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From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 9 June 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY
OF THE EVALUATION of the Recommendation for a Council Decision
authorising the opening of negotiations on behalf of the European Union for
the conclusion of a protocol to the Sustainable Fisheries Partnership
Agreement with the Government of Cook Islands

Delegations will find attached document SWD(2020) 103 final.

Encl.: SWD(2020) 103 final



Brussels, 9.6.2020
SWD(2020) 103 final

**COMMISSION STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY OF THE EVALUATION**

of the

Recommendation for a Council Decision

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

{COM(2020) 227 final} - {SWD(2020) 102 final}

The Council conclusions on the external dimension of the CFP (19 March 2012) call for the Commission (pursuant to Article 31(10) of the CFP Regulation) to carry out ex post and ex ante evaluations before negotiating a new protocol to a sustainable fisheries partnership agreement (SFPA)¹. The aim is to inform decision-makers before the Council adopts negotiation directives. The fishing opportunities negotiated under SFPAs are in line with the best available scientific advice and there is no negative impact on fish stocks or competition with local artisanal or small-scale operators.

The current EU-Cook Islands protocol (which expires on 13 October 2020 and thus has to be renegotiated) allows the EU fleet to fish in Cook Islands waters for tuna species, for indicative annual fishing opportunities of 7 000 tonnes. In addition to fees paid by the EU fleet, the EU pays Cook Islands annual financial compensation of EUR 350 000¹ from the EU budget as annual compensation (calculated on the basis of the above-mentioned reference tonnage). The EU budget also provides for an amount of EUR 350 000 per year to support Cook Islands' sectoral fisheries policy.

In accordance with the 'better regulation' guidelines, the staff working document and executive summary present the results of an evaluation that is mainly based on an ex post and an ex ante evaluation study by an independent contractor. The evaluation also include a prospective part in view of the possible renewal of the protocol.

The Commission is satisfied with the evaluation, which examines five well-defined criteria; the results are reliable and the recommendations are relevant. The analysis presented in the SWD shows that the agreement is important for the EU, its fleet and Cook Islands.

The protocol is effective in allowing access to a fishing zone for industrial fleets from the EU. It ensures the sustainability of the fisheries and helps maintain the profitability of ships operating in Cook Islands. It contributes to the sustainable exploitation of fisheries resources in the Cook Islands' waters. The protocol offers added value for the EU since it offers a good return on investment. The protocol is relevant, in that its objectives correspond to the needs identified. For Cook Islands, it provides access to resources of which full use is not made locally, and promotes the development of its sectoral policy. Finally, the protocol is consistent with and complements other EU initiatives.

The evaluation makes various recommendations to be taken into consideration by the Commission in the negotiations on a future protocol, including maintaining most of the conditions in the current protocol. The Commission agrees with the conclusions of the evaluation and considers renewal of the Protocol (at the end of its implementation period, i.e. 13 October 2020) to be the best option. The recommendations are considered relevant for such a renewal.

The protocol can be broadly described as a win-win arrangement, in that it addresses the identified needs of the various stakeholders. No other option, including that of not renewing the protocol, would bring the same benefits. The future protocol should be based on a similar

¹ This is the annual amount paid for the last two years of implementation. The amount paid by the EU budget for the access component for first and second year of the current protocol was EUR 385 000.

technical and financial approach, with some technical adaptations to improve the conditions for implementing its access and sectoral support components.