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**COMMISSION STAFF WORKING DOCUMENT**

**EVALUATION**

*Accompanying the document*

**Recommendation for a**

**COUNCIL DECISION**

**authorising the opening of negotiations on behalf of the European Union for a new  
Implementing Protocol to the Sustainable Fisheries Partnership Agreement with the  
Government of the Cook Islands**

{COM(2024) 389 final} - {SWD(2024) 211 final}

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## Glossary

<b>ACP</b>	African, Caribbean and Pacific
<b>AIS</b>	Automatic Identification System
<b>CEFACT</b>	(UN) Centre for Trade Facilitation and Electronic Business
<b>CFP</b>	Common fisheries policy
<b>CGRP</b>	Gross profit
<b>COK</b>	Cook Islands
<b>EEZ</b>	Exclusive economic zone
<b>ENSO</b>	El Niño southern oscillation
<b>ERS</b>	Electronic Reporting System
<b>ES</b>	Spain
<b>EU</b>	European Union
<b>EUR</b>	Euro
<b>FAD</b>	Fishing aggregating devices
<b>FIP</b>	Fisheries improvement plan
<b>FLUX</b>	Fisheries Language Universal eXchange
<b>FR</b>	France
<b>FFA</b>	Forum Fisheries Agency
<b>F<sub>msy</sub></b>	Fishing mortality consistent with maximum sustainable yield
<b>FTE</b>	Full-time equivalent
<b>GRP</b>	Gross profit
<b>GVA</b>	Gross value added
<b>IATTC</b>	Inter-American Tropical Tuna Commission
<b>ILO</b>	International Labour Organization
<b>IT</b>	Information technology
<b>IUU</b>	Illegal, unreported and unregulated
<b>MCS</b>	Monitoring control and surveillance
<b>MMR</b>	Ministry of Marine Resources
<b>MS</b>	EU Member State
<b>NSDP</b>	National sustainable development plan
<b>NZD</b>	New-Zealand dollar
<b>PEUMP</b>	Pacific-European Union Marine Partnership
<b>PNA</b>	Parties to the Nauru Agreement
<b>RFMO</b>	Regional fisheries management organisation
<b>SB</b>	Spawning biomass
<b>SDG</b>	Sustainable Development Goal
<b>SFPA</b>	Sustainable fisheries partnership agreement
<b>SIOFA</b>	Southern Indian Ocean Fisheries Agreement

<b>SPC</b>	Pacific Community
<b>SPREP</b>	the Secretariat of the Pacific Regional Programme
<b>SPRFMO</b>	South Pacific Regional Fisheries Management Organisation
<b>STECF</b>	Scientific, Technical and Economic Committee for Fisheries
<b>TFEU</b>	Treaty on the Functioning of the European Union
<b>TIS</b>	<i>Te Ipukarea Society</i>
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea
<b>USP</b>	University of the South Pacific
<b>VDS</b>	Vessel Day Scheme
<b>WCPFC</b>	Western Central Pacific Fisheries Commission
<b>WCPFC-CA</b>	Western Central Pacific Fisheries Commission Competence Area
<b>WCPO</b>	Western central Pacific Ocean

## 1. INTRODUCTION

### Purpose and scope of the evaluation

The evaluation's purpose is determined by the following pieces of legislation.

- Article 31(10) of the Common Fishery Policy Regulation<sup>1</sup> requires the European Commission to arrange for *ex ante* and *ex post* evaluations of each implementing protocol to a sustainable fisheries partnership agreement (SFPA) before it submits to the Council of the EU a recommendation to authorise the opening of negotiations for a successor protocol.
- Article 34 of the Financial Regulation<sup>2</sup> requires the Commission to undertake both *ex ante* and *ex post* evaluations for all programmes and activities which entail significant spending.

These evaluations aim to inform decision makers before they adopt a Council Decision authorising the opening of negotiations on behalf of the EU.

These evaluations should help to demonstrate how financial instruments have helped to achieve the Union's policy objectives, based on both a performance review and an analysis of the relevance and added value of Union involvement.

The policy objectives pursued by the Union with the SFPA instrument are set out in Section 2.1.

The evaluation draws upon an external *ex post* and *ex ante* evaluation study of the current implementing protocol for 2021-2024. This external evaluation study was performed by an external consultant through a specific contract, the final report of which is published in the EU bookshop<sup>3</sup>.

The *ex post* evaluation study covers the period of application of the current implementing protocol of the Agreement, running from 17 December 2021 to March 2024 (the Protocol expires in December 2024). The geographical scope of the *ex post* evaluation study is the Cook Islands, and concerned Member States are France and Spain (as per the fishing opportunities allocation<sup>4</sup>).

The evaluation covers the 5 criteria of effectiveness, efficiency, coherence, relevance and EU added value. It also covers the economy and acceptability of the protocol, through specific questions and suggested indicators for each criterion.

The *ex ante* evaluation study analyses the relevant objectives of the Agreement and its implementing protocol, considering current and future needs. It considers the lessons learnt from

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<sup>1</sup> [Regulation - 1380/2013 - EN - EUR-Lex \(europa.eu\)](#).

<sup>2</sup> [Regulation - 2018/1046 - EN - EUR-Lex \(europa.eu\)](#).

<sup>3</sup> [Ex-post and ex-ante evaluation study of the protocol to the agreement on a sustainable fisheries partnership between the European Union and Cook Islands - Publications Office of the EU \(europa.eu\)](#).

<sup>4</sup> [Regulation \(EU\) 2021/2317 - EN - EUR-Lex \(europa.eu\)](#).

previous implementing protocols and the results of the *ex post* evaluation of the current implementing protocol.

Two policy scenarios for the future are considered in the *ex ante* evaluation study:

- renewal of the current Protocol – option A (option A1 for maintaining the status quo and option A2 with adaptations where necessary);
- non-renewal of the Protocol – option B.

## **Methodology of the evaluation**

The results of this staff working document are mainly informed by an evaluation study conducted by an external consultant. This evaluation study took place from January 2024 to March 2024 under the guidance of an interservice group set up by different services of the European Commission and under the terms of reference of specific contract number 10 under the framework contract MARE/2021/OP/0001.

The study's methodology was to gather information and data from: (i) research literature; (ii) Commission databases; (iii) targeted questionnaires; and (iv) semi-directed interviews of a limited number of stakeholders (fishing operators, fish processors, fishery authorities in EU Member States and partner third countries, and civil society representatives). The external consultant then wrote a synthesis covering the satisfaction or dissatisfaction of these stakeholders with the implementation of the Protocol, and added a standardised economic analysis setting out the distribution between stakeholders of the economic added value generated by the Protocol.

The Commission deems this methodology to be reasonably robust. The limitations of this methodology are mainly related to: (i) the time constraint for the evaluation; and (ii) the incomplete period of the initiative submitted for evaluation (given the target date for the study's final report, the final 9 months of the implementation period is not covered).

## **2. WHAT WAS THE EXPECTED OUTCOME OF THE INTERVENTION?**

### **2.1 Description of the intervention and its objectives**

#### **2.1.1 Sustainable fisheries partnership agreements (SFPAs)**

- <sup>1</sup> The common fisheries policy (CFP) empowers the Commission to negotiate and implement SFPAs with third countries to create a legal, environmental, economic, and social governance framework for fishing activities carried out by Union fishing vessels in third-country waters.
- 2 Union fishing activities outside Union waters should be based on the same principles and standards as those applicable under Union Law, and SFPAs should promote a level playing field for Union operators and non-EU country operators.
- 3 Union fishing activities in third-country waters should be based on the best available scientific advice and the exchange of relevant information between the Union and third countries.



- 4 SFPAs should ensure: (i) the sustainable exploitation of the marine biological resources of that third country; (ii) transparency as regards the determination of the surplus; and therefore (iii) management of the resources in a way that is consistent with the objectives of the CFP. SFPAs should provide for access to resources commensurate with the interests of the Union fleet in exchange for a financial contribution from the Union.  
In particular, SFPAs should ensure efficient data-collection, monitoring, control and surveillance measures.
- 5 The EU should provide the partner country with financial compensation for access to its waters and financial assistance to implement a national strategy for fisheries and the blue economy. The EU contribution is complemented by fees payable by EU vessel owners.
- 6 With the Cook Islands, the Commission has sought access for the EU industrial purse seine fleet targeting tropical tuna. These catches are entering the global food chain as a large-scale commodity.
- 7 According to Article 3(1)(d) and 3(1)(e) of the Treaty on the Functioning of the European Union, the EU has exclusive powers to conserve marine biological resources under both the CFP and the EU's common commercial policy. The European Commission is therefore responsible for the negotiation and implementation of the SFPAs.
- 8 Under Article 31(5) of the CFP Basic Regulation, Union vessels cannot fish in third-country waters if there is no protocol implementing an SFPA between the EU and the third country. In order for Union vessels to continue fishing under an SFPA after an implementing protocol expires, a successor protocol must be negotiated.

### 2.1.2 SFPA between the EU and the Government of the Cook Islands

The SFPA between the EU and the Government of the Cook Islands and the current implementing Protocol of the SFPA: (i) provide fishing opportunities for Union fishing vessels to fish in the waters of the Cook Islands; and (ii) set out the principles for economic, financial, technical, and scientific cooperation in the fisheries sector between the EU and the Cook Islands. The SFPA promotes responsible fishing in the Cook Islands, and also promotes conservation and sustainable exploitation of fisheries resources. Through sectoral support from the EU, the SFPA also helps to develop the fisheries sector in the Cook Islands.

*Figure 1: Summary of the main technical and financial features of the SFPA Protocol between the EU and the Cook Islands*

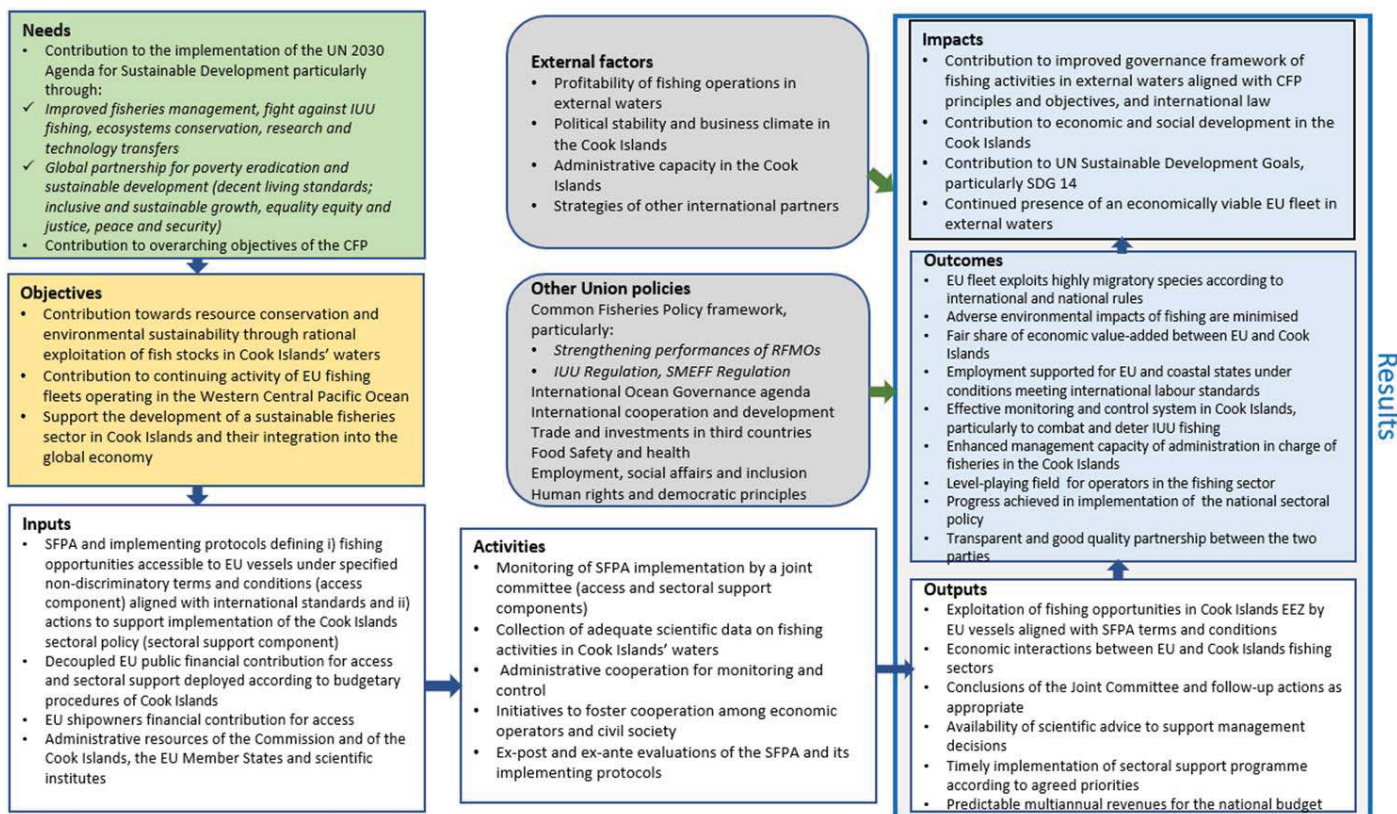
Duration of the SFPA	8 years, automatically renewable
Date of entry into force of SPFA	14 October 2016
Date of entry into force of Implementing Protocol	17 December 2021

Duration of the Protocol	3 years: 17 December 2021 – 16 December 2024
Maximum number of EU vessels authorised	<ul style="list-style-type: none"> <li>• 4 tuna purse seine vessels</li> </ul>
Species authorised	Tropical tuna – Highly migratory species as listed in Annex 1 to the United Nations Convention on the Law of the Sea (UNCLOS)
Annual counterpart financed by the EU	<ul style="list-style-type: none"> <li>• EUR 350 000 EUR per year for access to the Cook Islands' fishing areas. Financial compensation for access corresponds to an effort allocation of 100 fishing days in total. Fishing days exceeding this limit are paid for by EU shipowners.</li> <li>• EUR 350 000 per year for the support and implementation of the Cook Islands' sectoral fisheries policy.</li> </ul>
Shipowners' contributions	<p>For each purse seiner:</p> <ul style="list-style-type: none"> <li>• annual non-recoverable advance payment of EUR 112 500 for 25 fishing days (25 fishing days @ EUR 4 500). EUR 8 000 for each additional fishing day.</li> <li>• special annual contribution of EUR 38 500.</li> </ul>

The sectoral-support component is used for programmed activities in the following areas: (i) building capacity in the Cook Islands Ministry of Marine Resources (MMR); (ii) support to artisanal fisheries in the Cook Islands; and (iii) scientific research in the Cook Islands. Building capacity in the Cook Islands MMR entailed different activities to help fulfil the Cook Islands' responsibilities as a coastal State, port State and flag State.

Figure 2 provides a visual description of the intervention logic. This figure seeks to connect the needs, objectives, actions and expected achievements of the Protocol. The achievements of the Protocol are discussed in terms of outputs, results and impacts.

*Figure 2. Intervention logic of the SFPA between the EU and the Government of the Cook Islands, and its current implementing Protocol*



## 2.2 Point(s) of comparison

The current Protocol implements the SFPA concluded in 2016 between the two parties for the 2021-2024 period. The SFPA applies for a period of 8 years and is expected to be renewed for an additional period of 8 years starting in October 2024. EU financial commitments under the current Protocol are the same as under the previous Protocol, with an annual contribution split into two decoupled components: EUR 350 000 for access to the EEZ of the Cook Islands, and EUR 350 000 for the support and implementation of the Cook Islands' sectoral fisheries and maritime policy.

The current Protocol subject to this evaluation introduced three major changes compared to the previous Protocol. The main changes are set out in the three paragraphs below.

- 1) The first change is the adoption of fishing days as the reference indicator for regulating access and associated payments, instead of the amount of catch obtained in the EEZ of the Cook Islands (known as 'reference tonnage'). This change was recommended by the evaluation of the previous Protocol to ensure alignment with access-regulation mechanisms prevailing for the purse seine fleet (domestic and international) in the EEZ of the Cook Islands and in the area of competence of the Western Central Pacific Fisheries Commission (WCPFC).

- 2) The second change is the use of a different balance between EU and EU shipowners for payments for access. In the current Protocol, EU payments remained the same as under the previous Protocol (a minimum of EUR 350 000 per year) but EU shipowners' annual access fees increased from EUR 28 000 to EUR 112 500 minimum for each EU purse seiner, with an additional special contribution of EUR 38 500 per year (this additional special contribution of EUR 38 500 per year was identical between the two Protocols).
- 3) The third change is a convergence of the rules on protection of personal data with the rules enacted by the EU General Data Protection Regulation instead of under WCPFC rules under the previous Protocol.

Other provisions on the technical clauses associated with access and the clauses governing the management of the implementation of sectoral support are largely similar to the previous Protocol.

### 3. HOW HAS THE SITUATION EVOLVED OVER THE EVALUATION PERIOD?

This section reviews the main results obtained through the implementation of the Protocol in relation to: (i) its access component; and (ii) its sectoral-support component. In the paragraphs below, Sections 3.1, 3.2, 3.3 and 3.4 cover the access component, while Sections 3.5, 3.6 and 3.7 cover the sectoral-support component. This chapter concludes with Section 3.8 on reporting obligations.

#### 3.1. Utilisation of fishing opportunities

On an annual average, 100% of the four available fishing licences for all four EU purse seiners were granted in the period 2022-2024. This percentage remained stable throughout the years. Spain used the four fishing authorisations available. France, which did not have any flagged vessels operating in the Pacific Ocean, transferred the fishing authorisation allocated to it by the EU Council to Spain.

*Average annual fishing authorisations granted to EU purse seiners in the SFPA fishing zone*

(number of vessels)	2022	2023	2024
EU purse seiners	4	4	4
Maximum	4	4	4
Utilisation rate	100%	100%	100%

*Average annual number of fishing days utilised by EU purse seiners in the SFPFA fishing zone*

years			
Number of fishing days	2022	2023	2024
EU purse seiners (utilisation)	13	15	14
Minimum available	100	100	100
Utilisation rate	13%	15%	14%

### 3.2. Catches

The total catch by EU purse seiners in the EEZ of the Cook Islands under the current Protocol amounted to 526 tonnes in 2022 and 803 tonnes in 2023, i.e. 664 a year on average over the 2 years (see table below). Catch composition included the three major tropical tuna species (skipjack *Katsuwonus pelamis*, bigeye *Thunnus obesus* and yellowfin *Thunnus albacares*), with skipjack dominating the catch composition by weight (81% on average).

*Catch by EU purse seiners in the EEZ of the Cook Islands under the current Protocol*

(tonnes)	2022	2023	Average
Total	526	803	664
Of which :			
Skipjack	362	717	540
Bigeye	106	48	77
Yellowfin	58	37	48
Other	0	0	0

### 3.3. Scientific cooperation

The fishery resources targeted by the EU fleet are scientifically evaluated by the relevant regional fisheries management organisation (RFMO), namely the WCPFC, of which both the EU and the

Cook Islands are active members, and which has provided a sufficient scientific base for the management decisions taken by the Joint Committee<sup>5</sup>.

Scientific cooperation between the EU and the Cook Islands takes place within the multilateral framework of the WCPFC.

Tuna and tuna-like species are under the management mandate of the WCPFC. The status of the three main targeted stocks (yellowfin tuna, bigeye tuna and skipjack tuna) was recently (2023) assessed by the WCPFC as follows:

- yellowfin tuna: not overfished, not overexploited;
- bigeye tuna: not overfished, not overexploited;
- skipjack tuna: not overfished, not overexploited.

Stock management and conservation measures are decided and implemented within the multilateral framework of the WCPFC and they apply to all parties. These measures include fishing-capacity limits, catch limits, and restrictions on the use of fishing aggregating devices (FADs).

### **3.4. Technical measures**

#### **3.4.1. Monitoring, control and surveillance**

The Protocol lays down the monitoring, control and surveillance regime (Chapter V of the Annex to the Protocol) applying to all EU tuna vessels operating in the Cook Islands' fishing zone.

The Joint Committees' minutes indicate a generally satisfactory level of compliance with the relevant clauses of the Protocol. The Cook Islands authorities acknowledged the general compliance of EU vessels with the rules of the Protocol during the 2022 and 2023 meetings of the Joint Committee, in particular for the vessel monitoring system (VMS) and catch reporting. When the need for clarification arose, cooperation between EU shipowners and the Cook Islands fisheries-control authorities was reportedly effective, with issues resolved to the satisfaction of both parties.

The Cook Islands receives EU catch data from the four EU vessels operating in its waters through email transmission of copies of the mandatory FFA/SPC logbook from the flag Member State (Spain) based on the electronic reporting system (ERS) mandated by EU legislation. The future implementation of an ERS is planned under the Protocol. However, direct electronic reporting to the Cook Islands by EU vessels is still prevented by technical challenges affecting data

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<sup>5</sup> Art. 6 of the EU/Cook Islands SFPA. "A Joint Committee made up of appropriate representatives of the Union and the Cook Islands shall be set up. It is responsible for the monitoring of the application of this Agreement and it may adopt modifications to the Protocol, Annex and Appendices." [...] – OJ L 131 of 20.05.2016, p.1.



compatibility between the reporter and the receiver. DG MARE and the WCPFC, through the Pacific Community, are working to develop a technical solution to this problem. The solution aims to adapt or create an integrated programming interface to connect the Pacific Community e-reporting application with the standards developed by the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) Fisheries Language Universal eXchange (FLUX).

According to the Cook Islands authorities, no infringement involving an EU vessel has been detected since the Protocol began.

### **3.4.2. Embarkation of seamen**

None of the four EU purse seiners employed nationals of the Cook Islands as crew. The EU and the Cook Islands anticipated this situation, which is due to the lack of trained national fishers. For this reason, the EU and the Cook Islands did not include a provision in the Protocol mandating or encouraging the employment of nationals of the Cook Islands or nationals of African, Caribbean and Pacific (ACP) countries onboard the EU vessels.

Nonetheless, Article 3.6 of the SFPa includes a provision mandating the application of the Declaration of the International Labour Organization (ILO) on fundamental principles and rights at work to any fisher employed on EU vessels. The provisions of the Protocol are supplemented by Council Directive (EU) 2017/159 implementing the ILO Convention C.188 on Work in Fishing into EU law. ILO Convention C.188 was ratified by Spain in February 2023. Rules on working standards onboard the EU purse seiners apply to all crew members irrespective of their nationality. Enforcement of rules governing working standards is the responsibility of the authorities of the flag State of the vessels (Spain in this case). Consultation of EU social partners and the flag Member State (Spain) did not raise any possible issues of non-compliance with the applicable social standards.

### **3.4.3. Observers**

According to the protocol, Union vessels in possession of a Cook Islands' fishing authorisation, while operating in the Cook Islands' fishing areas shall ensure observer coverage in accordance with the relevant WCPFC conservation and management measures and the relevant Cook Islands' legislation. Observer placements in 2020 and 2021 were affected by travel restrictions imposed by the COVID-19 pandemic. As a result of the pandemic, the WCPFC issued a derogation excusing purse seiners from the usual requirement to have an observer on board at all times. This derogation also applied while fishing in the EEZ of the Cook Islands. However, this derogation ceased on 31 December 2022. Of the 4 EU purse seiners, 2 experienced some difficulties in meeting the WCPFC coverage requirements to have an observer on board at all times in early 2023, preventing these vessels from fishing in the WCPFC-CA, including the EEZ of the Cook Islands.

### 3.5. Sectoral support

The current implementing Protocol has earmarked a budget of EUR 350 000 per year – or EUR 1.05 million over a period of 3 years – to: (i) contribute to the implementation of the Cook Islands’ national strategy for fisheries and aquaculture; and (ii) support the sustainable management of fishery resources and the development of the fisheries sector in the Cook Islands.

### 3.6. Monitoring of sectoral support

The Joint Committee is responsible for adopting annual and multiannual programming and for monitoring sectoral support. Any changes to programming must be approved by the Joint Committee.

The management of the funds granted under the sectoral-support component was carried out by the MMR of the Cook Islands, which is subject to national rules on public financial management.

Nevertheless, the effectiveness of sectoral support under the 2022-2024 multiannual programme could not be evaluated, as the programme only started in 2023 as a result of the delayed implementation of the previous 2016-2021 programme.

The Cook Islands submitted progress reports on the implementation of sectoral support as expected by the Protocol (Article 3.4 of the Protocol). As a result of the delayed implementation of the 2016-2021 multiannual programme, the most recent progress report available submitted to the Joint Committee in 2023 refers to the implementation of sectoral support under the 2021 work programme. The 2022-2024 multiannual programme has just started with its first progress report planned for the next meeting of the Joint Committee in 2024.

### 3.7. Financial aspects

- The SFPA with the EU generated gross value added for the Cook Islands of EUR 954 000 for 2022-2023 (this was made up of the EU yearly public contribution and the shipowners’ contributions)<sup>6</sup>.
- The turnover for the EU fleet from sales of tuna caught in the Cook Islands in 2022-2023 is calculated at EUR 1 029 703<sup>7</sup>, with a direct gross added value (i.e. the amount the fleet contributed to the Cook Islands) of EUR 315 810<sup>8</sup>.
- On the level and distribution of the generated added value from the SFPA, it is estimated that for each euro of public investment by the EU, EUR 3.75 EUR was generated in added

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<sup>6</sup> [Ex-post and ex-ante evaluation study of the protocol to the agreement on a sustainable fisheries partnership between the European Union and Cook Islands - Publications Office of the EU \(europa.eu\)](#), Table 13.

<sup>7</sup> [Ex-post and ex-ante evaluation study of the protocol to the agreement on a sustainable fisheries partnership between the European Union and Cook Islands - Publications Office of the EU \(europa.eu\)](#), Table 22.

<sup>8</sup> [Ex-post and ex-ante evaluation study of the protocol to the agreement on a sustainable fisheries partnership between the European Union and Cook Islands - Publications Office of the EU \(europa.eu\)](#), Table 23.



value, broken down between EUR 2.73 for the Cook Islands and EUR 1.02 for other entities<sup>9</sup>.

- Direct and indirect employment: estimated 22 full-time equivalents (FTEs) yearly, mostly indirect<sup>10</sup>.
- Sectoral-support contribution transferred to Cook Islands: EUR 350 000, corresponding to the first tranche<sup>11</sup>.

### 3.8. Reporting obligations

The table below provides an assessment of the reporting obligations that stem from the SFPA/Protocol. The table notes whether these obligations are additional either to the previous SFPA/Protocol or to other reporting obligations stemming from both other legislation (such as the EU Control Regulation and Cook Islands legislation) and WCPFC requirements (such as requirements on observer coverage and catch reporting). As is evident from the table, the current SFPA/Protocol does not entail any reporting obligations over and above those which would otherwise be required, or which were required under the previous Protocol.

Mapping of reporting obligations included in the current Protocol

Reporting obligation	Additional to other EU, Cook Islands, or RFMO legislation and requirements?
EU shipowners Reporting of catches through the ERS when it is set up (Annex, Chapter III, Section 2)	No (requirements included in – and the same as – the previous Protocol (Annex, Chapter III, Section 1), and required by Control Regulation (EU) 1224/2009 and Cook Islands legislation)
EU shipowners Reporting of fishing days / non-fishing days (Annex, Chapter III, Section 2)	No (requirement applicable in the WCPFC convention area through CMM 2022-06 in the high seas and through Forum Fisheries Agency minimum terms and conditions in the waters of coastal States)
EU shipowners Notification of entry to or exit from the Cook Islands' EEZ (Annex, Chapter III, Section 3)	No (requirements included in – and the same as – the previous Protocol requirement included in the Regulations of the Cook Islands)
EU shipowners	No

<sup>9</sup> [Ex-post and ex-ante evaluation study of the protocol to the agreement on a sustainable fisheries partnership between the European Union and Cook Islands - Publications Office of the EU \(europa.eu\)](#), page 18.

<sup>10</sup> *Idem*.

<sup>11</sup> [Ex-post and ex-ante evaluation study of the protocol to the agreement on a sustainable fisheries partnership between the European Union and Cook Islands - Publications Office of the EU \(europa.eu\)](#), page 19.

Notification of landings in Cook Islands' designated ports (Annex, Chapter III, Section 4)	(requirements included in – and the same as – the previous Protocol (Annex, Chapter III, Section 2), and required by Control Regulation (EU) 1224/2009 and Cook Islands legislation)
EU shipowners Notification of transshipment in Cook Islands' designated ports (Annex, Chapter III, Section 5)	No (requirements included in – and the same as – the previous Protocol (Annex, Chapter III, Section 4), and required by Control Regulation (EU) 1224/2009 and Cook Islands legislation)
EU shipowners and EU MS authorities Reporting of vessel positions in compliance with FFA vessel monitoring system (Annex, Chapter III, Section 6)	No (requirement applicable as a result of WCPFC conservation and management measures and Forum Fisheries Agency minimum terms and conditions)
Cook Islands authorities Annual reporting on the implementation of sectoral support, and preparation of a final report before the end of the Protocol (Article 3.4 of the Protocol)	No (requirements included in – and the same as – the previous Protocol (Article 3.4))

Source: External consultant's analysis of the SFP/Protocol text and other relevant legislation (Table 16)

## 4. EVALUATION FINDINGS (ANALYTICAL PART)

### 4.1. To what extent was the intervention successful and why?

#### 4.1.1 Effectiveness

For each component (access and sectoral support), success criteria have been proposed and evaluated, by objective, for effectiveness.

#### **Objective 1: contribute to the conservation of resources and environmental sustainability through rational and sustainable exploitation of the Cook Islands' fisheries resources**

*1.3 Fisheries activities are addressed exclusively at surplus fish stocks and prevent the overfishing of stocks, based on the best scientific advice and improved transparency on global fishing efforts in the waters included in the current Protocol.*

Stocks of highly migratory species occurring in the western and central Pacific Ocean are subject to the conservation and management measures adopted under the multilateral framework of the competent RFMO, the WCPFC, to which the EU and the Cook Islands are contracting parties. The Cook Islands has an annual limit of 1 250 purse-seine fishing days granted by the WCPFC, and this annual limit is not fully used by the single purse seiner flagged to the Cook Islands. The remaining days can be granted to foreign purse-seine interests. In other words, the Protocol allows EU vessels to use the fishing opportunities granted to the Cook Islands under the WCPFC, but

does not allow EU vessels to exploit fishing opportunities for local stocks under the responsibility of the Cook Islands.

According to the latest report (2023) of the meeting of the Scientific Committee of the WCPFC, the three species targeted by the EU purse fleet in the EEZ of the Cook Islands and in the waters of the western central Pacific Ocean are exploited sustainably. The most recent assessment of the status of the stock of skipjack tuna (last assessed in 2022), yellowfin tuna and bigeye tuna (both last assessed in 2023) showed that all three species are neither overexploited nor overfished.

The previous evaluation of the SFPA between the EU and the Cook Islands also noted that the three tuna stocks targeted by the EU purse seine fleet were exploited sustainably. The review of the annual reports of the WCPFC Scientific Committee (2023) shows that the three key tuna stocks have remained in the green quadrant since 2016 (year of signature of the SFPA), evidencing the effectiveness of the conservation and management scheme implemented by the WCPFC.

### *1.2 Implementation of principles and standards for fisheries management that are the same as those principles and standards applied in EU waters*

The environmental impact of the activities of EU tuna vessels is known and monitored under the WCPFC's multilateral framework. Management measures introduced by the WCPFC, which the parties are bound to apply, have sought to limit negative ecosystem impacts of purse-seine fishing across the whole distribution of exploited tuna stocks. WCPFC conservation and management measures include: (i) a limit on the number of FADs; (ii) a landing obligation for target species; and (iii) various measures aimed at protecting endangered, threatened and protected non-target species.

From December 2021 to March 2024, EU purse-seine shipowners utilising fishing opportunities available under the Protocol implemented additional unilateral measures to minimise any negative ecosystem impacts of their activities through implementation of a fisheries improvement plan (FIP) on a voluntary basis. FIP measures, audited by independent third parties, apply to all EU purse-seine activities, including those in the Cook Islands' EEZ, providing additional benefits for ecosystem protection beyond the benefits expected from WCPFC measures.

The Protocol does not derogate from any of the WCPFC rules in force.

### *1.3 Improvement of technical and scientific assessment of the fisheries*

EU vessels are subject to the monitoring obligations arising from: (i) the EU Control Regulation, most obligations of which are set out in the Protocol; and (ii) the EU Regulation on the collection of scientific data. EU vessels are also subject to the WCPFC's specific obligations.

EU fishing activities are subject to appropriate monitoring and reporting obligations. As confirmed by the Cook Islands, these obligations are complied with. The Cook Islands receive catch and effort data from the EU fleet according to the procedure laid down by the Protocol based on paper logbooks. The implementation of the ERS considered by the Protocol is still undermined by IT issues that are being addressed. Scientific information on the activities of the EU purse-seine vessels is reported to the WCPFC according to the relevant obligations. The two parties implement scientific cooperation under the multilateral framework of the WCPFC, with the EU further supporting science through a regional development programme, the Pacific-European Union Marine Partnership (PEUMP), co-funded by Sweden.

#### *1.4 Ensuring control and compliance with EU fleet rules*

According to the available information, EU purse seiners complied with the technical provisions laid down by the Protocol and by the relevant Cook Islands regulations. The Cook Islands authorities acknowledged the EU fleet's general compliance with the rules during the 2022 and 2023 meetings of the Joint Committee, in particular for the VMS and catch reporting. When needs for clarification arose, cooperation between EU shipowners and the Cook Islands fisheries-control authorities was reportedly effective, with issues solved to the satisfaction of both parties.

The Cook Islands receives EU catch data through email transmission of copies of the mandatory FFA/SPC logbook. The implementation of the ERS laid down by the Protocol (Annex to the Protocol, Chapter III Section 2.7) is still being hindered by technical challenges affecting data compatibility between the reporter and the receiver. DG MARE and the WCPFC are working to develop a technical solution that can adapt or create an integrated programming interface to connect the Pacific Community e-reporting application with the standards developed by the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) Fisheries Language Universal eXchange (FLUX).

Observer placements in 2020 and 2021 were affected by travel restrictions imposed by the COVID-19 pandemic. As a result of the pandemic, the WCPFC issued a derogation excusing purse seiners from the usual requirement to have an observer on board at all times. This derogation also applied while fishing in the EEZ of the Cook Islands. However, this derogation ceased on 31 December 2022. Of the 4 EU purse seiners, 2 experienced some difficulties in meeting WCPFC coverage requirements to have an observer on board at all times in early 2023, preventing these vessels from fishing in the WCPFC-CA, including the EEZ of the Cook Islands.

According to the Cook Islands authorities, no infringement involving an EU vessel has been detected since the Protocol began.

## **Objective 2: to contribute to the continuity of fishing activities by the EU distant water fleet and to contribute to employment linked to fishing fleets**

*2.1 To seek an appropriate share of the surplus fish resources, fully commensurate with the EU fleet's interests and with the fleet's regional and sub-regional fishing strategy.*

The protocol provides for access to fishing zones that are important for the EU purse-seine fleet. The levels of activity of the EU purse-seine fleet in the Cook Islands in 2022 and 2023 may suggest that the fishing opportunities negotiated are in excess of the needs of the EU fleet active in the western central Pacific Ocean, as utilisation rates were between 13% and 15% . However, this can be explained by the abnormal prevalence of La Niña conditions during the 2021-2023 period, which results in decreased abundance of tuna in the EEZ of the Cook Islands and, as a result, undermined the attractiveness of the fishing area for EU and non-EU purse seiners.

*2.2 The level of fees paid by EU vessel owners for their fishing activities is fair and proportionate to costs and revenues and non-discriminatory*

The Cook Islands authorities authorise access to the country's EEZ under different arrangements. For tuna purse seiners, arrangements include: (i) the EU-Cook Islands SFPA for EU purse seiners; (ii) the USA Multilateral Treaty for US purse seiners; (iii) a bilateral Cook Islands-US arrangement supplementing fishing opportunities available under the USA Multilateral Treaty; and (iv) a 'standard'; arrangement for purse seiners flying flags other than those of the EU and the USA.

From a technical perspective, a level playing field is supported by the fact that technical conditions applying to EU fishing operations are strictly identical to technical conditions applying to other foreign fleets in accordance with the WCPFC's conservation and management measures and the Marae Moana Act (2017) which includes, amongst other measures, a prohibition on fishing within a 50 nautical-mile limit around the 15 islands within the Cook Islands' EEZ. The Protocol does not include technical rules that give selective dispensation from rules applicable to all other purse seiners while fishing in the Cook Islands' EEZ.

To sum up, technical conditions governing fishing activities in the Cook Islands' EEZ are the same for any purse seiner, underpinning non-discriminatory treatment for all purse seiners while fishing the Cook Islands' EEZ. Financial-access conditions laid down by the Protocol for EU shipowners are different from those applying to other foreign purse-seine operators, with a comparative economic advantage for EU shipowners as a result.

*2.3 Ensuring supply for the EU market*

Catches obtained by EU purse seiners in the EEZ of the Cook Islands are transshipped in American Samoa or in Kiribati (since 2023) for further processing in Ecuador, which is the largest supplier to the EU of processed tuna products, with 122 703 tonnes of processed tuna products imported to the EU in 2023, worth a total of EUR 640 million. The catch obtained by EU purse seiners in the

EEZ of the Cook Islands ( $\approx 664$  tonnes per year on average between 2022 and 2023<sup>12</sup>) made a small contribution to both: (i) the estimated 300 000 tonnes of tuna processed in Ecuador for export to the EU; and (ii) total fish supplies to the EU market and apparent consumption of around 10.6 million tonnes of fish in 2021. EU purse seiners do not use the port of Rarotonga due to its location at 21°12'S being relatively distant from the prime purse-seine fishing latitudes of 5°-10°N and S latitudes corresponding to the northern part of the EEZ of the Cook Islands. EU vessels do not sell tuna on the Cook Islands market due to the limited size of the market (population of 14 600 in 2023 according to the Cook Islands Statistics Office) and the potential competition these landings could create with local fisheries.

#### *2.4 Encouraging the creation of a favourable environment for private investment and economic activities that contribute to the sustainable development of the partner country and strengthen its cooperation with the EU*

There are arguably few investment opportunities in the Cook Islands for EU shipowners. This is mostly due to: (i) the small size of the Cook Islands' market; (ii) the economic disadvantages stemming from the remoteness of the archipelago from major markets and commercial routes; and (iii) the economic disadvantages stemming from the absence of the Cook Islands from the list of countries authorised to export fisheries products to the EU. Understandably, the provisions of Article 7 of the SFPA (promoting cooperation among businesses and civil society) have not been considered by the two parties.

### **Objective 3: Supporting the development of a sustainable fisheries sector in partner countries (sectoral support)**

#### *3.1 Contribute to capacity building and social, environmental and economic development in the Cook Islands*

The sectoral-support programmes implemented between 2021 and 2023 included: (i) activities to support MMR capacities (hiring of consultants, strengthening of the observer programme, development of the MMR information system, logistical support); (ii) activities supporting the development and monitoring of local artisanal fisheries, including in the outer islands (deployments of anchored FADs, a subsidies scheme to encourage the submission of catch data, measures to promote safety at sea); and (iii) marine research (contribution to the renovation of research stations, promoting a better understanding and mitigation of algae blooms in lagoons, recruitment of researchers). The sectoral-support programme contributes to capacity building and social, environmental and economic development in the Cook Islands.

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<sup>12</sup> [Ex-post and ex-ante evaluation study of the protocol to the agreement on a sustainable fisheries partnership between the European Union and Cook Islands - Publications Office of the EU \(europa.eu\)](#), Table 7.



The Cook Islands submitted progress reports on the implementation of the sectoral support as expected by the Protocol (Article 3.4 of the Protocol). As a result of the delayed implementation of the 2016-2021 multiannual programme, the most recent progress report available submitted to the Joint Committee in 2023 refers to the implementation of the 2021 work programme.

The effectiveness of the 2022-2024 multiannual programme cannot be evaluated, as the programme only started in 2023 as a result of the delayed implementation of the previous 2016-2021 programme. The 2022-2024 multiannual programme has therefore just started with its first progress report expected by the next meeting of the Joint Committee in 2024.

Qualitatively, the progress reports submitted by the Cook Islands are comprehensive and provide sufficient information to support the assessment of the results obtained.

*3.2 To promote the employment of local seamen, improve infrastructures, and encourage landings. To help the third country to develop local fisheries and a local processing industry to serve markets in the EU and the markets of certain developing countries. To create employment directly and indirectly.*

No purse seiners of any nationality use the port of Rarotonga to support their activities (landings, transshipments, technical stops) given the small size of the port and its distance from prime purse seine fishing latitudes. Because of this, and taking into account the small population of the Cook Islands ( $\approx 14\,600$  residents, which means a small domestic market and a small potential pool of workers), there was little scope to develop economic interactions between the Cook Islands and EU fishing sector through the employment of crew and supply of tuna to the local market.

The lack of opportunities to develop economic interactions was acknowledged by both the EU and the Cook Islands, which did not include any specific clause in the Protocol to this end (i.e. no clauses were included that would oblige EU vessels to hire Cook Islands crew members or that would incentivise or oblige EU shipowners to land part of their catches in the Cook Islands). Working standards onboard EU vessels applying to nationals of any country are governed by the social clause enshrined in Article 3.6 of the SFPA.

Working conditions onboard EU purse seiners, all flying the flag of Spain, are further governed by a number of EU legal acts, including Council Directive (EU) 2017/159 55 implementing the ILO Convention C.188 on Work in Fishing into EU law. ILO Convention C.188 was ratified by Spain in February 2023. Consultations with EU social partners and the flag Member State did not raise any issues regarding non-compliance with the applicable social standards.

#### **4.1.2 Efficiency and economy**

*Efficiency:*

<u>Objective</u>	<u>Success criterion/criteria</u>
<i>The Protocol should be cost-effective for the EU</i>	<i>The EU financial contribution is proportionate to the fishing opportunities made available in the Protocol and by category</i>
<i>SFPAs should provide good value for money for EU shipowners</i>	<i>Shipowners' contributions are proportionate to their actual catches and benefits compared with their operational costs and total revenues</i>
<i>The financial compensation for fishing opportunities should be beneficial for the EU and the Cook Islands</i>	<i>The Cook Islands benefits from a fair share of the added value of catches</i>
<i>The sectoral-support and cooperation measures in the blue economy, small-scale fisheries and food security approved in the initial programming matrix should be carried out at reasonable cost</i>	<i>All activities included in sectoral support have been properly used, and have benefited the EU and the Cook Islands in environmental, social and economic terms</i>

The evaluation finds that the Protocol was only moderately efficient. Although the fishing opportunities negotiated were fully utilised with respect to the number of EU vessels authorised (four fishing opportunities were available and four fishing authorisations were issued), the number of fishing days deployed in the Cook Islands' EEZ was significantly below the minimum number of available days identified by the Protocol. The main reason for this apparent discrepancy is that the western central Pacific Ocean experienced nearly 3 years of La Niña conditions from July 2020 to March 2023, a duration unprecedented in recent decades. As a result of the underutilisation of fishing days, the SFPA Protocol generated a modest return on investment with a value-added multiplier of EUR 3.75 for every EUR 1 invested in access from the EU budget for 2022, with no value-added accruing to the EU. The operations of EU purse seiners in the EEZ of the Cook Islands were not profitable because income from fishing was insufficient to cover access costs and other operating expenses (access costs to the Cook Islands EEZ represented 77% and 48% of vessel incomes from the Cook Islands EEZ in 2022 and 2023 respectively). Nevertheless, access to the Cook Islands EEZ is intended to complement fishing opportunities available to the EU in: (i) the international waters of the WCPFC-CA; and (ii) since late 2023, the EEZ of Kiribati as part of the existing SFPA between the EU and Kiribati. EU purse-seine operations in the Pacific Ocean remain profitable.

### ***Economy***

<u>Objective</u>	<u>Success criterion/criteria</u>
<i>The EU contribution, in particular for sectoral support, should be proportionate to the needs of the Cook Islands and its absorption capacity. Sectoral-support payments should be made within the time limits laid down in Articles 3 and 4 of the current Protocol.</i>	<i>The EU contribution for sectoral support is aligned with national and local needs and absorption capacity. The total amount of sectoral support was used in accordance with the agreed schedule and adapted to the needs of the partner country. When there were amendments to the initial sectoral-support programme, they promoted the use of financial support and contributed to the sustainable development of the country.</i>



On the economy, EU payments for the financial contribution for sectoral support were made based on results obtained, as set out in both the Protocol and the rules agreed by the two parties. However, only the first tranche (EUR 350 000) of the multiannual programme agreed for 2022-2024 had been paid at the time of preparation of this evaluation, suggesting that the budget set out in the Protocol is not aligned with the absorption capacity of the MMR, which was not the case under the previous Protocol. The main reasons for the low uptake of the budget for sectoral support are: (i) the impact of travel restrictions resulting from the COVID-19 pandemic which isolated the country from the rest of the world for almost 2.5 years; and (ii) persistent difficulties that the MMR has in retaining sufficient staff levels.

### 4.1.3 Coherence

<i>Objective</i>	<i>Success criterion (s)</i>
<i>There should be coherence between the Protocol and: (i) the CFP in general; (ii) the CFP's international dimension; and (iii) regional fisheries policy (RFMOs and other organisations</i>	<i>The Protocol is aligned with: (i) the CFP in general (and contributes to achieving the EU's objectives at regional level – including the creation of a regional network of APPDS); and (ii) the objectives of the RFMOs and other organisations</i>
<i>The Protocol and its implementation should be consistent and complementary with other EU interventions and the work of other EU bodies such as the EEAS, INTPA, SANTE, TRADE, TAXUD and DG MARE B4, B2, B1.</i>	<i>The Protocol makes a substantial contribution to the effectiveness of other EU policies and vice versa. The Protocol and its implementation are coherent with – and contribute positively to – other interventions.</i>
<i>The Agreement and its implementing protocol should be consistent with national fisheries policy and well coordinated with regional policies. The Agreement should contribute to the achievement of the United Nations Millennium Development Goals.</i>	<i>The Protocol contributes to the achievement of the objectives identified at national, local and regional level. Authorities, stakeholders and civil society are informed of the contribution.</i>  <i>The Protocol contributes to the sustainable management of fishing in the fishing zone covered by the current Protocol.</i>  <i>At international level, the Protocol contributes to the implementation of the United Nations Millennium Development Goals.</i>

The SFPa Protocol is highly coherent with the EU CFP in general and with the overarching conservation and management regime implemented under the multilateral framework of the WCPFC. According to this evaluation, and as confirmed by the Cook Islands' authorities: (i) the basis of the access arrangements for the EU fleet negotiated between the two parties under the Protocol are compatible with the international commitments of the Cook Islands on managing fishing effort in its waters; and (ii) the EU fleet fully complied with applicable measures while in the Cook Islands EEZ. The Protocol is also evaluated as being coherent with the Cook Islands' national development policy. The sectoral-support component of the Agreement is used to address the actions identified in the strategic plan of the Cook Islands' MMR, in a way that is consistent with other EU interventions in the region, in particular the PEUMP programme co-funded by Sweden, which pursues a similar objective of sustainably managing marine resources.

#### 4.1.4 EU added value

<i>Objective</i>	<i>Success criterion/criteria</i>
<i>The EU intervention under the Protocol should add value compared with the absence of an agreement/protocol. This can be checked by assessing to what extent Member States could have put in place appropriate alternative measures acting without the EU.</i>	<i>EU intervention adds value compared with Member States' individual interventions</i>
<i>The EU intervention under the Agreement and its Protocol should add value compared to what could be achieved by the EU fleet outside the framework of the Agreement</i>	<i>The Agreement and its Protocol bring substantial benefits at EU, local and national level, compared with private agreements</i>

The evaluation found that EU involvement in the intervention adds clear value compared with private agreements negotiated by EU shipowners. The multiannual access agreement framed by the SFPA and its implementing Protocol is both: (i) aligned with the needs of the EU purse-seine fleet; and (ii) commensurate with the fishing effort allocated to the Cook Islands by the WCPFC. This helps to provide visibility to the Cook Islands in terms of budget income. In addition, the EU intervention ensures inclusion in the Agreement of the four key governance principles promoted by the EU at a global level (respect for human rights, transparency, a level playing field, and exclusivity of the SFPA over private arrangements).

It is worth noting that there are two scenarios in which EU tuna vessels would be free to negotiate direct authorisations for access to the Cook Islands' fishing zone: (i) a scenario without any fisheries agreement ever concluded between the EU and the Cook Islands; and (ii) a scenario in which the Cook Islands or the EU did not renew the current agreement. In either of these cases, the negotiation for access to the Cook Islands EEZ would then be framed, for EU shipowners, by Section 3 of Regulation (EU) 2017/2403 on the sustainable management of external fishing fleets, known as the SMEFF Regulation. Given the Cook Islands' interest in attracting tuna vessels to its fishing zone, it is likely that EU tuna vessels would in this scenario be able to get their requests for access accepted, where appropriate. In this case, shipowners would not be supported by the EU when negotiating their access conditions, but would nevertheless have to comply with the WCPFC's minimum conservation and management rules which apply irrespective of the fishing zones.

Compared with this option, the EU intervention adds value because of six features of the Agreement, which would have been difficult – if not impossible – to achieve under private access arrangements negotiated by EU shipowners. These six features are described in the bullet points below.

- The multiannual access agreement is aligned with the needs of the EU purse-seine fleet and with the fishing effort allocated to the Cook Islands by the WCPFC, providing visibility

to the Cook Islands in terms of budget income (private access arrangements are typically concluded on an annual basis with real utilisation largely unpredictable).

- The Agreement creates an official platform for sectoral dialogue and direct exchanges and cooperation between the authorities of the EU and the Cook Islands. It also sets up a framework for joint monitoring and control of EU activities.
- Embedded in the SFPA and its implementing Protocol are the four key governance principles promoted by the EU at global level (respect for human rights, transparency, a level playing field, and the exclusivity of the SFPA over private arrangements).
- The Agreement is coherent with EU policies in terms of national and regional development.
- The Agreement ensures access to a dedicated SFPA budget line (sectoral support) decoupled from the SFPA access budget line for financial support to help the Cook Islands to implement its national fisheries policy.
- The EU also ensures that sectoral development is carried out in synergy with the interventions of its Member States in the development of the fisheries sector and consistent with those carried out in neighbouring coastal states with active FPAs/SFPAs (e.g. Kiribati).

If the SFPA is terminated, it is true that part of the revenue for the Cook Islands could instead be used as sectoral support. However, the amount of this revenue and the objectives of the intervention would then be at the sole discretion of the Government of the Cook Islands. The EU would then no longer be involved.

#### 4.1.5 Relevance

<i>Objective</i>	<i>Success criterion/criteria</i>
<i>To what extent do the objectives set out in the FPA and its implementing protocol still correspond to the needs of the EU, its Member States and EU vessel owners?</i>	<i>The implementation of the FPA and its Protocol is aligned with the objectives of: (i) resource and environmental sustainability; (ii) support for the development of a sustainable fisheries sector at national and local level; (iii) facilitating the integration of coastal states into the world economy; (iv) improving scientific and technical knowledge; (v) supporting economic exchanges and sustainable economic and social development; and (vi) appropriately addressing the national and local needs of the EU and its fleet.</i>
<i>The Protocol should be relevant to the objectives of the RFMOs and the EU's regional network of agreements. To what extent is the Protocol relevant and does it have significant impact?</i>	<i>For highly migratory species, the Protocol: (i) contributes to the objectives set by RFMOs and other regional organisations, and (ii) maintains a network of SFPAs in the region. The Protocol also creates synergies between the EU and neighbouring countries in the RFMOs.</i>

The Protocol is still relevant to address the needs of the EU by promoting sustainable fishing practices in external waters. It is also still relevant to address the needs of EU purse-seine operators by: (i) giving them access to productive fishing grounds (and their needs have increased compared with the period under the previous Protocol); and (ii) rebalancing effort distribution between the eastern Pacific Ocean and the western central Pacific Ocean. The Protocol is also still relevant to satisfy the needs of the Cook Islands by using its surplus envelope of fishing effort allocated by the WCPFC, and securing external funding to support implementation of its national fisheries policy.

#### 4.1.6 Acceptability

<i>Objective</i>	<i>Success criterion (s)</i>
<i>EU vessel owners should be satisfied with the Protocol</i>	<i>EU vessel owners are satisfied with the technical and financial conditions of the Protocol and support its renewal (with possible adaptations)</i>
<i>Local, national and EU civil society should be satisfied with the Protocol</i>	<i>Civil society representatives are satisfied with the environmental and social conditions of the SFPA and the Protocol, and support its renewal (with possible adaptations)</i>
<i>The national and local fishing sector should be satisfied with the Protocol</i>	<i>National and local fishing operators and processors in São Tomé and Príncipe do not compete with the EU fishing fleet and fish processors. They benefit from purchasing opportunities and support the renewal of the Protocol (with possible adjustments).</i>
<i>Fish processors in the EU should be satisfied with the Protocol</i>	<i>The needs of fish processors in the EU are met by the technical and financial conditions of the Protocol and these processors support its renewal (with possible adaptations)</i>
<i>The local and national administration should be satisfied with the Protocol</i>	<i>The local and national partner administration is satisfied with the implementation of the Protocol and supports its renewal</i>

In terms of acceptability, EU shipowners utilising the fishing opportunities negotiated are generally satisfied with the conditions set out in the Protocol and support its renewal. The Cook Islands authorities also expressed their satisfaction, and there was no perceived reticence from authorities regarding the principle of negotiations to renew the Protocol after 2024.

The acceptance of the EU SFPA by civil society in the Cook Islands became less adversarial than under the previous Protocol thanks to increased awareness of Protocol outcomes and the final judgement in 2022 by the country's Privy Council, validating the legality of the SFPA<sup>13</sup>.

Representatives of the Cook Islands fisheries sector did not raise any concerns about the EU SFPA. There are no direct interactions between fishers based in the Cook Islands and EU purse seiners in fishing grounds, and the lack of interactions with the EU fleet is not seen as a problem given the small size of the domestic market.

## 5. WHAT ARE THE CONCLUSIONS AND THE LESSONS LEARNT?

### 5.1. Conclusions

After almost 2 years of implementation, the current 3-year Protocol (November 2021 to November 2024) has succeeded in achieving its main objectives. The fishing opportunities negotiated for the EU fleet in the Cook Islands' EEZ are aligned with limits imposed by the WCPFC.

<sup>13</sup> [Ex-post and ex-ante evaluation study of the protocol to the agreement on a sustainable fisheries partnership between the European Union and Cook Islands - Publications Office of the EU \(europa.eu\)](#), Summary of the evaluation study.

The activities of the EU tuna fleet in the Cook Islands' EEZ are monitored through the reporting requirements set out in the Protocol in conformity with the standards of the EU's CFP and WCPFC, which include, in particular, 100% observer coverage on all fishing vessels at all times.

On the objective of protecting the interests of the EU long-distance fleet, the evaluation reveals that the effectiveness of the Protocol is good overall. The Protocol provides fishing opportunities in waters from which the EU purse seine fleet may obtain a significant proportion of its catch in the western central Pacific Ocean. The benefit of the Protocol is further evidenced by the fact that the four EU purse seiners active in the western central Pacific Ocean applied for the four fishing licences available as expected by the Protocol (100% utilisation of available fishing licences).

However, the number of fishing days deployed in the EEZ of the Cook Islands has been significantly below the minimum number of days identified by the Protocol to determine the volume of financial compensation. The main reason for this apparent discrepancy between all fishing licences being taken up (100% fishing licence utilisation rate) but very few fishing days per purse seiner is that the WCPO experienced nearly 3 years of La Niña conditions from July 2020 to March 2023, a duration unheralded in recent decades.

The SFPA Protocol is coherent with the EU CFP in general and with the overarching conservation and management regime implemented under the multilateral framework of the WCPFC in particular.

The EU shipowners utilising the fishing opportunities as negotiated are generally satisfied with the conditions set by the Protocol and clearly support its renewal. The Cook Islands authorities also expressed their satisfaction with the Protocol, and there was no perceived reticence from the country's authorities regarding the principle of negotiations to renew the Protocol after 2024.

The Protocol is still relevant to address the needs of the EU by promoting sustainable fishing practices in external waters. It is also still relevant to address the needs of EU purse-seine shipowners by giving them access to productive fishing grounds. The Protocol is also still relevant to satisfy the needs of the Cook Islands by using its surplus envelope of fishing effort allocated by the WCPFC, and securing external funding to support implementation of the country's national fisheries policy.

Based on the evaluation, among all options considered, the renewal of the Protocol at the end of its implementation period (16 December 2024) clearly appears to be in the interest of both parties and would be the most beneficial policy option. The option of not renewing the Protocol would not be beneficial for any of the parties<sup>14</sup>.

On access conditions, for the future Protocol, the number of fishing days reserved to the EU fleet is recommended to be set taking into consideration the level of utilisation of the current implementing Protocol.

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<sup>14</sup> [Ex-post and ex-ante evaluation study of the protocol to the agreement on a sustainable fisheries partnership between the European Union and Cook Islands - Publications Office of the EU \(europa.eu\)](#), page 55.

On technical measures, all current provisions could be maintained.

On the sectoral-support component, the future Protocol should pay particular attention to the efficient programming of sectoral-support activities, by seeking, where appropriate, external technical expertise when necessary. The programming of sectoral support should also be guided by the activities identified by the Cook Islands' national sectoral policy for the coming period, while the possibilities for supporting the implementation of this national policy will depend on budget availability, which will be the result of the negotiation process.

## **5.2. Lessons learnt**

The *ex post* evaluation of the Protocol implementing the SFPA for the period 2021-2024 shows that the Protocol has generally succeeded in achieving its main objectives.

There are three main lessons stemming from this *ex post* evaluation. The bullet points below set out these lessons in more detail.

- The main shortcoming identified is an apparent imbalance between the fishing opportunities negotiated in terms of the minimum number of fishing days and the actual uptake of these fishing opportunities by the EU purse-seine fleet. This low utilisation, attributable to exceptional climatic events that could not be foreseen when the Protocol was negotiated, decreases the performance of the Protocol in relation to the efficiency of the EU intervention for its access component.
- The implementation of the activities funded under sectoral support by the Cook Islands has been subject to noticeable delays despite the relatively modest annual budgets (around EUR 350 000 per year). The delayed implementation of the sectoral-support component is therefore a shortcoming that undermines the effectiveness of the EU intervention to support the development of a sustainable fisheries sector in the Cook Islands. While some of the reasons explaining the delays are understandable and out of the control of the Cook Islands' authorities (the impacts of the COVID-19 pandemic), other reasons lie in the structural difficulties encountered by the MMR in retaining experienced staff.
- The limited duration of the Protocol means it is not flexible enough for adjustments to be made to the implementation of sectoral support. The next protocol could be an occasion to address the issue of the funds of the previous protocol that have remained unspent. Furthermore, the limited duration creates an administrative burden, taking into consideration the need to provide an *ex post* and *ex ante* evaluation, in line with Article 31 of the CFP, even if these evaluations cover only a limited period of implementation.

## **6. EX ANTE EVALUATION**



The *ex ante* evaluation of the current implementing Protocol provides a forward-looking perspective that is complementary to the *ex post* evaluation. Expressly, it reflects on the lessons learnt and outlines the possible ways forward through a set of available policy options to implement the SFPA between the EU and Cook Islands.

### **6.1. Problem analysis and needs assessment**

In the context of the intervention logic in Figure 2, this section outlines the possible current and future needs of both parties to the current implementing Protocol and the Agreement.

### **6.2. Current and future needs of the Cook Islands**

The Cook Islands' fishing zone is attractive, as the country has a large EEZ in which tuna stocks are present, the abundance of which is correlated with oceanic conditions. Access agreements with foreign interests enable the country to exploit its fishing potential through a surplus of fishing opportunities from which the country needs to derive income to support its budget given its poorly diversified national economy.

The Cook Islands adopted an ambitious national development roadmap through the national sustainable development plan for the 2019-2024 period. The 2019-2024 national sustainable development plan includes development goals for the fisheries sector, with a strategic plan by the MMR designed to help achieve these goals for the 2022-2027 period. Implementation of the MMR's strategic plan requires funding that the country cannot provide in full due to other national spending priorities. The Cook Islands needs to secure extra-budgetary, multiannual sources of funding to address priorities for the sector.

The Cook Islands has responsibilities both as a flag State and as a coastal State. Its responsibilities include: (i) promoting responsible fishing practices to support the development of the national fisheries sector; and (ii) ensuring compliance with international obligations stemming from its membership of the WCPFC, South Pacific Regional Fisheries Management Organisation (SPRFMO), Southern Indian Ocean Fisheries Agreement (SIOFA), the Forum Fisheries Agency (FFA) and any other regional agreement that the Cook Islands may choose to join in the future.

### **6.3. Current and future needs of the EU**

For the EU, the Agreement creates a framework for cooperation on improving ocean governance and developing the country's fisheries sector and blue economy.

The EU is committed to improving ocean governance. In addition to its actions with relevant RFMOs, such as the WCPFC, the EU can encourage coherent measures to preserve and conserve stocks exploited through its network of fisheries agreements accompanied by a protocol in force. The EU also aims to promote: (i) management based on scientific advice; (ii) transparency; and (iii) due regard for fair treatment between the different fishing fleets. The SFPA between the EU

and the Cook Islands complements the current Protocol between the EU and Kiribati, as well as the fishing opportunities granted by the WCPFC to the EU in the high seas.

As part of its efforts to improve ocean governance, the EU considers the international fight against illegal, unreported and unregulated (IUU) fishing as one of its priorities. It engages in this fight in particular through Regulation (EU) No 1005/2008 and support for numerous development programmes to strengthen the capacity of developing coastal states to combat this scourge. To this end, EU vessels must behave in an exemplary fashion, regardless of their fishing zone. This requires setting up oversight mechanisms to enable the EU and the Member States concerned to assume their responsibilities as flag States. For example, the EU needs to have framework mechanisms in place to supervise the activity of fleets in waters covered by a possible future protocol, while respecting international law and the objectives of the EU's CFP. By means of sectoral support for a possible future protocol, the EU's objective is thus to contribute in particular to the fight against IUU fishing.

In its external action, the EU committed to the international community to play a leading role in implementing the 2030 Agenda for Sustainable Development adopted by the United Nations in 2015. The EU therefore needs to be able to put in place an instrument that helps to achieve the United Nations Sustainable Development Goals, in particular the objectives relating to life below water (SDG 14) in São Tomé and Príncipe waters, in synergy with other interventions by the EU and its Member States.

#### **6.4. Current and future needs of both the Cook Islands and the EU**

The creation of a framework for sectoral policy dialogue with dedicated funding in synergy with other EU interventions is a positive development. It enables both parties to exchange and jointly implement initiatives to promote the sustainable development of the fisheries sector, including through initiatives to: (i) cooperate in the fight against IUU fishing; and (ii) strengthen fisheries research.

#### **6.5. Current and future needs of the EU fleet**

For EU shipowners, there is a need for stable access agreements for multiannual periods, allowing vessels to plan their regional fishing strategies over several seasons. Fleets also need access conditions framed by a robust legal instrument, which clearly sets out the rights and obligations of each party (vessels and coastal States), with opportunities for fair arbitration in the event of a presumption of non-compliance by one of the two parties.

EU purse-seine shipowners carry out some of their fishing activities in the western central Pacific Ocean. EU purse seiners have fishing opportunities granted to them by the WCPFC on the high seas, but they still need to secure additional access opportunities to fishing areas under the jurisdiction of coastal States to follow tuna stocks as they migrate.



## **6.6. EU added value**

Should the Protocol be renewed, only the EU is competent to negotiate in accordance with the Treaty on the Functioning of the European Union.

Beyond this obligation stemming from the Treaty on the Functioning of the European Union, the involvement of the EU in the negotiation of a new Protocol brings a clear added value similar to that identified in the *ex post* part of the evaluation. Some areas in which the EU adds value in this regard are set out in the bullet points below.

- The EU can protect the benefits achieved by the Protocol, given that a failure to agree a new Protocol would result in: (i) no fishing activity in the EEZ of the Cook Islands by EU vessels as a result of the exclusivity clause featuring in the SFPA; and (ii) a cessation of financial compensation received by the Cook Islands for access, in return for which the Cook Islands has received support in implementing its national sectoral fisheries policy and maritime policy.
- The EU ensures that the Protocol and its implementation comply with: (i) international applicable legal instruments (in particular, the United Nations Convention on the Law of the Sea-UNCLOS); and (ii) the guiding principles enshrined in Articles 31 and 32 of the EU CFP Regulation, including the inclusion in the instrument of the four governance principles applicable to EU fisheries agreements.
- It is possible for the EU to promote responsible fishing practices at sub-regional level through leverage effects associated with a network of coherent fisheries agreements in the western central Pacific Ocean.
- The EU ensures that the Protocol and its implementation comply with the measures adopted through regional governance instruments (e.g. WCPFC conservation and management measures, and the FFA Minimum Terms and Conditions for access).
- The EU provides a stable and multiannual legal framework for EU vessel access, thus supporting the exploitation strategies of these vessels in a transparent manner.
- The EU provides a legal mandate to the EU for monitoring EU fishing-vessel activities in the EEZ of the Cook Islands (i.e. by giving the role of ‘super flag State’ to the European Commission).
- The EU provides a tailored bilateral instrument for: (i) cooperation in the fisheries sector with the Cook Islands; and (ii) support for implementation of the Cook Islands’ sectoral fisheries policy. This instrument is additional to other EU regional initiatives aiming at strengthening the fisheries governance framework and the development of the blue economy.

## **6.7. Policy and management objectives**

The objectives of fisheries agreements are guided by Articles 31 and 32 of the Basic Regulation on the CFP, taking into account the 2012 Council conclusions on the external dimension of the

CFP. In line with EU policy on fisheries agreements, the objectives of future intervention under the SFPA concluded between the EU and the Cook Islands must be based on the general and specific objectives which guide the EU's intervention logic for all FPAs and SFPAs. These general and specific objectives are set out in the paragraphs below.

General objective 1: a contribution to resource conservation and environmental sustainability through the rational and sustainable exploitation of marine resources in the waters of the Cook Islands, with the following specific objectives (SOs):

- SO 1.1: Ensure the conservation of tuna stocks through the application of conservation and management measures adopted within the WCPFC multilateral framework;
- SO 1.2: Promote the same principles and apply the same standards as those applied in EU waters for fisheries management;
- SO 1.3: Improve the scientific and technical evaluation of fisheries in the waters of the Cook Islands, in particular through support for data collection and transparency of the management framework;
- SO 1.4: Ensure compliance with the applicable rules and combat IUU fishing.

General objective 2: support for the activity of the EU's distant fishing fleets and the maintenance of employment linked to the activities of these vessels, with the following specific objectives (SOs):

- SO2.1: Seeking an appropriate share of surplus resources, fully commensurate with the EU fleet's interests;
- SO2.2: Ensuring that the level of fees payable by EU shipowners for their fishing activities is fair, non-discriminatory and commensurate to the benefits provided through the access conditions, while avoiding any discriminatory treatment towards EU vessels and promoting a level playing field among the different fleets;
- SO2.3: Ensuring supply for the EU and for the markets of certain developing countries;
- SO2.4: Encouraging the creation of a secure environment that is favourable to private investment and economic activities;

General objective 3: support for the development of a sustainable fisheries sector in the Cook Islands, with the following specific objectives (SOs):

- SO3.1: contributing to capacity building in the Cook Islands (notably by improving the fisheries legal framework; control and surveillance; and science);
- SO3.2: supporting the Cook Islands in developing local fisheries, including artisanal fisheries in the outer islands.

## 6.8. Policy options, including associated risks

Two options are available for the future:

- renewal of the current Protocol – option A (option A1 for maintaining the status quo and option A2 for making some adaptations where necessary);
- non-renewal of the Protocol – option B.

The information obtained from meetings of the Joint Committee and collected during the evaluation shows that both parties are willing to identify ways to improve the overall effectiveness of the Protocol.

### Option A.1 (status quo with identical terms)

In the event of renewal under the same terms under option A1, discussions by the various parties on mechanisms to improve the implementation of the Protocol would not take place. In particular, there would be no discussions on improving: (i) the duration of the Protocol; (ii) the level of fishing opportunities; (iii) the minimum number of fishing days; (iv) the level of fishing authorisation fees for the EU shipowners; or (v) the technical conditions and support for the Cook Islands' sectoral policy.

### Option A.2 (status quo with some improvements)

The main conclusions of the *ex post* evaluation and the lessons learnt suggest that there are areas for improvement in the conditions of the current implementing Protocol. The proposed adjustments would many address the following issues.

- **Duration of the Protocol:** a renewed Protocol should last around 5-6 years to ensure minimum short- and medium-term planning for the EU shipowners.
- **Fishing opportunities:** in a renewed Protocol these would be the same as in the current Protocol (which gives access to four EU purse seiners) in accordance with the capacity limit imposed by the WCPFC on the EU.
- **Minimum number of fishing days:** a renewed Protocol would decrease the minimum number of fishing days compared with the current Protocol, and the maximum number of days available for purchase would be increased. In summary, the fixed and variable parts of the EU financial compensation for access would be rebalanced.
- **Fishing authorisation fees:** in a renewed Protocol, there would be alignment between fishing authorisation fees and the minimum number of days comprised in the EU financial compensation for access, with an opportunity to purchase additional days.
- **Period of validity of licences:** a mechanism is needed in a renewed Protocol to apply a licence *pro rata temporis*, when the validity of a licence is less than one year (365 days).

- **Review mechanism:** a renewed Protocol would introduce a mechanism to review access conditions if the Cook Islands become a party or an associated party to the Palau Arrangement, to allow alignment with the rules governing this international agreement.
- **Technical conditions:** in a renewed Protocol, monitoring, control and surveillance requirements would all remain the same as under the current Protocol (with continued efforts to implement the electronic reporting system as soon as possible).
- **Sectoral support:** in a renewed Protocol, the specific contribution for the support and implementation of the Cook Islands' sectoral policy provides funding for a 5- or 6-year sectoral programme, with payments conditional on the achievement of the expected results.

## Option B (non-renewal of Protocol)

Without the conclusion of a new protocol, the EU fishing fleet will no longer be able to access fishery resources in the fishing zone covered by the FPA as of 16 December 2024 under the exclusivity clause of the SFPA.

In the absence of a protocol, access to these resources for the EU fleet requires the termination of the SFPA by one of the two parties. The termination of the Agreement would allow EU vessels to negotiate direct fishing authorisations with the authorities of the Cook Islands. The issuance of these authorisations would be subject to the rules set out by Regulation (EU) 2017/2403, which provides the European Commission with a mandate to oversee the process. Allowing the SFPA to lapse would allow access for EU vessels but would not provide them with the stable and multiannual legal framework of a fisheries agreement. However, allowing the SFPA to lapse is highly unlikely, as the absence of a Protocol is not one of the reasons for termination of the SFPA laid down in Article 14 of the Agreement. Furthermore, allowing the SFPA to lapse would send a negative signal that could affect the quality of the political dialogue between the Cook Islands and the EU.

## 6.9. Results and impacts

### 6.9.1. Environmental, economic and social impacts

The following table compares the different options in terms of environmental, economic and social impacts and the associated risks. At this stage, the impacts remain essentially qualitative. To measure these impacts, it would be necessary to know: (i) the main features of a future Protocol that will be the result of the negotiation; and (ii) changes in the fishing opportunities available under EU fisheries agreements with other countries in the sub-region.

Criteria / Option	Option A1: renewed, unchanged Protocol(status quo)	Option A2: modified and renewed Protocol with some adaptations	Option B: no Protocol implementing the SFPA

<b>Environmental impacts</b>	<ul style="list-style-type: none"> <li>• Availability over a 3-year period of fisheries-dependent scientific data in relation to EU purse-seine activities in the EEZ of the Cook Islands of relevance to support stock assessment and ecosystem considerations</li> <li>• Availability of multiannual sources of funding (sectoral support) over a 3-year period to: (i) implement research activities to monitor artisanal fishing activities and research activities in the outer islands; and (ii) protect sensitive habitats in the Cook Islands</li> </ul> <p>Availability of multiannual sources of funding (sectoral support) to support national capacities for monitoring, control and surveillance and for the fight against IUU fishing over a 3-year period</p>	<ul style="list-style-type: none"> <li>• Availability over a 5/6-year period of fisheries-dependent scientific data in relation to EU purse-seine activities in the EEZ of the Cook Islands of relevance to support stock assessment and ecosystem considerations</li> <li>• Availability of multiannual sources of funding (sectoral support) over a 5/6-year period to: (i) implement research activities to monitor artisanal fishing activities and research activities in the outer islands; and (ii) protect sensitive habitats in the Cook Islands</li> <li>• Availability of multiannual sources of funding (sectoral support) to support national capacities for monitoring, control and surveillance and for the fight against IUU fishing over a longer period of time compared than in option A1</li> </ul>	<ul style="list-style-type: none"> <li>• Less fisheries-dependent scientific data available</li> <li>• Less funds available to the MMR to implement research activities and to monitor and control fishing activities taking place in the EEZ</li> </ul>
<b>Economic impacts</b>	<p><b>EU</b></p> <ul style="list-style-type: none"> <li>• Payment of a financial contribution to the Cook Islands from the EU budget (amount dependent on the outcomes of the negotiations; it was EUR 700 000 per year under the current Protocol)</li> <li>• Economic value added benefiting the EU as a result of the activities of the EU purse seiners in the EEZ of Cook Islands (value will depend on catch obtained)</li> </ul> <p><b>Cook Islands</b></p> <ul style="list-style-type: none"> <li>• Multiannual budget income stream from EU payments (EU and EU shipowners) – amounts depend on the outcome of the negotiation</li> <li>• EU financial compensation to support and implement the national sectoral policy available to foster the economic development of the fisheries sector over a 3-year period</li> </ul>	<p><b>EU</b></p> <ul style="list-style-type: none"> <li>• Payment of a financial contribution to the Cook Islands from the EU budget (amount dependent on the outcomes of the negotiations)</li> <li>• Economic value added benefiting the EU as a result of the activities of the EU purse seiners in the EEZ of Cook Islands (value will depend on catch obtained)</li> </ul> <p><b>Cook Islands</b></p> <ul style="list-style-type: none"> <li>• Multiannual budget income stream from EU access payments (EU and EU shipowners) – amounts more difficult to forecast as a result of a larger proportion of variable payments dependent on activities of the EU purse seiners in the EEZ</li> <li>• EU financial compensation to support and implement</li> </ul>	<p><b>EU</b></p> <ul style="list-style-type: none"> <li>• Economy for the EU budget (<math>\approx</math> EUR 700 000 / year under the current Protocol)</li> <li>• Possible negative impacts on the economic performance of the EU purse-seine fleet if fishing opportunities lost in the EEZ of the Cook Islands cannot be replaced by fishing opportunities elsewhere</li> </ul> <p><b>Cook Islands</b></p> <ul style="list-style-type: none"> <li>• Loss of multiannual budget income stream from EU payments (EU and EU shipowners)</li> </ul>

Social impacts		the national sectoral policy available to foster the economic development of the fisheries sector. Compared with option A1, the longer period of time provides greater programming flexibility, and opens the opportunity to consider activities that take more time to implement, such as public investment in fisheries or research infrastructures.	
	<b>EU</b>	<b>EU</b>	<b>EU</b>
	<ul style="list-style-type: none"> <li>• Employment of EU nationals onboard EU purse seiners secured by availability of fishing opportunities</li> </ul>	<ul style="list-style-type: none"> <li>• Employment of EU nationals onboard EU purse seiners secured by availability of fishing opportunities but with increased visibility compared with option A1</li> </ul>	<ul style="list-style-type: none"> <li>• Possible negative impacts on employment onboard the EU purse seine fleet if fishing opportunities lost in the EEZ of the Cook Islands cannot be replaced by fishing opportunities elsewhere</li> </ul>
	<b>Cook Islands</b>	<b>Cook Islands</b>	<b>Cook Islands</b>
	<ul style="list-style-type: none"> <li>• Social benefits underpinned by activities of the sectoral-support programme benefiting artisanal fishers</li> </ul>	<ul style="list-style-type: none"> <li>• Social benefits underpinned by activities of the sectoral-support programme benefiting artisanal fishers over a longer period of time compared with option A1</li> </ul>	<ul style="list-style-type: none"> <li>• Less funding available for activities supporting the development of artisanal fisheries in the Cook Islands</li> </ul>

## 6.9.2. Comparison according to standard evaluation criteria (relevance, effectiveness, efficiency and coherence)

The table on this page compares the different options in terms of relevance, effectiveness, efficiency, coherence, EU added value and acceptability.

Criterion/Option	No new protocol <i>Option B</i>	Protocol renewed unchanged (status quo) <i>Option A1</i>	Conclusion of an adapted protocol <i>Option A2</i>
<b>Relevance</b>	Option B does not meet the identified needs	Option A1 partly meets the needs identified for both parties	The renewal of the Protocol (option A2) meets the needs identified for both parties: desired improvements on the access and sectoral-support components
<b>Effectiveness</b>	EU-Cook Islands cooperation in the fisheries sector will be possible only under the general framework of EU-ACP cooperation dialogue and instruments (essentially deployed at regional level for fisheries issues in the Pacific), and within the multilateral WCPFC framework.	A new Protocol will be conducive to achieving the objectives through its decoupled access and sectoral components. However, the short duration of a new Protocol could be challenging for ensuring the effectiveness of the sectoral-support component.	A new Protocol will be conducive to achieving the objectives through its decoupled access and sectoral components
<b>Efficiency</b>	<b>Not applicable</b> (no specific EU budget commitment in this case)	<b>Cannot be evaluated <i>ex ante</i></b> The efficiency of the intervention depends on the relationship between the budgets identified under the next Protocol and the actual levels of activity of the EU fleet; as well as the results obtained through implementation of the sectoral-support component	<b>Cannot be evaluated <i>ex ante</i></b> The efficiency of the intervention depends on the relationship between the budgets identified under the next Protocol and the actual levels of activity of the EU fleet; as well as the results obtained through implementation of the sectoral-support component
<b>Coherence</b>	Without a Protocol, the EU will have fewer resources to implement the sub-regional strategy according to the principles of the CFP. The general principles guiding the development policy will nevertheless continue to apply to the EU-Cook Islands cooperation framework	A Protocol makes it possible to coherently implement both the objectives of the CFP and the objectives of the EU's development policy. However, coherence will be undermined by the lack of flexibility of the Protocol that means it cannot align with international obligations stemming from new regional agreements that the Cook Islands is considering joining (i.e. the PNA)	A Protocol makes it possible to coherently implement both the objectives of the CFP and those of EU development policy while enabling the Cook Islands to implement its national and regional priorities
<b>EU added value</b>	For the EU, not implementing the SFPA signed in 2016 through a new Protocol does not add value in the context of the Cook Islands	The involvement of the EU in a renewed Protocol is an obligation resulting from the existence of the SFPA concluded in 2016 and of its exclusive competence in fisheries management	The involvement of the EU in a renewed Protocol is an obligation resulting from the existence of the SFPA concluded in 2016 and of its exclusive competence in fisheries management



<b>Acceptability</b>	The non-renewal of the Protocol is likely to be unacceptable to the concerned EU shipowners and EU Member States, as it would deprive the fleet of access to the EEZ of the Cook Islands	<p>The relevant authorities of the Cook Islands support the principle of negotiating a new Protocol.</p> <p>EU shipowners support the renewal of the Protocol.</p> <p>The position of non-State actors in the Cook Islands on the EU SFPA has become less adversarial. Concerns have shifted away from concerns about extraction (through fishing activities) to the impacts of fishing on the environment (stranding of FADs) to which the EU probably makes a low contribution (EU vessels represented less than 2% of the Pacific purse-seine fleet in 2022).</p> <p>Acceptability may be weakened if the Protocol undermines the Cook Islands' adaptation to rules stemming from new regional agreements that the country is considering joining.</p>	<p>The relevant authorities of the Cook Islands support the principle of negotiating a new Protocol.</p> <p>EU shipowners support the renewal of the Protocol.</p> <p>The position of non-State actors in the Cook Islands on the EU SFPA has become less adversarial. Concerns have shifted away from concerns about extraction (through fishing activities) to the impacts of fishing on the environment (stranding of FADs) to which the EU probably makes a low contribution (EU vessels represented less than 2% of the Pacific purse-seine fleet in 2022).</p>
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### 6.10. Preferred option

A comparison of the options indicates that sub-option A2 (negotiation of a new implementing protocol with some adjustments) is the preferred option. Adjustments to ensure greater proportionality between the fishing opportunities negotiated and the effective use of these opportunities will improve the efficiency of the EU's investment in the financial contribution for access.

Compared with sub-option A2, sub-option A1, which considers a renegotiation of the current implementing Protocol, has three main weaknesses: (i) it could maintain fishing opportunities in excess of needs, (ii) it could continue the slow absorption of sectoral-support funds; and (iii) it would be of limited duration (3 years).

The sub-options A1 and A2 will allow the EU to mobilise specific EU funding for sectoral support, decoupled from the EU compensation for access. The performance of sectoral support will depend on the conditions for implementing this sectoral support (available budget, programming, technical

and financial management of planned activities, monitoring and evaluation). By comparison, option B – non-renewal of the Protocol – does not meet any of the needs of both parties.

### **6.11. Monitoring of a future implementing Protocol**

Following its entry into force, a renewed SFPA and Protocol between the EU and the Cook Islands should be subject to continuous monitoring and evaluation through a technical dialogue between the MMR and DG MARE. This technical dialogue should in particular be supported by a DG MARE fisheries attaché in charge of the monitoring of the SFPA.

Given the difficulties encountered during the current Protocol in relation to the timely implementation of the multiannual sectoral programme, DG MARE should consider: (i) specific arrangements for the organisation of technical visits between the annual meetings of the Joint Committee for closer monitoring of the results obtained; and (ii) timely identification of relevant solutions to foster implementation of the multiannual sectoral programme if there is any significant departure from the agreed implementation calendar.

Potential indicators of relevance to future monitoring and evaluation could include:

- the amount (EUR per year) of EU budget payments for access;
- authorisation fees paid by shipowners (EUR per year);
- authorisation fees paid by shipowners relative to the value of catches (%);
- utilisation rates (% per year) of fishing opportunities available;
- infringements (number per year) by EU vessels fishing in the EEZ of the Cook Islands;
- value of catches made by EU vessels (EUR per year);
- rate (% per year) of disbursement of sectoral-support funds;
- updated log frame for the intervention (values of performance indicators selected and targets).

The Protocol will have to be subject to an independent *ex post* evaluation according to the EU Financial Regulation and the CFP. It should be completed no later than one year before the expiry date of the Protocol, which will allow the EU institutions to prepare for its possible renewal by following the ordinary legislative procedure, without interrupting possibilities of access.

## **ANNEX I: PROCEDURAL INFORMATION**

Directorate-General for Maritime Affairs and Ocean

**PLAN/2023/2531** – EU-Cook Islands Sustainable Fisheries Partnership Agreement – negotiation mandate for a new protocol

1. Organisation and timing of the evaluation study on which the Staff Working Document was mainly based

Tasks	Time
Signature of the contract	20 December 2023
Kick-off meeting	18 January 2024
Report of the kick-off meeting	19 January 2024
Submission of the inception report	29 January 2024
Comments to the inception report	25 March 2024
Submission of the draft final report	3 April 2024
Meeting to discuss draft final report	25 April 2024
Submission of the final report	3 May 2024

2. Derogations granted

This initiative does not require an impact assessment as it sets out a general policy approach and does not commit to any action. However, a retrospective and forward-looking evaluation will be carried out. For the retrospective evaluation, the questions look at the effectiveness, efficiency, economy, relevance, coherence, EU added value and acceptance of the Protocol. For the prospective evaluation, the questions focus on: (i) identifying problems and needs; (ii) the objectives to be achieved; (iii) the options available (conclusion or not of a new Protocol) and the associated risks; and (iv) lessons learnt.

3. Evidence, sources and quality

The results of this staff working document are mainly informed by an evaluation study conducted by an independent consultant. This evaluation study took place from January to April 2024 under the guidance of an interservice steering group set up by different services of the European Commission and under the terms of reference of specific contract number 10 under the framework contract MARE/2021/OP/0001. The evidence base for this evaluation study consisted of two main components: analysis of available documentation and consultations with stakeholders.

## ANNEX II. METHODOLOGY AND ANALYTICAL MODELS USED

Information presented in this staff working document is mainly taken from the above-mentioned evaluation study conducted by an independent consultant.

The methodology used in the independent evaluation study is based on data collection, targeted consultations, data analysis and synthesis of this analysis and consultation outputs. In the sections below, we look at each of these bases in turn.

### 1. Data collection

The external study had to collect information on the:

- fishing sector in the Cook Islands;
- activities of EU and other fleets in the partner country;
- stock assessments for the main concerned species;
- institutional set up relevant to fisheries issues;
- trade figures and data collected on the spot for local processing facilities;
- fishing data and economic data collected from EU companies as well as in other studies (costs structures);
- reports of technical meetings, local fishery attaché reports and Joint Committee meetings;
- structured interviews with stakeholders: representatives from administrations, fishery sector, Cook Islands society.
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The information was then analysed and fed into an evaluation which had two goals:

- to conduct a critical review of the appropriateness and performance of the use of EU funds under the sectoral-support component;
- to conduct a critical review of compliance with the binding provisions of the Protocol for each Party.

Data used were provided by: (i) the Commission (based on both a database fed by Member States for authorisations and catches; and a Commission database on payment amounts and timing), (ii) the Cook Islands; (iii) companies in the EU or in third countries (economic results); or (iv) other public sources (COMEXT data, EUMOFA selling price database, RFMO reports).

### 2. Consultations

Consultations were carried out for the purposes of this evaluation study, with the assistance of the independent consultants according to a strategy validated by the Commission inter-services steering group. There were two types of consultations, and a short description of both are set out in the bullet points below.

- **Consultation of stakeholders in the EU:** (i) administrations of the flag Member States of EU vessels benefiting from fishing opportunities; (ii) the professional associations grouping EU operators using the negotiated fishing opportunities; and (iii) EU civil society.

- **Consultation of stakeholders in the Cook Islands:** a visit took place to the Cook Islands in February 2024. During the visit, face-to-face discussion sessions were held with the various departments of the Cook Islands' authorities involved in monitoring the Agreement; representatives of the private sector in the industrial and artisanal sectors; and civil society.

### 3. Preparation of the evaluation study

The preparation of this evaluation study took into account the guidelines and tools recommended by the EU in this area, as well as the methodological elements specific to the external dimension of the CFP, such as those concerning the methods for evaluating the socio-economic impact of EU SFPAs.

Uncertainty in the analytical results and their robustness are influenced by:

- the evaluated period, which is by necessity shorter than the full period of the initiative (around 1 year of implementation is not evaluated);
- the lack of available information (such as precise and accurate data distinguishing landings and transshipments of EU catches, discrepancies between different data sources, or confidential economic information such as selling prices or the structure of precise costs per individual company);
- the use of aggregated data.

## **ANNEX III. EVALUATION MATRIX**

The evaluation matrix applied is set out in the pages below.

### **1 Effectiveness – The extent to which the objectives of the Implementing Protocol to the Agreement were achieved**

Questions	Success criteria	Suggested indicators
Objective 1: To contribute towards resource conservation and environmental sustainability through rational and sustainable exploitation of living marine resources of Cook Islands		
1.1 To what extent fisheries activities were addressed exclusively at surplus resources and preventing the overfishing of stocks, on the basis of the best scientific advice and improved transparency on the global	Stocks targeted by the EU fleet are not overexploited at the regional level (highly migratory species- tuna) or at national level, and the EU fishing capacity is within the limits set or recommended by the relevant RFMO or RFO. The Protocol takes	State of the stocks targeted under the Protocol (scientific advice, analysis that Cook Islands conducted, meetings, regional scientific reports and data, RFMO/RFO advice, and advice from national scientific institutes); all

<p>fishing efforts in the waters included in the current Protocol.</p>	<p>into account the management strategies expressed by the RFMOs and the Cook Islands. The Cook Islands take part in the relevant RFMOs/RFOs and provide data on activities carried out by vessels flagging its flag and by other foreign fleets operating in its waters.</p>	<p>fleets' catches and fishing effort in Cook Islands and in the region; possible impact on the environment of all the fleets operating in these waters. All considering that the target is tuna, which is a migratory species.</p>
<p>1.2 To what extent the implementation has followed the same principle and promoted the same standards for fisheries management as applied in EU waters.</p>	<p>The EU and Cook Islands adopt management measures to reduce by-catches and discards and reduce possible impacts on the ecosystem.</p>	<p>State of the stocks taken as by-catch by EU vessels; management measures adopted at the regional, national or EU level or under the Protocol. Strategies aimed at conservation measures for protected species such as sharks.</p>
<p>1.3 To what extent the scientific and technical evaluation of the fisheries concerned have improved</p>	<p>EU fishing activities are subject to an appropriate reporting obligation framework (logbook, VMS, observers etc.) in the Agreement and a scientific data-collection framework (size composition of the catches, biological parameters etc.). This information is sent to the relevant RFMO and national research institutes. EU scientists and scientists from the Cook Islands actively participate in scientific meetings and RFMO/RFO scientific committees. Cooperation between scientific institutes is encouraged and supported where appropriate. Joint scientific analysis at regional level and at RFMO level are taken into account.</p>	<p>Inclusion of data-collection provisions in the Agreement and timely availability of relevant data for the management and scientific operators; amount and quality of data collected; number of reports to RFMOs and scientific institutes; participation rate in RFMO/RFO scientific committees; results achieved with sectoral support; number of meetings between scientists and managers at country level.</p>
<p>1.4 To what extent compliance and control of EU fleet activities have been ensured</p>	<p>The activity of the EU fleet is properly monitored (VMS, ERS, etc.); reporting, monitoring and control takes place as stipulated in the Protocol and as legislation requires. Moreover, there is adequate monitoring, reporting and control of all catches and catch composition.</p>	<p>Level of implementation of the monitoring provisions in the Agreement and its Protocol; level of implementation of the monitoring, reporting and control provisions; results achieved with sectoral support in terms of MCS.</p>

	Possible infractions are sanctioned and sectoral support is used to strengthen monitoring, control and surveillance (MCS).	
Objective 2: To contribute to continuing the fishing activity of the EU's long-distance fleet and the employment linked to the fleet operating within the Agreement and its Protocol		
2.1 To seek an appropriate share of the surplus resources, fully commensurate with the EU fleet's interests and their regional and sub-regional fishing strategy	The Agreement and its Protocol provide for access to fishing zones that are important for the EU fleet. Species and quantities covered by the Protocol correspond to the fishing patterns of the EU fleet. The fishing opportunities allowed are acceptable considering the activities of all fleets active in the same waters at national, sub-regional and regional level.	Utilisation of fishing licences; catches in waters covered by the current Agreement and Protocol compared with overall catches at national, regional and sub-regional level if appropriate; employment (direct and indirect jobs) for EU operators; change in the number of EU vessels in the region; contribution to the supply of the EU market and EU processing sector (volume and value) and to the local processing sector.
2.2 To ensure that the level of fees payable by EU shipowners for their fishing activities: (i) is fair and proportional considering the revenues and costs; (ii) is non-discriminatory; and (iii) promotes a level playing field among the different fleets	<p>The Agreement and its Protocol offer similar conditions to all foreign fleets operating in the fishing zones and management areas in the current Protocol.</p> <p>The cost-benefit ratio is acceptable and reasonable for the EU shipowners and for the Cook Islands.</p>	Level of fees and technical conditions applied to third countries' fleets in the fishing zones and management areas in the current Protocol. Proportion between fees, (all) costs and (all) benefits for the EU shipowners and for the Cook Islands.
2.3 To ensure supply for the EU and for the markets of the Cook Islands and third countries.	The Agreement offers a reasonable framework to foster landings and thus supply local markets and trade with third countries. The Agreement fosters trade on fisheries cooperation between the EU and the Cook Islands and/or third countries.	<p>Percentage of landings versus market needs in local and neighbouring countries.</p> <p>Trade figures on fish (and composition) between the EU and Cook Islands.</p> <p>Commercial balance and relation with Cook Islands and neighbouring countries related to fish caught in Cook Islands' waters.</p>



2.4 To encourage the creation of a secure environment that is favourable to private investment and economic activities contributing to the sustainable development of the country and strengthening its cooperation with the EU.	Some of the fish caught under the Agreement supplies the local market and the local processing industry; EU fishing supports port and ancillary activities and the economic and social development in the EU and in the area covered by the current Protocol. The Agreement could have an important impact regionally. There are synergies between the implementation of the Agreement and the economic and social development of the country.	Number of initiatives to ensure cooperation between EU businesses and local businesses. Benefits that such activities brought to the EU, the country and local areas in the country. Number of initiatives that have had a local, national and regional benefit.
2.5 To take into account the specific interests of: <ul style="list-style-type: none"> <li>– the EU's outermost regions located in the vicinity;</li> <li>– the EU's fleet.</li> </ul>	The Agreement covers the specific needs of the EU fleet based in outermost regions and in the EU by ensuring the continuity of their fishing grounds	Number of vessels originating from the outermost region operating under the Agreement and percentage of catches compared to total catches. The same for the EU vessels originating from other EU regions.
Objective 3: To support the development of a sustainable fisheries sector in partner countries (through: (i) the governance framework that the Agreement creates; (ii) sectoral support; (iii) cooperation on the blue economy, (iv) small-scale and artisanal fisheries; (v) direct and indirect job creation; (vi) the development of local and national sectoral policies, etc.) and analysis of geographic, social, environmental and economic impacts.		
3.1 To contribute to capacity building and social, environmental and economic development in the Cook Islands.	The sectoral support and the economic activity that the implementation of the Agreement creates contributes to: (i) the functioning of the fisheries sector; (ii) better governance; (iii) transparency; (iv) inclusiveness; and (v) social and economic development of the area covered by the current Protocol. Moreover, it provides for appropriate training, equipment and infrastructure, especially in the areas of science and MCS. Utilisation of the sectoral support has been duly reported (detailed results on expected economic and social	Results achieved with sectoral support and economic and social impact of the implementation of the current Protocol; percentage of the EU contribution to the different strategies, policies and indicators for assessing the social and economic impact in the EU and in the areas covered by the current Protocol; budget of the national fisheries strategy; comprehensiveness and level of detail of the sectoral support and cooperation on the blue economy, small-scale and artisanal fisheries, aquaculture, data collection, MCS, food security and policy areas.

	benefits within the geographic scope of the current Protocol).	
3.2 To: (i) promote the employment of local fishers; (ii) improve infrastructures; (iii) encourage landings; and (iv) support the third country in developing local fisheries, a local processing industry, and local markets. To create employment directly and indirectly.	<p>EU vessels recruit some of their staff locally: they benefit from good working conditions and appropriate training, equivalent to ILO standards. Some of the catch is landed and processed locally.</p> <p>Catches landed are traded in local and neighbouring markets. Successful trade flows are generated. Elements that facilitate the trade relation and elements that discourage it are identified.</p>	<p>Compliance with the rules for the minimum number of local fishers embarked, compliance with the standards for: (i) fair and safe working conditions; (ii) the amount and composition of wages; (iii) catches (value and volume, including by catches) landed (namely in comparison with landing obligations); (iv) catches processed and marketed locally.</p> <p>Quantities of landings and transshipments from EU/non-EU fleets in Cook Islands ports.</p> <p>Number of jobs supported in ports and processing facilities related to frequentation and landing/transshipment activities by EU /non-EU fleets</p> <p>Social indicators of current work force in Cook Islands (age distribution) and related needs for training of young potential fishermen.</p> <p>Employment created directly and indirectly in the EU and in the Cook Islands or in the region/sub-region.</p> <p>Percentage of supplies to local and neighbouring markets. Percentage of the fish caught by the EU fleet that supplies these markets and comparison with other sources.</p>

## 2 Efficiency – The extent to which the desired effects are achieved at a reasonable cost

Questions	Success criteria	Suggested indicators
To what extent does the Protocol offer value-for-money to the EU?	The EU financial contribution for access is commensurate to all fishing opportunities offered by the current Protocol and per category.	Utilisation of the fishing opportunities and positive cost-benefit ratio per category and globally.
To what extent have the sectoral support and cooperation on blue economy actions, policy, small-scale and artisanal fisheries, food security, etc. agreed in the initial programming, been achieved at reasonable cost?	All activities included in the sectoral support have been properly used and have given benefits in environmental, social and economic terms in the EU and in the Cook Islands.	Degree of completion of the initial programming; percentage of sectoral-support activities and projects compared with: (i) overall EU contribution; (ii) the national budget for fisheries, marine and maritime issues; and (iii) other donor contributions. Contribution to the sustainable development of the country.
To what extent does the Protocol offer value-for-money to EU shipowners?	The EU shipowners' contribution is commensurate with effective catches and profits compared with total costs and benefits.	Volume of catches; changes in first sale prices, operating and all costs and estimation of the profitability for each segment of the EU fleet, category, vessel, gear type and country (if applicable).
To what extent is the financial compensation for the fishing possibilities under the Agreement advantageous for the EU and for the Cook Islands?	The Cook Islands benefit from a fair part of the added value of the catches and all financial compensation. This financial compensation is distributed geographically and in a socially fair way in the Cook Islands.	Ratio of overall EU contribution to added value generated by the activity of the EU fleet in the fishing zone.  Ratio of the benefits of all financial compensation to the concerned population proportional to the fishing activities.  Ratio of the economic and social indicators.

### 3 Economy – the extent to which resources are available in due time, of appropriate quantity and quality, and at the best price

Questions	Success criteria	Suggested indicators
To what extent is the EU contribution (and specifically its sectoral support) commensurate with the	The total EU contribution is in line with national and local needs and absorption capacity. The total amount of sectoral support is used according to the calendar set out and adapted	Consumption of the EU contribution for sectoral support and geographical distribution compared with the local and

needs of the Cook Islands and its absorption capacity?	to the needs of the country. When there are modifications of the initial programming of the sectoral support, these have helped to make better use of the financial support and contributed successfully to the sustainable development of the country.	national needs in the related policy area.  Geographical and social distribution impacts, and benefits of all financial compensation.  Absorption capacity of the sectoral support; success stories; percentage of sectoral support compared with the national and local budget for fisheries and with other donor contributions.
To what extent have the sectoral-support payments been made yearly and according to the programming laid down in Article 4 of the Protocol?	Contributions have been paid consistently with the Protocol provisions, and so that they could be allocated to the national or local budget in compliance with the engagements of the Protocol.  Achievement of the criteria, reports and procedures, budget, financial indicators and methods of control and audit.  Achievements of annual and multi-year objectives	Calendar of payments and considered allocations.  Results of the budget and financial indicators and methods of control and audit.

#### 4 Relevance – the extent to which the objectives of the Protocol match current needs and problems

Questions	Success criteria	Suggested indicators
To what extent do the objectives set out in the Agreement and the Protocol still correspond to the needs of the EU, its Member States, and its shipowners in the area covered by the current Protocol?	The implementation of the Agreement and its Protocol are in line with the objectives of: (i) resource and environmental sustainability; (ii) supporting the development of a sustainable fisheries sector at national and local level; (iii) facilitating the integration of coastal states into the global economy; (iv) improving scientific and technical knowledge; (v) supporting economic exchanges; (vi) strengthening sustainable economic and social development; (vii)	Comparison between original Agreement's objectives and national and local needs and the needs of the EU and its fleet improved with the implementation of the Agreement and the Protocol.

Should there have been different objectives?	strengthening effective governance; and (viii) addressing correctly national and local needs and the needs of the EU and its fleet.	
How is the Agreement relevant to the policy objectives of RFMOs and to the EU's regional network of fisheries agreements? To what extent is it relevant and to what extent does it have a significant impact?	For highly migratory species, the Protocol contributes to: (i) achieving objectives set by RFMOs and other regional organisations; and (ii) maintaining a network of SFPAs in the region on fisheries management and scientific issues. The Protocol creates synergies with the EU and neighbouring countries in RFMOs.	Comparison between the SFPAs and these organisations' objectives and how the implementation of the Protocol contributes to their objectives; consistency, coherence and cooperation with objectives of other fisheries agreements in the region; and the EU's interest and objectives in such regional organisations.

**5 Coherence – The extent to which the Agreement and its Protocol do not contradict and are coherent with other interventions with similar objectives**

Questions	Success criteria	Suggested indicators
How coherent is the Protocol with the CFP in general and with its external dimension and with regional fisheries policy (RFMOs and other organisations and network of SFPAs at national, sub-regional and regional scale)?	The Protocol: (i) is in line with the CFP in general; (ii) contributes to achieving EU objectives at regional level - including the creation of a regional network of SFPAs; (iii) is consistent with other SFPAs in the region; and (iv) is consistent with the objectives of RFMOs and other organisations.	Consistency with the CFP and its external dimension and the main strategies and policy orientations at regional and sub-regional level.

To what extent are the Protocol and its implementation consistent and coherent with other EU policies and legislation, such as the Association Agreement and the policies of the EEAS, and DGs INTPA, SANTE, TRADE, EMPL and TAXUD?	The Protocol makes a substantial contribution to other EU policies. The Protocol and its implementation are mutually complementary and coherent, and contribute positively to other EU interventions.	Consistency with the main EU strategies / policy orientations.  Implementation of social clauses and contribution to sustainable food security.  Coherence of the Agreement with EU policies in the region and the country.
In what ways are the Agreement and Protocol: (i) consistent with national fisheries policy and other related policies; and (ii) well coordinated with regional fisheries policies and with EU cooperation?	The Protocol helps to achieve the priorities identified nationally, locally and regionally. Authorities, stakeholders and society are aware and informed of the contribution.  The Protocol contributes to the sustainable management of fisheries at local, national and regional level.	Consistency with marine and maritime policies and sectoral policies in the country and region. Benefits to the governance of the country; to society; and to the protection and sustainable management of natural resources.

## 6 EU added value – The extent to which the intervention brings EU added value

Questions	Success criteria	Suggested indicators
<p>What is the additional value resulting from the EU intervention under the Protocol, compared with the absence of the Agreement/Protocol?</p> <p>To what extent would Member States have had the ability or possibility to put in place appropriate alternative measures?</p> <p>To what extent have the overall benefits of the</p>	<p>Financial contribution, in particular sectoral support, successfully used to support and develop the national and local fisheries sector.</p> <p>Evidence of the need for – and usefulness of – the benefits arising from the Agreement. In particular, this evidence should focus on: good governance; natural resources conservation; sound implementation of sectoral policies; infrastructure; social services; the setting up of businesses; vocational training; and programmes to develop and modernise the fisheries sector. These benefits should be distributed in a way that benefits the country, its natural resources and the population.</p> <p>The fishing species included in the Agreement are of interest for the EU fleet considering the species</p>	<p>Data (economic, social and environmental) on implementation within the current Protocol compared with what would have happened with other agreements or with no agreement</p>

Agreement and Protocol been of added value for the EU?	available and fishing possibilities for all fleets operating in the same area.	
What is the additional value resulting from the EU intervention under the Agreement and the Protocol, compared with what could be achieved by the Union fleet outside the framework of the Agreement?	The Agreement and its implementing Protocol provide substantial benefits to the EU – and to the country and its local areas – over private agreements.	Uptake of licences, comparison of all costs and benefits of operating under this Agreement, other SFPAs and private agreements, degree of legal certainty provided by the Agreement and its legal framework

**7 Acceptability – The extent to which stakeholders accept the policy in general and the particular instrument proposed or employed**

Questions	Success criteria	Suggested indicators and sources
To what extent are the EU shipowners satisfied with the Protocol?	The EU shipowners are satisfied with the technical and financial conditions set up by the Protocol and support its renewal (with possible adaptations).	Interviews of shipowners and fisheries associations, and fishers' representatives (embarked in EU vessels under the SFPAs framework)
To what extent is the Protocol developed in consultation with – and supported by – civil society in the EU and nationally and locally?	Representatives of civil society are consulted, involved in, and satisfied with the environmental and social conditions set by the SFPAs and its Protocol and support their renewal (with possible adaptations).	Interviews of NGO representatives and other stakeholders, local population, fishers' representatives and locally/nationally/regionally
To what extent is the Protocol supported by the sector (shipowners and processors) in the EU and in the partner country, nationally and locally?	The national and local shipowners do not experience competition from the EU fleet, and fish processors benefit from purchase opportunities generated by the Protocol and support its renewal	Interviews with representatives of industry and fishing operators; content of articles and press reports; reported incidents between fleets
To what extent are the administration, stakeholders and civil society in general	The administration, stakeholders and civil society in general are satisfied with the implementation of the	Level of compliance with the Protocol's obligations in terms of seamen embarked;



satisfied with the implementation of the Protocol?	Protocol's obligations and seek its renewal; they praise the benefits of the fisheries partnership.	adherence to fair and safe working condition on board EU vessels; compliance with landing obligation; presence of observers; data reporting, etc. Impact of the Agreement's implementation on national/local population in social and economic terms; communication activities and their impact; communication activities; press statements, content of articles, etc.
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#### ANNEX IV. OVERVIEW OF BENEFITS AND COSTS

Because the initiative submitted to the evaluation does not apply to EU citizens, and only applies to a very small number of EU companies, costs and benefits have been identified and assessed for: (i) those EU companies benefiting from the initiative; (ii) the partner third country; and (iii) the EU generally (EU institutions), as a partner to the Agreement.

A simplified table accompanied by an explanatory narrative present an overview of these costs and benefits.

The cost/benefit analysis of the current implementing Protocol, for the EU budget and for the partner country, is based on the access component and for the periods for which complete economic data are available. The cost/benefit ratio of the sectoral-support component cannot be estimated at this stage, as this would require the identification and measurement of the impacts of the various projects, which was not possible within the framework of the external evaluation.

The ratios recommended by the economic evaluation methodology in order to harmonise the elements for comparing the economic performance of the various agreements are set out in the tables below.

The tables show cost and benefits compared with no SFPA/Protocol. In most cases, EU fleets and EU Member States would have the same obligations/costs associated with control and enforcement of vessel activity either in the Cook Islands waters or in the broader competence area of the WCPFC. In most cases, the Cook Islands authorities would also have similar control and

enforcement costs if they allowed EU vessels to access their waters. Recurrent costs are annual. Sources of information are shown in brackets.

		EU citizens/ consumers	COK citizens/ consumers	EU businesses	COK businesses	MS administrations	COK administration	EU Commission services
Costs	one-off / recurrent	Monetary value, ranges and/or qualitative comment						
<i>Direct compliance costs</i>								
Negotiation of Protocol	one-off	n/a	n/a	n/a	n/a	n/a	Some staff time, but not quantifiable	2 person-months' FTE estimated (DG MARE)
Design of sectoral- support component	one-off	n/a	n/a	n/a	n/a	n/a	Some staff time, but not quantifiable	n/a
<i>Enforcement costs</i>								
Sectoral support oversight	recurrent	n/a	n/a	n/a	n/a	n/a	1 FTE/year estimated (consultants*)	1/8 FTE/year estimated (DG MARE)
Data management and vessel oversight	recurrent	n/a	n/a	n/a	n/a	1/8 FTE/year estimated	1/8 FTE/year estimated	1/8 FTE/year estimated (DG MARE)

\* Sectoral-support funding covers this cost

		EU citizens/ consumers	COK citizens/ consumers	EU businesses	COK businesses	MS adminis- trations	COK administration	EU Commission services
Benefits	one-off / recurrent	Monetary value, ranges and/or qualitative comment						
<i>Direct</i>								
Financial compensation for access (EU and shipowners)	recurrent	n/a	n/a	n/a	n/a	n/a	EUR 2 808 000 (2021- 2024 <a href="#">Table 9</a> )	n/a
Sectoral support for admin/management, MCS, and research/science	recurrent	n/a	n/a	n/a	n/a	n/a	EUR 1 050 000 (2021- 2024 Protocol)*	n/a
EU catches in COK to consumers (after processing)	recurrent	≈ 660 tonnes tuna raw material translating into 310 tonnes canned tuna (average 2022 2023 <a href="#">Table 7</a> )	n/a	n/a	n/a	n/a	n/a	n/a
Direct value added to EU fleet	recurrent	n/a	n/a	< 0 (crew wages and profits from economic model for 2022)	None (no nationals employed)	n/a	n/a	n/a
Crewing/employment (FTE)	recurrent	2 (employment analysis for 2022)	0 (employment analysis for 2022)	n/a	n/a	n/a	n/a	n/a
<i>Indirect</i>								
Indirect value added	recurrent	n/a	n/a	EUR 7 040 in 2022 ( <a href="#">Table 13</a> )	0 ( <a href="#">Table 13</a> ) – no economic interactions	n/a	n/a	n/a
Upstream/downstream employment (FTE)	recurrent	None (employment analysis)	None	n/a	n/a	n/a	n/a	n/a

\* Assuming full disbursement of the sectoral-support envelope set out by the Protocol

## ANNEX V. STAKEHOLDER CONSULTATION - SYNOPSIS REPORT

### **Background**

In line with the terms of reference and the better-regulation ‘toolbox’, a consultation strategy was drawn up by the independent consultant to obtain evidence from relevant stakeholders. The strategy set out the best means of consulting relevant stakeholders both in the EU and in the partner country concerned.

### **Objectives**

The aims of the consultation were:

1. to obtain stakeholders’ views on the implementation of the ongoing Protocol, 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.

### **Consulted stakeholders in the Cook Islands**

Organisation visited	Position
<b>National authorities</b>	
Ministry of Marine Resources	Secretary and Head of Ministry
	Director, Inshore and Aquaculture Fisheries Division
	Manager, Anchored FAD Programme
	Information Technology (IT) Manager
	Acting Director, Offshore Fisheries Division
	Senior Fisheries Officer – MCS and Licensing, Offshore Fisheries Division
	Senior Fisheries Officer – Data Manager, Offshore Fisheries Division
	Fisheries Officer – Observer Field Specialist, Offshore Fisheries Division
	Fisheries Officer – Data Analyst, Offshore Fisheries Division
	Fisheries Legal Analyst, Offshore Division
	Administration and Finance Officer – Corporate Services Division
Ministry of Finance and Economic Management	Director – Development Programme – Development Coordination Division
<b>Non-State actors</b>	
Ocean Fresh Ltd.	Director

Blue Pacific	Director
Cook Islands Fishing Club	5 random members
Cook Islands Investment Company Seabed Resources Limited	Board Director
Te Ipukarea Society (eNGO)	Technical Director
	Director
Korero O te 'Orau (eNGO)	Expert on Fisheries Management and Consultant

### **EU consulted stakeholders**

	Contribution
<b>A- Stakeholders in charge of the implementation of the SFPA</b>	
DG MARE B3 (HQ and Attaché)	Provided
Member States that received an allocation of fishing opportunities	
Spain	Provided
France	Provided
<b>B- Stakeholders – direct beneficiaries of fishing opportunity</b>	
OPAGAC (Spain)	Provided
ANABAC (Spain)	Provided
ORTHONGEL (France)	Provided
<b>C- Stakeholders with an interest in the SFPA</b>	
European Institutions	
Other DGs / MARE Units (through the Steering Committee)	Provided
Civil society organisations	
Europêche	Not provided
European Transport Federation	Provided
CFFA	Provided
WWF	Provided
Environmental Justice Foundation	Provided
OCEANA	Provided
Long-Distance Advisory Committee (LDAC)	Informed*

Note: \* The LDAC was contacted to inform its members about the evaluation. A formal position from the LDAC was not requested.

### **Summary of feedback received from EU stakeholders**

The association representing the owners of Spanish purse seiners (OPAGAC) benefiting from fishing opportunities under the current Protocol confirmed the interest of its members in access to

the EEZ of the Cook Islands to complement fishing opportunities available on the high seas and in the EEZ of Kiribati. The low levels of activities during 2021-2023 are the result of the La Niña event which led to decreased abundance of tuna in this region of the western and central Pacific Ocean. The other association representing owners of Spanish purse seiners (ANABAC) did not comment on the SFPA due to the absence of interest of its members (no member fishing within the framework of the SFPA).

The implementation of the Protocol did not raise major issues, and administrative cooperation with the Cook Islands is assessed as good. However, Spain and OPAGAC reported that delayed issuances of fishing authorisations were undermining the deployment strategies of vessels. The delayed issuance of fishing authorisations should be compensated for by *pro-rata temporis* adjustments of access fees. OPAGAC also raised the issue of technical problems in effective electronic reporting of catches, and said it needed to be better informed as to the situation in terms of uptake of fishing days and non-fishing days in the EEZ of the Cook Islands.

The association representing the owners of French purse seiners (ORTHONGEL) reported a need for fishing authorisations to access the EEZ of the Cook Islands in the near future to deploy two vessels currently active in the Atlantic and Indian Oceans. The timeframe for this deployment has not been detailed. The French authorities did not comment on the SFPA.

Two EU-based non-governmental organisations (NGOs) said they did not have sufficient knowledge of the instrument and its context to comment on the EU-Cook Islands SFPA, which is in the margins of the geographical focus of their interventions (the Coalition for Fair Fisheries Agreements (CFFA) and the Environmental Justice Foundation (EJF)). A joint contribution submitted by the WWF and OCEANA suggested that the wording of the non-discrimination clause should be strengthened to align it with the clause featuring in the SFPA with the Seychelles and Gambia. Similarly, this joint contribution suggested an improved transparency clause to ensure that parties publish: (i) all their bilateral and multilateral access agreements, including direct authorisations with individual vessels, pertaining to the use of the resources subject to the Agreement and Protocol; and (ii) licences for fishing opportunities and catch data for each of those agreements. The WWF and OCEANA further said that SFPAs should be more proactive in promoting transparency through provisions on the regular submission of information to the FAO for the establishment of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels ('The Global Record').

The European Transport Workers' Federation (ETF) acknowledged that the SFPA does not require the hiring of local or ACP seamen, unlike other SFPAs, and that it therefore could not comment on the application of the SFPA's social clauses. However, the ETF recalled the still-unresolved issues noted under the SFPA with Côte d'Ivoire and Senegal, and said that one of the four EU



purse seiners involved in the SFPA with the Cook Islands was previously involved in the SFPA with Côte d'Ivoire and Senegal. WWF-OCEANA further stated that failure to comply with the social clauses should be considered as a serious event entailing suspension of the SFPA.

All NGOs and social partners having contributed to the evaluation required publication of information on the implementation of the sectoral-support programme by the Cook Islands. According to their feedback, information on sectoral-support spending, as well as the reports and minutes of the Joint Committee, should be published on regular basis and made easily accessible to all stakeholders to ensure that the funds are spent correctly.