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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 on a new implementing protocol to the Fisheries Partnership Agreement with the Democratic Republic of São Tomé and Príncipe, and possible amendments to the Fisheries Partnership Agreement or a new text of a Sustainable Fisheries Partnership Agreement

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Glossary

<i>Term or acronym</i>	<i>Meaning or definition</i>
SFPA	Sustainable Fishery Partnership Agreement
CFP	Common Fisheries Policy Regulation
EU	European Union
IUU	Illegal, unreported, unregulated (fishing activities)
ICCAT	International Commission for the conservation of Atlantic Tunas
SDG	United Nations Sustainable Development Goals
STP	São Tomé and Príncipe

1. INTRODUCTION

Purpose and scope of the evaluation

The evaluation's purpose is determined by the following provisions:

- Article 31(10) of the Common Fishery Policy Regulation⁵ requires the European Commission to arrange for ex-ante and ex-post evaluations of each implementing protocol to a Sustainable Fishery partnership Agreement (SFPA) before it submits to the Council a recommendation to authorise the opening of negotiations for a successor protocol.
- Article 34 of the Financial Regulation¹, requires the Commission Services 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 adopting a Council Decision authorising the opening of negotiations on behalf of the EU.

These evaluations should assess how financial instruments have been effective for the achievement of the policy objectives of the Union, based on performance review, analysis of relevance and of added value of Union involvement.

Policy objectives pursued by Union with the SFPA instrument are defined in section 2.1.

The evaluation draws upon an external ex post and ex ante evaluation study of the current implementing Protocol 2019-2024, performed by an external consultant through a specific contract, whose final report is published on the EU bookshop².

The ex-post evaluation study covers the period of application of the current implementing Protocol of the Agreement, starting from 19 December 2019 to December 2023 (while the protocol expires in December 2024). The geographical scope is São Tomé and Príncipe and concerned Member States are France, Spain and Portugal (as per the fishing opportunities allocation³).

The evaluation covers the 5 criteria of effectiveness, efficiency, coherence, relevance and EU added value, as well as economy (together with efficiency) and acceptability, through specific questions and suggested indicators for each criterion.

The ex-ante evaluation study analyses the relevant objectives for the Agreement and its implementing protocol, considering the current and future needs for this intervention. It

¹ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 ([OJ L 193, 30.7.2018, p. 1](#)).

² <https://op.europa.eu/fr/publication-detail/-/publication/55fcd1d2-132e-11ef-a251-01aa75ed71a1>

³ Council Regulation (EU) 2019/2219 of 24 October 2019 on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the Democratic Republic of São Tomé and Príncipe and the European Community ([OJ L 333, 27.12.2019, p. 31–32](#)),

considers the lessons learned from previous implementing protocols and the results of the ex-post evaluation of the current implementing Protocol.

Two policy scenarios are considered in the ex-ante evaluation study:

- A renegotiation of the current implementing Protocol for the Agreement (*status quo* with some adaptations if needed);
- No negotiation of a successor implementing protocol for the Agreement.

Methodology of the evaluation

The results of this Staff Working Document (SWD) are mainly informed by an evaluation study conducted by an external consultant. This evaluation study took place from December 2023 to February 2024 under the guidance of an interservice group established by different services of the European Commission and within the framework of the terms of reference of specific contract number 6 under the framework contract MARE/2021/OP/0001.

The study's methodology is based on information and data gathering from literature, Commission database, targeted questionnaires and semi directed interviews of stakeholders (fishing operators, fish processors, fishery authorities in EU Member States and Partner Third country, civil society representatives⁴), synthesis of their satisfaction or dissatisfaction on the implementation of the Protocol, and a standardised economic analysis establishing the repartition of the generated economic added value. EU stakeholders were consulted between January and February 2024. São Tomé and Príncipe stakeholders were consulted during the consultant's field mission to São Tomé. See details in Annex II.

The methodology is deemed to be reasonably robust. Its limitations are related to the time constraints of the evaluation, the incomplete period of the initiative submitted to the evaluation (given the target date for the study's final report, one year of the implementation period is not covered), the lack of available reliable official data in third country statistics or within operators due to commercial confidentiality.

⁴ A feedback period on the "have your say" portal, from 08 January - 05 February 2024, resulted in 2 comments one from an NGO and one from an EU citizen. https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13773-EU-Sao-Tome-e-Principe-fisheries-agreement-negotiation-mandate-for-a-new-protocol_en

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)

- The Common Fishery Policy (CFP)⁵ provides that the Commission negotiates and implements Sustainable Fisheries Partnership Agreements (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 waters⁶.
- Union fishing activities outside Union waters should be based on the same principles and standards as those applicable under Union law and promote a level playing field for Union operators and non-EU operators.
- Union fishing activities in third country waters should be based on the best available scientific advice and relevant information and relevant information exchange.
- They should ensure a sustainable exploitation of the marine biological resources, transparency as regards the determination of the surplus and, consequently, a management of the resources that is consistent with the objectives of the CFP. SFPA should provide for access to resources commensurate with the interests of the Union fleet in exchange for a financial contribution from the Union.
- SFPA should ensure, in particular, efficient data collection, monitoring, control and surveillance measures.
- The EU is to provide the partner country with a financial compensation for access to its waters and a 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.
- In the case of São Tomé and Príncipe, access has been sought for the EU industrial fleet targeting tropical tunas and associated migratory species (swordfish and some authorised shark species), which are entering the global food chain as a commodity, participating to international trade, including EU supply of fish.
- According to Article 3(1)(d) and (e) of the Treaty on the Functioning of the European Union, the EU has exclusive powers on the conservation of marine biological resources under the CFP and the common commercial policy, the

⁵ Regulation (EU) 1380/2013 of 11 December 2013 on the Common Fisheries Policy ([OJ L354, 28.12.2013, p. 22](#))

⁶ SFPA's policy objectives and reform proposals are detailed in the Commission's Communication to the European parliament, the Council, the Economic and Social Committee and the Committee of the regions on the external dimension of the CFP (COM(2011)424 final of 13 July 2011). The Council adopted Conclusions regarding the External Dimension of the CFP on 19 March 2012 (http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/agricult/129052.pdf) and the European Parliament expressed its views in European Parliament's report on the External Dimension of the Common Fisheries Policy of 22 November 2012.

European Commission is therefore responsible for the negotiation and implementation of the SFPAs.

- Under Article 31(5) of the CFP Basic Regulation, Union vessels cannot fish if there is no protocol implementing an SFPA between the EU and a 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 Fisheries Partnership Agreement between the EU and the Democratic Republic of São Tomé and Príncipe

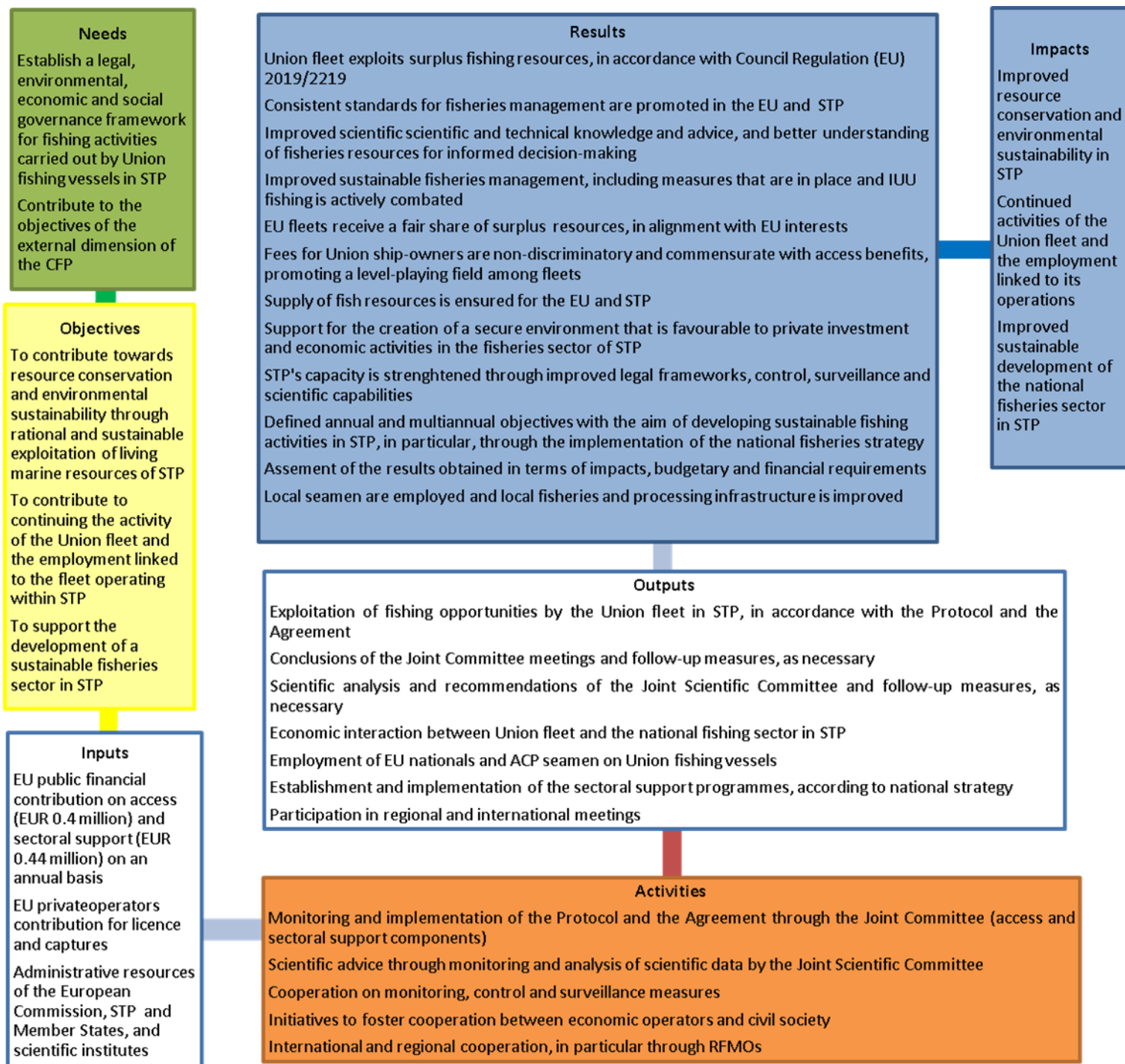
The Fisheries Partnership Agreement between the EU and the Democratic Republic of São Tomé and Príncipe (STP), and its current implementing Protocol, provide fishing opportunities to fish for Union fishing vessels in STP’s waters and establishes the principles on the economic, financial, technical, and scientific cooperation in the fisheries sector. It promotes responsible fishing in STP, conservation and sustainable exploitation of fisheries resources and through sectoral support contributes to develop the STP fisheries sector.

Duration of the Agreement	Four years from its entry into force, tacitly renewable
Date of application or entry into force of the Agreement	Signature on 30.10.2007, entry into force 29.08.2011
Date of application or entry into force of the Protocol	Signature on 19 December 2019
Duration of the Protocol	5 years: 19 December 2019- 18 December 2024
EU fishing opportunities	Highly migratory species <ul style="list-style-type: none"> • 28 freezer tuna seiners (Spain, France) • 6 surface longliners (Spain, Portugal)
EU financial contribution	<ul style="list-style-type: none"> • EUR 400 000 per year for access • EUR 440 000 per year for sectoral support
Licence and catches fees paid by the EU operators	Highly migratory species <ul style="list-style-type: none"> • Freezer tuna seiners: EUR 70/t with a non-recoverable lump-sum advance of EUR 9100 for 127 t for 2 years, then EUR 70/t with a non-recoverable lump-sum advance of EUR 8 890 for 130 t • Surface longliners: EUR 70/t with a non-recoverable lump-sum advance of EUR 3 255 for 46,5 t • Support vessels: EUR 3 500 per year

The sectoral support component is used for programmed activities in the following areas: (1) reinforcing the monitoring, inspection and surveillance of fisheries activities; (2) improved scientific knowledge on fish stocks; (3) improve fish products quality; (4) support small-scale fisheries; (5) strengthening international cooperation and (6) strengthening aquaculture.

Figure 1 provides a visual description of the intervention logic. It seeks to connect the needs, objectives, actions and expected achievements. The latter is discussed in terms of the outputs, results and impacts of the implementing Protocol.

Figure 1. Intervention logic of the Fisheries Partnership Agreement between the EU and the Democratic Republic of São Tomé and Príncipe (STP) and its current implementing Protocol



2.2 Point(s) of comparison

The most relevant and accessible point of comparison is the previous implementing Protocol under the same Fishery Partnership Agreement. Indeed, the situation in the absence of Fishery agreement would date from nearly 40 years ago (1985).

Under the Protocol 2014-2018 (evaluated from 2014-2017)⁷:

- EU fleet access to the waters of São Tomé and Príncipe was granted to up to 28 purse seiners and up to 6 longliners.
- The annual mean of tropical tuna catches by purse seiners was 6700t (97% of reference tonnage), and the generated income for São Tomé and Príncipe:
 - o EUR 1.15 million per year (mean of catches value per year, table 16 p. 33).
 - o EUR 3.233 million over nearly 4 years of implementation (total of contributions EU and shipowners in table 17, p. 34)
- Public contribution transferred to São Tomé and Príncipe was EUR 1.747 million in 2018 (p. 34) taking into account the delays on sectoral support transfers.

The fishery resource targeted by the Union fleet is scientifically assessed by the International Commission for the Conservation of Atlantic Tunas (ICCAT), the relevant RFMO.

- The status of the 3 main targeted stocks is (indicators relate to biomass for overfished status and to fishing mortality for overfishing status, for a concerned specie cf table 49 p. 92):
 - o Yellow fin tuna: slightly overfished, no overfishing occurring
 - o Big eye tuna: overfished, overfishing occurring
 - o Skipjack: likely not overfished, likely no overfishing occurring
 - o Swordfish not overfished, no overfishing occurring
- Calculation turnover for the EU fleet is EUR 11.37 million (table 25) for the 2 years evaluated, added value (direct and indirect) has a mean of EUR 5.454 million, of which EUR 3.274 million go to EU and EUR 1.038 million go to São Tomé and Príncipe, and the remaining EUR 4.142 million go to other ACP countries (p. 44).
- Level and repartition of the generated added value: It is estimated that for each euro of public investment, EUR 17.12 are generated in added value, out of which EUR 6.49 for the EU (p. 46).
- Situation of the control and surveillance system in São Tomé and Príncipe: a Surveillance center had been equipped but not yet made fully functional (p. 54).
- The direct and indirect employment effects were not evaluated at that time.
- Sectoral support contribution transferred to São Tomé and Príncipe EUR 325 000 (par. 1).

⁷ Reference pages in this section are to the evaluation final report of September 2017 of SC n° 3 under MARE 2015/23 framework contract <https://op.europa.eu/en/publication-detail/-/publication/b2a08ce7-bac1-11e7-a7f8-01aa75ed71a1>

3. HOW HAS THE SITUATION EVOLVED OVER THE EVALUATION PERIOD?⁸

With regard to the implementation of the Protocol, the current state of play is the following:

3.1. Utilisation of fishing opportunities

On an annual average, almost 73% of the maximum number of 34 fishing licenses for all EU vessels were granted in the period 2019-2023. This percentage ranged from 67% in the category of tuna seiners to 100% in the category of surface longliners (page 41 table 5)⁹.

Average annual fishing authorisations granted to EU vessels (per vessel category) in the SFPA fishing zone

Vessel Category	Fishing Licences provided in the current Protocol	Fishing Authorisations obtained	Percentage (%) of utilized fishing opportunities
Tuna purse seiners	28	19	67%
Surface longliners	6	6	100%
TOTAL	34	25	73%

3.2. Catches

On average, EU tuna vessels caught 71% of the reference tonnage of 8 000 tons agreed under the Protocol (table 6, page 43). EU catches varied between 43% of the reference tonnage caught in 2020 and 117% in 2021, with, hence, one year during which total catches were higher than the reference tonnage, confirming the highly migratory nature of the tuna species and the unpredictability of the catches in São Tomé and Príncipe waters. EU purse seiners represented almost 90% of the total catches.

Annual catches by EU vessels in the STP FPA fishing zone (tonnes) per calendar year under the 2019-2024 Protocol

Category	2020	2021	2022	2023		Average (2020-2023)
Tuna seiners	2 572	8 668	3 832	5 337		5 112

⁸ Reference pages in this section are to the evaluation report of SC n° 6 under MARE 2021/OP001 framework contract.

⁹ See report, page 28

Surface longliners	829	657	385	354		557
Total	3 401	9 326	4 217	5 732		5 669

3.3. Scientific Cooperation

The stocks targeted by the EU fleet are scientifically evaluated by ICCAT, the relevant RFMO, to which both the EU and São Tomé and Príncipe are active members, and which has provided the best available scientific advice for the management decisions taken by Joint Committee.

Scientific cooperation between the EU and São Tomé and Príncipe takes place within the multilateral framework of ICCAT, whereas sectoral support is also granted for the participation of São Tomé and Príncipe delegates in ICCAT meetings.

Tuna and tuna-like species are under the management mandate of ICCAT. The status of the three main targeted stock (yellowfin tuna, bigeye tuna, swordfish and blue shark) was assessed as follows¹⁰ (p. 36 table 4):

- Yellowfin tuna (*Thunnus albacares*): not overfished, no overfishing occurring,
- Big eye tuna (*Thunnus obesus*): overfished, no overfishing occurring,
- Skipjack (*Katsuwonus pelamis*): not overfished, no overfishing occurring,
- Swordfish (*Xiphias gladius*): overfished and overfishing,
- Shortfin mako shark (*Isurus oxyrinchus*): not overfished, no overfishing occurring,
- Blue shark (*Prionace glauca*): not overfished, overfishing (2019).

Stock management and conservation measures are decided and implemented within ICCAT (inter alia, fishing capacity limits, catch limits, restrictions on the use of FADs) and in the case of tropical tunas, a 13 314 tons of bigeye tuna allocated to the EU for the whole ICCAT area,). They apply to all ICCAT Parties.

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 São Tomé and Príncipe's fishing zone.

¹⁰ Indicators relate to biomass for overfished status and to fishing mortality for overfishing status, for a concerned species.

The Joint Committees' minutes indicate a generally satisfactory level of compliance with the relevant clauses.

Since the end of the previous Protocol, the FMC has been equipped with an integrated vessel positioning (VMS) and catch declaration system (ERS) applicable to Union vessels. Union vessels and the flag Member States use this system to send notifications, indicate positions and daily catches, which has replaced the previous system of emails for the follow up of fishing activities. This has reduced the administrative burden linked to manual reporting and compilations. However, the FMC in São Tomé e Príncipe experience regular power short cuts which impairs the continuous reception of data. Data have to be resubmitted again and some data losses maybe experienced, which create difficulties in data sets comparisons.

Sectoral support also includes reinforcement of SCS (inspections at sea, in particular). Finally, no infringement proceedings have been initiated by the São Toméan authorities against an EU vessel since the entry into force of the implementing Protocol (December 2019).

3.4.2. Embarkation of seamen

In quantitative terms, the EU vessels are required to employ a minimum of fishers which are São Tomé and Príncipe nationals, ranging from 2 to 10 for the tuna seiners and 2 for the surface longliners. From a qualitative point of view, the Protocol provides for the application of the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work in the context of employment contracts with the seamen. Notably, the level of pay cannot be lower than the minimum wage and, in any case, not lower than ILO standards.

During the period assessed by the evaluation, EU vessels have employed significantly fewer fishers than the minimum number provided for in the Protocol, and no fishers from São Tomé e Príncipe has been engaged.

The São Toméan authorities regret the EU's lack of willingness to apply the clause. Member States and EU tuna associations active in São Toméan waters during the Protocol put forward the following reasons: the possibility of paying a compensatory amount in the event of non-embarkation of São Toméan seamen, inappropriate training of seamen, failure to transmit a list of suitable seamen for some years, and difficulty in recruiting São Toméan seamen, bearing in mind that other Protocols in the region have similar requirements. In the beginning of the application of the Protocols, frontiers were closed due to the COVID pandemic.

As a results, the penalties for non embarking, supposed to be applicable in exceptional circumstances, became recurrent. It generated extra revenue for São Tomé e Príncipe of around EUR 158 800 (p. 47) with an increasing trend, due to the progressivity of the obligations in embarked seamen numbers, and a higher presence of Union vessels in São Tomé e Príncipe EEZ, as monitored by the VMS system. In 2023 longliners from Spain however boarded 3 fishermen from São Tomé e Príncipe.

From a qualitative aspect, the transport federations in the EU and the international representing the ITF/ETF seafarers' unions pointed out that in 2023, the ITF/ETF and its

European and African affiliates started a dialogue with Europêche and its member employers' groups. Discussions focused on the wages paid to local fishermen and the possibility to negotiate a collective agreement covering, inter alia, the entire EU long distance fleet, in order to respond to fishermen's complaints. The ITF/ETF therefore supported the renewal of the Protocol with some improvements to the clause on the contracting of seafarers. (page 91)

3.4.3. Observers

The Protocol's clauses regarding embarkation of observers designated by São Tomé e Príncipe on EU vessels, supported by a contribution of EUR 250 annually per vessel for financing the observers, were not fully implemented.

The main issue raised was that EU shipowners would not employ observers designated by the partner country. Nevertheless, their contributions to financing the observers programme were duly paid.

In the absence of a regional observer programme for tropical tunas by ICCAT, EU tuna vessels are monitored by scientific observers in accordance with the obligations of the EU (Data Collection Framework – DCF), ICCAT and for monitoring the terms of reference of their commitments. Scientific observers must therefore have a level of qualification which enables them to comply with the specifications of the various observer programmes. In practice, observations are carried out by specific human observers recruited and trained by private companies and by electronic monitoring through the analyses of camera recordings carried out by independent third parties. In the context of the observer embarkation clause, the São Toméan authorities thus recognise the 'single and permanent common observer programme' (OCUP programme) set up by the association of French tuna seiners' owners carried out on the basis of shipowners' funding, with an independent third party. As part of this programme, some São Toméan nationals were trained and able to be deployed on French vessels.

The number of observers on board per year was two on average over the period 2020-2022. They were taken on board French tuna seiners. The São Toméan authorities would like to be able to take São Toméan observers on board Spanish tuna vessels (seiners and longliners) as well. (page 48)

3.5. Sectoral support

The current implementing Protocol has earmarked a budget of EUR 440 000 per year – or EUR 2.2 million over a period of five years – to contribute to the implementation of the national strategy for fisheries and aquaculture and support the sustainable management of fishery resources and the development of the fisheries sector in São Tomé and Príncipe.

3.6. Monitoring of sectoral support

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

However, the monitoring of the implementation of sectoral support is not documented by the annual progress reports provided for in the Protocol – nor have the Joint Committee meetings been regular, whereas the Protocol requires at least one Joint Committee meeting to be held per year.

3.7. Financial aspects:

- Generated income for access on average for São Tomé and Príncipe of EUR 910.380 (EU yearly public contribution plus shipowners contributions average, tables 8, 9 and 10 p. 45).
- Calculation turnover for the EU fleet: EUR 9.3 million (p 62), added value EUR 3.207 million (table 20 p. 65), of which EUR 2.250 million go to EU and 0.957 go to São Tomé and Príncipe (p. 65).
- Level and repartition of the generated added value: It is estimated that for each euro of public investment, EUR 6.60 are generated in added value, split in EUR 5.33 for the EU and EUR 1.27 for São Tomé and Príncipe.
- Direct and indirect employment: estimated just under 180 full time equivalent at the end of the evaluated period, mostly indirect (p. 69), from related and downstream activities, performed by other non EU countries nationals.
- Sectoral support contribution transferred to São Tomé and Príncipe EUR 1.3 million up to March 2024.

3.8. Reporting Obligations

The implementation of the Protocol entails reporting obligations:

- For Union vessels to their Flag Member States as regards real time vessels positions daily catches, landings, transshipments, sales. These are aligned to either the EU control regulation or international obligations (ICCAT) and use the mechanisms and IT tools foreseen by such those provisions.
- Additionally operators should report to their flag Member State on the compliance to boarding seamen and observers and related payments once a year.
- Flag Member state should report aggregated catches and effort data to the Commission for transmission to the Coastal country (using IT tools and formats defined in the EU legislation), as well as the information mentioned above.

4. EVALUATION FINDINGS (ANALYTICAL PART)

4.1. Effectiveness :to what extent was the intervention successful and why?

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 São Tomé and Príncipe’s fisheries resources

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

The concept of surplus available in São Tomé and Príncipe waters is related to the sustainable management of the highly migratory species spread throughout the Atlantic Ocean and subject to the conservation and management rules adopted under the multilateral framework of the competent Regional Fisheries Management Organisation (ICCAT) to which the EU and São Tomé and Príncipe are contracting parties. In other words, the Protocol allows the EU to exploit the fishing opportunities granted to it by ICCAT in São Tomé and Príncipe waters, as opposed to the exploitation of fishing opportunities for local stocks under the responsibility of São Tomé and Príncipe.

ICCAT's assessments of the state of resources (see section 5.2) indicate that most of the stocks targeted by EU tuna seiners are within sustainability limits. On the other hand, the status of the bigeye tuna stock is assessed as overexploited. ICCAT has adopted specific conservation and management measures to restore this stock and to ensure the conservation of other stocks (section 5.4). They apply to all fishing entities of RFMO Contracting Parties, including the EU and São Tomé and Príncipe, wherever they operate. The Protocol does not derogate from or conflict with any of these rules. In particular, the fishing capacity authorised under the Protocol (maximum of 28 tuna seiners and 6 surface longliners) is compatible with the capacity limits defined by the EU on the basis of ICCAT requirements (maximum of 34 tuna seiners and 269 surface longliners).

São Tomé and Príncipe delegations participate in ICCAT meetings. Nevertheless, São Tomé and Príncipe's commitment to ICCAT's work does not match expectations. The review of the ICCAT Compliance Committee reports indicates significant and recurrent reporting problems in São Tomé and Príncipe, including the absence of an annual report for two years allowing, inter alia, the sharing of data on the activities of vessels flying its flag and on foreign vessels operating in national waters. Failure to comply with reporting obligations has led ICCAT to identify São Tomé and Príncipe, which is a first step towards possible trade sanctions under ICCAT Rec. 06-13. São Tomé and Príncipe also presents relatively substantial arrears of its compulsory contributions to ICCAT.

1.2 Implementation of principles and standards for fisheries management as those applied in EU waters

The environmental impact of the activities of EU tuna vessels is known and monitored in ICCAT's multilateral framework. These impacts, which are common to all fleets, are the subject of specific measures adopted by ICCAT. With regard to tuna seiners, the measures aim in particular to maintain the coverage of all fishing operations by scientific observations, to limit the number of Fish Aggregating Devices (FADs) and to prohibit their use for a period of 72 days, and to require the use of non-entangling FADs made from biodegradable materials. With regards to surface longliners, the measures aim to reduce the accidental

mortalities of protected species, and to prohibit the practice of shark finning of sharks to keep only their fins on board. These measures are applicable throughout the Atlantic Ocean, including São Tomé and Príncipe's fishing zone. The EU and São Tomé and Príncipe, which are two of the 52 ICCAT contracting parties, cooperate in the identification of measures. The Protocol does not derogate from any of the rules in force.

The measures to reduce the impact of fisheries adopted under ICCAT are complemented by unilateral measures implemented by EU tuna seiners in the context of Fisheries Improvement Projects (FIP) whose performance is audited by third parties and reports made public. The unilateral measures provided for by the FIPs also apply in São Tomé and Príncipe's fishing zone. In addition, EU rules on shark finning go further than ICCAT rules by requiring EU vessels to keep fins attached to carcasses.

1.3 Improvement of technical and scientific assessment of the fisheries

EU vessels are subject to the monitoring obligations arising from the EU Control Regulation, most of which are set out in the Protocol, and from the EU Regulation on the collection of scientific data. EU vessels are also subject to ICCAT's specific obligations, in particular as regards the coverage of fishing operations by independent observations.

Data from the monitoring of EU vessels shall be transmitted to ICCAT. An analysis of the publications of the ICCAT Standing Committee on Research and Statistics indicates that the data collected on the activities of EU tuna seiners form one of the main bases of the abundance time series used for stock assessments. Bycatch data collected by observers on EU tuna vessels is almost the only source of data used for scientific publications on the subject for the Atlantic Ocean.

Scientists from the EU and São Tomé and Príncipe participate in ICCAT meetings, as evidenced by the attendance lists of the meetings.

1.4 Ensuring control and compliance with EU fleet rules

The EU fleet is properly monitored by EU Member States' surveillance authorities and by São Toméan authorities under the terms of the Protocol and in accordance with EU legislation.

There are malfunctions in satellite tracking on the São Toméan side, but EU vessels are monitored remotely by the surveillance centres of their respective flag states. Sectoral support also includes reinforcement of MCS (inspections at sea, in particular). Finally, no infringement proceedings have been initiated by the São Toméan authorities against an EU vessel since the entry into force of the Protocol (May 2019).

As regards the observation of fishing activities, EU tuna vessels are monitored under ICCAT observer programmes and EU scientific data collection (DCF). On the clause on embarkation of São Toméan observers in the Protocol (to be recalled that observers may be taken on board in the São Toméan fishing zone under this clause at the request of the São Toméan authorities

by forwarding a list of observers and designated vessels), the São Toméan authorities apply the regional programme organised by the French tuna armaments association Orthongel: the OCUP programme coordinated by an independent body. Observers of São Toméan origin have been deployed using this programme since 2021. At a meeting of the Joint Committee, the São Toméan authorities expressed the wish that scientific observations by São Toméan observers should be made on certain tuna vessels flying the Spanish and Portuguese flags in order to also respond to this clause. The EU encouraged the São Toméan authorities to facilitate observation on these vessels by providing the list of observers to board. An association of Spanish tuna seiners consulted (OPAGAC) suggested establishing a regional mechanism similar to that of the OCUP programme with the support, in the short term, of IEO and AZTI, which coordinate Spanish observer programmes on Spanish tuna vessels.

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

2.1 To seek appropriate share of the surplus resources, fully commensurate with the EU fleets interests and their regional and sub-regional fishing strategy.

As regards tuna purse-seiners, São Tomé and Príncipe's fishing zone is significant, since almost 100% of the number of tuna seiners active in the Atlantic Ocean have taken a fishing authorisation under the Protocol. As confirmed during the consultations, the importance of access to São Tomé and Príncipe's fishing zone is explained by the possibility of fishing activities in a zone south of the equator, with possible access to the Gabonese zone under the Fisheries Memorandum of Understanding in force since 2021, and in adjacent fishing zones under direct authorisation regimes (Angola). These possibilities of access to areas under the jurisdiction of coastal States, complemented by access to sea areas, compensate to some extent for the impossibility of accessing the fishing zone of Equatorial Guinea. The importance of access to São Tomé and Príncipe's fishing zone is also measured by the fact that EU tuna seiners caught on average 6% of their annual catches in the Atlantic Ocean in the period 2020-2022 and up to 10% in 2021.

For surface longliners, the rate of utilisation of fishing opportunities has been 100% since the start of the Protocol. This suggests that access to São Tomé and Príncipe's fishing zone is crucial for supporting vessel strategies in the southern Atlantic Ocean, particularly in the offshore areas. Spain indicated that the number of fishing authorisations for vessels of this category could be increased to meet the demand from operators.

The question of the quantity available does not arise. The reference tonnage defined by the Protocol is not a catch limit, but an indicator used to set the flat-rate amount of EU financial compensation for access. The reference tonnage was exceeded in 2021, resulting in the additional payments provided for in the Protocol.

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

The level of fees set for EU tuna vessel owners for access to the fishing zone is aligned with the levels of fees set at the time under comparable EU tuna fishing agreements.

It was not possible to obtain information on the amounts of fees paid by owners of non-EU tuna vessels entering the fishing zone under arrangements with national authorities ('trade agreements' under the 2022 Fisheries Law). Transparency on these financial conditions would have responded better to the objective set by Article 1 (5) of the Protocol.

That said, the systems for setting the level of charges are likely to be different and prevent any comparison. Fees paid by non-EU armaments are generally flat-rate and therefore not linked to the catches obtained, as confirmed by the draft implementing text of the 2022 Fisheries Law revised during the evaluation mission for direct access to fishing licenses for non-EU foreign tuna vessels.

For EU vessels, the fees shall consist of a flat-rate part and a variable part based on the quantities of catches obtained. Depending on the catches obtained in São Tomé and Príncipe's fishing zone, DG MARE data for the period 2020-2022 indicate that an EU tuna seiner may pay the minimum annual fee of EUR 9 100 in the case of catches of less than 130 tonnes, but may pay an annual fee of up to EUR 70 000 as noted for tuna seiners who obtained catches of the order of 500 tonnes in 2021, with a record of almost EUR 90 000 in the case of one vessel. For surface longliners, vessels may pay the minimum annual fee of EUR 5 600 for catches of less than 46.5 tonnes, but a longliner paid EUR 25 000 in 2020 for catches above this threshold.

As regards the technical rules governing fishing in the area, they are likely to be the same for all tuna seiners irrespective of their flags. The conditions applicable in São Tomé and Príncipe's fishing zone are those imposed by ICCAT on all vessels, without less restrictive arrangements possible. This is in line with that of an NGO consulted for which the access conditions between the EU and non-EU tuna fleets would be close. As regards additional conditions such as the embarkation of national seamen or the embarkation of designated observers, the comparison cannot be made due to the lack of relevant information.

It is to be noted that the Protocol does not specify the need to make available to the public and between the two parties the amounts and the method(s) for calculating access fees paid by non-EU tuna vessels in order to be authorised to fish in the São Toméan EEZ.

2.3 Ensuring supply for the EU market

The promotion of interactions between EU tuna vessels and São Tomé and Príncipe provided for in Article 8 of the Protocol has not been the subject of any specific activity, apart from the compulsory embarkation of national seamen during fishing operations in the EEZ (Chapter V of the Annex to the Protocol).

EU tuna vessels operating in São Toméan waters do not land their fishery products in São Tomé and Príncipe. Landing ports – transshipments used historically by these vessels, when active in this part of the South Atlantic, include the ports of Abidjan (Côte d'Ivoire) of Tema

(Ghana) and Dakar (Senegal), for EU tuna seiners, and Walvis Bay (Namibia) for EU surface longliners (targeted consultation, experience of consultants).

The encouragement of port calls from EU vessels in São Tomé and Príncipe is, in practice, commercially complex. This would require the development of port infrastructure in an integrated way and in competition with the ports mentioned above. A study is under way concerning the supply, at least, of fuel and water to tuna vessels active in São Toméan waters. In terms of on-site landings and sales to local industries, the national market is probably too narrow to absorb landings from EU vessels without competing with local fishermen. Due to the challenges linked to the insularity and remoteness of the country, the development of industrial tuna processing plants is rather unrealistic at this stage.

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

As indicated above, catches obtained under the Protocol do not supply the local market and the São Toméan processing industry. EU tuna vessels operating in São Toméan waters do not use São Tomé and Príncipe's port services. EU tuna vessels prefer to use their historical ports in West Africa where they are used to call, board their crews, land their catches, supply water – fuel – salt, etc.

The tuna fleet using the Protocol's fishing opportunities provides marginal support for port and related activities in the EU. EU tuna vessels mainly use the services of the ports of call in West Africa to carry out their maintenance operations.

Synergies in the implementation of the Agreement to the economic and social development of the country take place in particular through the use by the São Toméan Government of access rights and other charges paid by the EU and its tuna fleet and by the use of sectoral support funds, and to a marginal extent by taking on board a few São Toméan seamen and observers.

2.5 taking into account specific interests: the nearby outermost regions of the EU and the EU fleet

The majority of EU tuna seiners use Abidjan in Côte d'Ivoire for their port calls and to land their catches caught in the Gulf of Guinea. Spanish longliners use mainly Walvis Bay (Namibia) to land their catches on the high seas and off the coast of São Tomé e Príncipe. The São Toméan fishing zone meets the interests of this fleet fishing on the high seas (EU tuna seiners and longliners) and in the network of waters under the sovereignty of the coastal States of Central and West Africa, in particular for the sea basin concerned for EU tuna seiners Gabon, Angola and São Tomé and Príncipe.

The Canary Islands, a territory of Spain, is the EU outermost region 'closest' to São Tomé and Príncipe. They are close to the Moroccan coasts and very far from São Toméan waters. The EU tuna fleet operating in São Toméan waters and the Gulf of Guinea does not regularly use port and landing services or transshipment services in the Canary Islands, apart from occasional maintenance operations in the port of Las Palmas.

Objective 3: Supporting the development of a sustainable fisheries sector in partner countries

3.1 Contribute to social, environmental, and economic development in Sao Tome e Principe. To what extent the SFPA and the activities implemented with the EU contribution for sectoral support, have generated significant positive / unintended / longer term / broader effects?

Sectoral support contributes to the functioning and development of the fisheries sector through support for fisheries monitoring with training, acquisition of equipment, payment of contributions to the collection of scientific data, and development of small-scale fishing (improvement of fishermen's conditions through support for fleet and equipment renewal). However, the level of implementation of activities for small-scale fishing is still low at just under one year from the end of the Protocol.

The use of sectoral support is not sufficiently documented due to the absence of an annual activity monitoring report. The annual report on the results of the sectoral support provided for in Article 4 (4) of the Protocol, the content of which had been described in a document annexed to the minutes of the Joint Committee meeting in October 2020, was not submitted to the Joint Committee by the national authorities.

Implementation was nevertheless monitored by exchanges in the Joint Committee and by exchange of letters to validate the payment of tranches 2 and 3 of the sectoral support funds (out of 5 instalments in total). The information available does not allow a third party to have a clear picture of the activities carried out. These reports would have made it possible, for example, to draw up a 'detailed analysis of sectoral support on the economic and social benefits expected throughout the geographical area covered by the current Protocol.

3.2 Promote the employment of local seafarers, improve infrastructure and encourage landings, support the third country in the development of local fisheries and processing industry in the EU, domestic markets and those of certain third countries. Creating employment directly and indirectly.

EU vessels are required to take on board a minimum number of São Tomé and Príncipe seamen each year during their fishing activities in São Toméan waters; for example, from 2022, at least ten seamen are to be taken on board (Annex to the Protocol, Chapter V). The number of São Toméan seamen used by EU tuna vessels accessing the fishing zone in São Toméan waters has so far been low: between 2 and 3 São Toméan seamen per year for the entire EU tuna fleet in 2022 and 2023, which is below the minimum number required by the Protocol.

The main reasons for this are (a) the use of well-trained and experienced crew already in place and contracted over the long term; (b) the possibility of meeting the clause by paying a compensatory amount in the event of non-embarkation of São Toméan seamen; and (c) a clause in its current terms which are too restrictive because it does not take account of the

need for arms to comply with similar clauses in other protocols implementing SFPAs in West Africa.

Some Member States also indicate that they have not received the list of qualified and fit seamen referred to in the Protocol (Chapter V of the Annex) or that the seamen do not meet the qualifications required by Appendix 6 to the Protocol. However, São Toméan seamen have been trained in Portugal. The 2019-2024 sectoral support funds financed these training courses in Portugal. The situation seems to be slightly improving, although the number of seamen signed on per year is still below the limits laid down in the Protocol: three São Toméan seamen were signed on Spanish longliners in 2023.

The catches landed are marketed in the EU market and in the markets of other third countries in West Africa (no landing in São Tomé and Príncipe).

4.2. Efficiency and Economy¹¹

Efficiency:

<i>Objective</i>	<i>Success criterion (s)</i>
<i>The Protocol is 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>SFPA provides good value for money for EU shipowners</i>	<i>Shipowners’ contribution is proportionate to their actual catches and benefits compared to their operational costs and total revenues</i>
<i>The financial compensation for fishing opportunities is beneficial for the EU and São Tomé and Príncipe</i>	<i>São Tomé and Príncipe 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 were carried out at reasonable costs.</i>	<i>All activities included in sectoral support have been properly used and have benefited the EU and São Tomé and Príncipe in environmental, social and economic terms.</i>

Since the entry into force of the Protocol at the end of 2019, annual catches of EU tuna vessels have remained below the reference tonnage of 8 000 tonnes in 2020, 2022 and 2023, but exceeded it in 2021. This indicates that the financial contribution for access was above needs for three years but proportionate to the needs in 2021. This reflects the unpredictable nature of tuna abundance in the Sao Tomean fishing zone. For the record, the minimum EU access contribution is relatively modest compared to EU budget commitments under other agreements (EUR 440 000 per year).

The analysis of the economic impact of the access part of the Protocol shows a positive cost/benefit ratio for the EU side. It is estimated that every euro invested by the EU in the financial compensation for access to the resource generated EUR 6,60 in added value for the benefit of both parties, including EUR 5,33 for the benefit of the EU.

Moreover, the activities of sectoral support focused on three strands of intervention: strengthening fisheries governance by improving fisheries monitoring and national and international governance of the sector, developing aquaculture and developing local fisheries

¹¹ See page 78 of the evaluation report

(small-scale fisheries). Within these axes of intervention, the funds have been used correctly in terms of improving fisheries monitoring, acquiring fisheries data, financing compulsory contributions to regional fisheries organisations, basic training in aquaculture. Small infrastructure has been rehabilitated or built for the benefit of fishing and vendor communities for a total of around EUR 200 000: Praia Melão, Mouro Peixe, and Agua Izé. According to the information collected during the evaluation by the external consultant, the funds are used in a reasonable manner: no budget overrun on the activities to be carried out.

However, the pace of implementation is slow, with a total payment of 60% of the EUR 2.2 million available for sectoral support and a budget execution of just over 30% of the EUR 2.2 million that can be committed (cf. “economy” evaluation criterion below). The planned activities for the development of aquaculture have made very little progress. The feasibility study of a hatchery for the supply of fry should take place at the beginning of this fifth and final year of the Protocol.

The contribution of EU shipowners under the 2019-2024 Protocol is aligned with the contribution provided for under the other EU agreements at the time (EUR 70 per tonne).

On average over the period 2020-2022, fees paid by EU tuna seiners accounted for 6% of turnover and 3% for EU surface longliners (Table 18). The difference is explained by the fact that both categories are subject to the same level of access pricing (EUR 70 per tonne), but with higher first-sale catch values for surface longliners than for tuna seiners (Table 29). The proportion of the cost of access fees in the value added generated by fishing operations in São Tomé and Príncipe’s zone confirms a greater weight for tuna seiners (18%) than for surface longliners (10%).

Regarding cost-effectiveness of the Protocol, the period covered by the Protocol coincided with a period during which the profitability of the EU tuna seiners segment was significantly lower than in previous years, particularly in 2021 and 2022 as a result of the reduction in the number of days at sea attributable to the COVID pandemic, the impact of ICCAT management measures on tuna seiners’ operations, and the inflation of input costs following the Ukrainian crisis from 2022. According to the evaluation study’s estimates, the segment of surface longliners has maintained a positive level of profitability, but at a relatively marginal level. The period covered by the Protocol was therefore a period during which the EU tuna fleet was economically unprofitable, as confirmed by STECF analyses and recent decisions to terminate the activities of certain armaments.

It should also be noted that the system for fixing the amount of access fees for EU vessels provided for in the Protocol makes it possible to maintain a certain degree of proportionality between the amount of the fees and the actual catches by incorporating a variable share based on the quantities caught. In the context of the 2019-2024 Protocol, the variable share of contributions accounted for the majority (52%) of total contributions paid by the shipowners.

Furthermore, the economic analysis shows that São Tomé and Príncipe received financial compensation for access equivalent to EUR 160 per tonne of tuna caught in its area on average per year (EU share and shipowner share). This amount is above the minimum

amount provided for in the Protocol (EUR 120 per tonne) on account of catches which averaged over the period 2020-2023 at 71% of the reference tonnage of 8 000 tonnes,

The economic benefits of EU tuna vessels in São Tomé and Príncipe’s fishing zone generated a total economic added value of EUR 7.2 million per year over the period 2020-2022, with EUR 1 million (13%) going to São Tomé and Príncipe. The added value generated for São Tomé and Príncipe is limited to EU and shipowners’ access payments (94 %) and compensation paid by shipowners for non-embarkation of seamen (6%). Due to the lack of interaction between EU fleets and the national fishing sector (use of national ports, landings/sales of catches to local industries, employment of nationals), São Tomé and Príncipe did not benefit from any indirect economic benefits stemming from the agreement. The value-added distribution balance shows that the majority (56%) of the economic benefits of EU vessels’ activities in the fishing zone are captured by other countries that interact with the EU tuna fleet (Côte d’Ivoire, Ghana, Senegal, Cabo Verde).

Economy:

<i>Objective</i>	<i>Success criterion (s)</i>
<i>The EU contribution, in particular for sectoral support, is proportionate to the needs of São Tomé and Príncipe and its absorption capacity</i>	<i>The EU contribution for sectoral support is aligned with national and local needs and absorption capacity. The total amount of sectoral support shall be used in accordance with the agreed schedule and adapted to the needs of the partner country. When there were amendments to the initial Sector Support Programme, they promoted the use of financial support and contributed to the sustainable development of the country.</i>
<i>Sectoral support payments were made within the time limits laid down in Articles 3 and 4 of the current Protocol.</i>	

According to the Protocol, the sectoral support funds are to be disbursed annually, i.e. in 5 tranches of EUR 440 000, which makes a total of EUR 2.2 million over five years, in accordance with Article 3 of the Protocol. These payments must be made after the Joint Committee has given a favourable opinion on the proper absorption and use of sectoral support funds in accordance with Article 4 of the Protocol and in accordance with Article 32 (2) of the CFP (Regulation (EC) No 1380/2013).

The EU contribution for sectoral support is broadly aligned with national and local needs, which are important in particular for inter-ministerial fisheries monitoring (e.g. in collaboration with the coast guard), for the acquisition of fisheries data (collection – processing – data analysis), and for supporting the sustainable development of small-scale fisheries.

However, the Directorate for Fisheries and Aquaculture of São Tomé and Príncipe has encountered difficulties in using the sectoral support budgets under the current Protocol owing, inter alia, to the COVID crisis in 2020, changes in direction weakening the sustainability of the implementation of the activities accepted by both parties at the start of the Protocol, and also a significant proportion of sectoral support initially dedicated to the development of aquaculture (fish farming), 43% of the total funds, which have been very

little consumed so far (see 8.4 ‘relevance’ below). Delays that are manageable and not manageable by DPA have also taken place in the selection of providers planned to carry out the activities.

As a balance sheet, at the end of the first quarter of 2023, that is to say, after three years of application of the Protocol, consumption of the first tranche of sectoral support reached an implementation rate of almost 90%. The two parties had agreed at the first meeting of the Joint Committee to ensure that the next instalment would be paid on the basis of a utilisation of at least 80% of the previous instalment. At the request of the São Toméan authorities and the submission of a revised programme for 2023 and 2024, the two parties agreed, following the agreement of this new programming, to make the combined payment of the 2 and 3 annual instalments of the sectoral support to speed up the use of the remaining sectoral support funds. The two instalments were paid in August 2023.

The amendments to the initial programme should encourage the implementation of the funds by redirecting part of the funds allocated to axis 2 for the development of aquaculture towards sustainable development activities improving working conditions in the small-scale fisheries subsector. Article 4 (5) of the Protocol requires, however, that the final payment of sectoral support funds be made within 6 months of the end of the current Protocol. The implementation rate for tranches 2 and 3 was around 30% in January 2024, i.e. around one third of all the funds of the sector support which can be committed at approximately 11 months from the end of the Protocol (estimates by the evaluators on the basis of the data made available to them).

As regards the payment rules for sectoral support, payments from the funds must take place, according to the Protocol, on ‘the Fisheries Development Fund account’. However, in February 2020, tranche 1 of Sectoral Support 2019-2024 was paid into the Public Treasury account, an account used to pay access fees and sectoral support under the 2014-2018 Protocol, which is not in accordance with the terms of the 2019-2024 Protocol. In the Joint Committee of March 2023, the two parties agreed that these fees should be paid into a bank account of a commercial bank under the name “Fisheries Development Fund”. The procedure for the use of an account in a commercial bank had been authorised by the State Treasury in the Joint Committee in March 2023 and each expenditure effected using the funds on that account was countersigned by the Treasury Directorate. In August 2023, in accordance with the decision of the Joint Committee in March 2023, tranches 2 and 3 were paid into this bank account.

60% or, more optimistically, 75%, of the EUR 2.2 million of the funds available for sectoral support should be used quite easily, taking into account the fact that regular expenditure will come on the 3-4 tranches, expenditure on fishing equipment and the renewal of the small-scale fishing fleet, and the possibility for the Joint Committee to approve payment of the final balance of the sectoral support funds within 6 months of the 2019-2024 Protocol having expired.

4.3. Coherence:

<i>Objective</i>	<i>Success criterion (s)</i>
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<i>Coherence between the Protocol and the CFP in general, and with its international dimension, and with regional fisheries policy (RFMOs, and other organisations including COPACE, and the network of regional and sub-regional PAPDS)</i>	<i>The Protocol is aligned with 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 consists of other APPDS in the region and with the objectives of the RFMOs and other organisations</i>
<i>To what extent the Protocol and its implementation are consistent and complementary with other EU interventions such as EEAS, INTPA, SANTE, TRADE and TAXUD 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 and contribute positively to other interventions.</i>
<i>How is the agreement and its implementing protocol consistent with national fisheries policy and well coordinated with regional policies?</i>	<i>The Protocol contributes to the achievement of the objectives identified at national, local and regional level. Authorities, stakeholders and STPil society are informed of the contribution.</i>
<i>How does the Agreement contribute to the achievement of the United Nations Millennium Development Goals?</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 (MDGs).</i>

Overall, the Protocol is consistent with the common fisheries policy. It participates in the network of fishing areas accessible to EU tuna vessels through the implementing protocols of other SFPAs on the coast of the eastern Atlantic. The fishing conditions laid down by the Protocol are in line with the conservation and management rules adopted by ICCAT, and with the regional fisheries policies of COREP and CECAF.

The Protocol and its implementation are compatible, coherent and complementary to other EU interventions in São Tomé and Príncipe, in particular the FISH4ACP programme focusing on strengthening the value chains of fishery products in São Tomé and Príncipe. The services of the European Commission and the EU ensure complementarity of their ongoing and future interventions through inter-service dialogues.

Finally, the Protocol meets national objectives both in terms of access and development of the partner country's fisheries sector. The intervention is consistent with the UN Sustainable Development Goals (SDGs). However, the provision of public information on the contribution of sectoral support to the São Toméan national fisheries policy is virtually non-existent.

4.4. EU added value

<i>Objective</i>	<i>Success criterion (s)</i>
<i>What is the value added resulting from the EU intervention under the Protocol, compared to the absence of an agreement/protocol. To what extent could Member States have put in place appropriate alternative measures.</i>	<i>EU intervention adds value compared to Member States' interventions</i>

<p><i>What is the added value of EU intervention under the Agreement and its Protocol compared to what could be achieved by the EU fleet outside the framework of the Agreement</i></p>	<p><i>The agreement and its protocol bring substantial benefits) the EU and at local and national level, compared to private agreements.</i></p>
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First of all, in the absence of a fisheries agreement between the EU and São Tomé and Príncipe, EU tuna vessels would be free to negotiate direct authorisations for access to the São Toméan fishing zone. This negotiation is then 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. In view of Article 13 of the current SFPA, this assumption is uncertain, however: the possibilities for termination of the SFPA are limited to the occurrence of “abnormal events”. In view of São Tomé and Príncipe’s interest in attracting tuna vessels to its fishing zone, an interest confirmed by the authorisations given to vessels flying other flags, it is likely that EU tuna vessels will be able to get their requests for access accepted, where appropriate. In this case, shipowners are not supported by the EU when negotiating their access conditions, but will nevertheless have to comply with ICCAT’s minimum conservation and management rules which apply irrespective of the fishing zones.

In addition, the EU’s involvement through the implementation of a Protocol to an SFPA offers the following added values:

- The establishment of a platform for sectoral dialogue between the EU and São Tomé and Príncipe. It aims to ensure that the objectives of the Common Fisheries Policy (CFP) are promoted at both national and sub-regional level. It complements and operationalises the one already established under the general framework of the Cotonou Agreement and its successor the Samoa Agreement.
- The possibility to monitor the activities of vessels flying the flag of an EU Member State when operating in São Tomé and Príncipe’s fishing zone.
- The involvement of the EU makes it possible to establish binding access conditions in line with applicable international obligations and provisions in other agreements in the region, with the possibility for the European Commission on behalf of the EU to ensure that these access conditions are fair and non-discriminatory.
- 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. Gabon).

In the event that the SFPA were terminated, in comparison with direct shipowners intervention, EU intervention brings added value to the EU through the allocation of a fund for the development of the fisheries sector and public compensation for access, both implemented in accordance with the objectives of the Common Fisheries Policy. Within direct interventions, part of the revenue for São Tomé and Príncipe could be used as sectoral support. Its amount and objectives of intervention would then be at the sole discretion of the following two parts: the Government of São Tomé and Príncipe and EU tuna vessel owners. The EU would then no longer be involved.

4.5. Relevance

<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 JPA and its Protocol is aligned with the objectives of resource and environmental sustainability; support for the development of a sustainable fisheries sector at national and local level; facilitating the integration of coastal states into the world economy; improving scientific and technical knowledge, supporting economic exchanges and sustainable economic and social development) and adequately addressing the national and local needs of the EU and its fleet</i>
<i>The Protocol is relevant to the objectives of the RFMOs and the EU Regional Network of Agreements. To what extent is it relevant and creates significant impacts</i>	<i>For highly migratory species, the Protocol contributes to the objectives defined at the level of RFMOs and other regional organisations, including CECAF, and maintains a network of SFPAs in the region. It creates synergies between the EU and neighbouring countries in the RFMOs.</i>

The Protocol meets the needs for the tuna fishing fleet of the EU, the EU and São Tomé and Príncipe. The programming of sectoral support is generally relevant, in line with the principles of the Common Fisheries Policy: support for the fight against IUU fishing, the improvement of scientific knowledge and the sustainable development of the fisheries sector. Although meeting the expectations of the São Toméan authorities, the initial allocation of almost half of the sectoral support funds for the development of aquaculture seems disproportionate. However, the reallocation of part of these funds in the 4th year to the other areas of intervention has taken place and could still take place in the final year of the Protocol in order to speed up the absorption of sectoral support funds. The relevance of sectoral support to the objectives of the CFP would then be improved.

In addition, the Protocol is part of a coherent regional network of protocols for the implementation of EU fisheries agreements allowing EU tuna vessels access to important fishing areas under the binding framework of these agreements. The Protocol contributes to the objectives of ICCAT by ensuring that the management and conservation measures applicable to the exploitation of tuna in the São Toméan fishing zone are aligned with those adopted by ICCAT, to which both parties are signatories.

4.6. Acceptability

Objective	Success criterion (s)
<i>EU vessel owners are satisfied with the Protocol</i>	<i>EU vessel owners are met by the technical and financial conditions of the Protocol and support its renewal (with possible adaptations)</i>
<i>Local, national and EU civil society is satisfied with the Protocol</i>	<i>Civil society representatives are satisfied with the environmental and social conditions of the SFPAs and the Protocol and support its renewal (with possible adaptations)</i>
<i>The national and local fishing sector is satisfied by the Protocol</i>	<i>National and local fish owners 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 are 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 support its renewal (with possible adaptations)</i>
<i>The local and national administration is 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>

The EU shipowners are generally satisfied with the technical and financial conditions of the Protocol and support its renewal with some improvements (see the following ex-ante chapter for more details on the latter).

For national and international civil society, the Fisheries Agreement between the EU and São Tomé and Príncipe promotes the acquisition of external funds for the state and contributes to the development of the sector. However, it regrets the lack of information on access for non-EU foreign tuna vessels despite the Protocol’s transparency clause. It recommends regular consultation of non-state actors in the EU and São Tomé and Príncipe for the programming and implementation of sectoral support with a view to improving its social and economic impact on stakeholders in the fisheries sector. It supports the renewal of the Protocol but calls on the parties to fully implement the transparency and non-discrimination clauses included in the principles of good governance of fisheries agreements, as well as an improvement of the clause relating to the embarkation and contracting of São Toméan seamen.

The local national fisheries sector has not expressed any particular dissatisfaction with the Protocol. There is no direct competition with fishermen in the archipelago: the EU tuna fleet operates far from the coast of the archipelago and their products are not landed in São Tomé and Príncipe. However, local stakeholders would have liked and would like to be more consulted, particularly in the event of a renewal of the current Protocol.

With regard to the partner country’s administration, it is generally satisfied with the Protocol and asks for it to be renewed with certain improvements.

5. WHAT ARE THE CONCLUSIONS AND THE LESSONS LEARNT

5.1. Conclusions

Based on the evaluation and on objective analysis of the information gathered, the evaluation concludes that criteria are generally fulfilled. The FPA with São Tomé e Príncipe is less performant in providing a share of economic added value to the country as there are little economic interactions between the EU operators, using more performant port infrastructures for landing and transforming in Côte d’Ivoire. There is also little perspective for São Tomé e Príncipe to be able to compete with such established processing pattern and gain shares in this market.

Furthermore, specific and relevant recommendations for future negotiations on the new protocol between the EU and São Tomé and Principe can be made.

Among all options considered, the renewal of the Protocol at the end of its implementation period (18 December 2024) clearly appears to be in the interest of both parties and as the

most beneficial policy option. On the other hand, the option of not renewing the Protocol would not be beneficial for any of the parties¹².

Regarding the access conditions for the future Protocol, the setting of the reference tonnage should be based on the level of utilisation of fishing opportunities of the current implementing Protocol.

With regard to technical measures, the embarkation of national seamen seems to be the focus for São Tomé e Príncipe, while the EU operators would give preference to the training of seamen and their adaptation to the working environment as a prerequisite to any boarding obligations.

Concerning the sectoral support component, the future Protocol should provide for clauses on monitoring and evaluation, including the submission by São Tomé and Príncipe to the Joint Committee of annual progress report and a final evaluation report (before the expiration of the Protocol) about the impact of the sectoral support on the development of their sectoral fisheries policy. Clauses related to the visibility/communication of the sectoral support activities should also be included. Particular attention should further be attributed to the efficient programming of the sectoral support activities, refraining from very complex objectives that hinder implementation and seeking external technical expertise when necessary. The programming of sectoral support should be guided by the activities identified by the national sectoral policy for the coming period, while the possibilities for supporting the implementation of this national policy will depend on the budget availability which will be the result of the negotiation process.

5.2. Lessons learned

The ex-post evaluation of the Protocol implementing the Fisheries Partnership Agreement for the period 2019-2024 shows that the Protocol has generally succeeded in achieving its main objectives.

The main learnings stemming from this ex-post evaluation are:

- On technical conditions, compulsory boarding of seamen should be built up progressively, and starting from adequate training of candidate seamen.
- On sectoral support, some support was agreed in favour of the aquaculture sector without sufficient analysis of the strengths and weaknesses of such sector in São Tomé e Príncipe.
- The implementation of the activities funded under the sectoral support by São Tomé and Príncipe has been subject to noticeable delays despite the relatively modest annual budgets (around EUR 440 000 per year). These delays were partly explained by cyclical events outside the control of the authorities responsible, administrative problems, but also by difficulties linked to the implementation of the multiannual programme adopted at the beginning of the Protocol. It is therefore much needed to prepare a clear and detailed programme for a future sectoral support component

¹² See report, page 76

aiming at improving the pace of implementation, meeting both national and EU priorities.

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 learned and outlines the possible ways forward, through a set of available policy options, for the implementation of the Fisheries Partnership Agreement between the EU and São Tomé and Príncipe.

6.1. Problem analysis and needs assessment

In the context of the intervention logic in Figure 1, 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 São Tomé and Príncipe

São Tomé and Príncipe's fishing zone is an attractive zone as it is on the route of migration of highly migratory species from the Atlantic. Access agreements with foreign interests enable the country to exploit its fishing potential and strategic position on tuna migration routes through budgetary revenue and spill-over effects on the employment of national seafarers.

Through its programme for the sustainable intensification of agricultural production in fisheries and livestock farming, São Tomé and Príncipe has ambitions to support the development of its fisheries sector by improving the legal framework, improving the working conditions of small-scale fishermen, increasing the contribution of fisheries to the food balance and improving scientific knowledge. São Tomé and Príncipe therefore needs to be able to secure multiannual budgetary resources to meet the priorities identified for the sustainable development of its sector.

The São Toméan authorities support the renewal of the Protocol. According to the results of the consultations, a new protocol should incorporate the following elements:

- Issue of fishing authorisations through a local representative (an agent) pursuant to the implementing legislation of the 2022 Fisheries Act;
- Desire to maintain and apply more strictly the São Toméan seamen's embarkation clause, with a possible increase in the compensatory payment in the event of non-compliance to make the penalty dissuasive;
- Willingness to increase the number of national scientific observers on the basis of the observer clause in the current Protocol.

As São Tomé and Príncipe officially declared its application for the FiTI Fisheries Transparency Initiative in December 2023, sectoral support for the possible future SFPA protocol to finance a website to improve the level of transparency required, inter alia, by the Protocol and FiTI requirements, shall be envisaged.

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 ICCAT, the EU can encourage the establishment of coherent measures to preserve and conserve stocks exploited through its network of fisheries agreements when they are active (with a protocol in force). It also aims to promote management based on scientific advice, and transparency with due regard for fair treatment between the different fishing fleets. The SFPA between the EU and São Tomé and Príncipe complements a network of agreements covering a large part of the fishing areas of coastal states bordering the western tropical Atlantic.

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. This is achieved in particular through Regulation (EU) No 1005/2008 and support for numerous development programmes aimed at strengthening the capacity of developing coastal states to combat this scourge. To this end, EU vessels must maintain exemplary behaviour, regardless of their fishing zone. This implies the establishment of 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 the waters covered by a possible future protocol, while respecting international law and the objectives of the EU's Common Fisheries Policy (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 the implementation of the 2030 Agenda for Sustainable Development adopted by the United Nations in 2015. The EU therefore needs to be able to mobilise an instrument that contributes to achieving 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 São Tomé and Príncipe and the EU together

The creation of a framework for sectoral policy dialogue with dedicated funding in synergy with other EU interventions enables both parties to exchange and jointly implement initiatives to promote the sustainable development of the fisheries sector, including initiatives to cooperate in the fight against IUU fishing and to 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.

The owners of EU fishing vessels consulted and representing the two categories of fishing authorised to fish in São Toméan waters under the 2019-2024 Protocol recommend the renewal of the current Protocol.

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 (TFEU).

Beyond this obligation stemming from the TFEU, 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. This is related to:

(i) a mandate from the EU to ensure that the Protocol and its implementation are in line with international and CFP standards and consistent with other agreements concluded with coastal States in the region,

(ii) the possibility for the EU to have an instrument to implement its sectoral policy at sub-regional level through the leverage effect given by a network of agreements and its interventions within ICCAT, and

(iii) a specific instrument for bilateral sectoral cooperation with São Tomé and Príncipe, as well as the possibility of coordinating with its other Member States' cooperation and São Tomé and Príncipe, will be able to have an instrument enabling it to implement its sectoral policy at sub-regional level by means of the leverage given by a network of agreements and its interventions within ICCAT.

6.7. Policy and management objectives

The objectives of fisheries agreements are guided by Articles 31 and 32 of the CFP Regulation, taking into account the 2012 Council conclusions¹³ on the external dimension of the CFP. In line with EU policy on fisheries agreements, the objectives of future intervention under the Fisheries Partnership Agreement concluded between the EU and São Tomé and Príncipe in 2008 must be based on the general and specific objectives which guide the EU's intervention logic for all FPAs and SFPAs, namely:

General objective 1: a contribution to resource conservation and environmental sustainability through the rational and sustainable exploitation of marine resources in São Tomé and Príncipe waters, 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 ICCAT 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 São Tomé and Príncipe waters, 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 distant fishing fleets and the maintenance of employment linked to the activities of these vessels, with the following specific objectives (SOs):

¹³ Council conclusions on the external dimension of the CFP. 19.03.2012, 7086/12

- SO 2.1: Obtain an appropriate share of available fishery resources in full proportion to the interests of around 20 EU tuna seiners in São Tomé and Príncipe waters
- SO 2.2: Ensure that fees paid by EU shipowners for fishing activities are fair, non-discriminatory and proportionate to the benefits of access conditions while avoiding any discriminatory treatment towards EU vessels by promoting a level playing field between different fleets
- SO 2.3: Securing supply to the EU market and certain developing third countries
- SO 2.4: Encouraging the creation of a favorable environment for private investment and economic activities in São Tomé and Príncipe

General objective 3: support for the development of a sustainable fisheries sector in São Tomé and Príncipe, with the following specific objectives (SOs):

- SO 3.1: contribute to the capacity building of São Tomé and Príncipe (in particular by improving the management framework, control and surveillance and the collection of scientific data)
- SO 3.2: the definition of annual and multiannual objectives to be achieved in order to support the implementation of the national sectoral policy
- SO 3.3: evaluation of the results achieved in terms of impact, as well as on budgetary and financial needs
- SO 3.4: promote the employment of national seamen under conditions aligned with those of international standards, and encourage landings, support São Tomé and Príncipe in the development of the national fisheries sector and the processing industry.

6.8. Policy options, including associated risks

Two options are available:

- 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.

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

Option A1 (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 on the provision of information on foreign fishing activities in São Toméan waters, the more effective application of the seamen's clause and the better monitoring of sectoral support by means of activity and implementation reports. The main risk of this would be to encounter the same problems as the current Protocol 2019-2024.

Option A2 (status quo with some improvements)

The main conclusions of the ex-post evaluation and the lessons learned 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:** Around 5 years to ensure minimum short and medium-term planning for the EU shipowners.
- **Period of validity of licenses:** It should include a mechanism of annual licenses per calendar year with a license pro rata temporis to cover the first calendar year of the Protocol would be appropriate.
- **Issue of fishing authorisations:** The granting of electronic fishing licenses in the medium term could be introduced in the possible future Protocol, with a contribution from the sectoral support for the Protocol to ensure that the São Toméan authorities use this system and are trained to do so.
- **Compulsory embarkation of São Toméan seamen:** There is a strong likelihood that the seamen clause will again include an obligation to sign on São Toméan seamen (rather than ACP seamen). In this case, the minimum threshold of São Toméan seamen to be signed on could be defined according to a percentage of São Toméan seamen to be taken on board in the São Toméan fishing zone out of the total number of seamen employed on board all tuna vessels active in São Toméan waters (and not according to a minimum number over the whole tuna fleet). The term 'active' should also refer to tuna vessels which have actually carried out fishing activities in the São Toméan fishing zone.

The terms of the clause on the transmission of a list of qualified seamen at the beginning of each year should also be more precise so that the São Toméan authorities provide the EU with the name of the seamen and all the evidence that a seafarer is actually fit and qualified.

- **Sectoral support:** It is paramount to prepare a clear and detailed programme for a future sectoral support component aiming at improving the pace of implementation, meeting both national and EU priorities. An annual activity report is essential for effective and robust monitoring of the implementation of sectoral support by the Joint Committee. The results of sectoral support implementation should be subject to review by the Joint Committee of the activity report, either at the Joint Committee meeting or, exceptionally, by exchange of letters between the two parties.

The need for visibility in the design, implementation and monitoring of sectoral support should be included in the possible future protocol based on the terms used in other current FPA/SFPA implementing protocols. To this end, a budget line for communication and visibility activities of the Protocol could be included in the sectoral support programme.

Additionally, the two parties could envisage a modification of the 2007 framework Agreement (other than the Protocol). Such modification was not in the scope of the evaluation of the external consultant. The modification of the Agreement could address matters of mutual interest for the benefit of both parties, that are not covered by the Protocol. However, should the Agreement be reviewed, the revision should be limited in scope, allowing for a timely conclusion of the negotiations.

Option B (non-renewal of Protocol)

Without the conclusion of a new protocol, the EU fishing fleet can no longer access fishery resources in the fishing zone covered by the SFPA as of 19 December 2024 under the exclusivity clause of Article 6.1 of the SFPA.

In the absence of a protocol, there would be no access to these resources for the EU fleet, unless the SFPA is terminated by one of the two parties. However, according to Article 13 of the SFPA, the SFPA may be terminated by one of the parties only in the event of ‘abnormal’ events relating, inter alia, to:

- The degradation of the stocks concerned,
- The discovery of a reduced level of utilisation of fishing opportunities granted to Community vessels, or
- Failure to comply with the Parties’ commitments to combat illegal, unreported and unregulated fishing.

It is rather unlikely that the conditions for such termination would be met.

During this period of “dormant” SFPAs, historically active EU fleets will redirect their activities in the sub-region to other accessible fishing areas: for EU tuna seiners in Gabon (currently active SFPA), but also in Angola (by direct authorisations at present, and at sea; and offshore in the vicinity of São Toméan waters for EU longliners).

In the very hypothetical scenario of a termination (depending on the specific circumstances mentioned above), the EU fishing fleet could have access to fishery resources in the fishing zone covered by the current Protocol through direct authorisations on the basis of the technical and financial conditions laid down by the partner country, and under the general framework of Regulation (EU) 2017/2403 on the sustainable management of external fishing fleets (SMEFF Regulation).

Moreover, the SFPA is a specific instrument for bilateral EU sectoral cooperation. It enables it to disseminate best practices of the CFP outside EU waters and more specifically in the waters covered by the SFPA – its protocol and those of the sub-region, including for the fight against IUU fishing. Its absence could weaken the means of implementing its sub-regional strategy.

EU support for São Tomé and Príncipe’s sectoral policy could then be redirected within the EU’s cooperation instruments, in particular with the assistance of the European Fund for Sustainable Development within the European Neighbourhood, Development and International Cooperation Instrument (NDICI).

The dialogue between the EU technical services and São Tomé and Príncipe’s technical directorates and the mobilisation of funds to improve the governance of the fisheries sector, scientific knowledge and support for the fight against IUU fishing are not as direct as in an active SFPA in which a sectoral dialogue platform exists (the Joint Committee).

In the event of a dormant SFPA, the pace of implementation of sectoral policy by São Tomé and Príncipe could also be partly slowed down by a lack of continuity in the SFPA’s sectoral support through a possible future protocol. São Tomé and Príncipe should then identify, at least in the short term, external financing in addition to those available under the State budget for the sustainable development of the fisheries sector.

6.9. Results and impacts

6.9.1. Environmental-Economic-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. Measuring these impacts requires knowing the main features of a future Protocol, which will be the result of the negotiation, and changes in the fishing opportunities available under EU fisheries agreements with other countries in the sub-region.

Impacts/Option	Protocol renewed unchanged – status quo Option A1	Protocol concluded with some improvements Option A2	No new Protocol Option B
(Impacts) Environmental	<ul style="list-style-type: none"> • Availability of a scientific information flow to support the management of stocks fished nationally: financing of the compilation of the statistical bulletin by sectoral support (case of the 2019-2024 SAL), strong assumption of continuity of this funding • EU support for the governance and reform of the fisheries management system <p>Effectiveness, efficiency, coherence of EU support weakened in the absence of an annual activity report requirement for implementation – monitoring of sectoral support activities</p>	<ul style="list-style-type: none"> • Impacts identical to option A1 <p>Risk of Option A1 minimised by the requirement of an annual activity report</p>	<ul style="list-style-type: none"> • Loss of a platform for sectoral dialogue between technical staff of the European Commission (DG MARE) and the Directorate for Fisheries and Aquaculture in São Tomé and Príncipe <p>Loss of information exchange to improve the quality of management, monitoring and surveillance of fisheries in São Toméan waters (and by extension outside São Toméan waters to monitor the current or future São Toméan fishing fleet)</p> <ul style="list-style-type: none"> • Loss of resources (human and material) for monitoring – control – fisheries surveillance • Loss of information on local fishing data: financing of the compilation of the statistical bulletin by sectoral support (case of sectoral support 2019-2024) • Weakened local fisheries management (at least in the short term pending obtaining alternative sources of funding replacing sectoral support funds for the activities referred to above)
Economic	EU Party <ul style="list-style-type: none"> • Compensation for access is less proportionate in terms of reference tonnage and exploitable fishing opportunities than for Option A2 	EU Party <ul style="list-style-type: none"> • Compensation for access is more proportionate in terms of reference tonnage compared to Option A1 <p>Reduction of risk under option A2</p>	EU Party <ul style="list-style-type: none"> • No public compensation to be paid to São Tomé and Príncipe
	São Tomé and Príncipe <ul style="list-style-type: none"> • — 	São Tomé and Príncipe <ul style="list-style-type: none"> • Review of access fees paid by EU shipowners harmonisation of prices per tonne in protocols signed more recently <p>In the event of a slight decrease in the reference tonnage, loss of resources in case access rights are not adapted</p>	São Tomé and Príncipe <ul style="list-style-type: none"> • Loss of financial resources for the State • Loss of specific support to support the governance and development of the sector <p>Compensation for loss of revenue by allowing access to third country flagged vessels less committed to the sustainability of the sector and transparency of access</p>
Social	EU Party <ul style="list-style-type: none"> • Low but not zero impact by reorienting tuna fishing activities on other fishing areas 	EU Party <ul style="list-style-type: none"> • Possible increase in the number of seamen signed on EU tuna vessels 	EU Party <ul style="list-style-type: none"> • Low but not zero impact by reorienting tuna fishing activities on other fishing areas

<p>São Tomé and Príncipe</p> <ul style="list-style-type: none"> • Loss of opportunities for a few jobs obtained through the seamen clause (compared to option B) <p>Failure to improve the seamen clause creates a risk of recurrence of the problem of non-use of São Toméan seamen in accordance with the terms set out in the current Protocol (compared to option A2).</p> <p>Difficulty in monitoring the implementation of sectoral support</p>	<p>São Tomé and Príncipe</p> <ul style="list-style-type: none"> • Hypothesis of modification of the sectoral support's intervention axes in the Protocol: social benefits of sectoral support activities more focused on the small-scale fisheries sector and fisheries monitoring (than on aquaculture development) 	<p>São Tomé and Príncipe</p> <ul style="list-style-type: none"> • —

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 and coherence.

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>
Relevance	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
Efficiency	<p>EU-São Tomé and Príncipe cooperation in the fisheries sector and the maritime economy (under the current protocol for sectoral support) should then be carried out within the general framework of the EU's bilateral, regional and continental cooperation policy.</p> <p>This framework does not offer the same flexibility as sectoral support to meet São Tomé and Príncipe's needs and does not include a platform for direct sectoral dialogue with technical staff in DG MARE of the European Commission</p>	<p>Fishing opportunities remain the same.</p> <p>A new Protocol would make it possible to continue the sectoral dialogue and scientific cooperation initiated under the current and previous Protocol.</p> <p>The effectiveness of sectoral support cannot be assessed ex ante: it will depend on the implementation conditions of the sectoral support (programming, technical and financial management of activities, monitoring and evaluation).</p>	<p>Fishing opportunities would slightly increase for longliners if both parties agree.</p> <p>Note: as tuna resources are managed at ICCAT level, this increase does not affect the sustainability of the targeted stocks.</p> <p>A new Protocol will make it possible to continue the sectoral dialogue and scientific cooperation initiated under the current Protocol.</p> <p>The effectiveness of sectoral support cannot be assessed ex ante. It will depend on the implementation conditions (programming, technical and financial management of activities, monitoring and evaluation). The proposals submitted for option A2, however, making payment conditional on the transmission of ICCAT data and an annual monitoring report to improve the effectiveness and efficiency of the Protocol under option A2 compared to option A1.</p>
Efficiency	<p>No specific EU budgetary commitment in this case.</p> <p>Activities that could be programmed through the sectoral support of a protocol would possibly be financed by other intervention (s) of the EU (or its Member States). Reduced efficiency in the short term: the preparation and reorganisation of EU interventions could take time compared to the implementation of sectoral support as soon as the Protocol is signed and as a continuation of current Protocol interventions if all parties so wish.</p>	<p>The proportionality between the fishing opportunities negotiated and the EU's investment in the financial contribution for access could be slightly improved by adapting the current Protocol (sub-option A2 on the right)</p> <p>The efficiency of EU investment in sectoral support cannot be assessed ex-ante. It will depend on the conditions of implementation and the results achieved.</p>	<p>Better proportionality between the fishing opportunities negotiated and the EU's investment in the financial contribution for access by adjusting fishing opportunities.</p> <p>The efficiency of EU investment in sectoral support cannot be assessed ex-ante. It will depend on the conditions of implementation and the results achieved. The efficiency of sectoral support could be improved by means of an annual activity report on which payments from sectoral support funds are conditional.</p>
Consistency			

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>
	<p>Under this option (without protocol), the EU would have less resources to implement the sub-regional strategy in line with the principles of the CFP.</p> <p>However, the general principles guiding the Cooperation Policy will continue to apply to the EU-São Tomé and Príncipe cooperation framework, using EU intervention policies at national, regional and African level.</p>	<p>A Protocol makes it possible to implement in a coherent and complementary manner activities supporting the objectives of:</p> <ul style="list-style-type: none"> • the CFP – its external dimension in particular, and • the EU’s sustainable development cooperation policy with national, regional and continental development strategies. <p>Activities contribute to the Sustainable Development Goals, in particular SDG 14 on life below water (comparison with option B)</p>	<p>—</p> <p>The proposed improvements, including the requirement of an annual activity report, should a priori improve the coherence of the Protocol in its sectoral support component (comparison with option A1).</p>

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 as its main weaknesses (i) maintaining fishing opportunities in excess of needs and (ii) slow absorption of sectoral support funds.

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 its implementation conditions (available budget, programming, technical and financial management of planned activities, monitoring and evaluation). By comparison, option B of non-renewal of the Protocol does not meet any of the needs of both parties.

6.11. Option concerning a modification to the Agreement or the negotiation of a new Agreement in addition to the implementing Protocol.

Should the partner country request and insist on amending the Agreement, it could also be advantageous, to amend the existing protocol or to draft a new framework agreement at the same time as a new Protocol. As noted above, the modification of the Agreement could address matters of mutual interest for the benefit of both parties that are not covered by the Protocol. However, it should be limited in scope to avoid as much as possible preventing the rapid conclusion of the negotiations of the new implementing Protocol, as expressed by both parties, and avoid the interruption of the fishing activities.

6.12. Monitoring of a future implementing Protocol

Once it enters into force, a new implementing protocol would continue to be monitored through the ongoing technical dialogue between the partner country's authorities and DG MARE. This technical dialogue should continue to encourage, as was the case under the current implementing Protocol, the preparation of the annual meetings of the Joint Committee, which has the power to make decisions on the implementation of the access and sectoral support components of the Agreement.

The monitoring framework should continue to incorporate indicators on the use of fishing opportunities. The monitoring framework should also add indicators for the periodic monitoring of the application of the provisions of the Protocol concerning the embarkation of national seamen and observers, and the contribution in kind to food security.

For the sectoral support component, the monitoring framework should continue to consider disbursement indicators to measure progress in implementation. Where possible, it would be appropriate for the monitoring include more systematically indicators on the number of direct beneficiaries of activities and, where appropriate, indicators on the economic benefits of activities.

In accordance with the requirements of the EU Financial Regulation and the CFP, the Protocol will have to be the subject of an independent ex-post evaluation, which it will be necessary to implement approximately 18 months with the date of expiry of the Protocol in order to give the European institutions time to prepare for a possible negotiation under the ordinary legislative procedure without interruption of access possibilities.

ANNEX I: PROCEDURAL INFORMATION

Directorate-General for Maritime Affairs and Ocean

PLAN/2022/2080 - MARE - EU-São Tomé e Príncipe fisheries 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	7 December 2023
Kick-off meeting	11 December 2023
Report of the Kick-off meeting	13 December 2023 (v.2 validated 17 December 2023)
Submission of the inception report	18 December 2023
Comments to the inception report	11 January 2024 - 17 January 2024
Submission of the draft final report	4 March 2024
Meeting to discuss draft final report	15 March 2024
Submission of the final report	29 March 2024

2. Better regulation application

This initiative does not require an impact assessment as it sets out a general policy approach and does not commit to any action. This is in line with the standard flexible application of better regulation rules to Sustainable Fisheries Partnership Agreements that entail a tight schedule for proposing and adopting individual agreements and unavoidable legal requirements for the preparation of the renewal or revision of agreements. There was no choice of alternative policy options in this case a non-continuation of the agreement was not desired, which the findings of the evaluation also support. 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 identifying problems and needs, the objectives to be achieved, the options available (conclusion or not of a new Protocol) and the associated risks, and lessons learned.

3. Evidence, sources and quality

The results of this SWD are mainly informed by an evaluation study conducted by an independent consultant. This evaluation study took place from December 2023 to March 2024 under the guidance of an interservice steering group established by different services of the European Commission and within the framework of the terms of reference of specific contract number 6 under the framework contract MARE/2021/OP/0001. The evidence base of this evaluation study consisted of two main components: analysis of available documentation and consultations with stakeholders.

ANNEX II. METHODOLOGY AND ANALYTICAL MODELS USED

Elements presented in this SWD are mainly taken from the above-mentioned evaluation study conducted by an independent consultant.

The methodology is based on data collection, targeted consultations, data analysis and synthesis of this analysis and consultations outputs.

1. Data collection

The external study had to collect information on the:

- Fishing sector in the third country
- Activities of EU and other fleets in the partner country
- Stock assessments for the main concerned species
- Institutional set up relevant on 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, Santomean society.

The information was then analysed and fed an evaluation:

- Critical review of the appropriateness and performance of the use of EU funds under sectoral support component
- Critical review of compliance to the binding provisions of the Protocol for each Party.

Data used were provided by the Commission (database fed by Member States for authorisations and catches; Commission database on payments amounts and timing), by the Third country, by EU or third countries companies (economic results) or by other public sources (COMEXT data, EUMOFA selling price database, RFMOs reports).

2. Consultations

The 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 ISG, and included:

- **Consultation of stakeholders in the EU:** administrations of the flag Member States of EU vessels benefiting from fishing opportunities, the professional associations grouping EU operators using the negotiated fishing opportunities and EU civil society. The consultation period ran from January to March 2024;
- **Consultation of stakeholders in São Tomé and Príncipe:** a mission was organised in São Tomé and Príncipe between 9 and 16.01.2024. During the mission, face-to-face discussion sessions were held with the various departments of the Santomean authorities involved in monitoring the Agreement, representatives of the private sector in the industrial and artisanal sectors, civil society and representatives from the EU Delegation to Gabon and Sao Tome and Principe.

3. Preparation of the evaluation study

The preparation of this evaluation study takes 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 Common Fisheries Policy, 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 (more than one 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 precise costs structure per individual companies).
- Use of aggregated data.

ANNEX III. EVALUATION MATRIX

The evaluation matrix applied has been the following:

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 São Tomé and Príncipe		
1.1 To what extent fisheries activities addressed exclusively at surplus resources and prevent the overfishing of stocks, on the basis of the best scientific advice and improved transparency on the global fishing efforts in the waters included in the current Protocol.	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 established or recommended by the relevant RFMO or RFO. The Protocol takes into account the management strategies expressed by RFMOs and São Tomé and Príncipe. São Tomé and Príncipe takes part in the relevant RFMO/RFOs and provides data on activities carried out by vessels flagging its flag and by other foreign fleets operating in its waters.	State of the stocks targeted under the Protocol (scientific advice analysis that São Tomé and Príncipe conducted, meetings, regional scientific reports and data, RFMO/RFO and national scientific institutes); All fleets catches and fishing effort in São Tomé and Príncipe and in the region; possible impact on the environment of all the fleets operating in these waters. All considering that the target is tuna like migratory species

Questions	Success criteria	Suggested indicators
1.2 To what extent the implementation has followed the same principle and promote the same standards for fisheries management as applied in EU waters.	The EU and São Tomé and Príncipe adopt management measures to reduce by-catches and discards and reduce the possible impacts on the ecosystem.	State of the stocks taken as by-catch by EU vessels; management measures adopted at the regional, national or EU level or in the framework of the Protocol. Strategies aimed at conservation measures for protected species such as sharks
1.3 To what extent the scientific and technical evaluation of the fisheries concerned have improved?	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 transmitted to the relevant RFMO and national research institutes. EU scientists and scientists from São Tomé and Príncipe 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 at RFMO level are taken into account.	Inclusion of data collection provisions in the Agreement and timely availability of relevant data at the management and scientific operators; amount and quality of data collected; number of reports to RFMO 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.
1.4 To what extent compliance and control of EU-fleet activities have been ensured	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, possible infractions are sanctioned; sectoral support is used to reinforce monitoring, control and surveillance (MCS).	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.

Questions	Success criteria	Suggested indicators
Objective 2: To contribute to continuing the fishing activity of the EU long distance fleet and the employment linked to the fleet operating within the Agreement and its Protocol		
2.1 To seek appropriate share of the surplus resources, fully commensurate with the EU fleets 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 licenses; catches in waters covered by the current Agreement and Protocol compared to overall catches at national, regional and sub-regional level if appropriate; employment (direct and indirect jobs) for EU operators; evolution of 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 Union ship-owners for their fishing activities is fair and proportional considering the revenues and costs, non-discriminatory and promotes a level playing field among the different fleets	The Agreement and its Protocol offer similar conditions to all foreign fleets operating in the fishing zones and management areas in the current Protocol. The cost benefit ratio is acceptable and reasonable for the EU ship owners and for São Tomé and Príncipe.	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 ship owners and for São Tomé and Príncipe.

Questions	Success criteria	Suggested indicators
2.3 To ensure supply for the EU and for the markets of São Tomé and Príncipe and third countries.	The Agreement offers a reasonable framework to foster landings and thus supplying local markets and trade with third countries. The Agreement fosters trade on fisheries cooperation between the EU and São Tomé and Príncipe and/or third countries.	<p>Percentage of landings versus local and neighbouring countries market's needs.</p> <p>Trade figures on fish (and composition) between the EU and São Tomé and Príncipe.</p> <p>Commercial balance and relation with São Tomé and Príncipe and neighbouring countries related to fish caught in São Tomé and Príncipe 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 reinforcing its cooperation with the EU.	Part of the fish caught in the framework of the Agreement supplies local market and processing industry; the 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 economic operators of the EU and local. Benefits that such activities are brought to the EU, national and locally. Number of initiatives that have had a local, national and regional benefit.
2.5 To take into account the specific interests of the	The Agreement covers the specific needs of the EU fleet based in outermost region 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

Questions	Success criteria	Suggested indicators
<ul style="list-style-type: none"> - Union's outermost regions located in the vicinity - Union's fleet. 		compartmented to total catches. The same for the EU vessels originating from other EU regions.
<p>Objective 3: To support the development of a sustainable fisheries sector in partner countries (through the governance framework that the Agreement creates and also through the sectoral support; cooperation on blue economy, to the small scale and artisanal fisheries, to job direct and indirect creation, development of the local and national sectoral policies, etc.) and analysis of geographic, social, environmental and economic impacts.</p>		
<p>3.1 To contribute to capacity building and social, environmental and economic development in São Tomé and Príncipe .</p>	<p>The sectoral support and the economic activity that the implementation of the Agreement creates, contributes to the functioning of the fisheries sector, better governance, transparency, inclusiveness and social and economic development of the area covered by the current Protocol. Moreover, it provides for adequate training, equipment and infrastructures namely in the areas of science and MCS. Utilisation of the sectoral support has been duly reported (detailed results on expected economic and social benefits in all geographic scope of the current Protocol).</p>	<p>Results achieved with sectoral support and economic and social impact of the implementation of the current Protocol; % of the EU contribution to the different strategies, policies and value of 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 reporting and cooperation on Blue Economy, small scale and artisanal fisheries, aquaculture, data collection, MCS, food security and policy areas.</p>

Questions	Success criteria	Suggested indicators
<p>3.2 To promote employment of local fishers, improving infrastructures and encouraging landings, supporting the third country in developing local fisheries and processing industry EU and for the markets of certain developing countries. To create employment directly and indirectly.</p>	<p>EU vessels recruit part of their staff locally: they benefit from good working conditions and appropriate training, equivalent to ILO standards. Part of the catches is landed and processed locally.</p> <p>Catches landed traded in the local and neighbouring markets. Successful trade flows generated. Identification of elements that facilitate the trade relation and the ones that discourages it.</p>	<p>Respect of the minimum number of local fishers embarked, respect of the standard for fair and safe working conditions, amount and composition of wages; catches (value and volume, including by catches) landed, namely in comparison with landing obligations, processed and marketed locally.</p> <p>Quantities of landings and transshipments from EU/Non EU fleets in São Tomé and Príncipe Ports,</p> <p>Number of jobs supported in Port and Processing facilities related to EU /Non EU fleets frequentation and landing/transshipments activities</p> <p>Social indicators of current work force in São Tomé and Príncipe (age distribution) and related needs for training of young potential fishermen</p> <p>Employment created directly and indirectly in the EU and in São Tomé and Príncipe or in the sub region/sub region.</p>

Questions	Success criteria	Suggested indicators
		Percentage of supplies to the local and neighbouring markets. Percentage of the fish caught by the EU fleet that supplies these markets and comparison with other sources.

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

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 area, 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 benefited in environmental, social and economic terms in the EU and São Tomé and Príncipe .	Degree of completion of the initial programming; % of sectoral support activities and projects compared to overall EU contribution, to the national budget for fisheries, marine and maritime issues and to other donor contributions. Contribution to the sustainable development of the country.
To what extent does the Protocol offer value-for-money to the EU ship-owners?	The EU ship-owners' contribution is commensurate to effective catches and profits compared to total costs and benefits.	Volume of catches; evolution of 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 São Tomé and Príncipe?	São Tomé and Príncipe benefits from a fair part of the added value of the catches and all financial compensation. This financial compensation is distributed geographically and socially fairly in São Tomé and Príncipe.	Ratio overall EU contribution /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, in appropriate quantity and quality at the best price

Questions	Success criteria	Suggested indicators
To what extent is all the EU contribution and specifically its sectoral support commensurate to the needs of São Tomé and Príncipe and absorption capacity?	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 foreseen calendar and adapted to the needs of the country. In case of modifications of the initial programming of the sectoral support, these have helped to better use of the financial support and contributed successfully to the sustainable development of the country.	Consumption of the EU contribution for sectoral support and geographical distribution compared to the local and 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; % of sectoral support

		compared to the national and local budget for fisheries and to other donor contributions.
To what extent has the sectoral support payments been made yearly time and according to the programming defined in article 4 of the Protocol?	<p>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.</p> <p>Achievement of the criteria, reports and procedures, budget, financial indicators and methods of control and audit.</p> <p>Achievements of annual and multi-year objectives</p>	<p>Calendar of payments and considered allocations.</p> <p>Results of the budget and financial indicators and methods of control and audit.</p>

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

Questions	Success criteria	Suggested indicators
<p>To what extent have the objectives set out in the Agreement and the Protocol still correspond to the needs of EU, Member States, its ship-owners in the area covered by the current Protocol?</p> <p>Should there have been different objectives?</p>	<p>The implementation of the Agreement and its Protocol are in line with the objectives of resource and environmental sustainability; support to the development of a sustainable fisheries sector at national and local level; facilitation of the integration of coastal states into the global economy; improvement of scientific and technical knowledge, support to the economic exchanges, strengthening sustainable economic and social development, effective governance, and address correctly the national and local needs and those of the EU and its fleet.</p>	<p>Comparison between original Agreement’s objectives and national and local needs and those of the EU and its fleet improved with the implementation of the Agreement and the Protocol.</p>

<p>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 relevant and creates an important impact?</p>	<p>For highly migratory species, the Protocol contributes to achieving objectives set at RFMOs and other regional organisations¹⁴ including CECAF¹⁵ and to maintaining a network of SFPAs in the region on fisheries management and scientific issues. It creates synergies with the EU and neighbouring countries at RFMOs.</p>	<p>Comparison between SFPA 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.</p>
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5 Coherence – The extent to which the Agreement and its Protocol do not contradict and is coherent other interventions with similar objectives

Questions	Success criteria	Suggested indicators
<p>How coherent is the Protocol with CFP in general and with its external dimension and the regional fisheries policy (RFMOs and other organisations including CECAF and network of SFPAs at national, sub regional and regional scale)?</p>	<p>The Protocol is in line with the CFP in general, contribute to achieving EU objectives at regional level - including the creation of a regional network of SFPAs - is consistent with other SFPAs in the region and RFMOs and other Organisations objectives.</p>	<p>Consistency with the CFP and its external dimension and the main strategies policy orientations at regional and sub regional level.</p>

¹⁴ International Commission for the Conservation of Atlantic Tuna (ICCAT), The Ministerial Conference on fisheries cooperation among African States bordering the Atlantic Ocean (ATLAFCO/COMHAFAT)

¹⁵ Fishery Committee for the Eastern Central Atlantic (CECAF)

Questions	Success criteria	Suggested indicators
To what extent is the Protocol and its implementation consistent and coherent and complements with the other EU policies, such as the Association Agreement, the EEAS, -INTPA, SANTE, TRADE, EMPL and TAXUD policies and legislation?	The Protocol makes a substantial contribution to other EU policies and conversely. The Protocol and its implementation is complementary, coherent and cooperates very positively with 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 consistent with the national fisheries policy and other related policies and are well coordinated with regional fisheries policies and the EU cooperation?	The Protocol contributes to achieving the priorities identified nationally, locally and regionally. Authorities, stakeholders and society are aware and informed on the contribution. The Protocol contributes to the sustainable management of fisheries at local, national and regional level	Consistency with the national and regional Fisheries, marine and maritime policies and sectoral policies in the country. Benefits to the governance of the country and to the protection and sustainable management of natural resources and to the society.

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

Questions	Success criteria	Suggested indicators
What is the additional value resulting from the EU intervention under the	Financial contribution, in particular sectoral support, successfully used to support and develop the national and local fisheries sector.	Data on the implementation within the current Protocol in economic, social and environmental terms

Questions	Success criteria	Suggested indicators
<p>Protocol, compared to the absence of 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 the overall benefits of the Agreement and Protocol have an added value for the EU?</p>	<p>Evidence of the need and usefulness of the benefits arising from the Agreement, in particular in terms of good governance, natural resources conservation, sound implementation of sectoral policies, infrastructure, social services, the setting-up of businesses, vocational training, and of programmes aimed at developing and modernising the fisheries sector, to ensure that this distribution benefits the country, its natural resources and the population.</p> <p>The fishing species included in the agreement are the ones of interest for the EU fleet considering the species available and fishing possibilities for all fleets operating in the same area.</p>	<p>compared to other agreements or with no agreement.</p>
<p>What is the additional value resulting from the EU intervention under the Agreement and the Protocol, compared to what could be achieved by the Union fleet outside the framework of the Agreement?</p>	<p>The Agreement and its implementing Protocol provide substantial benefits to the EU and nationally and locally over private agreements.</p>	<p>Uptake of licenses, 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</p>

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
<p>To what extent are the EU ship-owners satisfied with the Protocol?</p>	<p>The EU ship-owners are satisfied with the technical and financial conditions set up by the Protocol and support its renewal (with possible adaptations).</p>	<p>Result of interviews of ship owners and fisheries associations, and fishers representatives (embarked in EU vessels under the SFPAs framework)</p>

<p>To what extent is the Protocol is developed in consultation, coordination and supported by the civil society in the EU and nationally and locally?</p>	<p>Representatives of the civil society are consulted, involved and satisfied with the environmental and social conditions set up by the SFPA and its Protocol and support their renewal (with possible adaptations).</p>	<p>Result of interviews of NGO representatives and other stakeholders, local population, fishers' representatives and locally/nationally/regionally</p>
<p>To what extent is the Protocol supported by the sector (ship owners and processors) in the EU and in the partner country, nationally and locally?</p>	<p>The national and local ship-owners do not experience competition by the EU fleet and fish processors benefit from purchase opportunities generated by the Protocol and support its renewal</p>	<p>Result of interviews of industry, fishing operators and content of articles, press, reported incidents between fleets.</p>
<p>To what extent the administration, stakeholders and civil society are in general satisfied with the implementation of the Protocol?</p>	<p>National and national and administration, stakeholders and civil society in general are satisfied with the implementation of the Protocol's obligations and seek its renewal; they praise the benefits of the fisheries partnership.</p>	<p>Level of compliance with the Protocol's obligations in terms of seamen embarked, respect of fair and safe working condition on board of EU vessels, landing obligation, observers, data reporting etc, Impact of the Agreement's implementation to national/local population in social and economic terms, communication activities and their impact, communication activities, press statements, content of articles, etc.</p>

Further details are available in the report of the consultant, in its chapter 8.

ANNEX IV. OVERVIEW OF BENEFITS AND COSTS

As the initiative submitted to the evaluation is not applying to EU citizens, and only to a very small number of EU companies, costs and benefits have been identified and assessed for those EU companies benefitting from the initiative, and for the partner third country, as well as the EU generally (EU institutions), as a partner to the agreement.

A simplified table accompanied with 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 relative cost of access, taking into account actual catches, is in the order of EUR 160/tonne of fishery products caught, 47 % of which is borne by the EU (EUR 75/tonne) and 53 % by EU shipowners benefiting from fishing opportunities (EUR 85/tonne). The cost of one tonne of tuna (EUR 120/tonne) and the indicators for allocating the cost of access between EU public authorities and EU shipowners in the case of the current Protocol are different from the ex-ante allocation (EUR 50/tonne for the EU and EUR 70/tonne for shipowners). This is the result of catch levels below the reference tonnage established by the Protocol to fix the amount of the flat-rate part of the access contribution (catches represent 71 % of the reference tonnage as an annual average). For the year 2021 in which catches exceeded the reference tonnage, the distribution of access costs converges to that provided for in the Protocol.

Indicators relating to the cost of the agreement in relation to the catches obtained (average value 2020-2022)

	Financial compensation for access only	Total financial contribution (access + sectoral support)
EU financial compensation (EUR kEUR)	422	422
Sectoral support (kEUR)		440
Access fees paid by shipowners (kEUR)	482	482
Total EU and shipowners' payments (EUR kEUR)	904	1 344
Total payments in% turnover	10 %	14 %
EU payments in% turnover	5 %	9 %
Shipowners' payments in% turnover	5 %	5 %
Average cost of tonne of fish caught (EUR/tonne)	160	238
Average cost incurred by the EU (EUR/tonne)	75	153
Average cost incurred by EU shipowners (EUR/tonne)	85	85
Percentage of cost to be borne by shipowners	53%	36%

Source: Table 21 of consultant's evaluation
Note: Average value over the first three years

As regards value-added ratios, the main lesson to be taken into account is that each euro invested by the EU in the financial compensation for access to the resource generated EUR 6.60 in added value for the benefit of both parties, of which EUR 5,33 for the EU and EUR 1,27 for São Tomé and Príncipe. The Protocol therefore has a significant leverage effect for the EU side, but less significant for São Tomé and Príncipe due to the lack of economic interactions between EU tuna vessels and São Tomé and Príncipe's fisheries sector.

Cost/benefit indicators relating to the value added generated by the EU fleets benefiting from fishing opportunities (average value 2020-2022)

	Ratio Value	Compensation	Payments	Total payments
	Added on:	for access	shipowners for	for access
		(EUR/EUR)	access (EUR/EUR)	(EUR/EUR)
EU	Direct	2,78		
	Indirect	2,55		
	Total	5,33	4,67	2,49
São Tomé and Príncipe	Direct	1,27		
	Indirect	0,00		
	Total	1,27	1,11	0,59
EU and São Tomé and Príncipe	Direct	4,05		
	Indirect	2,55		
	Total	6,60	5,78	3,08

Source: Table 22 of consultant's evaluation

Note: (I) The data carried over refer to the annual average of the years 2020 to 2022

(II) the amount of financial compensation for access shall be considered as direct added value for the benefit of São Tomé and Príncipe. **The amounts of sectoral support are not taken into account in the calculations.**

ANNEX V. STAKEHOLDERS CONSULTATION - SYNOPSIS REPORT

Background

In line with the Terms of Reference and the Better Regulation ‘toolbox’, a consultation strategy was elaborated by the independent consultant to obtain evidence from relevant stakeholders. The strategy defined the best means of consulting 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.

Target groups

- Organisations representing EU fishing vessels with fishing opportunities under the current Protocol and, where appropriate, of EU fishing vessels with a possible interest in obtaining them in the future;
- Competent authorities of EU Member States (MS) whose fishing vessels use fishing opportunities under the current Protocol and having a possible interest in obtaining them in the future
- Civil society: NGOs active in the field of fisheries and the marine environment and trade unions of seamen signed on board EU fishing vessels or their representative organisations
- Consultations with development cooperation organisations of EU Member States active in São Tomé and Príncipe

List of targeted organisations consulted at the end of this Annex V.

Method of consultation

- By electronic consultation on the basis of questionnaires tailored to each of the target groups in four languages (ES, FR, EN and PT). Supplemented, where appropriate, by telephone interviews.
-

Results of the consultation

Response rate: 78 %

Total number of organisations consulted (outside European Commission DGs, LDAC and MAC): 18

Number of replies received: 14

List of consulted stakeholders

Entities	Method	Response
A- Stakeholders responsible for the implementation of the SFPA		
DG MARE	D	
Member State		
<i>ESP – Spain</i>	Q_MS	x
<i>FRA – France</i>	Q_MS	x
<i>PRT – Portugal</i>	Q_MS	x
B- stakeholders benefiting from the SFPA		
<i>PS – ANABAC</i>	Q_undue	x
<i>PS – OPAGAC</i>	Q_undue	x
<i>SP FR – Orthongel</i>	Q_undue	x
<i>LL ES – ORPAGU (cc: CEPESCA)</i>	Q_undue	x
<i>LL ES – OPP-7 Burela/OPP LUGO</i>	Q_undue	x
<i>LL – PT – VIANAPESCA</i>	Q_undue	
<i>LL – PT – ARVIA</i>	Q_undue	
C- stakeholders with an interest in the SFPA		
EU institutions		
<i>DG INTPA</i>	D	x
<i>DG ENV</i>	D	
Advisory committees		
<i>Long distance AC (for consultation of its members)</i>	Q_undue Q_CS	x

Entities	Method	Response
<i>Market AC (for consultation of its members)</i>	Q_other organisations	x
Technical and financial partners of EU MS (selection) – central services		
AFD	Q_organisations *	x
BMZ	Q_organisations	* * *
Portuguese cooperation	Q_organisations	
Civil Society (SC) – non-governmental organisations and seafarers’ unions		
<i>Europêche</i>	Q_CS	x
<i>ETF – European Transport Federation</i>	Q_CS	x (reply with ITF)
<i>WRAPPER</i>	Q_CS	x
<i>WWF – Oceana – Environmental Justice Foundation (joint reply)</i>	Q_CS	x
<i>BirdLife</i>	Q_CS	

Information regarding the exact content of the consultation, including detailed responses of the stakeholders, can be found in Annex 7 of the evaluation of the external consultant.