

## ROADMAP

TITLE OF THE INITIATIVE	Commission Recommendation for a Council decision with a view to authorise the Commission to open negotiations on behalf of the European Union and  Ex-post and ex-ante evaluation of the protocol to the Sustainable Fisheries Partnership Agreement (SFPA) between the EU and the Republic of Guinea-Bissau		
LEAD DG – RESPONSIBLE UNIT – AP NUMBER	DG MARE – UNIT B3 (Bilateral agreements and fisheries control in international waters) - 2016/MARE/071 and 2016/MARE/106	DATE OF ROADMAP	28/04/2016
LIKELY TYPE OF INITIATIVE	Commission Recommendation and Evaluation		
INDICATIVE PLANNING	<a href="http://ec.europa.eu/atwork/planning-and-preparing/index_en.htm">http://ec.europa.eu/atwork/planning-and-preparing/index_en.htm</a>		
ADDITIONAL INFORMATION	<a href="http://ec.europa.eu/fisheries/cfp/international/agreements/index_en.htm">http://ec.europa.eu/fisheries/cfp/international/agreements/index_en.htm</a>		
This indicative roadmap is provided for information purposes only and can be subject to change. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content and structure.			

## A. Context, Subsidiarity Check and Objectives

<b>Context</b>
<p>In the framework of the external dimension of the EU's Common Fishery Policy (CFP)<sup>i</sup>, the Commission negotiates and implements Sustainable Fisheries Partnership Agreements (SFPAs) with third countries which allow the EU fleet to fish surplus resources in the Exclusive Economic Zone (EEZ) of the partner country. The EU provides to the partner country financial compensation for access to its waters as well as financial assistance for the improvement of its fisheries governance framework and capacity building relating to the development of a sustainable fisheries policy (sectoral support). The allocation and management of this funding is jointly agreed between the partner country and the EU. The EU public contribution is complemented by contributions paid by EU-vessel owners.</p> <p>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 certain level playing field and establishes minimum standards for the sustainable resource management, as it includes provisions prohibiting the granting of more favourable conditions to other foreign fleets.</p> <p>SFPAs are rendered operational through implementation protocols. In the case of Guinea-Bissau, a 3-year protocol to the SFPA is currently in provisional application and will expire on 23 November 2017. The protocol provides the EU with fishing opportunities for 40 tuna vessels (no reference tonnage), shrimps (3 700 GRT/y) and cephalopods/fin-fish (3 500 GRT/y). The annual EU public financial contribution to Guinea-Bissau amounts to € 9.2 million out of which € 3 million are earmarked for sectoral support.</p> <p>The SFPA with Guinea-Bissau is of strategic importance for the EU-fleet as it is one of only 3 multi-species SFPAs with African countries (the others being Mauritania and Morocco). It is particularly important for the EU's demersal fleet which usually fishes in Guinea-Bissau during seasonal closures in Mauritania, and which was particularly affected by the interruption of fishing activities in Mauritanian waters between the expiration on 15 December 2014 of the 2013-2014 Protocol to the SFPA with Mauritania and the entry into provisional application of the new 2015-2019 Protocol with Mauritania on 16 November 2015. The agreement is also vital for Guinea-Bissau, where in the past it contributed around 10% to government revenues and about 1% to GDP.</p> <p>The new CFP establishes mandatory ex-post and ex-ante evaluation requirements for SFPAs, which form the basis of a possible new negotiating directive. In this way, the EU can be sure, among other things, that the fishing opportunities it negotiates are in line with the best available scientific advice, and will neither deplete fragile stocks, nor put its boats in competition with local artisanal fishermen who depend upon coastal fisheries for their livelihoods and sustenance. As a rule, SFPAs never authorise EU vessels to fish within 12 nautical miles from the shore.</p> <p>Therefore, as is the case for all SFPAs, a retrospective evaluation covering the first 18 months of implementation of the current protocol, as well as a forward-looking evaluation for a possible renewal of the protocol will be carried out before the start of negotiations between the EU and Bissau-Guinean authorities on a new protocol.</p>

<p>In December 2015, an evaluation by external experts was launched in order to provide the input needed for the negotiations, such as data on and technical analyses of the fisheries resources. The retrospective part of the evaluation will analyse the fisheries policy and sector of Guinea-Bissau and will assess the EU fleet's fishing activities in Guinea-Bissau so as to draw conclusions on the performance of the current protocol in terms of effectiveness, efficiency, relevance, coherence, acceptability and added value. The evaluation will also take into account <a href="#">the regional analysis of the East Atlantic Ocean</a> completed in September 2013, providing the Commission with a more global picture of tuna resources and opportunities and of the situation of the tuna sector in West Africa.</p> <p>The evaluation is scheduled to be completed in October 2016. The final report will be transmitted to the European Parliament and to the Council and will be made available on <a href="#">the fisheries website of the European Commission</a> when the Commission adopts its draft recommendation for a Council decision to authorise the Commission to open negotiations with Guinea-Bissau (planned in the 4<sup>th</sup> quarter of 2016).</p> <p>The draft recommendation and the corresponding evaluations do not form part of the European Commission's Regulatory Fitness and Performance (REFIT) programme.</p> <p>Information on SFPAs, including the SFPA with Guinea-Bissau, is available on the <a href="#">DG MARE website</a>.</p>
<p><b>Issue of these initiatives</b></p> <p>EU member states are interested in keeping access to the EEZ of Guinea-Bissau. Subject to an official confirmation of similar interest from the side of Guinea-Bissau, it would be necessary to open negotiations on a new protocol. The protocol will aim at ensuring sustainability of the resource as well as good value for money for the EU budget, while contributing to promoting good governance and economic benefits to the partner country. The EU's need is for fishing opportunities targeting highly migratory species, i.e. tuna and tuna-like species, to support its network of fisheries agreements in West Africa, as well as for fishing opportunities for shrimps and cephalopods/fin-fish. The latter are particularly important in view of the absence of opportunities for these species under the new Protocol negotiated with Mauritania, due to the lack of an available surplus. The EU Member States with fishing opportunities under the current protocol (Spain, France, Portugal, Italy and Greece) would have a direct interest in a renewed protocol.</p> <p>The key need of a renewed protocol that is shared by both the EU and Guinea-Bissau is the sustainability of fisheries activities in the region (as regards highly migratory species) and in the waters of Guinea-Bissau (highly migratory and other species). Other shared needs of both the EU and Guinea-Bissau include the need for a possible renewed protocol to be concluded in the spirit of fair, transparent, and equitable cooperation and respect for human rights and democratic principles, and to aim at sharing benefits fairly between the two parties. A particular need for the EU is to maintain the level of fishing opportunities commensurate with the EU fleet's current interests.</p> <p>Guinea-Bissau's needs for a possible renewed protocol include maximizing revenue and providing support for its domestic fisheries sector in line with its national fisheries strategy.</p> <p>To allow continuity of fishing activities, the negotiations for renewing the protocol should be concluded by the end of April 2017. Therefore, the Commission plans to propose to the Council, by November 2016, a draft recommendation to authorise the Commission to open negotiations with Guinea-Bissau in view of a new protocol.</p>
<p><b>Subsidiarity check</b></p> <p>The conservation of marine biological resources falls under the exclusive competence of the EU according to Article 3(1d) of the Treaty on the Functioning of the European Union (TFEU). Member States are not entitled to negotiate fisheries agreement with third countries. Therefore, the subsidiarity principle does not apply.</p>
<p><b>Main policy objectives</b></p> <p>Objectives of SFPAs are:</p> <ul style="list-style-type: none"> <li>• To contribute towards resource and environmental sustainability through rational and sustainable exploitation of living marine resources of the coastal state;</li> <li>• To provide the EU long distance fleet with access to fishing grounds in the East Atlantic Ocean and protect the employment linked to it;</li> <li>• To support the development of a sustainable fisheries sector in Guinea-Bissau; to facilitate the integration of developing coastal states into the global economy;</li> </ul>

<ul style="list-style-type: none"> <li>To contribute towards combating illegal, unregulated and unreported (IUU) fishing;</li> <li>To improve scientific and technical knowledge.</li> </ul>
<b>B. Option Mapping</b>
<p>The analysis of policy options will be carried out as part of the ex-ante evaluation. The ex-ante evaluation will assess the following two scenarios:</p> <ul style="list-style-type: none"> <li>A renewed protocol between the EU and Guinea-Bissau;</li> <li>No renewed protocol. In this case, under the current framework of the agreement "the exclusivity clause", EU vessels would not be allowed to fish in Guinea-Bissau.</li> </ul>
<b>Proportionality check</b>
<p>The conclusion of a new protocol with Guinea-Bissau is the condition for the EU fleet to access its fishing zone. In the absence of EU action, if no new protocol is concluded after the expiration of the current one, EU vessels will no longer be able to fish in the waters of Guinea-Bissau as long as the framework agreement remains in force. This will cause a stop in fishing activities and loss of economic benefits for the EU fleet as well as for the local fisheries sector of Guinea-Bissau, to the extent that the EU fleet contributes to it.</p>
<b>C. Data collection and Better Regulation instruments</b>
<b>Data collection</b>
<ul style="list-style-type: none"> <li>Information is needed on the past activities of the EU fleet in Guinea-Bissau, their economic results and the contribution to the economy in other third countries or other ACP countries. The evaluators will gather such information through catch data available in the Commission, interviews with the EU fisheries sector, the competent authorities of Guinea-Bissau and its local fisheries sector.</li> <li>Data are available on catches by the EU fleet in Guinea-Bissau for 2014 and 2015 (provisional), as well data received from Guinea-Bissau on catches by other foreign fleets in the period during which there was no active protocol (June 2012 to November 2014). The results of <a href="#">an earlier evaluation</a> from 2010 on the previous protocol (2007-2011) and the new protocol envisaged at that time (2011-2012) are also relevant. In addition, the work and the scientific opinions of the Joint Scientific Committee set up under the SFPA (composed of scientists from both parties) will also be taken into account. As regards highly migratory species, the <a href="#">review of tuna fisheries in the East Atlantic Ocean</a> completed in 2013 provides an analysis of the regional situation including a stock evaluation.</li> <li>Management measures for highly migratory species (mainly tuna) are defined by the International Commission for the Conservation of Atlantic Tunas (ICCAT), the competent regional fisheries management organisation, whereas the advice of the Fishery Committee for the Eastern Central Atlantic (CECAF) and the Sub-Regional Fisheries Commission (Commission Sous-Régionale des Pêches – CSRP) are taken into account as regards the other species covered by the SFPA/Protocol.</li> <li><a href="#">A harmonised methodology</a> has been developed for the economic analysis of the EU tuna fleet involved in SFPAs and will be applied in the evaluation in relation to tuna fisheries.</li> </ul>
<b>Consultation approach</b>
<p>Stakeholders will be consulted to ensure that the future negotiations on a possible renewal of the protocol with Guinea-Bissau are informed by the views of relevant stakeholders and that the outcome is a fair and balanced deal for both parties.</p> <p>The main stakeholders to be consulted include the representatives of the Member States administrations, the EU fisheries industry (fishing and processing), relevant regional and international organisations, NGOs as well as the fisheries authorities, industry and civil society of Guinea-Bissau. The views of stakeholders will be sought on the implementation of the current protocol in particular as regards the utilisation rate, value for money, appropriateness of the technical conditions governing fishing activities, adequacy administrative procedures and the implementation of sectoral support. They will also be consulted on their needs in relation to a possible future protocol and the options that will be developed as part of the prospective evaluation including areas for improvement.</p> <p>In view of the particular nature of the subject, no internet-based open public consultation has been planned. From March to November 2016, consultations will be carried out through preparatory meetings and targeted</p>

interviews, as follows:

1. With the representatives of the EU industry (fishing and processing) and relevant EU NGOs through the [Long Distance Advisory Council](#) (LDAC).
2. With representatives of the Member States' administrations and industry through technical meetings organised with the Member States including a dedicated part open to participation by industry representatives.
3. With regional and international organisations and with Guinea-Bissau's fisheries authorities, fishing industry and civil society through the evaluation team and the EU fisheries attaché based in the EU Delegation in Senegal. During the second quarter of 2016, the evaluators will carry out a field visit to Guinea-Bissau to collect the views of stakeholders through questionnaires and face-to-face interviews (in French and Portuguese).

The results of the stakeholder consultation will be presented in a Staff Working Document to be published after the evaluation has been finalised and before the start of any negotiations.

**Will an Implementation plan be established?**

☐ Yes ☒ No

No implementation plan will be established, as it concerns an act, which does not require transposition measures.

**Will an impact assessment be carried out for this initiative and/or possible follow-up initiatives?**

No impact assessment has been planned.

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<sup>i</sup> [Articles 31 and 32 of the CFP-Regulation \(EU\) 1380/2013](#)