



Council of the
European Union

066925/EU XXVI. GP
Eingelangt am 04/06/19

Brussels, 4 June 2019
(OR. en)

9918/19
ADD 3

PECHE 272

PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	4 June 2019
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	SWD(2019) 196 final
Subject:	COMMISSION STAFF WORKING DOCUMENT Accompanying the document Recommendation for a Council Decision to authorise the Commission to open negotiations on behalf of the European Union for the conclusion of a Sustainable Fisheries Partnership Agreement and protocol with the Islamic Republic of Mauritania

Delegations will find attached document SWD(2019) 196 final.

Encl.: SWD(2019) 196 final



EUROPEAN
COMMISSION

Brussels, 4.6.2019
SWD(2019) 196 final

[...]

COMMISSION STAFF WORKING DOCUMENT

Accompanying the document

Recommendation for a

Council Decision to authorise the Commission to open negotiations on behalf of the European Union for the conclusion of a Sustainable Fisheries Partnership Agreement and protocol with the Islamic Republic of Mauritania

{COM(2019) 248 final} - {SWD(2019) 195 final}

Table of contents

1.	INTRODUCTION	2
2.	BACKGROUND TO THE INTERVENTION	2
3.	IMPLEMENTATION/STATE OF PLAY	3
3.	METHODOLOGY	5
4.	ANALYSIS AND ANSWERS TO THE EVALUATION QUESTIONS	5
6.	CONCLUSIONS	7

1. INTRODUCTION

Purpose and scope

Bilateral sustainable fisheries partnership 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 oceans 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 (2015-2019) between the EU and Mauritania, which will expire on 15 November 2019. The study covers the period from the entry into force of the Protocol (16 November 2015) till March 2019. 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 – Mauritania), 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 waters and 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 SFPA: http://ec.europa.eu/fisheries/cfp/international/agreements_fr;

3 Doc. 7086/12 PECHE 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, which meets at least once per year, composed of representatives of both parties.

The first fisheries agreement between the EU and Mauritania dates back from 1987. The current Agreement has been concluded in 2006⁴. It is tacitly renewed every six years from its entry into force. Under the current Protocol of four years (16 November 2016 till 15 November 2019), the EU fleet is allowed to fish in Mauritanian waters for shrimp, demersal fish, tuna and some pelagic fish, up to a total of 287 050 tonnes a year. In addition to the fees paid by the European fleet (tonnage fees and para-fiscal taxes), the EU pays a financial contribution of (EUR) 61,625 million per year for this partnership, comprising (EUR) 59,125 million for access to waters and (EUR) 4,125 million for supporting local fishing opportunities in Mauritania and improving fisheries governance⁵.

Fishing possibilities have been set on the basis of the maximum number of vessels and TAC per category and, in the case of highly migratory species, number of vessels and annual reference tonnage. *Pro rata temporis* adjustments could also be applied taking into account the catches per category throughout the year.

The negotiation of the new Protocol will imply the re-evaluation of various components of the protocol, such as reference tonnage, financial compensation (EU and ship-owners), fishing possibilities as well as numerous technical conditions (embarking of seamen and observers; declaration of catches; landings in Mauritania). As far as the bilateral cooperation for strengthening Mauritania's capacities on the sustainable management of the fisheries sector, it is important that the sectoral support continues to focus some of its resources on capacity building in monitoring, control and surveillance activities, scientific research, infrastructures and also include new elements if necessary. In this light, the sectorial support contribution paid by the EU will also have to be reassessed.

Important to note, that bilateral cooperation between EU and Mauritania should be looked in a larger context, looking for synergies in all the actions undertaken under other SFPA or in the framework of regional cooperation. To do so DG MARE works in close cooperation with other Commission services (DEVCO, TRADE, SANTE) and with the EEAS in order to ensure coherence in actions undertaken by different services. Synergies are also sought with other financial donors in the region, in order to avoid double financing, and ensure maximum benefits to Mauritania.

3. IMPLEMENTATION/STATE OF PLAY

As regards the implementation of the Protocol, a number of areas are identified by the consultant, 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.

⁴ Agreement adopted by [Council Regulation \(EC\) No 1801/2006](#) of 30.11.2006 (OJ L343 of 8.12.2006).

⁵ The EU financial contribution has been increased from (EUR) 59,125 million to (EUR) 61,625 million per year since 18 March 2017, following the addition of a new fishing category.

Utilisation of fishing opportunities.

Utilisation of fishing opportunities has been average over the period between 2015 and 2019, with some notable differences per fishing category. For category 3 (vessels fishing for demersal species), and categories 4 and 5 (long-liners tuna vessels), utilisation has been good. For category 1, shrimp trawlers, and for category 6 pelagic freezer trawlers, utilisation has been average. The latter fished on average only 51% of the quota of 225,000 tonnes negotiated. On the other hand, EU vessels targeting black hake have slightly (category 2) or largely (category 2bis) exceeded the authorized catch levels, with significant overruns in some years according to available data.

Catches and their reporting.

Catches of EU crustaceans (category 1): Stocks of both species of shrimp targeted by the EU are within their sustainability limits.

Catches of black hake (cat 2 and 2bis) have significantly exceeded authorised levels in some years, according to available data.

Catches of demersal species other than black hake (category 3): Despite catches under this category have been within the threshold fixed by the protocol, scientific advice warns on the stock status of other demersal fish covered by this category, as it is relatively unknown due to a lack of data in the fisheries where some species are targeted or incidentally caught.

Catches of tuna (cat 4, 5): Highly migratory species are managed regionally by the Atlantic Regional Tuna Fisheries Management Organization, ICCAT. According to ICCAT scientific advice, skipjack tuna, the main species targeted by EU tuna fleets in Mauritania, is not in a worrying situation. Yellowfin tuna is showing signs of overexploitation but it is not overfished. As bigeye tuna is both overexploited and overfished, it is subject to conservation and management measures at the regional level.

Catches of small pelagic species (cat 6): A majority of straddling stocks of small pelagic species targeted by EU cat. 6 are overall overexploited at regional level, including horse mackerel and sardinella.

Catches of cephalopods (category 8): no surplus available on the octopus stock (cephalopod). To note that no fishing opportunities have been granted for this category under the current protocol.

Fishing possibilities and reference tonnages in the new Protocol should therefore reflect historical catches, and in particular referring to small pelagic and black hake adopting a precautionary approach to take into account the situation of full exploitation or overexploitation of certain target species (horse mackerel and black hake in particular) in Mauritania and at the regional level.

Regarding the reporting of catches, the new Protocol should strengthen effective and full implementation of a transparency clause for fishing activities in Mauritania. The electronic fishing logbook is planned to be used by Mauritania very soon for the national monitoring of the EU and non-EU fleets. This mechanism should improve inter alia the monitoring of consumption of TACs from the Mauritanian side.

Scientific cooperation.

The Protocol foresees that EU and Mauritanian authorities should monitor the evolution of catches, the fishing efforts and the state of targeted fishery resource, and improve data collection and its analysis. Scientific cooperation is carried out through the Joint Scientific Committee which meets at least once a year, alternately in Mauritania and in the European Union.

Every year Mauritania should provide the Joint Scientific Committee and the European Union with a detailed report. This includes relevant information for each fishing category, such as the number of vessels authorised to fish in Mauritanian waters (including national fleet) the corresponding volumes of catches authorised, recorded catch volumes and also any relevant information concerning the fisheries management measures adopted and implemented by Mauritania, including in the regional context. Therefore, it is crucial that the future Protocol continue supporting the reinforcement of scientific cooperation between Mauritania and the EU scientists. The collection of scientific data at sea and on land must therefore be significantly strengthened.

Support vessels.

With regard to support vessels contributing to the fishing effort of EU tuna seiners, a future protocol may introduce measures for their regulation.

Landings.

Demersal fleet is subject to a landing obligation. The non-freezer pelagic fleet is subject to a landing obligation within the limits of the reception capacity of the processing units at Nouadhibou and actual market demand. For the categories concerned, the evaluation concludes that the terms of the protocol are generally respected. However, the future protocol should take into consideration the simplification of administrative procedures on the application of these clauses.

Embarking of seamen.

The embarkation of Mauritanian seamen provisions were correctly applied by EU ship-owners. However, some adjustments could be proposed in the event of a possible renewal of the protocol: better training in fishing techniques, more rigorous supervision of local agents of EU vessels in charge of Mauritanian seamen payments on behalf of these vessels.

Inspections at sea.

Partnership with the EU is particularly important to strengthen the fight against Illegal, unregulated and unreported fishing (IUU). The future protocol should maintain a concentration of some of the resources of the sectoral support for monitoring, control and surveillance and ensure the complementarity of national inspection activities with actions carried out at regional level to which Mauritania is participating.

Embarking of observers.

Provisions on observers should be maintained in the future protocol. Currently, Mauritanian observers are regularly embarked on tuna seiners and EU tuna seiner operators contribute to their training so that they are operational and, in some cases, involved in their own observer programs (French purse seiners for example). However, concerning other categories, the required presence of two Mauritanian scientific observers per year on EU vessels, measures should be taken to reinforce this coverage, since it has been low since 2015. Improved data collection by on-board observing

programs is essential to provide sufficient data to assess the impact of fishing on exploited stocks and ecosystems.

Sectoral support.

Sectoral support under current protocol has particularly focused on strengthening infrastructures (notably the achievement of the Port de Tanit). For the other identified priority actions in the current protocol (monitoring and surveillance, scientific research, capacity building, small-scale fisheries), some delays in the implementation have been experienced and are currently being addressed by Mauritanian administration.. The new protocol should further strengthen these axis of intervention. Furthermore, the multi-annual programming of future sectoral support should be based on the expected objectives of the national strategy for strengthening management and monitoring activities. The scientific activities recommended by the Joint Scientific Committee could also be funded by sectoral support and be initiated without delay. Sectoral support programming could also include actions to benefit the artisanal fisheries sector (from landings to distribution, including to local population). Actions for the development and monitoring of inland fisheries could also be considered.

3. METHODOLOGY

The evaluation study was conducted between December 2018 till March 2019, 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 Mauritanian 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 Protocol between the EU and Mauritania generally meets the minimum conditions of effectiveness, efficiency, economy relevance, coherence, acceptability and the EU added value . The current Protocol can be broadly described as a positive deal for both parties, for Mauritania on one side and the EU and ship-owners on the other.

Effectiveness. The 2015-2019 Protocol is evaluated as being moderately effective for its objective of contributing to the sustainability of resource exploitation in Mauritanian waters mainly because of the state of shared resources such as small pelagic species. Moreover, the arrangements for monitoring catches by EU vessels have not been effective enough to prevent overruns in the allowable catch volumes for black hake. Mauritania's transparency on the overall fishing effort is also too partial.

The protocol has been moderately effective for its objective of protecting the interests of the EU's distant fleet. It allows access to important fishing areas for EU fleets, including fleets in the Canary Islands, an outermost region (OR) of the EU.

The protocol is globally effective for its objective of supporting the development of Mauritania's fisheries sector. It promotes the employment of Mauritanian seamen and participates, over the period of the protocol (with the help of sectoral support), to reinforce the landings of small-scale fisheries by financing infrastructure and governance by supporting the services in Mauritania responsible for fisheries management and control.

Efficiency. The efficiency of the protocol is average compared to other APPDs in the region. The APPD is cost-effective for EU ship-owners, Mauritania and the EU. It is less so for trawlers targeting small pelagic fish because of relatively high access fees. The return on investment for the EU is positive but is not as favourable as in other APPDs in the region due to the average TAC consumption by trawlers targeting small pelagics. The sectoral support for 2008-2012 and 2012-2014 funds has been achieved according to the results expected by both parties. However, the implementation of sectoral support 2016-2018 has known some delays due to overlapping with the sectoral support of previous protocols..

Economy. The sectoral support is also good, according to the economic criterion, by a good absorption of the funds within the deadlines (14 Mio of budget, consumed, in two years). However, this concerns 2016-2017, i.e. the consumption of the remaining funds of the two previous protocols. The use of 2015-2019 sectoral support funds by the various beneficiaries identified must, however, be confirmed in 2019. The initial programme has been adjusted in 2018 with a concentration of funds at the benefit of the infrastructure axis.

Relevance. The relevance of the protocol is good by putting in place management measures, including catch and vessel, fishing gears, reporting mechanisms and transparency clauses and taking into account the recommendations of regional fisheries organizations.

Coherence. The protocol is consistent with the principles of the Common Fisheries Policy (CFP). The protocol is consistent with the networks of APPDs in the region and other EU interventions and at the regional level, contributing as much as possible to the sustainability, fisheries governance and sector development in Mauritania. The intervention of the EU under a protocol brings an added value compared to a situation without a protocol.

The EU added value. The added value of the EU intervention in the Protocol is clear, as the instrument supports implementation of an EU fleet management framework coherent with frameworks negotiated under other mixed agreements, while creating a platform for sectoral dialogue between the EU and Mauritania. The EU's financial contribution has contributed to strengthen the fisheries sector of Mauritania as a whole. Compared to a scenario where EU vessels negotiate individually with Mauritania 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 the objectives the relevant multilateral organisations.

Acceptability. While the protocol is moderately accepted by its stakeholders, they all support its renewal. EU trawlers targeting small pelagics consider it less attractive since their fishing area limit has been pushed offshore and because of relatively high access cost. EU vessels targeting shrimps also require adjustments to fishing area boundaries. The other categories claim a renewal with minor improvements including better supervision of the consignees. The EU wants to use more diversified sectoral support with enhanced coordination among donors. The Mauritanian side deplores the average

use of fishing opportunities granted by the current Protocol and shares the EU's desire to better regulate sectoral support and to diversify its target beneficiaries. However, Mauritanian authorities appreciated the sectoral support contribution to the priority objectives of their national strategy for strengthening landing infrastructures and institutions. In particular, international and local civil society calls for the effective application of the transparency clause and a strengthening of the sectoral dialogue in Mauritania for the preparation and implementation of sectoral support.

6. CONCLUSIONS

The contractor has fully addressed the evaluation questions and provided the Commission with concrete, reliable and credible results. Based on these observations, the contractor has drawn conclusions based on objective analysis and made specific and relevant recommendations for future negotiations on the new protocol between the EU and Mauritania.

Therefore, from all options considered the renewal of the Protocol at the end of its implementation period (15 November 2019) clearly appears as the preferred option. Any other option would not bring the same benefits, including the option of not renewing the Protocol. A future Protocol should retain a similar technical and financial approach with some technical adaptations aimed at improving the implementing conditions of its access and sectoral support components. The Protocol can be broadly described as a positive agreement addressing the identified needs of the different stakeholders.

The result of the evaluation and lessons learned from other similar interventions lead to the adoption of recommendations with a view to addressing issues that need to be considered and resolved in the future protocol.

With regard to access conditions, this concerns notably: the application of strict measures to comply with the TACs; the establishment of an annual payment mechanism for EU financial compensation better connected to the actual activities of EU fishing vessels to avoid additional costs for the EU; effective and full implementation of a transparency clause for fishing activities in Mauritania.

In terms of scientific management, it is recommended to have improved data collection through onboard observing programs, funding (or continuing to fund) scientific studies recommended by the Scientific Committee. The establishment of a regional management framework for the exploitation of shared stocks of small pelagics for the adoption of regional conservation measures to align fishing efforts with sustainable levels is also relevant. This regional management framework is also becoming a necessity for shared management of black hake stocks.

With regard to the sectoral support component, the Mauritanian authorities and the EU both wish to operationalize the sectoral support implementation unit for rigorous management and monitoring of its funds and activities. The multi-annual programming of a future sectoral support should be established on the basis of the expected objectives of the national strategy.

To sum up, the Commission supports the conclusions of the assessment made by the contractor.

Annex 1: Procedural information

1. LEAD DG, DeCIDE PLANNING/CWP REFERENCES

Responsible DG: DG MARE – Maritime Affairs and Fisheries/ PLAN/2018/2892

2. ORGANISATION AND TIMING

Tasks	Time
Signature of the contract	10 December 2018
Kick-off meeting	20.12.2018
Report of the Kick-off meeting	21.12.2018
Submission of the inception report	31.12.2018
Comments to the inception report	09.01.2019
Meeting to discuss inception report	n/a (exchanges by email)
Submission of the draft final report	18 February 2019
Meeting to discuss draft final report	28 February 2019
Submission of the final report	28 March 2019

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 and DG DEVCO and the interviews with the authorities of Mauritania, EU Member States concerned, representatives or associations of fishing ship-owners, NGOs and civil society.

5. EVIDENCE, SOURCES AND QUALITY

The evaluation process and the final evaluation report was 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 Mauritania?
- 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 the agreement?
- If the protocol was renewed in 2019, perhaps to change compared to the current Protocol?
- 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 during the preparation of the negotiations for the renewal of protocols to the fisheries partnership agreements (SFPAs). The strategy has had to define the best means of achieving relevant stakeholders both in the EU and in the partner country concerned.

Objectives

The aim of the consultation:

1. To obtain stakeholders’ views on the implementation of the previous protocol 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 (working document to be developed by Commission services following the evaluation study will be prepared by an external contractor before the opening of negotiations.

Approach to consultation of stakeholders

The main stakeholders concerned with the Protocol, which have been consulted in the form of interview or through the form sent, are as follows: 1) Member States flag ships beneficiaries; 2) representatives or associations of ship-owners in the beneficiaries of this Protocol; 3) non-governmental organisations (NGOs); 4) The partner country administrations; 5) the private sector and civil society.

Detailed results of the stakeholder consultation

These results are presented in Annex 16 of the study.⁶

⁶ Etude d'évaluation: Evaluation rétrospective et prospective du Protocole à l'accord de partenariat dans le domaine de la pêche durable entre l'UE et la RIM, 2019

Number of replies received: 19

Total number of organizations consulted: 35

Response rate: 54%

The views of the organizations are synthesized in the main text of the evaluation report, in particular in the ex-post evaluation chapters of the current protocol and ex ante of a possible future protocol.

ANNEXE 3:

ANALYTICAL METHODS AND MODELS USED TO DEVELOP THE EVALUATION

Economic analysis

A harmonised methodology has been developed for the economic analysis of tuna fleets, which fish under SFPAs and under RFMOs. This methodology has been adapted by its authors to also allow the economic analysis of pelagic and demersal fleets.

Data used correspond to data provided by the EU Member States to the contractor.

Science

The analysis of scientific advice on stock status and recommendations focuses on the potential and status of the stocks of each of the species targeted under the protocol. The evaluators did not carry out stock assessments as such, but used the latest available scientific advice from CECAF and ICCAT, as well as by the Joint Scientific Meeting foreseen by the Protocol, and the most recent management measures adopted by ICCAT for the tuna fishery.

Data on catches and fishing authorizations

Catch data for EU vessels used in the assessment were taken from the European Commission consolidated catch database, which is updated by Member States. Information on fishing authorisations granted by Mauritania to EU vessels has been extracted from the Commission's database on fishing authorisations. For fishing authorisations, data for 2015-2018 are final, while for catches data are provisional.