.

5. EVIDENCE, SOURCES AND QUALITY

The evaluation process and the final evaluation report were subject to a quality assessment by the Steering Committee.

Annex 2: Stakeholder consultation

Questionnaire sent to stakeholders

- What is your view on the Protocol approved by the EU Council and the European Parliament?
- Are you generally satisfied with the way the European Commission has managed the fisheries agreement with Cabo Verde?
- Do you attend Joint Committee meetings? And why?
- If necessary, what would be the best ways to improve the functioning of Joint Committees?
- Do you have difficulties in the implementation of follow-up measures allocated to Member States in the context of this SFPA?
- If the protocol was renewed in 2018, perhaps to change compared to the current Protocols?
- Do you have any other comments to make on this SFPA?

Background

In line with the implementation of the Commission guidelines and the better regulation ‘toolbox’, a consultation strategy was presented.

Objectives

The aim of the consultation:

1. To obtain stakeholders’ views on the implementation of the previous protocol and/or ongoing, as well as on the possible renewal of the protocol, including the different options;
2. To use the results of this consultation in the evaluation report (Staff Working Document to be developed by Commission services following the evaluation study that is drafted by an external contractor before the opening of negotiations.

Approach to consultation of stakeholders

The main stakeholders related to the Protocol, that have been consulted by way of interviews or in written using above mentioned questionnaire, are the following: 1) EU Member States concerned (Spain, France, Portugal); 2) Tuna fishing representatives or associations of ship-owners; 3) Non-governmental organisations (NGOs); 4) Cabo Verde relevant authorities; 5) Private sector and civil society of Cabo Verde.

Detailed results of the stakeholder consultation

These results are presented in Annex 4 of the study.⁶

⁶ Evaluation study: <https://publications.europa.eu/en/publication-detail/-/publication/44beac2a-25a8-11e8-ac73-01aa75ed71a1/language-en/format-PDF/source-67475879>

Annex 3: Methods and analytical models

Economic analysis

A harmonised methodology has been developed for the economic analysis of the tuna fleets, which fish in the framework of SFPAs and RFMOs. The data used correspond to the data provided by EU Member States to the contractor.

Science

The analysis of the scientific advice on the state of the stocks and the recommendations, focusing on the potential and the state of stocks of highly migratory species (tuna and associated species), with an emphasis on Cabo Verde's EEZ. The evaluators did not carry out stock assessments, as such, but have used the latest available scientific advice on the state of the stocks and management measures, the most recent, adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) for the tuna stocks.

The data on the catches and fishing authorisations

The catch data for EU vessels used in the valuation were extracted from the European Commission consolidated catch database, which is updated by the EU Member States. The information concerning the fishing authorisations granted by Cabo Verde to the EU vessels were extracted from the Commission database on fishing authorisations. For both catches and fishing authorisations, the 2011-2016 data are final, while the 2017 data are provisional.