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Subject:	COMMISSION STAFF WORKING DOCUMENT EVALUATION Accompanying the document Recommendation for a COUNCIL DECISION authorising the opening of the negotiations on behalf of the European Union for the conclusion of an Implementing Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius

Delegations will find attached document SWD(2021) 221 final.

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EUROPEAN
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COMMISSION STAFF WORKING DOCUMENT

EVALUATION

Accompanying the document

Recommendation for a

COUNCIL DECISION

**authorising the opening of the negotiations on behalf of the European Union for the
conclusion of an Implementing Protocol to the Fisheries Partnership Agreement
between the European Union and the Republic of Mauritius**

{COM(2021) 456 final} - {SWD(2021) 222 final}

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1. INTRODUCTION

Purpose and scope

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

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

This staff working document (SWD) presents the results of an ex-post and ex-ante evaluation⁴ of the current Implementing Protocol (2017-2021) to the Fisheries Partnership Agreement between the European Union and Mauritius, which expires the on 7 December 2021. The study covers the period from the entry into application of the Protocol (8 December 2017) till end of December 2020. The ex-post evaluation is made on the basis of assessment criteria: effectiveness, efficiency, economy, relevance, coherence, EU added value and acceptability. For the ex-ante analysis, the focus was on the lessons learned, possible benefits of the new Protocol, available options (renewal or non-renewal of the Protocol) and the associated risks, as well as the added value for the EU.

2. BACKGROUND TO THE INTERVENTION

Description of the intervention and its objectives

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

EU concludes fisheries partnership agreements with third countries to enable the EU fleet to fish surplus resources in the exclusive economic zone (EEZ) of partner countries (in this case – Mauritius), in a legally regulated environment and in exchange for a financial contribution by the EU and ship-owners. The EU contribution is made up of two separate financial

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

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

3 Doc. 7086/12 PECHÉ 66.

4 To include link to the study once published

components: 1) EU access contribution that gives access for the EU fleet to waters and fisheries resources of a partner country; and 2) EU sectorial support devoted to the development of the fisheries sector in partner countries. The EU public contribution is complemented by contributions paid by EU ship-owners.

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

The first fisheries agreement between the EU and Mauritius dates back from 1989. The current Agreement⁵, a 6 years agreement renewable for additional periods of 3 years, entered into force on 28 January 2014. Under the current Protocol of 4 years (from 8 December 2017 to 7 December 2021), EU fleet are allowed to fish tuna in Mauritius' waters with a reference tonnage of 4.000 tonnes per year. Access is given to 40 purse seiners and 45 surface longliners. In addition to the fees paid by EU fleet, the EU pays a financial contribution of 220 000 EUR per year for access, plus an annual specific amount of 220 000 EUR for the support and implementation of Mauritius sectoral fisheries policy as well as an additional annual amount of 135 000 EUR to support the deployment of maritime policy and ocean economy. The Partnership with the EU is also contributing to strengthening the fight against Illegal, unregulated and unreported fishing (IUU).

The FPA has overall a significant impact on the economy of the country. Although the main logistical base for EU vessels in the Indian Ocean is Port-Victoria in Seychelles, the Mauritian canneries process annually about 50 000 tonnes of tuna caught by EU vessels in the Indian Ocean, which is far greater than the about 3 500 tonnes caught by EU vessels solely in the Mauritian waters. Additional economic benefits are derived by Mauritius from the activities of the shipyard which services EU vessels. The average annual turnover of the EU fishing fleet from catch obtained in Mauritian waters amounted to EUR 5,6 million between 2018 and 2019. EU fishing activities supported the creation of EUR 2,5 million gross value-added and EUR 754 000 gross profit. Taking into account the indirect economic impacts of the activities of EU vessels, the FPA shows a positive cost-benefit ratio with EUR 20 of value-added generated for every EUR 1 invested from the public budget. Mauritius received 26% of the total value-added, mainly through payments for access and activities in the fish processing sector.

Important to note, that bilateral cooperation between the EU and Mauritius should be looked at in a larger context, taking into account synergies in all the actions undertaken under other SFPAs or in the framework of regional cooperation, and coordinated with other EU projects and relevant interventions. To do so, DG MARE works in close cooperation with other Commission services (INTPA, TRADE, SANTE) and with the European External Action service (EEAS) in order to ensure coherence in actions undertaken by different services. Synergies are also sought with other financial donors in the region, in order to ensure complementarity of resources and maximum benefits to Mauritius. Furthermore, it is also important to consider that Mauritius is a strategic partner in the region in the context of the IOTC.

⁵ OJ L 79, 18.3.2014, p. 3–8

3. METHODOLOGY

The evaluation study was conducted between January and March 2021, under the guidance of an inter-service Steering Group and within the general framework of the Terms of Reference's framework contract. The methodology used in the evaluation included analysis of documentation and data available, and consultation of Mauritius' and EU stakeholders (more information in Annex 2).

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

All in all, the contractor respected all the requirements set by the Steering group, and succeeded in running the foreseen consultation despite the difficulties due to the COVID epidemic. There was a very constructive communication between the Steering group and the contractor along the whole evaluation process, and the cooperation was mutually much appreciated.

4. IMPLEMENTATION/STATE OF PLAY

As regards the implementation of the Protocol, a number of areas are identified by the consultant, in order to reflect what the situation was before the intervention started, and how it was expected to develop and other relevant points of comparison.

Utilisation of fishing opportunities

The utilisation of fishing opportunities for tuna purse seiners has been good over the period 2018-2020. An average of 27 EU tuna purse seiners per year (67% out of 40 foreseen in the Protocol) have drawn annual fishing authorisations. For surface longliners, an average of 18 small-scale longliners per year based in La Réunion utilised fishing opportunities (39% out of the 45 foreseen in the Protocol). For EU tuna purse seiners, 100% of the EU fleet active in the Indian Ocean utilised fishing opportunities available in the waters of Mauritius, and almost 100% of the La Réunion longliners of 12 meters and above, demonstrating hence the strategic interest of the access to the Mauritius waters for this fleet segment. Fishing opportunities available for large-scale longliners have not been utilised by vessels of the relevant Member States (Spain and Portugal).

Catches

On average, EU tuna vessels caught 71% of the reference tonnage of 4000 tonnes agreed under the Protocol. EU catches varied between 38% of the reference tonnage in 2020 and 110% in 2019, with hence one year during which total catches were higher than the reference tonnage, confirming the unpredictability of tuna abundance in Mauritius' waters. EU purse seine catches represented 94% of total EU catches, and represented 1% on average of the total purse seine catches in the Indian Ocean. For EU surface longliners based in La Réunion, catch obtained in the waters of Mauritius represented 12% of the catches of this segment on average, but 22% in 2019.

Scientific cooperation

The scientific exchanges between the Parties have mainly taken place in the frame of the discussions at the Indian Ocean Tuna Commission (IOTC), for which both the EU and Mauritius are active members, and which have provided sufficient scientific base for the management decisions taken by the Joint Committee.

Technical measures

As regards the support vessels, 8 EU supply vessels on average per year were licensed between 2018 and 2020. The Protocol provided for a maximum of 20 supply vessels unless set otherwise by the IOTC.

The implementation of the Electronic Reporting System has experienced significant delays, implying the use of paper logbooks and radio/email notifications of entry-exit movements in and out the Mauritius waters.

No Mauritian qualified seamen were embarked on the EU fleet between 2018 and 2020, and EU operators paid the compensation for non-recruitment, as foreseen in the Protocol. The reason for non-embarking has been reported to be the presence of EU vessels in Mauritius waters for only a few days per year, and the lack of seamen trained according to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F).

As regards the observer embarkation, this provision as foreseen in the Protocol was not implemented as the lists of designated vessels and designated observers were not provided to EU operators. Consequently to date, no Mauritian observers have boarded EU vessels. However, about 12 Mauritian nationals were trained by the French association of purse seiners, to primarily observe fishing operations of purse seiners flagged to Mauritius wherever they operate. It was expected that some of these observers would board EU purse seiners, but the COVID-19 pandemic hindered initial plans. Furthermore, the sectoral support played a crucial role in supporting the development of the Mauritius observer programme helping them to meet the requirements of IOTC Resolution 11/04⁶. Despite this situation, EU fishing vessels activities were covered by observers to collect information foreseen by IOTC Resolution 11/04 on a Regional Observer Scheme and by the EU Regulation⁷ establishing a mandatory data collection scheme under the Common Fisheries Policy. In addition, EU operators of tuna purse seiners implemented their own unilateral commitment of ensuring 100% observer coverage (human and electronic) of their fishing operations wherever they operate.

Sectoral support

The Protocol with Mauritius is the first one foreseeing, under sectoral support programme, a specific financial envelope dedicated to blue economy.

6 Resolution 11/04 On a regional observer scheme

7 Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008. OJ L 157, 20.6.2017, p. 1–21

The multiannual sectoral programme agreed between the two parties at the beginning of the Protocol foresaw in total over the four years, as provided for in the Protocol, a budget of EUR 880 000 dedicated to fisheries policy, and of EUR 540 000 dedicated to ocean economy. For support to fisheries, the main activities identified at the beginning of the Protocol concerned monitoring, control and surveillance, scientific research, and support to national fisheries management. For the ocean economy, the main activities considered research in biotechnologies and aquaculture, and support to the preparation of an action plan for the ocean economy.

Compared to initial plans, the implementation of the sectoral support was significantly delayed, with only the first of four tranches implemented during the first three years of the Protocol. Implementation of the first tranche of the sectoral support delivered some positive outcomes. The sectoral support activities contributed to further developing the ‘Canotte scheme’ with the acquisition of new fishing vessels for 50 small-scale fishers. Sectoral support activities also contributed to increased scientific observer coverage of the Mauritian tuna fleet, and contributed to the training of 20 fisheries protection officers. It should however be noted that the main objective of implementing fully the Electronic Reporting System (ERS) under the first tranche was not reached. In the field of blue economy, the sectoral support supported the acquisition of new technologies for research in aquaculture. Communication on the achievements of sectoral support was minimal, there have been a number of delays and challenges in the implementation, and there is room for improvement in programme management in several areas.

5. ANALYSIS AND ANSWERS TO THE EVALUATION QUESTIONS

The 2017-2021 Protocol between the EU and Mauritius has broadly met the evaluation criteria for EU interventions of effectiveness, efficient, economy relevance, coherence, acceptability and EU added value. The effectiveness of the sectoral support was however limited due to the delays in the programme implementation. The current Protocol can be described as a win-win agreement for both parties in that it addresses most of the identified needs of different stakeholders, although areas of improvements were identified for the sectoral support.

Effectiveness. The 2017-2021 Protocol has broadly met the evaluation criteria for EU intervention for effectiveness. It has indeed met the objective of protecting the interests of the EU long distance fleet by providing stable access to an important fishing zone in the Western Indian Ocean. In particular, for EU tuna purse seiners, the Protocol complements the other access arrangements established in the region, allowing EU vessels to optimise exploitation of migratory stocks within the regional rules set by the IOTC. Concerning the EU longline fleet based in La Réunion, access to Mauritius’ waters is very relevant as it provides opportunities to extend fishing areas to neighbouring waters.

Efficiency. The Protocol is evaluated as efficient with an EU financial contribution proportional to the fishing opportunities exploited. Although the reference tonnage of 4 000 t was exceeded only in 2019, the Protocol is estimated to have generated a positive cost-benefit ratio, with Mauritius deriving more value added from the activities of the EU tuna fleet in the Indian Ocean than from their activities solely in Mauritius waters.

Economy. The activities of the EU tuna fleet in Mauritius’ waters and in the broader Indian Ocean generated substantial positive socioeconomic impacts for Mauritius through supply of raw material to the cannery and use of services of the shipyard. The FPA shows indeed a positive cost-benefit ratio with EUR 20 of value-added generated for every EUR 1 invested

from the public budget. Mauritius received 26% of the total value-added, mainly through payments for access and activities in the fish processing sector. The Protocol was however not successful in promoting employment of local seamen on-board EU vessels probably due to short fishing periods in Mauritius' waters with no calls in Port Louis, and a lack of awareness about the availability of a trained workforce.

Relevance. The Protocol is found to be relevant to the needs of the key stakeholders concerned. For EU ship-owners, the Protocol provides predictable access to a productive fishing area. For Mauritius, it delivered national economic benefits from tuna resources present in national waters and it helped Mauritius meet some of its IOTC obligations, especially in relation to the implementation of the observer programme. Finally, the Protocol also helped to maintain Mauritius as one of the main suppliers of processed tuna products to the EU market.

Coherence. The Protocol is coherent with other EU interventions in the Western Indian Ocean, in particular those of the European Development Fund aimed at strengthening fisheries governance and maritime security. Finally, the Protocol is consistent with the conservation and management measures adopted under the multilateral framework of IOTC, and supports Mauritius' participation in the work of this RFMO and compliance with its measures through the sectoral support component.

EU added value. There is added value of the EU intervention, as it provides more stable access to migratory fisheries resources than could be achieved through private annual arrangements, and it supports the implementation of the Mauritius fisheries policy. However, the delayed implementation of the sectoral support programme by Mauritius' authorities undermined the added value of the EU intervention.

Acceptability. The Agreement and its Protocol are considered as acceptable to the EU Member States and its professional associations. On the Mauritian side, the Protocol is considered as broadly acceptable although the design and implementation of the sectoral support component could be improved.

6. CONCLUSIONS

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

From all options considered, the renewal of the Protocol at the end of its implementation period (7 December 2021) clearly appears to be in the interest of both parties and as the most beneficial outcome. The option of not renewing the Protocol would not be beneficial.

The negotiation of a new Protocol would imply including and/or reinforcing in the text some core horizontal principles set out in the Common Fishery Policy Regulation, such as respect of human rights and democratic principles, non-discrimination between the different fishing fleets and transparency, which are partially present in the current FPA. The general principles governing the new Protocol should also include commitment from the two parties to endeavour to coordinate their actions within the framework of the IOTC and other relevant RFMOs of which they are members, including the possibility to submit joint proposals to these organisations.

The current Protocol positively addresses the identified needs of the different stakeholders. Therefore, on the access component the evaluation recommends retaining a similar technical and financial approach in a future Protocol, with however some adaptations aimed in particular at improving the implementing technical conditions.

As regards the technical conditions to be improved, the maximum numbers of EU purse seiners and EU longliners eligible for an authorisation to access the Mauritius waters could be adjusted to reflect the current number of EU purse seiners active in the Indian Ocean as well as the real interests of the EU longline segment for an access to the Mauritian fishing zone. The maximum number of EU support vessels eligible for an authorisation to access the Mauritius waters should be adjusted to reflect the IOTC rule adopted through Resolution 19/01⁸, and left flexible to adapt to the requirement of forthcoming resolutions superseding Resolution 19/01. The catch data reporting system should be improved through the full implementation of the ERS and electronic transmission of catch data. As for seamen, the training and promotion of the employment of national crew could be addressed, notably through the sectoral support component of the next Protocol.

With regard to access conditions, a comparable level of the reference tonnage of the current Protocol could be envisaged, as to set the value of the access component of a next Protocol.

With regard to the sectoral support component, the evaluation identified shortcomings, in particular on monitoring and reporting of the programmes, and a number of recommendations to address them. Merging the current fisheries and ocean economy sectoral support components could be considered, as to increase flexibility and streamline the monitoring of the funds utilisation. Such merging could be justified by the current lack of a national work programme for blue economy outside the fisheries and aquaculture sectors. In case the two sectoral support components are kept separately, the Protocol should provide for the same conditions for monitoring and result-based payments. Result indicators should be an integral part of annual and multi-annual matrices.

Taking into account the difficulties encountered in the timely utilisation of the funds and implementation of the sectoral support programmes under the 2014-2017 and 2017-2021 Protocols, an adjustment of the sectoral support total envelope could be envisaged, as to take into account the absorption capacity of the Mauritian competent authorities. The recruitment of an external technical assistant under the sectoral support envelope is recommended as to support the implementation of the multi-annual programme, ensure the coordination of the different entities involved, and that proper monitoring and reporting obligations are met by the Mauritian authorities.

In terms of priority areas of interventions, the evaluation recommends continuing to support Mauritius in complying with its international obligations, with particular focus on national observers scheme and on the strengthening the national system for Port controls. Furthermore, support to the semi-industrial and artisanal fisheries sectors, as well as to the training capacity of the Maritime Academy, should be reviewed in the next programme.

Finally, a future Protocol should ensure consider the development of a communication plan and earmark a dedicated budget for its implementation, as to ensure the visibility of the sectoral support actions.

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

⁸ Resolution 19/01 On an Interim Plan for Rebuilding the Indian Ocean Yellowfin Tuna Stock in the IOTC Area of Competence.

Annex 1: Procedural information

1. LEAD DG, DeCIDE PLANNING/CWP REFERENCES

Responsible DG: DG MARE – Maritime Affairs and Fisheries/ PLAN/2020/8772

2. ORGANISATION AND TIMING

Tasks	Time
Signature of the contract	23 December 2020
Kick-off meeting	12 January 2021
Report of the Kick-off meeting	14 January 2021
Submission of the inception report	29 January 2021
Comments to the inception report	3 February 2021
Meeting to discuss inception report	n/a (exchanges by email)
Submission of the draft final report	24 March 2021
Meeting to discuss draft final report	7 April 2021
Submission of the final report	21 April 2021

3. EXCEPTIONS TO THE BETTER REGULATION GUIDELINES

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

4. CONSULTATION OF THE RSB (IF APPLICABLE)

The Contractor used data provided by DG MARE and DG INTPA and the interviews with the authorities of Mauritius, EU Member States concerned, representatives or associations of fishing ship-owners, NGOs and civil society.

5. EVIDENCE, SOURCES AND QUALITY

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

Annex 2: Stakeholder consultation

Main questionnaire sent to stakeholders

- What is your opinion on the 2017-2021 Protocol adopted by the Council of the EU and by the European Parliament?
- Are you generally satisfied by the way the European Commission manages the Fisheries agreement with Mauritius?
- Do you face difficulties in the implementation of the following monitoring measures under Member States responsibility in the context of this agreement?
- In the event the Protocol is renewed in 2021, what changes should be made compared to the current Protocol?
- Do you have any other comments on the Fisheries Agreement with Mauritius?

Background

In line with the implementation of the Commission guidelines and the better regulation 'toolbox', a consultation strategy has been elaborated by the contractor to support the preparation of the negotiations for the renewal of protocols to the fisheries partnership agreements (SFPAs). The strategy has had to define the best means of achieving relevant stakeholders both in the EU and in the partner country concerned.

Objectives

The aim of the consultation:

1. To obtain stakeholders' views on the implementation of the 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.

Approach to consultation of stakeholders

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

Due to travel restrictions resulting from the COVID-19 pandemic, all consultations were completed in a virtual mode with submission of a questionnaire by email and follow-up by phone or videoconference in case answers to the questionnaire needed clarifications.

Results of the stakeholder consultation

The views of the organizations are synthesized in the main text of the evaluation report, in particular in the ex-post evaluation chapters of the current protocol and ex ante of a possible future protocol. The detailed answers to the stakeholders' consultation and the list of stakeholders consulted are included in Annexes 2 and 3 of the Evaluation's report.

Annexe 3:

ANALYTICAL METHODS AND MODELS USED TO DEVELOP THE EVALUATION

Economic analysis

A harmonised methodology has been developed for the economic analysis of tuna fleets, which fish under SFPAs and under RFMOs.

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

The specific methodology applied by the contractor is presented in Annex 6 of the evaluation study.

Science

The evaluators did not carry out tuna stock assessments as such, but used the latest available scientific advice from IOTC as well as most the recent management measures adopted by IOTC for the tuna fishery.

Data on catches and fishing authorizations

Catch data for EU vessels used in the assessment were taken from the European Commission consolidated catch database, which is updated by Member States. Information on fishing authorizations granted by Mauritius to EU vessels has been extracted from the Commission's database on fishing authorizations.