



MAC ADVICE

Roadmap on the Evaluation of the Sustainable Fisheries Partnership Agreements (SFPAs)

Brussels, 9 March 2021

1. Background

On 28 January 2021, the European Commission published an Evaluation Roadmap on the Evaluation of the Sustainable Fisheries Partnership Agreements, which was open to feedback until 25 February 2021¹. The objective and scope of this evaluation is to provide DG MARE with a thorough assessment of the SFPAs by producing an overall analysis of their features, content, implementation, results and impacts and support their future improvement.

Overall, the evaluation will assess; 1) the fit for purpose and added value of the SFPAs, 2) the extent to which the SFPAs' expected objectives and results fulfil the needs and expectations of EU in its different dimensions, 3) the overall global, regional and type of agreement coherence of the current SFPAs network, 4) the contribution of the SFPAs to the development and reinforcement of the technical and scientific capacities, and 5) the sectoral support component with a global and per country scope.

2. Relevance of the evaluation exercise

The Market Advisory Council (MAC) welcomes the evaluation, which is an opportunity to explore issues of transparency, sustainability and policy coherence as well as to improve existing rules on SFPAs' negotiation, execution, and impact on the EU market. SFPAs provide a considerable supply

¹ Accessible on the European Commission's Better Regulation website: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12728-Evaluation-of-SFPAs>



of seafood to the EU market as well as external markets. Since the EU is a deficit market for fisheries products, the opening up of fishing grounds for EU vessels and trade opportunities for non-EU countries to potentially export to the EU can be considered useful.

In-country capacity building through SFPAs, and more particularly their “sectoral support” component, can help partner countries gain access to both the EU and at the same time to the international market. This is explicitly enshrined in a number of SFPAs (e.g. Guinea-Bissau and The Gambia). SFPAs also include provisions relating to promoting cooperation among economic operators to notably encourage the establishment of an environment favourable to the development of business and investment (e.g. Cabo Verde and Seychelles). SFPAs can thus allow for new economic revenue streams, particularly for local communities making a living from marine resources and the wider economy.

SFPAs specifically call for the sustainable exploitation of marine resources and sectoral capacity-building within non-EU countries and contributing to the global fight against IUU fishing. Provisions enshrined in SFPAs, together with the EU Control, IUU and SMEFF regulations, govern fishing activities by EU vessels in the partner countries waters, more specifically the fishing of surplus stocks in the country’s exclusive economic zone (EEZ), and may consider the destination of the obtained fisheries products that will, at least in part, be marketed in the EU. Under customs rules of origin, the catches made by EU vessels in non-EU waters under SFPAs are considered EU, so it is essential to ensure that these catches meet the sustainability standards that apply to catches made in EU waters. Concerns raised in evaluation reports, including on catch data, impact on ecosystems, the effectiveness of EU funds spent under sectoral support, amongst others, need to be addressed. The value chain of EU-caught landings, the systematic monitoring of EU catches in partner countries waters, the adherence to the non-discrimination of treatment with regards to distant water fleets by the partner countries, and the effective implementation of transparency clauses on the overall fishing effort and on the agreements signed with countries

other than the EU also need to be taken into account. Supply and processing arrangements for EU catches landed in partner countries for the local market should be strengthened with help from sectoral support.

3. Scope of the assessment

The MAC agrees with the proposed scope of the assessment, namely:

1. Fit for purpose and added value of SFPAs – specifically, but not exclusively, in relation to their primary aim of promoting improved sustainability;
2. Extent to which SFPA’s expected objectives and results fulfil the needs and expectations of the EU in its different dimensions – The general and specific objectives need to be made explicit in order to really assess the impact of SFPAs on sustainable fisheries management and the development of local fisheries in countries of the region;
3. Overall global, regional and type of agreement coherence of the current SFPAs network – The evaluation should assess how the principle of coherence with other EU policies and how “effective coordination” is achieved in practice, plus it should evaluate the political commitments for a coherent approach of the EU’s actions and projects regarding the seas and the fisheries at regional level;
4. Contribution to the development and reinforcement of technical and scientific capacities in partner countries;
5. Sectoral support component with a global outlook and per partner country scope.

In terms of policy coherence, the Commission should also take into account the fight against IUU fishing, particularly in what way the existing policy has contributed to building capacity in non-EU countries, and also how these measures are translated into effective and long-term management measures. The Commission recently made an informal decision to suspend SFPAs

negotiations when a country was given a “yellow card” under the EU IUU Regulation. This mechanism should be formalised and this debate should be part of the evaluation.

The evaluation should also assess to what extent SFPAs policy has helped achieve improved transparency and an even level-playing-field in the fisheries sector in partner countries waters, when comparing EU fleets under SFPAs, local fleets and other international fleets accessing the same waters under other agreements and licenses. In order to adequately address sectoral in-country support, civil society and stakeholders need to be included in an open and transparent exchange on SFPA negotiations.

4. Market dimension of SFPAs

The MAC believes that the evaluation should investigate the market dimension linked to the SFPAs, notably the markets for EU fleets benefitting from them and the possible sourcing implications for the EU market. It should explore the provision of products:

- To the EU market (taking into account trade agreements and rules of origin);
- To the local market in the partner SFPA countries (including processing);
- In neighbour landing countries (including processing);
- Via transshipment to other regions of the world (while taking into account its potential role in IUU fisheries);
- To the overall relevance for global and regional food security.

In relation to regional food supply, the evaluation should assess how SFPAs relate to the further exploitation of the regional waters, for example through bilateral agreements with China, South Korea, amongst others. For regional/local food security in partner countries, the role of fish meal industries competing with local fleets for small pelagic species should also be assessed.

The evaluation should consider the data availability for SFPA-sourced landings to ensure optimum clarity on these value chains. Moreover, the evaluation should also investigate the extent to which EU nationals are engaged in fishing activities in SFPA countries under non-EU flags.

5. Sustainable fisheries value chains, consumers, and sanitary conditions

The MAC believes that the evaluation should look at how to promote sustainable fisheries value chains at consumers levels in EU and partner countries through SFPAs. In the context of the Farm to Fork Strategy, SFPAs should be part of the effort to promote sustainable value chains, and, as such, aim to increase the market share of verifiable sustainably-caught seafood.

The evaluation should also consider sanitary constraints. For example, ensuring that the third country maintains its sanitary approval for exporting tuna on the EU market is essential when EU fleets are landing tuna for local canneries, with the view to re-export the processed tuna products to the EU markets. In general, sanitary conditions should be analysed. Sanitary conditions should provide for capacity-building in partner countries to allow for safer (sea)food production not only for export reasons, but also to the partner country's citizens, which goes hand in hand with policy coherence from a development perspective. Sanitary-related issues already form part of some SFPAs. For example, Guinea-Bissau's SFPA foresees a special contribution to help improve the health and plant-health conditions of fishery products, while The Gambia's SFPA foresees sectoral support.

6. Additional elements

The MAC believes that additional elements should be covered by the evaluation, such as social aspects, human rights, policy coherence, and sustainable markets and trade.

On social issues, the role of women in the seafood value chain, particularly in processing and trading, should be given special attention. The impact of SFPAs on women in the partner country, on land (trade and processing) or at sea should be studied. Inclusive and transparent SFPA negotiations and assessments should be mindful of the role of women, furthering SDG 5 on gender equality. Labour conditions must also be considered. As set out in SDG 8, decent working conditions should be established as the minimum standard (see e.g. ILO C188) while attempting to promote training to build capacity both in partner countries and on all vessels in value chains of marine resources caught under SFPAs.

On human rights, it is important to recall that, according to Article 31 (5) of the CFP, SFPAs are to include “a clause concerning respect for democratic principles and human rights, which constitutes an essential element of such agreements”. It is therefore imperative to evaluate human rights aspects both in partner countries’ sector, at sea and on land, as well as on any EU vessel falling under SFPAs.

On policy coherence, there is ample room for the EU to substantially improve the alignment and coherence between SFPAs and SDGs. Through the Policy Coherence for Development, an integral part of the European Commission’s 2030 Agenda for Sustainable Development, the EU should prioritise reporting the details of how SFPAs support sustainable economic, social and environmental development of partner countries, with a focus on eradicating poverty through the development of tangible success criteria that align with a triple bottom line, giving equal weight to economic, social and environmental outcomes as well as gender equality, including and human rights. There should also be policy coherence in regard to trade agreements and the fight against IUU fishing.

Given the importance of the European Green Deal and the Biodiversity Strategy to the EU’s overall policy-making, it should necessarily be assessed how future SFPAs can directly contribute

to their implementation. The evaluation should also take into account the role of sustainable aquaculture in ensuring food security as well as in the development of good environmental and social practices, as identified in the European Green Deal, the Farm to Fork Strategy, and the Biodiversity Strategy.

7. Recommendations

In summary, in the context of the Evaluation Roadmap on the Evaluation of the Sustainable Fisheries Partnership Agreements, the MAC believes that the European Commission should:

- a) Take into account the market and trade aspect of SFPAs, including the role of seafood supplied to the EU market and external markets, capacity-building, sustainable exploitation of marine resources, and the fight against IUU fishing;
- b) Proceed with the proposed scope of the assessment, while also covering the fight against IUU fishing, transparency, and a more even playing field between the various fishing fleets operating in partner countries waters;
- c) In relation to the market dimension, investigate the market for EU fleets benefitting from SFPAs and the possible sourcing dimensions for the EU market,
- d) Evaluate how to promote sustainable fisheries value chains at consumer levels in EU and partner countries as well as evaluate sanitary constraints and conditions;
- e) Consider additional elements under the evaluation exercise, such as social aspects (role of women and labour conditions), human rights, policy coherence (SDGs, trade agreements, fight against IUU fishing, European Green Deal and Biodiversity Strategy), and sustainable markets and trade;
- f) Analyse, under the evaluation, how the role of sustainable aquaculture can be taken into account in the next generation of SFPAs.