

Community Fisheries Control Agency, five-year independent external evaluation, final report

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¹ The Agency name changed to European Fisheries Control Agency (EFCA) on 1 January 2012.

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Glossary

CAMS	Control Activities Management System
CC	Core Curriculum
CFCA	Community Fisheries Control Agency
CFP	Common Fisheries Policy
CPV	Coastal Patrol Vessel
DG	Directorate General
EEA	European Economic Area
EC	European Commission
ECA	European Court of Auditors
EMSA	European Maritime Safety Agency
EP	European Parliament
ERS	Electronic Reporting System
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FDMC	Fisheries Data Monitoring Centre
Frontex	European Agency for the Management of Operational Cooperation at the External Borders
HPV	High Seas Patrol Vessel
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICES	International Council for the Exploration of the Seas
ICT	Information and communication technology
IMO	International Maritime Organization
IUU	Illegal, Unregulated and Unreported Fishing
JDP	Joint Deployment Plan
JDP BFT	Joint Deployment Plan Blue Fin Tuna
JDP BS	Joint Deployment Plan Baltic Sea
JDP NAFO	Joint Deployment Plan Northwest Atlantic Fisheries Organisation
JDP NEAFC	Joint Deployment Plan North East Atlantic Fisheries Commission
JDP NS	Joint Deployment Plan North Sea and Western Waters
MSY	Most Sustainable Yield
PNC	Possible non compliance
RAC	Regional Advisory Council
SCRS	ICCAT Standing Committee on Research and Statistics

SG	Steering Group
SGTEE	Steering Group on Training and Exchange of Experience ²
STECF	Scientific, Technical and Economic Committee for Fisheries
TAC	Total Allowable Catch
TJDG	CFCA Technical Joint Deployment Group
VMS	Vessel Monitoring System
WG	Working Group
WGTEE	Working Group on Training and Exchange of Experience

² Please note that this abbreviation does not refer to an existing abbreviation, and has only been established for the purpose of this evaluation.

Executive Summary

The CFCA contracted the Group Blomeyer & Sanz SL, Centre for Strategy and Evaluation Studies LLP and Evalutility Ltd. on 13 April 2011 to conduct the five-year independent external evaluation in line with Article 39, Council Regulation 768/2005 of 26 April 2005 establishing the CFCA.

The evaluation work involved desk research, stakeholder consultations,³ a survey of Administrative Board members,⁴ a survey of Regional Advisory Council (RAC) members and other stakeholders,⁵ five case studies, and a focus group meeting on the conclusions and recommendations.⁶ The evaluators submitted and debriefed two interim reports and a draft final report.

The evaluators' overall assessment of the **governance** and **performance** of the CFCA is positive. Governance arrangements have worked well. Moreover, considering the CFCA's limited resources, its operation in the politically sensitive environment of fisheries policy, and current Member State budget constraints, the agency's performance against the evaluation criteria of relevance, efficiency, and effectiveness, impact and sustainability has been promising.

In this context it is noteworthy that the CFCA intervention logic as set out in the establishing regulation can be enhanced via an improved organisation of objectives and activities, in particular, when considering the regulatory changes that have affected the CFCA in recent years (e.g. new control regulation, new IUU regulation). Additional clarity with regard to the delimitation of agency and EC responsibilities is also likely to enhance clarity over the CFCA's remit.

Governance arrangements, whilst having performed well on the whole, can also be further enhanced, in particular via a stronger focussing of Administrative Board discussions on strategic issues (accompanied by a deployment of more senior Member State and EC representatives to Administrative Board meetings). Considering the likely future introduction of executive committees or bureaus to prepare Administrative Board decision-making and supervise the agencies' executive directors, Administrative Boards will be relieved from dealing with more routine agency administration matters.

Coming to the first element of performance, the review of relevance confirms the strong relevance of operational coordination to EU and Member State needs and priorities. Efforts are under way to further

³ Stakeholder consultations involved 16 Member States, the European Commission, the European Parliament, the European Maritime Safety Agency, the European Agency for the Management of Operational Cooperation at the External Borders and other organisations (e.g. Regional Advisory Councils, the Food and Agriculture Organization of the United Nations, NGOs etc.).

⁴ 20 Member State and five European Commission (EC) representatives responded by end June 2011. This represents a response rate of about 76% (74% for the Member States, and 83% for the EC).

⁵ 46 responses out of a target group of 230 stakeholders by end June 2011. This represents a response rate of about 20%.

⁶ Case study work focused on CFCA governance, CFCA administration, two Joint Deployment Plans (North Sea and Blue Fin Tuna, and capacity building (focus on training and more specifically the CC activity).

enhance the effectiveness of the JDPs, via introducing new concepts (multi-species and continuous JDPs). Similarly, feedback on the relevance of CFCA capacity building is positive.

The Agency also scores well against the evaluation criterion of efficiency. With regard to agency administration the CFCA stands out for efficient administration, making good use of relevant EC support services, cooperating with other agencies, and swift follow up on EC Internal Audit Service or ECA observations. The start-up of the Agency is likely to have benefited from attention to recruiting staff with previous EU experience. Limitations implied by the agency's location in Vigo (travel time and cost) are being addressed. Finally, the new regulatory framework is anticipated to add to the CFCA's existing workload. Once the delimitation of tasks between the EC and the agency has been clearly established, the CFCA's current staffing level might need to be reviewed.

On effectiveness, the evaluators have found much positive stakeholder feedback, both in terms of enhanced Member State cooperation and Member State compliance with CFP requirements. Concerning Member State cooperation it is, however, noteworthy that cooperation outside the JDPs is often not articulated in formal bilateral or multilateral agreements. Whilst there are first promising estimates from some Member States, overall, there is still limited evidence for Member State cooperation leading to genuine cost savings. The assessment of compliance was constrained by the absence of systematic data on Member State compliance with CFP requirements. In the absence of this data, available information and survey feedback points to mixed performance. Administrative Board members consider that the CFCA has contributed to enhanced compliance, however, other stakeholders suggest more limited performance.

With regard to the impact of CFCA activity in terms of improving the situation of the fish stocks and enhancing the 'level-playing field' only limited information is available. Stakeholder consultations point to improvements, and Administrative Board members confirm this for some of the areas covered by the JDPs, however, there is no conclusive evidence confirming any substantial improvement.

CFCA activity has good prospects for sustainability. Administrative Board members consider that practices acquired in the framework of the JDPs and CFCA capacity building are being integrated in Member State practices. The positive feedback on enhanced trust between Member States, and substantial best practice exchange also support the positive sustainability prospects. However, feedback also suggests that sustainability is likely to benefit from the introduction of tools such as dissemination platforms for showcasing exchanged best practices. Finally, as noted above, Member States cooperate more (bilaterally and multilaterally). However, since this is not systematically articulated in formal agreements, sustainability can be considered limited.

To sum up, the evaluators make the following recommendations.

On governance:

- Clarify the intervention logic (wider and immediate objectives and related activities) via a revision of the regulatory framework on the basis of a regulatory impact assessment, and prepare a guidance document on its regulatory framework.
- Administrative Board to focus on strategic issues, leaving routine matters to be decided by written procedure (or by an Executive Bureau or Committee that would prepare Administrative Board meetings and ensure oversight over the Executive Director).
- Administrative Board participation to be limited to senior-level Member State and EC representatives, and open participation to European Parliament, relevant EEA and Candidate Country observers.
- Strengthen the Advisory Board to facilitate genuine communication between the CFCA and external stakeholders, in particular, concerning the level-playing field.

On performance:

- Relevance: Take action with regard to the introduction of multi-species and continuous JDP approaches (based on firm legal grounds, via prior regulatory impact assessment, and the EC's adoption of the required regulatory changes).
- Relevance: Provide additional clarity in terms of noting Member State resource commitments to JDPs in the agency's annual reports (e.g. human and physical resources). Establish support agreements to ensure that all Member States can commit resources commensurate with their interest in the fishery.
- Relevance: Enhancing regular, systematic, and effective communication with other stakeholders, particularly Member States, regarding the development of capacity building products, could better ensure long-term relevance of the Core Curriculum.
- Efficiency: Show-case CFCA best practice on inter-agency cooperation, and share CFCA experience on performance indicators for measuring administrative efficiency and effectiveness with other agencies. EC to encourage the Member States that have offered to host an agency to move more swiftly on the seat arrangements.
- Efficiency: Address agency location constraints via exploring synergies between different meetings and use of telephone and video conferencing.
- Efficiency: Develop a legal information portal on fisheries control in cooperation with the EC.
- Efficiency: Take action on improving estimates of bluefin tuna biomass during transfer to cages.
- Efficiency: Establish a clear overarching road map for training, in particular the remaining areas of the CC, including the training of trainers, and review working methods.

- Effectiveness: Adopt the method for assessing the performance of the JDPs, allocate the necessary resources, and develop indicators for measuring the effectiveness of capacity building. Develop a method for assessing cost savings to Member States. Agree with the EC on sharing data on compliance with the Common Fisheries Policy requirements.
- Effectiveness: Consider additional dissemination of JDP campaign outcomes.
- Effectiveness: Effectiveness of the Core Curriculum would be enhanced by the development of competence standards covering national as well as Union inspectors. Consideration should also be given to the establishment of regional training for national inspectors, as well as Union inspectors. Moreover, the CFCA would be well advised to consider how the effectiveness of the Core Curriculum will be assessed.
- Impact: Report on scientific evidence on developments with JDP fish stocks. Agree with the EC on sharing information on Member State sanctioning of infringements.
- Sustainability: EC to encourage Member States to formalise their informal cooperation outside the JDPs.
- Sustainability: Take stock of exchanged best practices and dissemination via the CFCA website.
- Sustainability: EC to develop exit strategies for sustainable JDPs.
- Sustainability: Concerning the Core Curriculum consideration should be given to ensuring its maintenance, bearing in mind that this will have a significant bearing on its utilisation by Member States. Moreover, some updating may be required, even while development is still underway, as this is likely to take several years.

1 - Introduction

This section aims to present the context for the five-year independent external evaluation of the Community Fisheries Control Agency (CFCA).

The section introduces the evaluation and report structure (section 1.1), presents the history of the CFCA's establishment, the CFCA's budget and intervention logic (section 1.2), and notes key data on the CFCA in terms of its main activities (section 1.3).

1.1 The external evaluation

The CFCA contracted the Group Blomeyer & Sanz SL, Centre for Strategy and Evaluation Studies LLP and Evalutility Ltd. on 13 April 2011 to conduct the five-year independent external evaluation in line with Article 39, Council Regulation 768/2005 of 26 April 2005 establishing the CFCA.

Besides this introduction, the final report comprises three main sections covering respectively the CFCA's **governance** (section 2), the CFCA's **performance** in terms of delivering activities (section 3), and the conclusions and recommendations (section 4). Section 3 on the CFCA's performance is structured in line with the five evaluation criteria of relevance (Section 3.1), efficiency (3.2), effectiveness (3.3), impact (3.4) and sustainability (3.5).

The evaluation work involved desk research, stakeholder consultations,⁷ a survey of Administrative Board members (25 responses / 76% of the target group),⁸ a survey of Regional Advisory Council (RAC) members and other stakeholders (46 responses / 20% of the target group),⁹ five case studies, and a focus group meeting on the conclusions and recommendations.¹⁰ Note that a separate survey was conducted in the framework of the case study work on the CFCA's capacity building activities (23 responses).¹¹ Concerning the low rate of response for the Regional Advisory Council members, the

⁷ Stakeholder consultations involved 16 Member States, the EC, EP, EMSA, Frontex and other organisations (e.g. RACs, NGOs, FAO etc.).

⁸ 20 Member State and five European Commission (EC) representatives responded by end June 2011. This represents a response rate of about 76% (74% for the Member States, and 83% for the EC).

⁹ 46 responses out of a target group of 230 stakeholders by end June 2011. This represents a response rate of about 20%.

¹⁰ Case study work focused on CFCA governance, administration, two Joint Deployment Plans (North Sea and Blue Fin Tuna, and capacity building (focus on the Core Curriculum).

¹¹ 47 representatives of 23 MS were invited to participate in the survey on the core curriculum for fisheries inspectors. Those invited to participate in the survey consisted of participants of the three Steering Group and Working Group meetings since mid-2010. 23 representatives of 16 MS responded.

evaluators have 'balanced' this by conducting in-depth interviews with the Regional Advisory Council leadership.¹²

Meetings with the CFCA took place on 19 April (kick-off meeting), 27 May 2011 (first interim report debrief meeting),¹³ 31 August 2011 (focus group meeting on initial conclusions and recommendations), and 9 January 2012 (draft final report debrief meeting). Moreover, the evaluator participated in a CFCA workshop on performance indicators for the Joint Deployment Plans (JDP) on 27 and 28 June 2011.

The first version of the draft final report was submitted to the CFCA on 11 September 2011, and the final report was prepared further to CFCA and Administrative Board feedback and presented in the context of a seminar on the evaluation on 14 March 2012.

Detail on the evaluation approach and methodology can be found in the first interim report of 2 June 2011.¹⁴

The evaluation covers the years from 2007 to 2011, although it also takes into account the situation and systems in place before the setting up of the CFCA. Data for 2011 are provided in the final report where complete information for 2011 was available in January 2012.

1.2 The CFCA history, budget and intervention logic

The CFCA history (section 1.2.1) and budget (1.2.2) are presented here to give the reader a quick basis for understanding the scope of CFCA activity over the years 2007 to 2011.

Moreover, the CFCA intervention logic (logical relation between wider and specific objectives) is discussed here to set the context for the evaluation questions (on relevance, efficiency, effectiveness, impact and sustainability). Indeed, before asking whether the CFCA has performed well in relation to an objective, it is first necessary to clarify what the objective is (section 1.2.3).

¹² Interviews with the Baltic Sea Regional Advisory Council, Long Distance Waters Regional Advisory Council, Secretariat, Mediterranean Regional Advisory Council, South Western Waters Regional Advisory Council.

¹³ The second interim report was debriefed via telephone on 13 July 2011

¹⁴ The first interim report was submitted on 13 May 2011 with the final version completed on 2 June 2011.

1.2.1 CFCA history

The CFCA was established with Council Regulation (EC) No 768/2005 of 26 April 2005,¹⁵ however, first references to inspection structures at EU level reach back to the last reform of the Common Fisheries Policy (CFP) initiated in 2001.

- In 2001, the EC's 'Green Paper' on the future of the common fisheries policy referred for the first time to a 'Joint Inspection Structure': *'The possibility of setting-up a Community Joint Inspection Structure to co-ordinate national and Community inspection policies and activity and to pool the means and resources for control purposes is an option that needs serious consideration'*.¹⁶
- The EC's 2002 'Roadmap' for reform of the CFP confirmed an EC proposal for a *'Joint Inspection Structure at Community level'*.¹⁷ This intended to *'pool national means of inspection and surveillance in relation to fisheries or other areas and manage them within a Community framework'*. It was also noted that the new structure would not change the distribution of responsibilities between the Member States (Member States remain responsible for control and enforcement of CFP rules) and the EC (in charge of *'monitoring and enforcing the correct application of Community law by the Member States'*). The EC noted that the structure should be in place by mid-2004.
- A subsequent EC Communication in 2003 referred for the first time to the Community Fisheries Control Agency, detailed possible tasks, and scheduled a feasibility study for 2003/2004.¹⁸
- However, before the feasibility study was completed, the Member States *'agreed on the urgency to establish such an Agency and that that agency shall have its seat in Spain'*.¹⁹ The EC was asked to submit a proposal for this before the end of March 2004.
- In April 2004, the EC issues its proposal for the establishment of the agency,²⁰ and the Council Regulation establishing the Agency was adopted on 26 April 2005.
- The name of the agency was changed to European Fisheries Control Agency as of 1 January 2012.

¹⁵ Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a control system applicable to the common fisheries policy.

¹⁶ EC, Green Paper on the future of the Common Fisheries Policy, COM(2001) 135 final, 20 March 2001, pages 30 to 31.

¹⁷ EC, Communication from the Commission on the reform of the Common Fisheries Policy, COM(2002) 181 final, 28 May 2002, page 14 to 15 and 28.

¹⁸ EC, Communication from the Commission to the Council and the European Parliament - Towards uniform and effective application of the Common Fisheries Policy, COM(2003) 130 final, 21 March 2003.

¹⁹ Council meeting of 13 December 2003, Official Journal L29, 3 March 2004, page 15.

²⁰ EC, Proposal for a Council Regulation establishing a Community Fisheries Control Agency, COM(2004) 289 final.

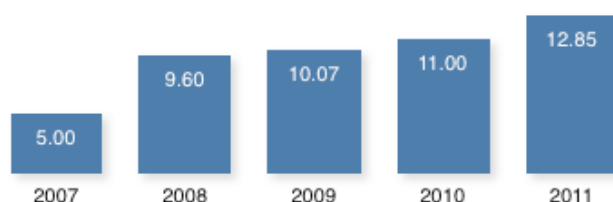
1.2.2 CFCA budget

Budget figures are presented here to allow an initial approximation of the scope of CFCA activity. The CFCA's budget increased from €5 million in 2007 to €12.85 million in 2011 (Figure 1).

It is worth noting that the initial budget for 2011 only amounted to €8.85 million. This was amended by adding an additional €4 million *'for the purpose of the acquisition of equipment (joint EU-inspection vessel) necessary for the implementation of joint deployment plans (JDP) covering amongst other things international obligations of the European Union'*.

Overall, the 2007-2011 budget figures place the CFCA among the smaller European Union (EU) agencies.²¹

Figure 1 - CFCA annual budget 2007 to 2011 (€ million)²²



The CFCA's budget is organised in three main expenditure categories, namely 'Title I - Staff', Title II - Administration' and 'Title III - Operating Activities'.

Over the period 2007-2011, the budget for 'Staff' accounts for €25.28 million (52% of the total allocation for 2007-2011), 'Administration' for €5.98 million (12%), and 'Operating Activities' for €17.27 million (36%) (Figure 2).

²¹ Among the 26 agencies assessed in 2009, the CFCA has the third lowest budget. Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume I Synthesis and prospects, December 2009, page 2.

²² Budget figures according to the ECA annual account reports 2007 to 2009, and CFCA Administrative Board Decisions 8-W-02, 9-W-10, 9-II-4 and 10-II-3. See Administrative Board meeting of 15 March 2011 for the above mentioned 2011 budget increase.

Figure 2 - CFCA expenditure categories 2007 to 2011 (% of main expenditure categories in relation to total budget for 2007 to 2011)

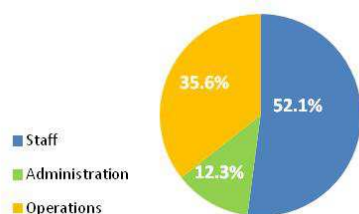


Figure 3 below shows that the category 'operations' has experienced a continuous increase between 2007 and 2011, whilst the category 'administration' has remained relatively stable.

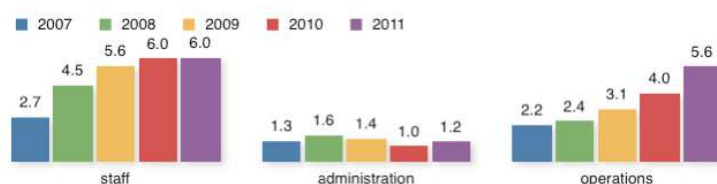
Moreover, between 2007 and 2010, there has been a steady increase for the category 'staff', however, in 2011, the 2010 level was maintained despite a significant increase for the category 'operations'.

In this context it is noteworthy that there have been substantial regulatory changes in 2008 and 2009 with the adoption of the new Control Regulation²³ and the IUU Regulation.²⁴ Both regulations imply additional tasks for the CFCA,²⁵ raising doubts over whether the CFCA will be able to take on additional tasks without additional staff budget. EC feedback suggests that the CFCA has adequate resources to comply with its responsibilities in the framework of the new regulations. However, many of the new regulatory requirements were scheduled to apply as of January 2011 or later (upon adoption of the implementing legislation). It is therefore considered early to conclude as to whether current CFCA resources are sufficient to operate adequately in the new regulatory framework.

²³ Council Regulation (EC) No 1224/2009 of 20 November 2009, establishing a Community control system for ensuring compliance with the rules of the common fisheries policy.

²⁴ Council Regulation (EC) No 1005/2008 of 29 September 2008, establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

²⁵ For example, the new control regulation includes several references to a '*body designated*' by the EC to perform certain tasks, e.g. Article 33 on the recording of catches and fishing effort; Article 71 on sightings at sea and detection by Member States; Article 72 on action to be taken upon information on sightings and detection; Article 81 on requests for authorisation for inspections outside the waters of the inspecting Member State; Article 110 on access to data; Article 111 on data exchange, Article 116 on the secure part of the website.

Figure 3 - CFCA expenditure categories 2007 to 2011 (€ million)²⁶

The following figure shows a budget distribution according to the Activity-based Management System to show more clearly the allocation of staff to operational tasks (Figure 4).²⁷

Looking at the dedication of agency staff to each activity, the figure shows that 61.5% of staff allocation is related to operational coordination, 24.8% to capacity building, whilst 13.7% of staff allocation is dedicated to governance and representation functions (including administration). This indicates a comparatively high level of administrative efficiency. Indeed, a recent evaluation notes that agency administration accounts on average (across all agencies) for about a third of agency staff resources.²⁸

Figure 4 - CFCA distribution of staff expenditure for 2011 according to the Activity-based Management System

²⁶ Budget figures according to the ECA annual account reports 2007 to 2009, and CFCA Administrative Board Decisions 9-II-4 and 10-II-3 (data for 2010 and 2011). Note that the 2011 budget was amended by adding an additional €4 million 'for the purpose of the acquisition of equipment (joint EU-inspection vessel) necessary for the implementation of joint deployment plans (JDP) covering amongst other things international obligations of the European Union' (see Administrative Board meeting of 15 March 2011).

²⁷ CFCA data provided on 22 August 2011.

²⁸ Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume I Synthesis and prospects, December 2009, pages 9 and 22.

1.2.3 Intervention logic

This section discusses the CFCA's wider and immediate objectives (sections 1.2.3.1 and 1.2.3.2), and concludes by reviewing the continuing validity of the intervention logic (1.2.3.3).

1.2.3.1 Wider objectives

The CFCA was established by Council Regulation 768/2005 of 26 April 2005.²⁹

The wider objective is not explicitly included under the regulation's article 1 ('Objective').

However, the introductory text to the regulation (introductory paragraph 4) specifies the wider objective: *'Such cooperation, through the operational coordination of control and inspection activities, should contribute to the sustainable exploitation of living aquatic resources as well as ensuring a level playing field for the fishing industry involved in this exploitation thus reducing distortions in competition'*.

The EC's impact assessment prior to the establishment of the CFCA confirms the wider objectives as *'sustainable exploitation'* and *'level playing field for the industry'*.³⁰

Thus, there are two wider objectives, namely the enhanced state of fish stocks, and a level playing field for the fishing industry. Stakeholder consultations and survey feedback confirm a well established consensus with regard to the CFCA's wider objectives. The interest in CFCA impact in terms of an enhanced state of fish stocks and the level playing field has also been reflected in discussions on the CFCA's Administrative Board and in other fora, e.g. with references to scientific evidence for relating enhanced fish stocks to fisheries control.³¹

The achievement of these two wider objectives is assessed under section 3.4 'Impact'.

²⁹ Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy

³⁰ EC, Commission Staff Working Paper, Proposal for a Council regulation establishing a Community Fisheries Control Agency, Impact assessment and ex ante evaluation, 28 April 2004, pages 12-13.

³¹ See for example: CFCA, Minutes of the 12th meeting of the Administrative Board, 19 October 2010, page 4. Note, however, that the CFCA has expressed doubts over whether the evaluation can assess impact against an objective that is not stated explicitly under the main text of the regulation but only appears in the regulation's introductory text. According to the evaluator's experience the adopted approach is in line with common evaluation practice. Without this 'flexibility' in interpretation, evaluations could be bound to assess impact against objectives that have not been defined in line with standard evaluation methodology, e.g. it is commonplace for early agency regulations to confuse between outputs, results and impacts.

1.2.3.2 Immediate objectives

The EC impact assessment on the establishment of the Agency notes *'the more effective implementation of the CFP (higher compliance levels, improved reliability of catch data)'* as main measure for assessing effectiveness.³²

The Council Regulation (Article 1) notes that the CFCA's objective is *'to organise operational coordination of fisheries control and inspection activities by the Member States and to assist them to cooperate so as to comply with the rules of the Common Fisheries Policy in order to ensure its effective and uniform application'*. Article 39 also indicates the expectation that the Agency's immediate objective is enhanced compliance with CFP rules: *'the extent to which it contributes to the achievement of a high level of compliance with rules made under the common fisheries policy'*.

As for several other agency regulations from that time, the CFCA intervention logic as set out in Council Regulation 768/2005 shows room for improvement in terms of following the standard logical framework approach.

As noted above, the CFCA's wider objective is not spelled out clearly in the regulation's article 1 (Objective). Moreover, the regulation fails to clearly differentiate between immediate objectives and activities. For example, Article 1 notes *'the objective of which is to organise operational coordination'*, however, *'organising operational coordination'* is an activity and not an objective.

For the purpose of this evaluation, the CFCA's immediate objectives are considered to be: (a) enhanced cooperation between Member States; and (b) enhanced compliance with the CFP. The achievement of these two immediate objectives is assessed under section 3.3 'Effectiveness'.

To sum up, for the purpose of the current evaluation, the contractor has assessed the CFCA's performance in line with the following 'reconstructed' intervention logic (Figure 5):

Figure 5 - CFCA intervention logic

Wider objective	Specific objectives (Article 1)	Mission (Article 3)
<i>'Contribute to the sustainable exploitation of living aquatic resources as well as ensuring a level playing field for the fishing industry'</i> (Regulation 768/2005, introductory paragraph 4)	Member State cooperation / Member State compliance (Article 1)	Support Member States to enhance control and fight illegal, unreported and unregulated fishing (e.g. Article 3, points a-d and h-i)
		Assist Member States and EC in <u>harmonising</u> the application of the Common Fisheries Policy (e.g. Article 3, point e)
		Capacity building (e.g. Article 3, point f-g)

³² EC, Commission Staff Working Paper, Proposal for a Council regulation establishing a Community Fisheries Control Agency, Impact assessment and ex ante evaluation, 28 April 2004, page 13.

1.2.3.3 Continuing validity of the intervention logic

The CFCA intervention logic was designed in 2004 (EC proposal for establishing the CFCA),³³ in the context of a factual background established in 2001 (EC Green Paper).³⁴

It is therefore justified to question the continuing validity of the intervention logic, i.e. are the problems and needs identified about a decade ago, and that led to the establishment of the CFCA, still present today?

Stakeholder consultations confirmed the interest in reviewing the intervention logic. For example, EC feedback confirmed an interest in reviewing the intervention logic, noting some discrepancies between the EC and the CFCA on the agency's focus. For example, EC feedback suggested a need for a stronger focus on the implementation of the control regulation, whilst other feedback suggested that the focus should be on supporting Member State cooperation.

In this context it is worth referring to the EC impact assessment on the establishment of the Agency: *'Since the Commission is responsible for control of the application of the rules of the CFP by Member States (control of control), it should not get involved in operational coordination of national means of inspection and surveillance. An Agency, as an independent Community body, is therefore the appropriate solution for assisting Member States to comply with their obligations under the CFP...'*. Moreover, *'Its independence from the Commission in its capacity as 'controller of the controllers' will permit the CFCA to establish a sound relationship with the national competent authorities in Member States regarding the organisation of control and inspection by Member States'*.³⁵

Discrepancies between the EC and the Member States are considered to imply overlaps and gaps between EC and CFCA activity, and also to cause some confusion in the Member States as to the precise role of the two actors (e.g. in the context of discussions on new tasks as established by the new control regulation: tasks entrusted to the EC or the *'body designated by it'*).³⁶

Figure 6 shows that Administrative Board survey responses indicate overall consensus on the main focus areas for the CFCA (e.g. coordination of JDPs or IUU work). However, there are a few areas where the EC has different views (Figure 7). For example, the EC indicates stronger support for the CFCA to assist the EC with the enforcement of control requirements.

Similarly, several stakeholders including the EC noted 'ongoing discussions' and 'unresolved questions' regarding the role of the CFCA with respect to data monitoring. For example, one Member State would like the CFCA to collect and disseminate data for use primarily by Member States to help with risk assessment and inspection planning, but has concerns that the EC would like the data to be

³³ EC, Proposal for a Council Regulation establishing a Community Fisheries Control Agency, COM(2004) 289 final.

³⁴ EC, Green Paper on the future of the Common Fisheries Policy, COM(2001) 135 final, 20 March 2001, pages 30 to 31.

³⁵ EC, Commission Staff Working Paper, Proposal for a Council regulation establishing a Community Fisheries Control Agency, Impact assessment and ex ante evaluation, 28 April 2004, pages 6 and 13.

³⁶ The new control regulation includes several references to a *'body designated'* by the EC to perform certain tasks, e.g. Article 33 on the recording of catches and fishing effort; Article 71 on sightings at sea and detection by Member States; Article 72 on action to be taken upon information on sightings and detection; Article 81 on requests for authorisation for inspections outside the waters of the inspecting Member State; Article 110 on access to data; Article 111 on data exchange, Article 116 on the secure part of the website.

managed largely for its benefit i.e. to help track Member State compliance with the CFP. This difference of opinion seems to be reflected in the two figures immediately below (categories ‘assist EC with enforcement of control requirements’ and ‘provide information for EU level policy making’).

Figure 6 - Administrative Board member views on the main focus of CFCA activity (% of responses)³⁷

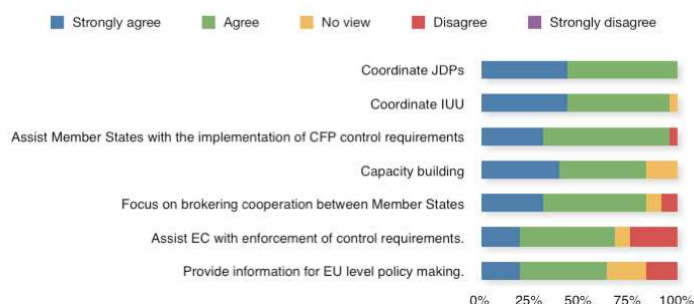


Figure 7 - Administrative Board member views on the main focus of CFCA activity - only EC responses (% of responses)



The assessment of the continuing validity of the intervention logic will be conducted in different sections of the report, i.e. in relation to the relevance of CFCA activities as well as their effectiveness and impact.

³⁷ Please note that the answer categories have been listed in order of importance, i.e. from agreement to disagreement with the statement.

1.3 Main activities

This section briefly presents the CFCA's two main operational activities over the last five years, in order to facilitate the understanding of the subsequent sections on CFCA governance and performance. Section 1.3.1 presents Operational Coordination and section 1.3.2 presents Capacity Building.

To facilitate the understanding of this and subsequent sections it is worth noting here that the CFCA is organised in three units: Unit A - Administration, Unit B - Capacity Building, and Unit C - Operational Coordination (see section 2.2 for further detail).

1.3.1 Operational Coordination

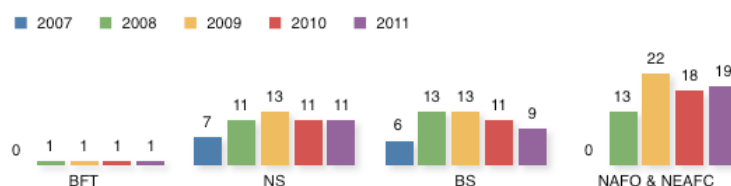
This section aims to provide a first insight into CFCA operational activity (more detailed information is provided in section 3).

The CFCA ensures operational coordination mainly via the JDPs. The Council Regulation defines a JDP as '*a plan setting out operational arrangements for the deployment of available means of control and inspection*' (Article 2).

During 2007 to 2011, the CFCA has organised JDPs in the North Sea and Western Waters (JDP NS) and the Baltic Sea (JDP BS), both focussing on cod; NAFO and NEAFC (JDP NAFO & NEAFC), with a multi-species approach; and the Mediterranean, with a focus on bluefin tuna (JDP BFT).

The following figure shows the number of campaigns conducted for the different JDPs during 2007 to 2011 (Figure 8).

Figure 8 - JDP campaigns 2007 to 2011 (number of campaigns)³⁸



³⁸ Information from the CFCA Annual Reports 2007 to 2010. 2011 data as facilitated by the CFCA in January and February 2012.

A series of explanations can be provided for the above data:

The JDP BFT covers a very specific fishery (well-defined target) organised through annual campaigns, mainly focused on the purse seiner fishing period (April/May-June). This explains the organisation of the annual campaigns (one campaign per year).

For the JDP NAFO & NEAFC, the vessels involved in these fisheries are typically larger vessels with a capacity to stay out at sea for longer periods of time and capable of processing on-board. Thus, the JDPs are expected to involve a high number of days out at sea, covering a relatively large area, and almost all inspections carried out at sea as well.

Before presenting detailed activity figures in relation to the JDPs, it is worth noting that whilst the presentation of JDP activity in the CFCA Annual Reports has improved over the years, the differences in the way that data is presented for the different JDPs and over the five years constrain the comparison between JDPs and across the five year period under evaluation.³⁹

A further example relates to the number of days deployed by the Member States for joint inspections. This information is available for the JDP BFT, however, for the JDPs NS and BS this information is only available for sea inspections and not for land inspections.⁴⁰

This section presents the number of campaign days and inspections (section 1.3.1.1) and data on possible non compliances (1.3.1.2).⁴¹

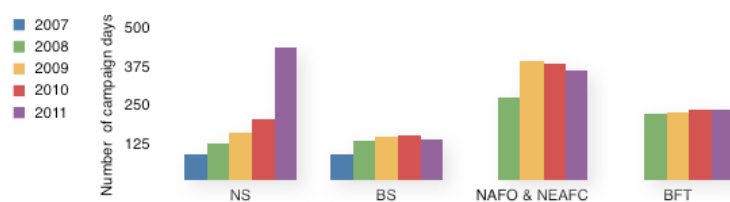
1.3.1.1 Campaign days and inspections

The total number of campaign days under the four JDPs since 2007 is around 3,000. The JDP NAFO & NEAFC accounts for the highest number of campaign days (Figure 9).

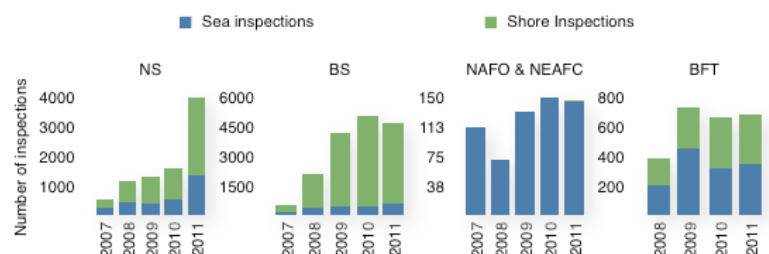
³⁹ For example, on the basis of the annual reports, it is difficult to ascertain the number of inspections conducted under the JDP BS since there are some mismatches of information across and within annual reports. The 2008 annual report indicates at one point that 1,659 land inspections were conducted (CFCA, Annual report 2008, Pages 13, 54). However, when adding information from the detailed information provided on the specific number of inspections carried out by the different Member States, the figures add up to 1,684 (CFCA, Annual report 2008, Page 55). Furthermore, the 2009 Annual report indicates that in 2008 a total of 711 land inspections were conducted (CFCA, Annual report 2009, Page 15).

⁴⁰ Note, however, that commitments refer to a five-day week.

⁴¹ Information presented for NAFO & NEAFC for the years 2009, 2010 and 2011 refers to both, NAFO and NEAFC combined, whereas for the years 2007 and 2008, the information only refers to NAFO.

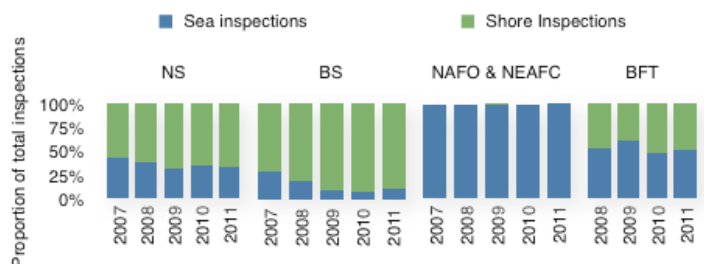
Figure 9 – Number of campaign days per JDP and year, 2007-2011

Over the period 2007 to 2011, more than 28,000 inspections have been conducted, with about 75% on shore and about 25% at sea (Figure 10). The highest number of inspections has been conducted in the Baltic Sea, despite counting with the smallest number of campaign days to conduct such inspections. The number of inspections under the JDP NAFO & NEAFC is the lowest, despite the number of campaign days being the highest. This can be explained with the fact that NAFO & NEAFC fishing grounds are far away in the North East Atlantic area (Canada, Greenland, etc.), a huge area, and the logistics of boarding and inspecting vessels are consequently much more complex than in the Baltic Sea. Also, Baltic Sea fishing trips are of much shorter duration, thus establishing a case for inspection on shore.

Figure 10 – Number of inspections conducted on shore and at sea under each JDP, specified by year, 2007-2011

It is interesting to note the proportion of inspections conducted on shore *versus* those conducted at sea (Figure 11). For example, all inspections conducted under the JDP NAFO & NEAFC are conducted at sea, whereas for other JDPs, shore inspections are equally important (i.e. JDP BFT) or even more important than inspections at sea (i.e. JDP NS and JDP BS).

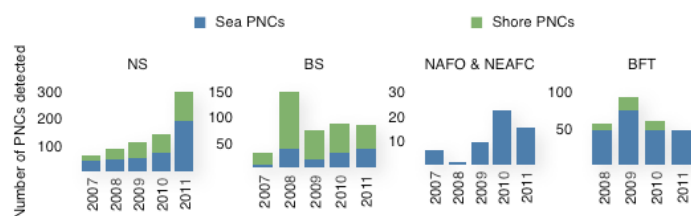
Figure 11 – Proportion of the total number of inspections conducted on shore and at sea, specified by JDP and year, 2007-2011



1.3.1.2 Possible cases and types of non compliance

A minimum total of about 1,400 PNCs have been detected since 2007 in all JDPs (Figure 12).⁴²

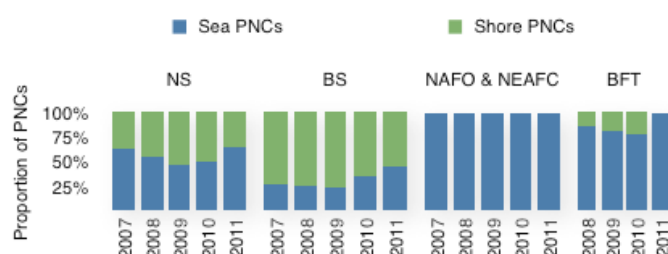
Figure 12 – Number of PNCs detected on shore and at sea during the inspections conducted within the framework of the JDPs. Information for the JDP BFT refers to the number of vessels committing PNCs, rather than the total number of PNCs detected.



Despite a higher proportion of inspections being conducted on shore, the proportion of possible non-compliances (PNCs) detected on shore and at sea is similar, i.e. 49% were detected on shore, and 51% were detected at sea (Figure 13).

⁴² The evaluators indicate a 'minimum total of a thousand PNCs' as the information provided for the JDP BFT refers to the number of vessels where PNCs have been detected, rather than the actual number of PNCs.

Figure 13 – Proportion of total PNCs detected on shore and sea during the inspections. Information for JDP BFT refers to the proportion of vessels committing PNCs, rather than the proportion of the total number of PNCs detected



In order to compare data regarding the types of PNCs detected on shore and at sea, the evaluators have made use of the latest classification of types of PNCs under the JDP NS (Figure 14).

PNCs vary across JDPs (e.g. PNCs detected in the video transfer are only applicable to the JDP BFT), and that certain PNCs, detected and reported in previous reports, are not specifically included in the current classification. In cooperation with the CFCA, the evaluators have classified the PNCs for the purpose of the following analysis.

Figure 14 – Classification of PNCs by type.⁴³

CONSERVATION ISSUES	Fishing in closed areas, closed seasons etc.
	Incorrect catch composition
	High grading or illegal discarding of catches
	Retaining undersized fish onboard
	Margin of tolerance
FISHING GEAR	Incorrect escape windows (Bacoma)
	Incorrect mesh sizes
	Prohibited gear

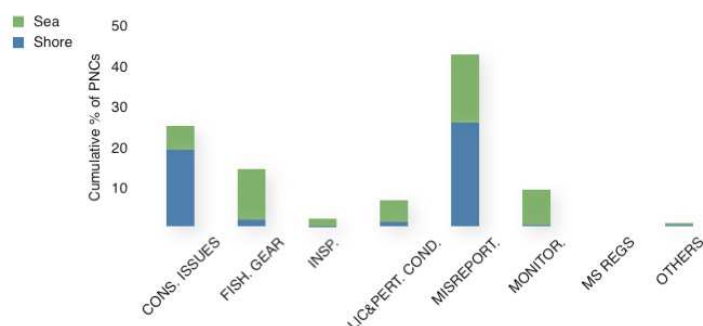
⁴³ Information reported in black font refers to information included in the latest classification of PNCs used under the JDP NS. Information reported in blue font are PNCs specific to certain JDPs or reported in the Annual Reports, prior to the use of the classification used here and classified by CFCA staff. 'Stowage plan, in red, has been reported in the past as a type of PNC, but has not been classified by the experts into any of the groups. Note that some of the 'conservation issues' involve 'misreporting' as well. This is the case for incorrect catch composition, illegal discarding, margin of tolerance. The classification system could be improved.

	Use of illegal attachments
LICENCING AND PERTAINING CONDITIONS	Fishing without a license or special permit
	Exceeding effort limitations
	Landing in non-designated port
	Transshipment at sea
	Vessel not included in the ICCAT list
	Marketing in recreational fisheries
	Incorrect recording of species/weight in logbook
MISSREPORTING	Misrecording of fishing area in logbook
	Failure to report a landing
	Failure to send entry, exit or change of area messages
	Incorrect Landing Declarations / Sales Notes
	Missing or incomplete transport documents
	Tampering with VMS equipment or VMS not active
	Video transfers
MONITORING	Stowage plan
	Transfer authorization
INSPECTION	Obstructing an inspector from carrying out his duties (includes lack of or unsafe pilot ladder)
MEMBER STATE REGULATIONS	Failure to observe national regulations e.g. weekly quotas
OTHER	Market standards

Figure 15 shows that the main areas of PNCs across all JDPs are misreporting (42.5%) and conservation issues (14.2%).⁴⁴

Interestingly, the majority of PNCs detected on shore belong to these two groups, i.e. misreporting (52.1%) and conservation issues (38.8%). However, PNCs detected at sea include a larger variety of PNC types. Although misreporting also represents the highest proportion of detected PNCs at sea (32%), PNCs associated with fishing gear (24.1%) and monitoring (16.8%) are the next most important PNC types detected at sea.

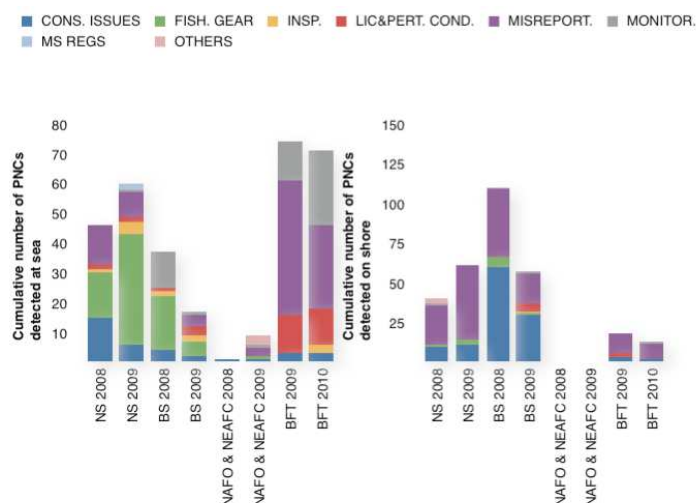
Figure 15 – PNCs types detected during 2008 to 2009 across all JDPs



Analysis of the different types of PNCs detected at different locations (shore *versus* sea), during different JDPs and years is useful for differentiated risk assessment (Figure 16). For example, the figure below indicates that on shore and within the JDP BS, one of the main problems relates to 'conservation issues'; therefore, there is need for tackling this issue within the JDP BS. However, misreporting aspects are more important within other JDPs. At sea, misreporting and monitoring are the most important issues for the JDP BFT; however, such PNCs are less important for the JDPs NS and BS.

⁴⁴ This figure includes information on all PNCs detected during 2008 and 2009 for all JDPs, except for the JDP BFT. Information used for the JDP BFT refers to 2009 (vessels) and 2010 (number of PNCs).

Figure 16 – Cumulative number of PNCs detected on shore (a) and at sea (b) classified by type, year and JDPs



1.3.2 Capacity Building

This section presents the second strand of the CFCA's operational activity, namely capacity building.

The 2010 Annual Report identifies four main areas of activity: Fisheries data monitoring centre (FDMC) (section 1.2.4.1), Pooled capacities (1.2.4.2), FishNet (1.2.4.3), and Training and exchange of experience (1.2.4.4).

Moreover, the 2011-2015 Multiannual Work Programme is briefly noted as this identifies the priority areas for capacity building in a slightly different way from the 2010 Annual Report (1.2.4.5). Also, Unit B's role was clarified following the appointment of the present Head of Unit B on 1 January 2010.

1.3.2.1 Fisheries data monitoring centre

The 2008 annual report envisaged the establishment of a '*Monitoring Centre for Assessment of control*' to '*set performance indicators*'; '*validate methodologies*'; and '*evaluate the effectiveness of the activities*'.

Moreover, the Data Monitoring Centre was envisaged to '*ensure the exchange and quality of data on fishing and inspection activities*'.

The FDMC began activities in 2009, with the establishment of basic ICT infrastructure. The VMS data exchange and mapping system was operational by the time of the 2009 JDP BFT campaign, during

which nine Member States and 12 non-Member States (ICCAT contracting parties) shared VMS data with the FDMC. The 2009 annual report notes that more than 1.5 million data transmissions were received during the campaign.

The 2009 annual report also identified the following tasks for the FDMC:

- Mapping of Member State information systems. A methodology was developed for mapping national information systems;
- Development of a Control Activities Management System (CAMS). A CAMS prototype was developed.

The 2010 annual report identifies the following activities:

- Extension of the VMS data exchange and mapping system to all JDPs;
- Modification of the NAFO Member State Access database;
- Establishment of a Steering Group on Data Exchange and Networks, which held its first meeting in May 2010;
- Contracting and commencement of the study on Member State control information systems, which aim to assess to what extent, and how, data could be exchanged between Member States, and between the CFCA and Member States in future. Baltic and North Sea Member States were visited in 2010, with other Member States to be visited in 2011. The study is expected to identify good practices, and to formulate proposals for pilot projects, training, guidelines, and exchange of expertise both on a regional and a general basis.
- A tender was launched for the provision of an electronic reporting system (ERS) for the CFCA. This is required in order for the CFCA to receive, exchange and manage ERS data in accordance with Commission Regulation (EC) No 1077/2008. No contract was awarded, as none of the offers fulfilled the requirements;
- An Article 16 (Information Network) working group was established;⁴⁵
- Participation in the Technical Advisory Group for the establishment of the Common Information Sharing Environment for the surveillance of the EU maritime domain (COM/2010/584). The CFCA participated as one of the representatives of the relevant European Agencies at the 'Technical Advisory Group' (TAG).

1.3.2.2 Pooled Capacities

⁴⁵ COUNCIL REGULATION (EC) No 768/2005, 26 April 2005. Article 16 Information Network: '*The Commission, the Agency and the competent authorities of Member States shall exchange relevant information available to them regarding joint control and inspection activities within Community and international waters*'.

The 2008 annual report notes that some 'preliminary initiatives in the framework of pooled capacities were carried out throughout the year', namely:

- Procurement of a machine for the production of ID cards for community inspectors;⁴⁶
- Issuing of ID cards to community inspectors;
- A tender, to be launched in early 2009, was prepared for the joint procurement (for Member State control bodies) of twine thickness and mesh gauges.

The 2009 annual report highlights the following activities:

- Publication of the list of community inspectors and community inspection means;
- Execution of a framework contract (on 17 July 2009) for the joint procurement (for Member State control bodies) of electronic mesh gauges and associated items. The contract covers the supply of 640 mesh gauges over four years, with a total contract value of between €0.8 million and €2 million;
- Facilitation of the harmonised introduction of the new electronic mesh gauge from 01 September 2009, particularly in the context of the JDP NS.

The 2010 annual report highlights the following activities:

- Establishment of fully equipped operational coordination rooms in the premises of the CFCA, consisting of three main secured areas: a briefing room and two coordination rooms.
- Hosting, at the CFCA premises in Vigo, of the coordination of several JDPs (BFT, NS, BS).
- Issuing of community inspector cards;⁴⁷
- Launching a call for tender for the chartering of a joint EU-inspection vessel, and carrying out the procurement procedure;
- Procurement procedure for the chartering of a joint EU-inspection vessel carried out;
- Cooperation with other Agencies (Frontex and EMSA);
- Participation in expert meeting on the joint use of means;
- Delivery of training seminars on the electronic mesh gauge.

Continuous monitoring was put in place to improve quality over time based on user feedback. Security procedures and protocols are gradually implemented for the coordination activities that take place at CFCA premises in Vigo. In 2010, the CFCA hosted the coordination of several joint campaigns in

⁴⁶ Article 1 (d) of Commission Decision 2008/201/EC of 28 February 2008 designates the CFCA as the body responsible 'to publish the list of Community inspectors and inspection means, and modifications thereto, in accordance with Article 6(4) of Regulation (EC) No 1042/2006'.

⁴⁷ The report does not indicate whether or not an updated list of community inspectors and community inspection means was published.

relation to the JDPs BFT, BS and NS. To this end, national coordinators worked during the relevant joint campaigns in the CFCA.

1.3.2.3 FishNet

The 2008 annual report described FishNet as 'a web access point for all actors involved that will mean a joint working place'.

The 2009 annual report described it as collaboration platform for 'groups of users involved in the operational coordination of Joint Deployment Plans' that would be organised in 'different virtual offices restricted to authorised users'. It should provide tools, and enable sharing of data and documents for joint planning and implementation of joint inspection and surveillance activities. The 2009 annual report notes that a study of needs and possible solutions was 'launched' in 2009, with the aim of developing an operational prototype in 2010 while the 2010 annual report notes that the 'initiation phase to develop this secured communication and collaboration platform started in the second half of the year' with the development of a 'first vision document' as a starting point for further development of the concept. This report describes FishNet as a 'virtual control room' for JDP coordinators, where they can: teleconference; exchange information; share data and documents; and produce joint guidance for the deployed control means.

The feasibility study was contracted in late 2010. This was expected to lead to implementation of the system in 2011. The contractor delivered a series of reports in April 2011: Feasibility Study For Fishnet Module 1: Current Situation Report; Feasibility Study For Fishnet Module 2: "To-Be" Situation Report; Feasibility Study For Fishnet Module 3: Cost-Benefit Analysis Of Possible Technical Options; Feasibility Study For Fishnet Module 4: Roadmap Report, 22 April 2011.

These documents identify two key objectives for FishNet:

- Unify different communication and collaboration tools and processes in a single, integrated, web-based environment;
- Ensure the security of coordination activities and of the virtual coordination environment.

1.3.2.4 Training and exchange of experience

The 2008 annual report noted that training for Member State inspectors was carried out in the context of the JDPs BFT, NAFO, BS and NS. Note on this context that stakeholder feedback on this training has been very positive. Recent feedback from the CFCA indicates that Unit C currently carries out this training, with limited involvement of Unit B. The 2008 report envisaged the establishment of a Centre for Training and Development in 2009 to '*manage training programmes for inspectors through the organisation of workshops and seminars*'. In its comments on a draft of this report, Unit B noted that in 2008 and 2009 Unit B had contributed to these training seminars with logistical support, but had since then concentrated on its core activity, namely "*on the development of [the] CC as our mission is*". Minutes of the WGTEE meeting held in October 2011 note that member states were concerned that the JDP training seminars are organized without consideration of the current development of the CC, with the possible risk of duplication. The minutes further suggest that the CFCA will enhance co-ordination between the two units in order to ensure compatibility between JDP training and the CC, and to avoid duplication.⁴⁸⁴⁹

In the 2008 CFCA studied the feasibility of establishing a dedicated training centre in Spain, in particular with JDP training seminars in mind. However, the cost was considered too high and the project was therefore not taken further.

The 2009 annual report highlights the following activities:

- The first meeting of the SGTEE was held in October 2009. It's objective, as indicated in the report, is to guide coordination work and training programmes of the CFCA, especially the development of the core curriculum for '*instructors of the fisheries inspectorates of Member States*';
- The CFCA visited 12 fisheries training centres in 11 Member States to: analyse national programmes; examine training needs; identify possible synergies, and areas for cooperation and exchange of experience; prepare a draft outline of the future core curriculum;⁵⁰
- Specialised training seminars were conducted throughout 2009 for community inspectors participating in each of the JDPs by Unit C, with limited involvement of Unit B.

⁴⁸ However, the precise meaning of the minutes is unclear, leaving scope for different interpretations about what will be done, and when it will be done: "*The CFCA noted this need and agreed to progress on this request at the next working group so that harmonisation is reached internally for the development of training material and content.*" In its comments on the final draft of this report, the CFCA notes that the calendar of meetings for 2012 has been "commonly reviewed and will be adapted accordingly to ensure coordination of activities between the two units".

⁴⁹ In its comments of 23 February 2012, the EFCA notes that there are weekly management meetings with the participation of the Executive Director, Heads of Unit, the Policy Officer, and the Legal Officer, and that these meetings ensure coordination of activities.

⁵⁰ The CFCA did not visit Member States that had confirmed that they did not have existing training materials. The mapping exercise was finalised with a report in early 2010.

The 2010 annual report notes the following activities:

- The annual report notes that a working group on introducing a web-based training platform was established. As noted below, however, the evaluators were informed that such a working group does not exist that the text of the annual report should be interpreted as referring to the establishment of the Working Group on Training and Exchange of Experience. This was agreed at the second meeting of the SGTEE in June 2010, and was given responsibility the drafting of core curricula modules that would then be submitted to the SGTEE for final approval.
- The development of the web-based platform commenced. Annex VIII (procurement) of the 2010 annual report includes, in the list of negotiated procedures, a €30,000 contract entitled '*Web based collaboration platform*';
- A call for expressions of interest was launched to set up a network of experts to assist with the development of the core curriculum. The CFCA initiated the establishment of a list of experts in various fields of competence required for the drafting of the core curriculum;
- A memorandum of understanding was signed between the CFCA and the French fisheries authorities on 24 September 2010. The latter are developing a new curriculum for the training of French fisheries inspectors. The objective is to share know-how and experience in the development of the new French curriculum, and the CFCA's core curriculum;⁵¹
- The CFCA participated in a 'training session' organised by the Swedish Coast Guard on 10 November 2010;
- The report on the mapping of Member State training was prepared.

Substantive drafting of the CC commenced in May 2011 following publication of the implementing rules. As of mid-2011, three versions of one course module were available, together with the module handbook.⁵² Each of the three versions relates to a specific fishery (Pelagic, Baltic, Demersal). As of late October, a total of 19 modules had been developed, and by 15 December 36 modules had been developed and 15 were in the process of being drafted.

⁵¹ MoU between the CFCA and the Direction des peches maritimes et de raquaculture (France), 24 September 2010. The MoU states that it expires on 31 December 2011. From 2012 the MoU would be renewed annually from 01 January on the basis of tacit agreement. More specifically, the memorandum states: "*The purpose of this MoU is to optimise the synergies of the work done by the parties through exchange of information and expertise. In collaborating, the parties will mutually contribute to the development of the core curriculum for training of national fisheries inspectors at European Union level and of a specific training curriculum for the French fisheries inspectors*". The French authorities have provided three substantial documents covering the revision of the training system in France: Référentiel des activités professionnelles au contrôle des pêches; Référentiel de formation au contrôle des pêches; Référentiel des qualifications professionnelles. A communication from the French authorities to the EFCA of 01 February 2012 suggests various areas in which continuing cooperation will be feasible. Among other issues, the communication identifies the possibility of possibility of establishing a normative requirement for qualification for the exercise of various fisheries inspection functions.

⁵² COMPENDIUM, Core Curriculum for Fisheries Inspectors, INSPECTION AT SEA, How to check conformity of catch on board, How to asses quantities and species retained on board.

1.3.2.5 The 2011-2015 Multiannual Work Programme

The 2011-2015 Multiannual Work Programme identifies the following four priority areas for capacity building (Figure 17). These are slightly different from the main activity areas identified in the 2010 Annual Report. This adjustment is the result of a clarification of Unit B's role following the appointment of the present Head of Unit B on 1 January 2010.

Figure 17 – CFCA priority areas for capacity building

2011-2015 Work Programme	2010 Annual Report
Data monitoring and networks	Fisheries Data Monitoring Centre
	FishNet
Training	Training and exchange of experience
Pooled capacities	Pooled capacities
Acquisition of means	

The objectives for these 2011-2015 priority areas are summarised below:

Data monitoring and networks

- Conduct and complete a mapping study as a starting point for identifying common challenges faced by Member States, and conduct pilot projects to develop solutions for the use of relevant Member States;
- Develop the FDMC using VMS, ERS, and other tools, such as Automatic Identification Systems. This will facilitate the planning, coordination, and assessment of JDPs through data exchange;
- Develop data and Geographic Information System spatial analysis methods to further evaluate the results of cross checking data for operational purpose and, in particular, risk analysis. This will enhance the ability of Member States to track non-compliant fishing activities;
- Establish the FishNet virtual coordination platform for 24/7 availability for JDPs;
- Continue to explore possible areas of cooperation for information exchange with external bodies in the sphere of maritime surveillance.

Specifically for 2011, the objectives are:

- Develop and strengthen the skills, abilities, processes and resources that Member States need for the uniform application of the rules of the CFP in the field of data monitoring and networks;
- Provide guidance and facilitate the exchange of best practices for building capacities in the areas of data monitoring and networks;
- Develop data and communication integrated platforms.

Training

The overall objective of the CFCA's training activities is to raise the quality and uniformity of inspections and surveillance. Specifically, the CFCA aims to:

- Establish common standards for control, inspection and surveillance;
- Establish a core curriculum for control, inspection and surveillance;
- Establish and develop core curricula for: the training of instructors of Member State fisheries inspectors, and the training of Community inspectors before their first deployment;
- Launch pilot projects;
- Identify and exploit synergies with Member State national training activities;
- Maintain training content and materials up to date;
- Establish and mobilise a network of national experts to develop commonly agreed inspection and surveillance methodologies and procedures, including the development of sampling plans.
- Develop, launch, and continuously update a web-based training platform to: facilitate collaboration and the exchange of information and training materials between all involved in the development of CFCA fisheries inspector training; distribute the core curriculum; distribute additional courses and material to personnel involved in control and inspection activities.

Specifically for 2011, the objectives are:

- Develop and strengthen the skills, abilities, processes and resources that Member States need for the uniform application of the rules of the CFP in the field of training and assessment.
- Provide guidance and facilitate the exchange of best practices for building capacities in the areas of training and assessment;
- Develop a Core Curriculum for the training of fisheries inspectors.

Pooled Capacities

- Upon request:
 - Assist in pilot projects and the development of inspection and surveillance methodologies, equipment, tools and procedures;
 - Joint procurement of goods and services necessary to address specific inspection and surveillance issues;
- Establish coordination facilities for an Emergency Unit that may be hosted at the premises of the CFCA. These facilities will also be available for operational coordination.

Specifically for 2011, the objectives are:

- Establish a list of available means of control and inspection;
- Provide adequate means for the coordination campaigns and a timely response to the emergency unit.

Acquisition of means

- Possibly charter EU inspection vessels to fulfil international commitments of the EU;
- Ensure proper operation of contracted patrol vessels as common EU inspection platforms for JDPs;
- Ensure availability of contracted patrol vessels for promotion of international cooperation, if so requested by the EC.
- Where so requested, the CFCA may provide contractual services for the acquisition of means for control, inspection and surveillance in connection with Member State obligations concerning fisheries in Community and/or international waters, including the possible chartering and operating of control, inspection and surveillance platforms.

Specifically for 2011, the objectives are:

- Acquire, rent or charter equipment necessary for the implementation of JDPs;
- Upon request, provide contractual services to Member States relating to control and inspection in connection with their obligations concerning fisheries in Community and/or international waters, including the chartering, operating and staffing of control and inspection platforms.

2 - Governance

This section examines the CFCA's governance.

The assessment is structured as follows: Section 2.1 **introduces the CFCA governance arrangements**; and Section 2.2 assesses **the different governance structures**.

2.1 Introduction to CFCA governance

The term 'governance' can be interpreted as consisting of the institutional structures and procedures used to set priorities and objectives (i.e. role of the Administrative Board, Executive Director, etc.), strategic frameworks (e.g. multi-annual work programmes) and networking arrangements (consultative bodies, networks).⁵³ This definition is in some respects rather restrictive in not explicitly including an external dimension of relationships with key stakeholders (except insofar as they are represented on governance structures) and, in the case of the CFCA, links with organisations such as the other European agencies.

Governance arrangements are important from the point of view of ensuring accountability and ensuring that objectives are defined and subsequently pursued in an appropriate way. In the case of the CFCA, governance issues need to be considered in the context of the mandate set out in the 2005 Council Regulation.⁵⁴ The overall structure of the CFCA is set out in the 2005 Council Regulation's preamble (Paragraph 27). This explains that:

'The status and structure of the Agency should correspond to the objective character of the results it is intended to produce and allow it to carry out its functions in close cooperation with the Member States and with the Commission. Consequently, the Agency should be granted legal, financial and administrative autonomy while at the same time maintaining close links with the Community institutions and the Member States. To that end, it is necessary and appropriate that the Agency should be a Community body having legal personality and exercising the powers which are conferred on it by this Regulation'

The CFCA is primarily a project of the Member States to facilitate their cooperation and the work between them and the EC. The CFCA organises operational cooperation between Member States and

⁵³ Final Report, Meta-study on decentralised agencies, September 2010, Eureval in association with Rambøll-Management.

⁵⁴ (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy.

assists them and the EC in promoting effective and uniform application of the rules of the CFP. However, despite its name, primary responsibility for enforcing compliance with the CFP lies with Member States rather than the EU, still less the CFCA (the limited nature of the EU and CFCA powers was emphasised in the Court of Auditors' 2007 Special Report which highlighted control as being the critical issue as far as the CFP is concerned).⁵⁵

This means that as a European agency, the CFCA has quite limited powers. Its role is not to enforce compliance with the CFP but rather to help Member States to do this through coordination and capacity building. At the same time, however, the CFCA is expected to reflect EU interests, and for this reason the EC is strongly represented on the Agency's Administrative Board and is responsible for chairing this body. Thus, overall, the CFCA has a quite delicate balancing act to perform in fulfilling its mandate, and this is reflected in its governance structures. On the one hand, the CFCA has a strong relationship with Member States, having been established by the Council; but, at the same time, it is an EU body which is funded by the EU budget.

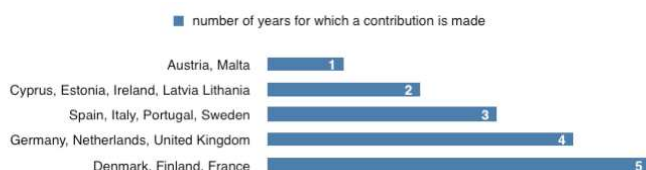
In the context of the evaluator's stakeholder consultations, several Member State representatives noted the 'dominant' position of the EC (six representatives, including the chairperson), and this was confirmed by EC feedback.

The strong EC position in the founding regulation is explained by strong pressure at the time of the Agency's establishment to ensure better compliance with CFP requirements, and the related consideration that this would require a strong presence of the EC within the CFCA's governance.

A review of Administrative Board meeting minutes (2006-2011) shows that the EC clearly leads in terms of the contributions to discussions. However, stakeholder feedback also points to the fact that the Member States could be more active if they wished. In this context, stakeholder feedback notes that Member State participation is limited by budget constraints in Member State organisations dealing with fisheries (i.e. limited resources dedicated to participation in CFCA activity, only part-time involvement in issues of relevance to the CFCA). Moreover, it is noted that a strong EC presence might indeed be required to support the Agency vis-a-vis the Member States in a politically sensitive context. A review of Administrative Board meeting minutes indicates that the main contributions (among the Member States) come from Member States with a greater involvement in fisheries (Figure 18).

⁵⁵ Court of Auditors, Special Report 2007/07 (28.12.2007) on the control, inspection and sanction systems relating to the rules on conservation of Community fisheries resources together with the Commission's replies, (2007/C 317/01), paragraphs 86-87.

Figure 18 - Number of years in which a Member State has made a substantial contribution to Administrative Board discussions (direct reference to a specific Member State in the minutes of the meeting, 2007 - March 2011)⁵⁶



In this context it is interesting to note that there is no obvious correlation between Member State involvement in fisheries and participation in Administrative Board meetings (e.g. Greece and Lithuania have only participated in one and four of the nine meetings respectively from 2007-2011,⁵⁷ whilst Austria has participated in all nine meetings) (Figure 19). It is also interesting to note that some Member States have made use of the possibility to delegate their vote to a different Member State (Article 27(3) of Council Regulation (EC) No 768/2005 of 26 April 2005 establishing the CFCA)).⁵⁸

Figure 19 - Number of Member State participations in Administrative Board meetings (total of nine meetings between 2007 and March 2011)⁵⁹



In this context, the CFCA's independence vis-a-vis the EC was questioned by some of the stakeholders. Note that the Chairperson recently proposed a 'vademecum' for the CFCA staff on the agency's responsibilities and relations with the EC and Member States, since there is apparently limited guidance on this issue (in this context, the Chairperson noted the example of a Member State asking the CFCA for translation support, with the EC having to point out that such support is not within the CFCA's legal remit; in general terms, it is suggested that confusion over the agency's status occasionally causes tensions with the EC). EC feedback also refers to different views on the agency's independence, e.g. one EC representative referred to the Agency as a 'service provider' to the EC.

⁵⁶ For 2011, only the March 2011 meeting is considered.

⁵⁷ Information for 2011 is limited to the March 2011 Administrative Board meeting.

⁵⁸ For example, the Netherlands delegated its vote to Belgium at the October 2008 and March 2011 Administrative Board meeting; Belgium delegated its vote to the Netherlands for the October 2010 Administrative Board meeting; Italy delegated its vote to Malta, and Spain to Portugal at the March 2009 Administrative Board meeting.

⁵⁹ For 2011, only the March 2011 meeting is considered.

The strong EC position on the Administrative Board could imply 'tensions' between two functions, i.e. the EC's function to control compliance with the CFP, and the Agency's function to broker cooperation between the Member States. As already noted in the first section, this issue was already the subject of the EC's impact assessment preceding the CFCA's establishment: *'Since the Commission is responsible for control of the application of the rules of the CFP by Member States (control of control), it should not get involved in operational coordination of national means of inspection and surveillance. An Agency, as an independent Community body, is therefore the appropriate solution for assisting Member States to comply with their obligations under the CFP...'* Moreover, *'Its independence from the Commission in its capacity as 'controller of the controllers' will permit the CFCA to establish a sound relationship with the national competent authorities in Member States regarding the organisation of control and inspection by Member States'*.⁶⁰ Finally, the EC impact assessment insists *'The aim of the CFCA is not to externalise Commission tasks but to establish a structure for co-operation between Member States and the co-ordination of the deployment of their inspection and surveillance means'*.⁶¹

In this context, some Member States have noted that the EC's 'dominance' on the Administrative Board has constrained Member State cooperation, e.g. Member States 'think twice' before bringing sensitive information to Administrative Board discussions. However, other Member States suggest that the EC presence has not influenced the Member States. EC feedback confirms a certain dominance at Administrative Board meetings, but notes that the Member States have other fora to discuss more 'openly', referring to a significant level of Member State exchange at regional level.

Finally, the survey to Administrative Board members suggests that a balance between Member State and EC interests has been found (52% of survey respondents suggest a strengthening of the position of the Member States, whilst 44% wish to maintain the current situation) (Figure 20). It is, however, noteworthy that about one third of the survey respondents consider that the position of the EC should be weakened (e.g. voting powers). Interestingly, two EC representatives support the strengthening of the Member States' position, and one further EC representative notes support for weakening the EC's position on the Administrative Board, i.e. in effect, strengthening the Member States' position. On the other hand, one Member State representative proposes a weakening of the Member States' position and a strengthening of the EC's position. In essence, strengthening or weakening the position of the EC/Member States would involve adjusting the number of members on the Administrative Board. In theory, there could be other options (e.g. adjusting the voting rights of different members, or the number/proportion of votes required to take a decision) but feedback from the research suggests that current arrangements are considered appropriate.

⁶⁰ EC, Commission Staff Working Paper, Proposal for a Council regulation establishing a Community Fisheries Control Agency, Impact assessment and ex ante evaluation, 28 April 2004, pages 6 and 13.

⁶¹ EC, Commission Staff Working Paper, Proposal for a Council regulation establishing a Community Fisheries Control Agency, Impact assessment and ex ante evaluation, 28 April 2004, page 10.

Figure 20 - Options for the development of the governance functions (% of responses)



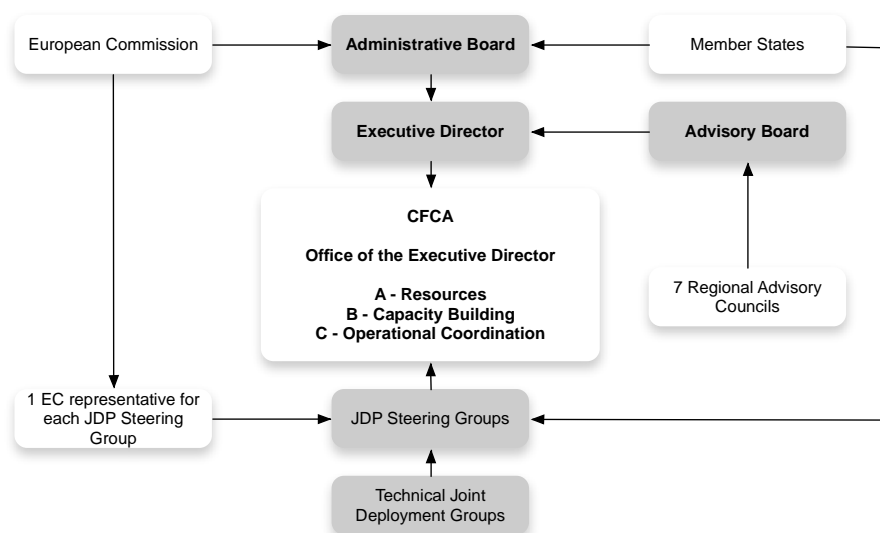
2.2 Role of the different governance components

This section reviews the different governance structures, i.e. the Administrative Board (section 2.2.1), the Executive Director (2.2.2), the Advisory Board (2.2.3), and other governance structures (2.2.4).

Chapter IV of the Council Regulation sets out the CFCA governance structure and procedures in more detail. This allows for an Administrative Board, an Executive Director, and an Advisory Board composed of representatives of the Regional Fisheries Councils (RACs) to advise the Executive Director.

The organisational set-up of the CFCA is summarised below (Figure 21). At present, 54 staff members of 18 different nationalities are working at the CFCA and three seconded national experts.

Figure 21 - CFCA Organisation



Below we review the mandate and performance against the key elements making up the CFCA's governance structures.

2.2.1 The CFCA's Administrative Board

The CFCA's Administrative Board has responsibility for overall governance of the Agency. Its role is to enable key stakeholders to exercise overall supervision of the agency's activities.⁶²

According to Article 24(1) of the Council Regulation, the Administrative Board should consist of one representative from each of the Member States and six representatives of the EC (each Member State and the EC are also each entitled to appoint an alternate). The Executive Director and a representative appointed by the Advisory Board are entitled to participate in the Board's deliberations but do not have the right to vote (Article 26 (2)). Given that some Member States are landlocked and do not have fishing industries, an obvious question arises as to whether all EU27 should be represented on the CFCA's Administrative Board (the Council Regulation does not stipulate that this should be the case).

The Administrative Board's current composition is justified on the basis that all Member States have an interest in effective implementation of the CFP, either as producers or consumers of fish products, and as such should be represented on the body responsible for helping to ensure compliance. The survey feedback suggests a less clear-cut position on this issue and indeed, one view is that the membership of the Administrative Board should be extended – specifically to include EEA countries⁶³ - rather than reduced. We agree with this view. Post-Lisbon, there is also a case for the European Parliament and Council to be represented so that all EU institutions are involved in the supervisory function exercised by the Administrative Board and are decision-making in relation to the CFCA remit. Our understanding is that this approach is being adopted by some other EU agencies.

However, extending the membership in this way could reduce the effectiveness of the Administrative Board as a decision-making body (although not if additional representatives were appointed as observers), and could reduce its capacity to provide strategic direction. As such, any increase in membership would need to be combined with other actions (see below).

⁶² According to the 2009 study 'Evaluation of the EU Agencies' (Ramboll) in terms of *governing bodies*, the most common practice (21 agencies) is that all Member States have a representative on the board. This is not the case in two agencies (EFSA and EIGE) where Membership is limited to only some Member States. Three agencies (CEDEFOP, EUROFOUND, EU-OSHA) have a tripartite system in which Member State representatives belong to governments and social partners. The study made a distinction between a set up with the strong involvement of experts, typically achieved through permanent scientific committees and/or gathering specific scientific panels, with 'a tendency to involve scientific experts and stakeholders in the governance arrangements'. This was seen as fundamentally different to agencies with a broad range of key stakeholder involvement, demonstrated most clearly by the so-called 'tripartite agencies'.

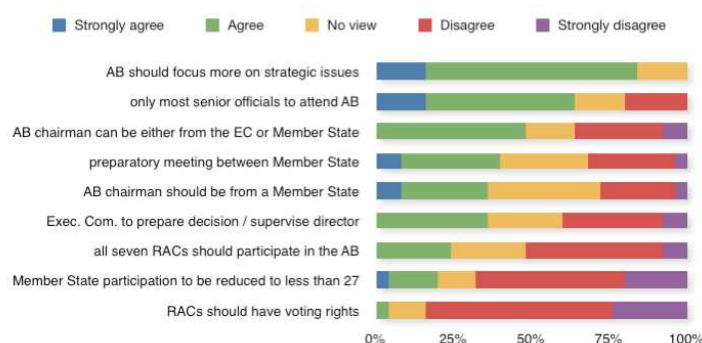
⁶³ Iceland which, in addition to having a major fishing industry is also an EU candidate country, and Norway. These countries are represented as observers on the EMSA Administrative Board. Iceland and Norway would have to be excluded from some discussions, e.g. if there was a risk of information being used in negotiations with the EU on fisheries agreements.

Turning to other aspects, the Administrative Board's Chairperson is elected from among the EC representatives while its Deputy Chairperson is chosen from its members (Article 25 (1)).⁶⁴

Feedback from our research suggests that those consulted want to see the EC's chairmanship of the Administrative Board continue (Figure 22). Administrative Board decisions are reached by an absolute majority of votes (Article 8 of the Administrative Board rules of procedure and Article 27 (1) of the Council Regulation which states that "the Administrative Board shall take its decisions by an absolute majority of votes) but should 'take into account the interests of the Member States and the Commission in the effective operation of the Agency' (Paragraph 32 of the preamble).⁶⁵ Last but not least, the Administrative Board is required to hold an ordinary meeting at least once a year (Article 26 (3)). In addition it can meet on the initiative of the Chairperson or at the request of the EC or a third of the Member States.

Overall, feedback from the research on the EC's role, decision-making rules, and the frequency of meetings (typically two per year) suggests that these arrangements remain appropriate. Likewise, attendance rates at CFCA Administrative Board meetings are generally good with even landlocked countries being well represented. There is, however, some criticism that not all Member States or the EC are represented by officials with an appropriate level of seniority. The survey responses on these and other questions relating to the CFCA's Administrative Board are summarised below.

Figure 22 - Survey Feedback on Issues relating to the CFCA Administrative Board (AB)



⁶⁴ The justification for the EC chairing the Administrative Board is provided elsewhere in the Council Regulation (Paragraph 31 of the preamble) as being derived from the fact that the Agency has to 'fulfill Community obligations and, at the request of the Commission, to cooperate with third countries and regional fisheries organisations within the framework of the international obligations ...'

⁶⁵ Specifically in relation to the work programme, according to the Regulation (Paragraph 16), 'The work programme should be adopted by the Administrative Board, which ensures that sufficient consensus is reached, including on the matching of tasks foreseen for the Agency in the work programme and resources available to the Agency, based on the information to be provided by Member States.'

It is worth referring here to the findings of the 2009 study on European agencies, specifically the findings in relation to the effectiveness of the CFCA's Administrative Board. The report concluded that:

*'Our own investigations among stakeholders highlighted that they are generally satisfied with the way the Member States and also the sector are involved in the agency system. The online survey of CFCA administrative board members for instance pointed out that a wide majority of respondents agree that the procedures for decision-making on the board are effective. Some interviewees stated, however, that the participation of the various Regional Advisory Council (RAC) representatives in the Advisory Board was not sufficiently effective.'*⁶⁶

These earlier findings are broadly supported by the current research (issues relating to the input of the RACs are considered in the next section).

The Administrative Board's main responsibility is defined in the Council Regulation as being to ensure the *'correct and effective functioning of the Agency'* (Paragraph 29 of the preamble). But beyond scrutinizing and approving the CFCA's work programme and budget, the way in which this function is to be discharged is not, however, explained in the Council Regulation. Our research suggests that the CFCA's Administrative Board performs this basic function in a satisfactory way and in line with its mandate under the Council Regulation.

There are, however, also criticisms of the Administrative Board. Besides the above noted point on Member States being rather passive with only EC representatives making any real input to discussions, some of the Administrative Board members argued that the Administrative Board focuses too much on routine administrative issues, and not enough on providing strategic direction to the CFCA. This view is strongly reinforced by the survey responses (see above - 84% of survey respondents support a focus on more strategic issues). Criticisms such as these are not unique to the CFCA, and in our experience are also made of the Administrative Boards and their equivalents of many other European agencies.

Other possible explanations for shortcomings with regard to Member States' inputs to the Administrative Board – and CFCA governance overall - suggested to us and more specific to the CFCA include the argument that Member State representatives are not senior enough or sufficiently well briefed before meetings to make a meaningful input. Some 64% of survey respondents are in favour of limiting Administrative Board attendance to the senior-most Member State officials. The perceived need for more senior-level participation also applies to the EC (the EC initially attended Administrative Board meetings with representatives at Director level, however, attendance during most of the period under evaluation was ensured at the level of Head of Unit or more junior level). Article 24(2) requires board members to be appointed *'on the basis of their degree of relevant experience and expertise in the field of fisheries control and inspection'*, however, there is no direct reference to the board members' capacity to take decisions on behalf of their Member State. Considering the political 'sensitivities' surrounding fisheries policy, there might be a need to ensure that Member State board members are sufficiently senior to bind their countries (this issue affects several EU agencies).

More fundamentally, it was also suggested that some Member States have a weaker commitment to effective CFP enforcement, and that this is reflected in their role on the Administrative Board; and/or

⁶⁶ 'Evaluation of the EU Agencies', Final Report, volume III (page 37).

that Member States see other fora such as the Council working parties as dealing with issues of greater importance to their national interests (i.e. quotas rather than control), and as being a more effective way of making their views known generally. Whatever the explanation, steps could be taken to improve the functioning of the Administrative Board given its key role in the CFCA's governance.

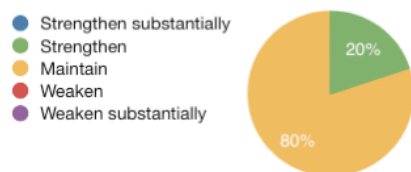
2.2.2 Executive Director

The key task of the Executive Director is defined in the Council Regulation's preamble (Paragraph 17) as being to *'ensure in his/her consultations with Members of the Board and Member States that the ambitions in the work programme for each year are matched by sufficient resources made available to the Agency by Member States to fulfill the work programme'*.

Article 29 of the Council Regulation then goes on to define the Executive Director's more specific duties and powers. This includes: preparing the draft work programme and taking *'the necessary steps for the implementation of the work programme within the limits specified by this Regulation, its implementing rules and any applicable law'*; taking the necessary steps to ensure the organisation and functioning of the Agency in accordance with the provisions of the Regulation; ensuring the CFCA fulfills its functions with regard to control and inspection and the operation of an *'information network'*; organising an effective monitoring system and *'regular evaluation procedures'* in order to be able to *'compare the Agency's achievements with its operational objectives'* and, on this basis, preparing a draft general report each year. As noted earlier, the Director is permitted to participate in Administrative Board meetings but does not have the right to vote.

Feedback from our research suggests that the Director's remit, as defined in the Council Regulation, remains appropriate and that the incumbent has performed in line with his mandate. Finally, the survey to Administrative Board members suggests overall satisfaction with the current arrangements, with 80% of survey respondents noting their support for maintaining the current functions of the Executive Director (Figure 23). The five Member States supporting a strengthening of the Executive Director's position represent all four JDPs.

Figure 23 - Options for the development of the governance functions - focus on the Executive Director (% of responses)



2.2.3 Advisory Board

The CFCA has an Advisory Board composed of representatives of the Regional Fisheries Councils (RACs) to advise the Executive Director and to ensure close cooperation with stakeholders (Paragraph 30 of the preamble). The RACs were set up after the last reform of the CFP. There are currently seven RACs in total, each one consisting of a wide range of stakeholders with an interest in the fishing industry (public authorities, NGOs, representatives of consumer and industry groups, etc.). The various RAC working groups each meet around three to four times a year.

Article 31 of the 2005 Council Regulation defines the functions of the CFCA's Advisory Board in rather general terms as being to '*advise the CFCA's Director on the performance of his/her duties under the Regulation*'. Compared with the description of the tasks of the CFCA's Administrative Board and Executive Director, there is – rather surprisingly - very little detail in the Council Regulation on what the Advisory Board should do beyond the statement in the Preamble (Paragraph 30) that '*an Advisory Board should be created in order to advise the Executive Director and to ensure close cooperation with stakeholders*.' Other aspects are defined quite precisely. This includes the requirement that members of the Advisory Board may not be members of the Administrative Board although as noted earlier, one of its members can be appointed to take part in the deliberations of the Administrative Board without the right to vote (a rotation system was adopted in March 2010 and at the time of writing the South Western Waters RAC provides a representative on the Administrative Board, with the Baltics RAC acting as the alternate). The research suggests that there is no perceived need to change these arrangements (see below). The Regulation also stipulates that the Advisory Board is chaired by the Executive Director and is supposed to meet not less than once a year. Since 2007, two meetings have been held every year.

In addition to its function of advising the Agency, the Advisory Board also provides a mechanism for the Agency to inform the RACs about its work and developments at an EU level generally. Our research suggests that the RACs play a useful role in this respect, providing a link with a wide range of stakeholders across EU Member States. That said, feedback from our research suggests that the Advisory Board seems to have a relatively low profile with little awareness of its activities.

In this context the EC's agency evaluation reported: '*some interviewees stated, however, that the participation of the various Regional Advisory Council representatives in the Advisory Board was not*

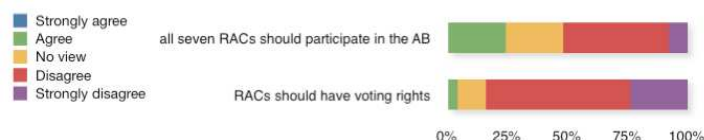
sufficiently effective.⁶⁷ Indeed, a review of the Advisory Board meeting minutes indicates that Regional Advisory Council (RAC) participation and contribution to the discussions is uneven, e.g. not all RACs have regularly attended the meetings, and the level of contribution to discussions also varies with some RACs more actively contributing than others (e.g. the Baltic Sea, North Sea, and North Western Waters RACs are more active). This is confirmed by feedback from the RACs. Stakeholder feedback also indicates that the RACs contribution is limited by staff turnover within the RACs.

An issue that might merit further investigation is the system for nominating the RAC representative to participate in Administrative Board meetings as observer without the right to vote (Article 31(2)). This operates on the basis of annual rotation.⁶⁸ Considering different levels of capacity among the RACs, there is a concern that some RACs might be better prepared to fulfill the function than others. For example, some RACs have limited staff resources (and limitations with regard to communication in the English language), and might find it more difficult to ensure a proactive representation of RAC positions (i.e. representing all RACs) at Administrative Board meetings, and subsequent feedback to the RACs. Moreover, some Member State representatives note the benefit of a more long-standing presence on the Administrative Board in order to allow the RAC representative to develop a thorough understanding of the functioning of the CFCA and thus contribute more effectively.

On the other hand, some RACs suggest that the rotation is necessary to ensure that different perspectives are presented to the Administrative Board. Moreover, it is considered by several of those we spoke to that, in the long term, an effective contribution by the RACs would require a participation of all RACs in the Administrative Board (with voting rights).

Administrative Board feedback indicates opposition to strengthening the RACs on the Administrative Board (Figure 24). Indeed, 52% of survey respondents oppose or strongly oppose an increase in the number of RACs present at the Administrative Board (Advisory Board representative), and only 24% of survey respondents are open to such an option. Moreover, 84% of survey respondents are opposed to giving the RACs voting rights on the Administrative Board.

Figure 24 - Survey Feedback - Advisory Board representation on Administrative Board (AB)



⁶⁷ This is based on survey feedback from 12 out of 33 Administrative Board members. Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume III, Agency-level Findings, December 2009, page 37.

⁶⁸ Feedback from the South Western Waters RAC suggests that this RAC proposed the rotation system, following representation by the North Sea RAC in the first years of the CFCA. See the minutes of the March 2009 Administrative Board meeting.

2.2.4 Other structures

The JDPs provide the framework for CFP control activities. They are based on voluntary cooperation between Member States with EU-level coordination managed by the CFCA. The JDP Steering Groups have been established to help coordinate the planning and implementation of JDPs and are a key element in the CFCA's overall set-up and governance arrangements. The Steering Groups are responsible for reporting activities as well as deciding on the level of control and coordinating inspection efforts generally within their areas. Operational coordination on a day-to-day basis is ensured by Technical Joint Deployment Groups (TJDGs). Daily reports identifying infringements are transmitted to the CFCA during peak periods.

The governance arrangements for the JDPs generally work well according to our research although the contribution of different Member States to their inspection activities varies considerably. The view was also expressed that JDPs should be time-limited or at least the involvement of the CFCA in helping to operate them should cease (with resources then being deployed to other areas) when it is clear that arrangements are working well and on a sustainable basis in a particular area. One further criticism made to us is that JDP Steering Groups sometimes take decisions with budget implications (e.g. a new pilot project), which should really be decided by the Administrative Board. It was also argued that more should be done by the CFCA to strengthen the capacity of JDP Steering Groups to monitor and evaluate the effectiveness of the JDPs.

The legislative framework in relation to specific aspects of the CFP (e.g. on bluefin tuna) changes quite frequently and it can be difficult for the CFCA to adapt accordingly. As noted earlier, the CFCA agency staff headcount is currently just over 50 and there has been little change in recent years given the constraints on European agencies generally (in the case of the CFCA, only one extra person was recruited in 2010). EC feedback indicates that this level of resourcing is seen as adequate for current responsibilities. However, as already discussed under section 1.2.2, the new control and IUU regulations have conferred additional tasks to the CFCA, and further tasks could be delegated to the agency under the new CFP framework. If this were to happen, resourcing levels might need to be reviewed, especially because it could be difficult to reassign duties amongst existing staff given their quite specialized background.

A further issue relating to CFCA governance is the relationship with other European agencies, namely FRONTEX and EMSA. At an operational level, we understand that there is a good relationship between the agencies. Given their different remits, there appears to be no reason to consider mergers but sharing support services could have advantages by helping to reduce administrative and other overhead costs, and for a relatively small agency such as the CFCA this would have considerable advantages. Such arrangements would not necessarily need to be limited to just FRONTEX and/or EMSA.

3 - Performance

This section presents the findings for the five evaluation criteria of **relevance** (section 3.1), **efficiency** (section 3.2), **effectiveness** (section 3.3), **impact** (section 3.4), and **sustainability** (section 3.5).

Relevance refers to CFCA activity being aligned with relevant policy priorities and needs at EU and Member State level. Efficiency focuses on the delivery of activities in line with schedules and resources, and on the general operation of the agency. Effectiveness and impact deal respectively with the achievement of immediate and more long-term objectives. Finally, sustainability addresses issues related to the dissemination of CFCA 'knowledge' and the integration of contents into Member State systems and approaches.

3.1 Relevance

The section on relevance is structured in line with the CFCA's two main operational activities, namely **operational coordination** (section 3.1.1) and **capacity building** (section 3.1.2).

3.1.1 Relevance of operational coordination

This section reviews the relevance of operational coordination.

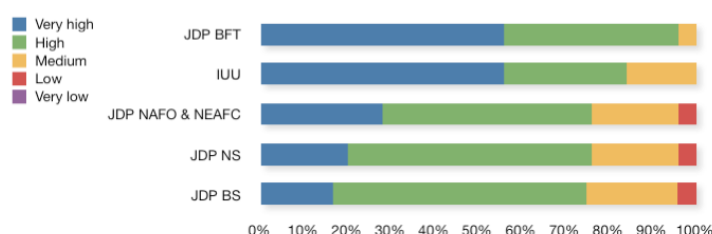
The following aspects are explored: the relevance of operational coordination to EU needs and priorities (section 3.1.1.1); Member State resource commitments to operational coordination (3.1.1.2); and possible ways to further enhance the relevance of JDPs, e.g. via multi-species or continuous JDPs (3.1.1.3). Unless specified otherwise, information draws on the case study work conducted for the JDPs NS and BFT. Finally, the evaluators have also reviewed the relevance of the agency's IUU work (3.1.1.4).

3.1.1.1 Relevance to EU needs and priorities

In order to introduce this section the following figure shows feedback from the survey to Administrative Board members.

Survey feedback confirms the strong relevance of CFCA operational coordination (Figure 25). All JDPs and the IUU activities are considered of high or very high relevance with scores between 72% and 96% of survey respondents. The lower relevance ratings recorded for the JDPs NS and BS come from the EC; the low relevance rating for NAFO & NEAFC comes from a NS Member State. It is noteworthy that the relevance of capacity building activity only achieves high or very high rankings of around 52% to 60% (see section 3.1.2 below).

Figure 25 - Administrative Board member views on relevance to EU needs and priorities (% of responses)



Several factors explain the high relevance ratings for operational coordination.

A review of JDP Steering Group meeting minutes shows that the CFCA systematically considers relevance issues. For example, during the JDP planning process, relevance is ensured via the continuous improvement of risk analysis. Moreover, the specific situations of individual Member States are being considered, e.g. *'Bearing in mind the very low Belgian fishing activity in the operational area, the Belgian participation was accorded as a landing inspection and when needed only'*.⁶⁹

The case study work on the JDP BFT indicated an overall consensus amongst Member States and other stakeholders (RACs, NGOs) on the relevance of this JDP. Member States highlight that in the absence of the JDP, a series of activities (e.g. number and/or quality of inspections) could not be performed,⁷⁰ and in the words of one NGO stakeholder *'the CFCA and JDP are well-spent tax money'*.

The strong relevance ratings can also be explained by the substantial 'weight' of the JDP inspection effort in relation to the total Member State inspection effort (i.e. a comparison between the Member States' inspection activity within the JDPs as compared to their total inspection activity including inspections outside the JDPs). Whilst initial feedback indicated that this would be difficult to establish for some of the JDPs (comprehensive data on Member State inspections is not available to the CFCA), the following paragraphs note some of the estimates.

⁶⁹ CFCA, JDP NS Steering group meeting, Minutes of the meeting, 24 September 2010, page 1.

⁷⁰ Spain, France, Greece, Italy, Malta, Portugal, United Kingdom

Concerning the NAFO & NEAFC JDP, inspections under this JDP represent 100% of the total Member State inspection effort, since the EU inspection effort is covered under an international agreement, with the EC having entrusted coordination to the CFCA.

The weight of the JDP BFT is estimated at 70% of total Member State inspection effort (the remaining 30% is accounted for by Member State inspection activity in territorial waters). The involvement of Member States in the JDP BFT, in terms of the means deployed via the JDP (compared to those deployed through national programmes) varies across Member States, ranging from 5% of total inspection effort (Malta) to 80% (Italy). Several Member States noted the particular importance of the JDP BFT for Member States experiencing budget reductions for fisheries control in the wider context of the economic and financial crisis.

The JDPs in EU Waters (JDPs BS and NS) are estimated at around 30% of total Member State inspection effort.

Finally, considering the above stakeholder and survey feedback against the agency's 'strategic choices' the overall validity of the strategy can be confirmed, in particular with regard to the strong focus on operational coordination during the agency's first years of operation. In this context it is also noteworthy that the somewhat more limited capacity building activity in the early phase of the agency's operation responded to EC positions (e.g. not commencing development of the CC until after the introduction of the new control regulation).⁷¹ Moreover, the agency has been quick to respond to new needs, e.g. in relation to launching its IUU work in response to regulatory change and subsequent Member State needs for support.

3.1.1.2 Member State commitment to JDPs

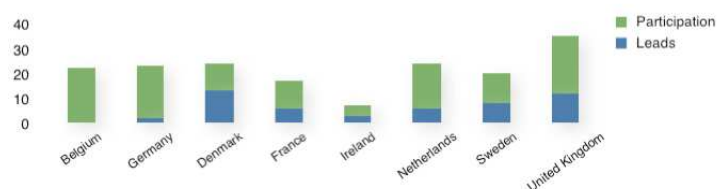
Adequate Member State resource commitments to operational coordination can be considered a further indicator for relevance, i.e. Member States allocate resources because the concerned activities are important to them.

Case study work on the JDP NS shows differences in the level of Member State participations and 'leads' in JDP campaigns (total number of participations and leads over the period 2007 to 2011) (Figure 26).

For example, Denmark and the United Kingdom account for an important number of campaign leads, whilst Member States such as Belgium, Germany or the Netherlands have a more participative role.

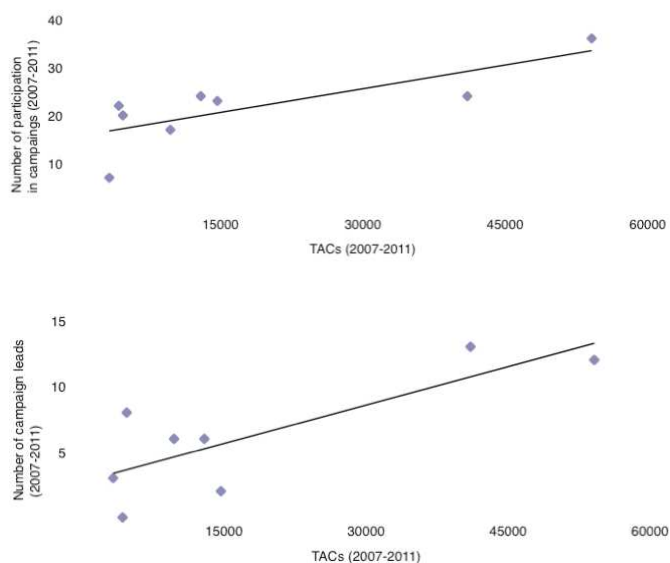
⁷¹ Council Regulation (EC) No 1224/2009 (the control regulation) was adopted on 20 November 2009. Commission Implementing Regulation (EU) No 404/2011 (the implementing regulation) was adopted on 08 April 2011.

Figure 26 – Number of Member State participations and leads in JDP NS during campaigns 2007 to 2011 (total of 173 campaigns).⁷²



Analysis suggests that participations and leads in JDP campaigns are related to the importance of the different Member States' fisheries activity (Figure 27). Analysis using 'Total Allowable Catches' (TACs) as a proxy, suggests that Member States with higher TACs participate in and lead more campaigns. For example, Belgium has low TACs and therefore only participates in, but does not lead, JDP NS campaigns. On the other hand, Denmark and the United Kingdom with high TACs participate in or lead more campaigns.

Figure 27 – Relationship between TACs and participation in (a) and leads (b) of campaigns in the JDP North Sea and Western Waters



Along these lines, a correlation can be established between TACs and resource commitments of Member States to the JDP BFT.

⁷² http://cfca.europa.eu/pages/home/jdp_north.htm. As on 22 July 2011.

Overall there is a positive relationship between TACs and resource commitments for the JDP BFT, especially regarding the number of days deployed at sea and the number of High Seas Patrol Vessels (HPV) deployed, i.e., the higher the TACs of a Member State, the higher the number of days at sea and HPV that a Member State will deploy (Figure 28). In addition, analysis suggests that the commitment of Member States has improved from 2009 to 2010 (e.g. stronger correlations for example, for the number of days deployed on shore).

Figure 28 – Correlation values between the relevance of fisheries to Member States (TACs used as a proxy) and the different means deployed by the Member States⁷³

CORRELATIONS	2009	2010
TACs & HPV	0.75	0.95
TACs & CPV	0.43	0.39
TACs & Aircraft	0.64	0.58
TACs & Flights (min)	0.61	0.79
TACs & Days deployed (SHORE)	0.50	0.73
TACs & Days deployed (SEA)	0.97	0.90
TACs & Days deployed (TOTAL)	0.85	0.92

Some Member States have provided more means than expected when considering their TACs, which suggests the JDP BFT's relevance for these Member States (Figure 29). For example, Italy has a record of deploying more means (days on land and sea, and hours of flights) than its TACs would 'require'. On the other hand, some Member States (Spain, Portugal, France) have, overall, deployed fewer means than their TACs would 'require'.

CFCA feedback on this finding notes that TACs are not the only criterion established in article 12 of Regulation No 768/2005 to assess the Member State interest, e.g. other factors include the extension of the EEZ, the concerned Member States' fisheries effort (note for example that the figures for Portugal are explained by the fact that Portugal has no tuna fisheries in the Mediterranean), the level of landing inspections in lieu of inspections at sea, other JDP / CFP commitments etc.. It is therefore emphasised as already noted above, that the use of TACs is only considered a proxy to assess Member State participation. The evaluator and some of the stakeholders consulted consider the use of this proxy indicator useful as it can help identifying Member State constraints to commit resources to operational coordination. As noted in Section 4 (Conclusions and recommendations) this information could be used by the CFCA to specifically address Member State constraints with a view to enhancing

⁷³ Colours indicate the significance of the correlations, that is, whether a clear relations really exists between TACs and the different means deployed by each Member State (red: no relationship; yellow: weak relationship; green: significant relationship) and values indicate the strength of the relationship.

participation in the medium or long term. This analysis would of course also need to consider the other criteria mentioned above in order to establish a comprehensive picture of Member State involvement.

Figure 29 – Means deployed by the Member States under the JDP BFT, according to the relevance of this fishery (TACs used as a proxy) to each Member State. Colours indicate higher (green), expected (yellow) and lower (red) level of means deployed by the Member State than might be expected from their TACs (correlation line between TACs and the specific “mean” of analysis)

		Cyprus	Spain	Greece	France	Italy	Malta	Portugal
TACs	'09	114.37	4116.53	212.35	3591.11	3176.1	262.92	387.3
	'10	70.18	2526.06	130.3	2021.93	1937.5	161.34	237.66
HPV	'09	0	2	1	6	2	0	0
	'10	0	3	0	3	4	0	0
CPV	'09	1	2	1	1	12	1	0
	'10	1	1	2	1	11	0	0
Airplanes	'09	0	2	0	1	5	1	0
	'10	0	2	0	2	4	3	0
Flights (min)	'09	0	3085	0	1165	6645	2195	0
	'10	0	4240	0	2766	7095	2340	0
Days deployed (SHORE)	'09	8	27	17	26	82	36	0
	'10	23	44	13	26	48	29	0
Days deployed (SEA)	'09	9	75	11	78	86	8	0
	'10	2	68	6	37	66	0	31
Days deployed (TOTAL)	'09	17	102	28	104	168	44	0
	'10	25	112	19	63	114	29	31

3.1.1.3 Options for enhancing JDP relevance

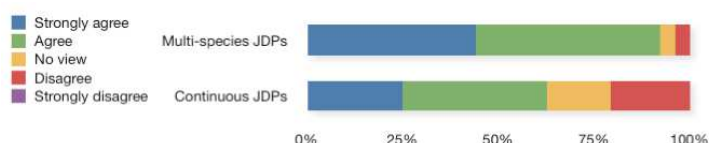
During the last three years, the CFCA has been considering different options for further enhancing the relevance of the JDPs. Originally, most operational coordination was conceived with a focus on a single species of fish (i.e. cod or bluefin tuna), and developed in the framework of campaigns of limited duration.

In this context it is worth noting that the CFCA has limited autonomy with regard to the JDPs' basic design. Council Regulation 768/2005 (Article 9) notes that '*The Agency shall coordinate the implementation of the specific control and inspection programmes established in accordance with Article 95 of Regulation (EC) No 1224/2009 through joint deployment plans*', i.e. a JDP depends on the prior existence of a '*Specific Control and Inspection Programme*' as adopted by the EC.

The following paragraphs discuss the two main options considered, namely multi-species JDPs and continuous JDPs. However, before discussing these options, the figure below shows related survey feedback from the Administrative Board.

Figure 30 shows strong support for new JDP approaches with support ranging from 62% of respondents in favour of the continuous JDP concept to 92% in favour of the multi-species approach. Opposition to the multi-species approach is voiced by one JDP BFT Member State; opposition to the continuous JDP approach is noted by Member State representatives from the JDPs BFT, BS, and NS.

Figure 30 - Please give your views on the following options for future CFCA activity. (% of responses)



Multi-species JDPs

The JDP NS (cod), JDP BS (cod) and the JDP BFT (bluefin tuna) focus each on one single species of fish. The NAFO and NEAFC JDP with its multi-species focus can therefore be considered an exception.

A series of questions can be raised with regard to the focus on a single species of fish: (a) the selected species requires strong justification, e.g. under particular serious threat; (b) the species might not be of similar importance to all Member States (different quota); and (c) the single-species approach might imply efficiency constraints, e.g. if climatic conditions limit inspections with regard to one stock they might still be feasible for a different stock.

Case study work on the JDP BFT (consultations with Member States, RACs and other stakeholders) generally confirms the appropriateness of the selection of bluefin tuna as the single species for a JDP, due to the current state of its stocks, the overcapacity of the bluefin tuna fleet, and also being a flag

species (i.e. drawing particular public interest). Moreover the single-species approach is justified with the intrinsic difficulties associated with differences between species in their life cycles, markets, fishing gear, areas employed, etc.⁷⁴

However, some Member States and stakeholders support a multi-species approach, e.g. Member State and NGO feedback suggests that in the future, the JDP BFT could include swordfish, as this species is often caught as by-catch during bluefin tuna fishing and vice versa. Finally, the consulted stakeholders acknowledge that a multi-species approach (bluefin tuna and swordfish) would imply the pooling of more resources and the EC's adoption of a recovery and management plan.

Similarly, the multi-species approach has been discussed in relation to the JDP NS. The September 2010 Steering Group meeting refers to a new approach for the JDP. This also implies a multi-species approach: *'a year-round flexible and multispecies based JDP'*. However, one Member State notes legal concerns: *'the new approach to JDP should be based on clear legal grounds'*.⁷⁵ Other Member States support the new concept and note the issue of cod as a by-catch in the sole and plaice fisheries in the Southern North Sea.⁷⁶

Finally, the multi-species approach is supported by the EC as outlined in its Communication on the role of the CFP in implementing an ecosystem approach to marine management.⁷⁷

Continuous JDPs

The CFCA has also been considering more continuous campaigns as an alternative or in parallel to campaigns of limited duration. The following considerations draw on case study work on the JDP NS.

The concept of a 'continuous JDP' was first discussed in depth at the March 2010 JDP NS Steering Group meeting: *'possibility to introduce a flexible approach to Joint Campaigns planning, as suggested during Workshop on Assessment and Risk management. The idea would be to 'open' a longer period for potential joint control operations (September - December). A minimum required number of campaign days and means will be pre-agreed upon, without a pre-definition of the calendar days for joint operations, which will be decided upon on the basis of the best available risk analysis and*

⁷⁴ The evaluator's external quality control further notes: *'The main justification of a single species approach for BFT is gear. I believe that most BFT in the Mediterranean are caught by purse seine. This is a targeted fishery, where by-catch of other species is insignificant. However, there is a less important longline fishery, where swordfish (and other species such as pelagic sharks) are also caught. Thus I can understand why one country could be against the multi-species approach, if it's fleet only uses purse seines.'*

⁷⁵ However, the same Member State notes support for the multi-species approach in response to the survey to Administrative Board members.

⁷⁶ CFCA, JDP NS Steering Group meeting, Minutes of the meeting, 24 September 2010, page 3.

⁷⁷ Communication from the Commission to the Council and the European Parliament: the role of the CFP in implementing an ecosystem approach to marine management (SEC(2008) 449). Council Directive 2008/56/CE of European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive), which requires that *'populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock (Descriptor 3 in Annex I)'*. Press release by the Commissioner (13/7/2011) on the proposal for the Reform of the CFP stating, *'an ecosystem approach will be adopted for all fisheries, with long-term management plans on the best available scientific advice'*. <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/873&format=HTML&aged=0&language=EN&guiLanguage=en>

weather conditions'. Additional arguments are a lack of fishing activity during pre-agreed campaign days. However, concerns are also noted, e.g. the *'new JDP concept should not lead to lack of clarity compared with the present one regarding the commitments of Member States'*.⁷⁸

A subsequent meeting notes different types of campaigns in the Baltic Sea: *'2-month campaign + normal campaign'*. Moreover the minutes note: *'in the Northern North Sea and the Baltic Sea a 6-month campaign could be envisaged as well as a multi-species approach'*.⁷⁹ One Member State notes that the JDP concept might be developing too fast and recommends a prior evaluation of the different types of campaign. Moreover, the same Member State *'believes this is the start of the transfer of the control of surveillance to the CFCA and believes that this will be an extreme extra burden on MS with regard to telephone meetings'*. The EC is reported to support the new JDP concept: *'The legal basis for JDPs is related to recovery plans but there is no hinder to Member States cooperating outside the legal frameworks for JDPs'*. However, there are limitations: *'The Commission supports completely the multi-species approach. However, if we are to call the joint action a JDP it has to be anchored in a recovery plan'*.⁸⁰

Most Member States appear to favour the new JDP concept for reasons of cost effectiveness: *'JDPs are the catalyst to increased cooperation with other Member States when other stocks are concerned too'*, and *'may not save money but will permit and promote greater cost-effectiveness'*.⁸¹ During campaign 11 / 2010 *'MS were keen to do more for less. Tight cooperation and coordination allowed them to do this'*.⁸² Moreover, the evaluation of a 2010 campaign noted that *'MS bordering the area felt that a longer campaign may provide a framework for more cost-effective inspection and surveillance in the area, avoiding the unnecessary concentration of human and material control assets and promoting a more rational and complementary deployment of control resources in the area'*.⁸³

Finally, the March 2011 Joint Steering Group includes a UK presentation on the benefits of the *'continued JDP'* in the Southern North Sea: *'Improved relations between Member State authorities; Better understanding of other Member States' circumstances; Increased awareness of other assets in the area; Increased confidence in working as a team in the entire area; Increased desire to work in a similar way in other enforcement areas, such as RTCs; Opportunity to act as Community Inspectors; Increased focus on evaluating risks and targeting; More effective use of resources'*.⁸⁴

CFCA feedback indicates that the EC is currently working on a region-specific control and inspection programme. The CFCA also notes that different fisheries might require a different approach, i.e. not all fisheries would benefit from a continuous JDP.

⁷⁸ CFCA, JDP NS Steering group meeting, Minutes of the meeting, 16 March 2010, page 1.

⁷⁹ CFCA, Notes from the Joint Steering Group meeting, 9 November 2010, page 1.

⁸⁰ CFCA, Notes from the Joint Steering Group meeting, 9 November 2010, pages 1, 3-4, 6.

⁸¹ CFCA, Notes from the Joint Steering Group meeting, 9 November 2010, pages 3 and 7.

⁸² CFCA, Evaluation of the campaign 11 of 2010, page 2

⁸³ CFCA, Evaluation of campaign 11 (JDP NS) of 2010, page 1

⁸⁴ CFCA, Minutes of the Joint Steering Group meeting, 23 March 2011, page 2.

3.1.1.4 Illegal Unregulated and Unreported fishing

This section reviews the IUU strategy and action plan of the CFCA.

IUU Responsibilities of the CFCA

The mission of the CFCA is, inter alia, to coordinate the operations to combat IUU fishing in conformity with the rules of the EU, which is defined in the CFCA founding regulation (EC No 768/2005; Art. 3).

This is defined as activities under the EU system to fight IUU fishing according to the CFCA Multiannual Work Programme (MWP 2012-2016) (p. 28) under the objective of providing assistance to the EC and the Member States in order to ensure uniform and effective application of the rules of the IUU Regulation (Council Regulation (EC) No 1005/2008). Various tasks are specified such as the holding of workshop seminars on IUU, support training actions and the execution of other tasks transferred to the CFCA. It is important to note that under Commission Decision 2009/988/EU of 18 December 2009, these tasks are:

- To transmit notifications on denials of landing or transshipment authorisations by third country vessels to flag State(s) and, if appropriate, copies of these notifications to Regional Fisheries Management Organisations;
- Upon request from the EC, provide for the conduct of on-the-spot audits, alone or in cooperation with the EC, to verify the effective implementation of agreed cooperation arrangements with third countries;
- To communicate to Member States and flag States additional information submitted by the Member States to the EC which is relevant for the establishment of the EU IUU vessel list;
- To transmit sightings reports to all Member States and, if appropriate, to the Executive Secretary of the relevant RFMO;
- To transmit to the Executive Secretary of the relevant RFMO information from a Member State in response to a sighting report on one of its vessels from a contracting party to that RFMO.

Judging from the MWP 2012-2016, training is considered crucial for the correct functioning of the whole system and the correct and uniform application of the IUU Regulation in Member States and Third Countries. Thus, the deliverables identified under IUU refer to workshop seminars, participation in MS national training seminars, reports on CFCA IUU activities, and Third Country training seminars, most of which is not quantified and will depend on external demand for CFCA support.

Performance indicators (p. 39) refer to survey results on the quality of seminars and training materials,⁸⁵ average time in delivering notifications under competence of the Agency, and the number of audits and evaluation missions carried out.

The strategy concerning IUU, as defined in the report of the CFCA IUU Workshop Report (Feb. 2010), is as follows:

- Creation of steering working group composed by Member States and the EC representatives;
- Establishing procedures and defining templates to perform the tasks assigned;
- Describing procedures for port inspections in the framework of the IUU regulation;
- Organising training on the IUU Regulation both for MS authorities and if requested by the EC, for Third Country authorities.

Assessment of the current IUU strategy and plan of the CFCA

The responsibilities and definition of tasks are clearly identified, although there is room for improvement in defining a clear logical frame and corresponding performance indicators. The CFCA has been assigned tasks dealing with the communication of relevant data, technical support when necessary and training for the uniform implementation of the IUU Regulation. Based on this, training and informative activities can be considered as the main contribution of the CFCA in the EU system to fight IUU fishing.

On the other hand, it should be made explicit that current effort to introduce a methodology for the assessment of JDPs is also highly relevant in the context of IUU. Key issues such as the cost-effectiveness, added value, and achievements of JDPs in introducing a culture of compliance and contributing to the sustainable exploration of fish stocks is directly related to the fight against IUU fishing.

The relevance of the agency's IUU work is also supported by recent research suggesting that IUU fishing appears still a serious problem in the Mediterranean Bluefin tuna fishery.⁸⁶

⁸⁵ A quality assessment of the CFCA IUU Workshop held in June 14-17, based on questionnaires submitted by the participants, indicates general satisfaction and considered the workshop both relevant and useful -

⁸⁶ Bregazzi 2011. Mind the gap: an analysis of the gap between Mediterranean bluefin quotas and international trade figures. Pew Environment Group

3.1.2 Relevance of capacity building

This section reviews the relevance of the CFCA's second strand of operational activity, namely capacity building. The section reviews Member State participation in CFCA capacity building (section 3.1.2.1), and assesses the relevance of the Core Curriculum (3.1.2.2). As discussed with the CFCA, the review of capacity building focuses primarily on the Core Curriculum.

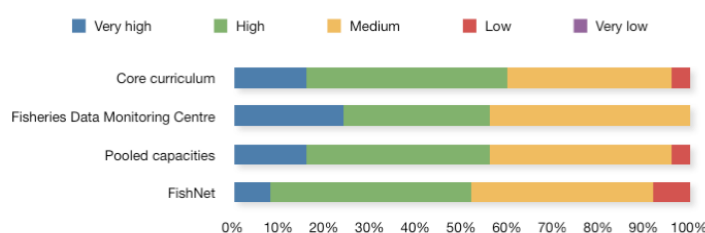
Development of capacity building activities is at a relatively early stage, as it was necessary to prioritise operational coordination in the years following the establishment of the CFCA. The CFCA notes that four capacity building projects are under development, and that so far, only one is partially developed.

In order to introduce this section the following figure shows feedback from the survey to Administrative Board members (Figure 31).

Survey feedback confirms the relevance of CFCA capacity building with scores for high or very high relevance of between 52% to 60% of survey respondents.

However, as already mentioned above, it is noteworthy that the relevance of operational coordination activity achieves substantially higher rankings of around 72% to 96%. One Member State participating in the JDP BFT considers the relevance of the Core Curriculum to be low; one Member State participating in the JDPs BS and NS considers the relevance of Pooled Capacities to be low; and one EC representative and one land-locked Member State consider the relevance of Fishnet to be low.

Figure 31 - Administrative Board member views on relevance to EU needs and priorities (% of responses)



3.1.2.1 Member State participation in capacity building

According to various documents, the work of Unit B has been guided and supported by a number of steering groups and working groups (Figure 32).

Figure 32 - Capacity Building Steering and Working Groups

	2009 Annual Report	2010 Annual Report	2010 Work Programme	2011-2015 Work Programme
Steering Group on Training and Exchange of Experience	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Steering Group on Data Exchange and Networks		<input type="checkbox"/>		<input type="checkbox"/>
Working Group on Training and Exchange of Experience		<input type="checkbox"/>		<input type="checkbox"/>
Working Group on Introducing a Web-Based Training Platform ⁸⁷		<input type="checkbox"/>		
Working Group on Data Monitoring and Networks				<input type="checkbox"/>
Steering Group on harmonising the application of the CFP by the Member States			<input type="checkbox"/>	

The Head of Unit B notes that, currently, the work of Unit B is guided and supported by three groups:

- Steering Group on Training and Exchange of Experience (SGTEE);
- Working Group on Training and Exchange of Experience (WGTEE);
- Working Group on Data Monitoring and Networks.

The CFCA notes that the purpose of the SGTEE meetings is harmonisation of the application of the CFP by the MS. Meeting minutes indicate that discussion of the CC has been a significant element of the work of the SGTEE. In this regard, the CFCA notes that priorities are fixed, and activities are steered by all MS. The CFCA notes that its role is to facilitate and co-ordinate joint working between MS, as the CC is based on MS control and inspection procedures and other documentation.

The WGTEE has a more direct role in guiding the design and development of the CC and reviewing the outputs of the external experts contracted to develop training materials. The CFCA notes that MS volunteer to provide expertise in specific areas relating to the drafting of training modules.

In addition to Member States, DG MARE, and the CFCA participate in WGTEE meetings, and contracted experts are invited to participate as observers in order to share best practice experiences.⁸⁸

⁸⁷ It is understood that this actually refers to the Working Group on Training and Exchange of Experience (WGTEE).

All Member States are invited to participate in meetings of the WGTEE. Participation is voluntary.

There is no Steering Group on Data Exchange and Networks, as it was renamed Working Group on Data Monitoring and Networks in order to avoid confusion with a similarly named steering group at DG Mare. However, confusingly, the 2011 Work Programme refers to both a Steering Group on Data Exchange and Networks, and a Working Group on Data Monitoring and Networks.

There is no Working Group on Introducing a Web-Based Training Platform, and no explanation is available regarding the reference to it in the 2010 Annual Report. Feedback from the CFCA indicates that the Steering Group on harmonising the application of the CFP by Member States mentioned in the 2010 Work Programme actually refers to the SGTEE.

As far as training is concerned, the first meeting of the SGTEE took place on 13 October 2009. There have been subsequent SG and WG meetings on 10 June 2010 (SG), 16 November 2010 (WG), 17 February 2011 (WG), and 13-14 October 2011. Additionally, at the request of member states, two regional workshops dealing with the development of the CC have been organised, on 10 October 2011 in Hamburg, and on 14 December 2011 in Brussels. Further workshops are planned for 2012.

⁸⁸ The "Working Document On a proposed methodology / content of the Common Core Curriculum (CCC) on inspector training" (undated) states in section 3.3: *"Each module should be guided by a Member States' expert on the subject. He should briefly explain his approach and identify the difficulties and questions to be scrutinised. Different working groups should then discuss work packages of the modules. According the number of participants, about 4 or 5 smaller working groups could be established. Each workgroup should present the result of their work in the plenary session. The agreed result will be a detailed outline of the content of the Curriculum. Commission and CFCA staff will assist in the process."* Section 3.4 states: *"The actual drafting method for the modules, which must be agreed in the Steering Group, should be done by the Member States assisted by the CFCA training centre. Then, for each module, a reporter should be appointed. He should manage the items to be dealt with by his team and organise the drafting of the module."*

Figure 33 - Member State participation in meetings of the Steering Group and Working Group on Training and the Exchange of Experience, and in CC workshops. (SG – steering group; WG – working group; WS – workshop)

	SG 13-10-09	SG 10-06-10	WG 16-11-10	WG 17-02-11	WG 13-10-11	WS 10-11-11	WS 14-12-11
Belgium	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bulgaria							
Cyprus		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Denmark		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Estonia		<input type="checkbox"/>					
Finland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
France	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
Germany			<input type="checkbox"/>			<input type="checkbox"/>	
Greece							
Ireland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Italy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Latvia		<input type="checkbox"/>					
Lithuania	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Malta	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Netherlands	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	
Poland	<input type="checkbox"/>	<input type="checkbox"/>					
Portugal	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		
Romania			<input type="checkbox"/>				
Slovakia		<input type="checkbox"/>					
Slovenia			<input type="checkbox"/>				
Spain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Sweden	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
UK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Neither Greece, nor Bulgaria has participated in any of the five meetings of the SGTEE and WGTEE (Figure 33). A further four maritime Member States have participated in only a single meeting, while two were represented at all five SG and WG meetings.

18 Member States have participated in at least one meeting of the SGTEE, although five have not participated in either of the two so far held. 17 Member States have participated in at least one meeting of the WGTEE, while five have not participated in any, three have participated in one, and six have participated in all three.

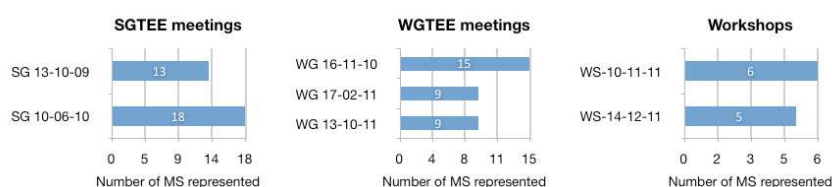
Both the number of Member States represented at, and the number of representatives participating in individual WGTEE meetings, are significantly lower in 2011 compared with 2010 (Figures 35 and 36).

Regarding the three meetings of the WGTEE, only in the case of five Member States did the same representative participate in all three of these meetings.

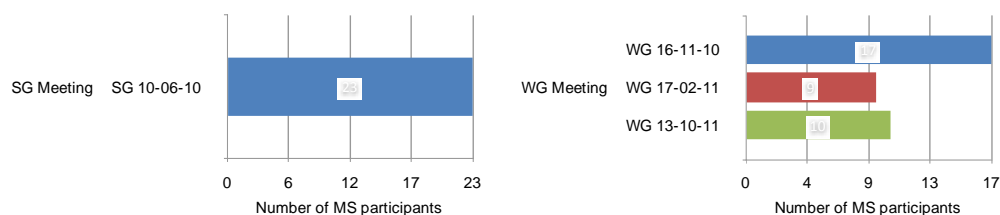
The CFCA notes, as a positive result, the mobilisation of several MS following the training mapping project, namely, Estonia, Latvia, Slovakia, Germany and Slovenia. However, Figure 34 indicates limited participation of these Member States in SGTEE and WGTEE meetings.

In its comments on the draft of this report, the CFCA noted that some Member States have been unable to participate in CFCA training-related meetings due to budgetary and administrative constraints. Nevertheless, the CFCA noted that its support in the area of training “*has been well recognised*”, with Greece having requested the participation of CFCA Unit B at a Greek Coast Guard training seminar in October 2011, that was attended by 120 participants. Furthermore, the CFCA noted that Bulgaria expressed gratitude to the CFCA during a visit by CFCA staff to Bulgaria during a mapping exercise,⁸⁹ as Bulgaria expected to benefit, even it could not allocate staff for “*time consuming travels to Vigo*”. The CFCA also noted that Bulgarian representatives also expressed their interest in remote collaboration via the planned web-based training platform.

Figure 34 - Number of Member States represented at Steering Group and Working Group meetings and workshops.



⁸⁹ It is unclear which mapping exercise the CFCA refers to here, as the evaluators were unable to find references to Bulgaria in the information provided regarding mapping of MS training (carried out in late 2009-early 2010), or regarding the mapping of MS information systems (carried out in 2010).

Figure 35 - Number of Member States representatives participating in meetings.

Among the points raised at meetings were:

SGTEE 13 October 2009

- The Executive Director stressed the need for close cooperation with Member States;
- It is not the role of the CFCA to interpret legislation;
- The CFCA plans to issue certificates of attendance for participation in core curriculum training. Certificates of accreditation are not required by current legislation.

WGTEE 16 November 2010

- In late 2009 and early 2010, the CFCA visited the Member States for the purposes of mapping national training. It was expected that this would form the basis for the development of core curricula and harmonised standards;
- The web-based training platform was presented. It was to contain material or documents at different stages of development, e.g.:
 - drafts produced by working group members and experts;
 - documents validated by the working group;
 - documents authorised for publication by the Steering Group.
- Member States were invited to register on the web-based training platform and to provide feedback;
- Member States were to be invited to participate in drafting groups and to provide comments and input;
- Following approval of training materials by the Steering group, they will be translated into all EU the languages. Should national officials prefer to contribute in their own language, the CFCA will provide for translation;
- The remuneration of external experts for support with the development of the core curriculum is to €200 per day, as "...such contracts are not considered as consultancy services but as support to a drafting group";
- The call for expressions of interest for experts to support the development of the core curriculum "...primarily targets senior staff experienced in fisheries control who retired recently";
- Contributing experts who are still in active service will be paid by their administration (i.e. not by the CFCA);
- The CFCA assists the Member States in the development of the training materials; it brokers cooperation between Member States; and it contributes to the work;
- Germany suggested starting the development of the core curriculum with sea inspections and landings, and later moving on to markets and transports.

WGTEE 17 February 2011

- The CFCA proposed a two part structure of the core curriculum consisting of:
 - "...a training manual, with the learning method and guidance for the trainer..."

- "...training compendium with the learning materials for the trainee."
- Belgium pointed out that in earlier JDP seminars, "equal" [common] inspection tasks were documented and could be used in the development of the core curriculum and requested that this work be shared;
- An HTML tool for navigation through the control regulation was presented. This was welcomed by Member States as a very useful tool;
- Problems regarding the web-based training platform were highlighted.

WGTEE 13/14 October 2011

- The first 19 draft CC modules were presented to the WGTEE for review. MS were invited to submit tracked changes and comments by 09 November. The amended documents would then be discussed at the Experts Group meeting in Hamburg on 09 and 10 November (to which all MS were invited);
- Amongst other editorial principles, duplication of information and overlaps between modules should be avoided;
- A legal declaration/disclaimer should be included in the core curricula emphasizing that the text is not a legal document but is developed for instruction purposes;
- The name "Compendium" was replaced by "Handbook". It was noted that the handbook is a supporting document, and not in itself a training course;
- The experts had been requested to draft a trainers' manual as their next assignment. These will contain exercises for each module;
- It was noted that no experts from "Southern Countries" to cover the Mediterranean area were so far involved in the drafting of the CC. Participants were requested to encourage potential expert candidates to apply;
- The MS expressed concern that JDP training seminars were organised without consideration of the development of the CC, and that coordination would be needed to avoid duplication. The CFCA noted the desirability of a harmonised approach to the development of training material and content
- It was noted that the CFCA had encountered significant technical problems with the web-based training platform. In September, the CFCA engaged a new company to upgrade it, but a new contract would be necessary to recover the platform. Transitional solutions would be identified for the dissemination of documentation;
- It was noted that the results of the revision of the French Fisheries Control Training Programme provided useful insights that could be useful to other MS, with some adaption (dissemination of the results is the subject of a memorandum of understanding between France and the CFCA);⁹⁰
- Workshops would be organised at regional level to better reflect the specific requirements of different fisheries;
- An outline proposal for the curriculum for Union inspectors would be presented at the next working group meeting.

⁹⁰ The French project covers three undertakings: a) the development of the new training standards and a certification system for the staff in charge of the implementation and the achievement of the EU fisheries control system, b) the development of a preliminary study for implementing a web based tool, enhancing the usability of the fisheries control and inspection provisions. The MoU has enabled the French authorities and the CFCA to information and experiences regarding their respective projects. A representative of the French authorities has made presentations at meetings of the WGTEE regarding the progress and experience of the French project. A representative of the CFCA has participated in meetings of the "comité de pilotage" regarding the French project. Both parties note that the co-operation has been valuable for both sides, and feedback from France indicates that it has helped to ensure that revised French system is fully in line with the EU perspective regarding the Common Fisheries Policy.

Hamburg workshop on Training and Exchange of Experience 10 November 2011

- Member States supported the CFCA proposal to organise regional workshops on a regular basis;
- Documents need to be consistent in order to avoid duplication and overlaps between different modules;
- Definitions need to be reviewed in order to ensure consistency;
- It was agreed that topics such as special control and inspection programmes would be part of a more advanced programme for the training of Union inspectors.

Brussels workshop on Training and Exchange of Experience 14 December 2011

- Discrepancies should be avoided between the texts of the draft modules;
- Once changes in draft modules have been accepted, they will not be revised again at the same decision making level;
- The workshop in Rome focused on the Mediterranean Sea will be held at the beginning of February together with the one devoted to the North Sea;
- The CC will have a regional approach and for each region there will be a part devoted to “foundations” and another focused on “specificities”.

3.1.2.2 Core Curriculum

Legal Background

Article 7 of Council Regulation (EC) No 768/2005 states that:⁹¹ In order to assist Member States to better fulfil their obligations under the rules of the common fisheries policy, the Agency shall in particular establish and develop a core curriculum for the training of the instructors of the fisheries inspectors of the Member States and provide additional training courses and seminars to those inspectors and other personnel involved in monitoring, control and inspection activities;

Article 7 was amended in Council Regulation (EC) No 1224/2009:⁹² The Agency shall assist the Commission and the Member States for the purpose of ensuring a high, uniform and effective fulfilment of their obligations under the rules of the common fisheries policy including the fight against IUU fishing and in their relations with third countries. The Agency shall in particular: (a) establish and develop a core curriculum for the training of the instructors of the fisheries inspectorate of the Member States and provide additional training courses and seminars to those officials and other personnel involved in control and inspection activities; and (b) establish and develop a core curriculum for the training of Community inspectors before their first deployment and provide updated additional training and seminars on a regular basis to those officials;

⁹¹ COUNCIL REGULATION (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy.

⁹² COUNCIL REGULATION (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006.

Description

Council Regulation (EC) No 1224/2009 envisages the development of two core curricula, one for instructors, and one for Community inspectors. The CFCA notes that the instructor/ trainer manual commenced in November 2011 following the workshop in Hamburg on 10 November, although details are so far not available. Stakeholder feedback provided during the course of this evaluation indicates that there have been differences in understanding as to what form the instructor curriculum will take. Feedback from DG MARE in mid-2011 indicated that the CFCA is developing a single core curriculum that will cover the needs of different groups, starting with national inspectors, and then moving on to Union inspectors. More recently, one closely involved Member State indicated that it had understood that the curriculum for instructors would be a modified version of the curriculum for inspectors (i.e. the same curriculum with elements added specifically for the training of instructors/ trainers).

The CC is intended to lead to a more common approach to inspector training between Member States, and thus to ensure that the training provided to fisheries inspectors in different Member States leads to a more harmonised approach to inspections in practice.

In developing the CC, the CFCA undertook a number of steps:

- Preliminary analysis of the possible content and structure and content of the core curriculum. Unit B notes that this related to the core curriculum for trainers.⁹³
- Mapping of existing training provision in member states. The “Mapping report of the visited Member States” notes that a sample of member states were visited, while others were invited to complete a questionnaire;⁹⁴
- Review of existing training documentation provided by the CFCA during Unit C training seminars;
- Review of relevant training material used by other organisations;
- Visit to Frontex and analysis of the Frontex Common Core Curriculum for border guards trainers;
- Assessment of possible relevance of using existing “train the trainer” materials and guidelines developed by other international organisation (EU, UN, IMO). On the basis of this assessment, it was decided that the approach developed by the IMO offered a good starting point.⁹⁵

⁹³ Documentation provided by the CFCA appears to relate exclusively to the training of inspectors, rather than trainers. Limited references to the training of trainers indicate that this could possibly take the form of a limited number of seminars to review how the CC for inspectors could be incorporated into national training systems.

⁹⁴ “Mapping report of the visited Member States”, Steering group meeting on Training and exchange of experience, 10 June 2010 at the CFCA (Vigo), Document Nr 3. The countries visited were: DE, DK, FR, EL, ES, IE, IT, NL, UK, PT, and SE.

⁹⁵ <http://www.imo.org/OurWork/HumanElement/TrainingCertification/Pages/ModelCourses.aspx>.

On this basis, the CFCA developed a simplified course model that was agreed with member states as the starting point for developing the CC. Development has started with the handbook, as this was considered the most obvious, and easiest, point of entry.⁹⁶ The CFCA reports that the experts contracted to develop the CC have followed the agreed model, and that they have found it relevant for the purpose of the drafting of textbook.

The CC draws on ISO Standard 29990 “Learning services for non-formal education and training — Basic requirements for service providers”, which was issued in late 2010, although it is unclear specifically in what respect.⁹⁷ This details good practice and practical guidelines for the development of content to be used by learning services. Basic development steps and recommendations were taken into consideration during the development of the CC. Unit B notes, however, that there is no direct link between the ISO norm and the need to have compatibility between Member States.⁹⁸

Annex 27 of EC Implementing Regulation (EU) No 404/2011 lists, in great detail, the ‘Minimum Information Required for Completion of Inspection Reports’ for five types of inspection:⁹⁹

- (1) Inspection of a fishing vessel at sea;
- (2) Inspection of a fishing vessel transshipment;
- (3) Inspection of a fishing vessel in port or on landing and before first sale;
- (4) Market/premises inspection;
- (5) Inspection of transport vehicles.

In order to develop the core curriculum, the CFCA is using this annex as a basis on which to determine the tasks that fisheries inspectors should be able to perform.

Each type of inspection will be covered by one or more courses. Each course consists of a number of modules. Each module consists of two main documents: the module handbook (formerly

⁹⁶ The handbook was originally referred to as “compendium”. It was agreed at the meeting of the WGTEE in October 2011 to change the name of the document.

⁹⁷ ISO Standard 29990 Learning services for non-formal education and training — Basic requirements for service providers, first edition 2010-09-01.

⁹⁸ The Updated Working Document (issued at the meeting of the WGTEE on 17 February 2011) on the proposed methodology for the creation of the Core Curricula on inspector training notes that “As this ISO standard is offering to improve and standardise learning services all over the world, it is an excellent tool to ensure a common approach for the training programme of the CFCA to assist the Member States. The standard focuses on the learning method as a process from the point of view of the trainee. The aim is to provide a generic model for learning service providers and their clients in the design, development and delivery of non – formal education, training and development. The advantage of the use of the standard, is to obtain a harmonised output on training delivery in all the aspects of its performance and which looks for continual improvement and customer satisfaction.”

⁹⁹ The Regulation refers to these as ‘modules’. However, in the development of the core curriculum, the term ‘module’ is used to refer to a part of a course.

“compendium”), which is essentially a reference manual covering the technical content of the module; and the trainer’s manual.

The general structure of the curriculum (for two of the five inspection types described in Annex 27 of EC Implementing Regulation (EU) No 404/2011) is presented in the following diagrams.

The first diagram (Figure 36) shows the structure of the training for inspection type 1, inspection at sea. For readability, only one fishery type is shown (other fisheries identified in the CFCA planning spreadsheet are: Baltic Sea, North WW, South WW, MED, NAFO, NEAFC, ICCAT). The second diagram (Figure 38) is expanded to show all inspection types and all fisheries. The shaded area in the second diagram represents the detail shown in the first diagram. The yellow highlighting shows the content that has so far been drafted.

Figure 36 – example course content and components (detail)

		North Sea			
		Demersal		Pelagic	
		Active	Passive	Active	Passive
Inspection at sea	Courses	Modules			
	Preparation for boarding				
	Initial actions on boarding				
	Conformity of catch on board	M1			
		M2			
		M3			
	Conformity of gear used	M1			
		M2			
		M3			
	Conformity of documentation	M1			
		M2			
		M3			
	Finalise the inspection				
	Follow up the inspection				

Figure 37 – course content and components (overview)

		North Sea				Baltic Sea				North WW				South WW				Medit				NAFO				NEAFC				ICCAT			
		On-board	Active	Passive	Active	Passive	On-board	Active	Passive	Active	Passive	On-board	Active	Passive	Active	Passive	On-board	Active	Passive	Active	Passive	On-board	Active	Passive	Active	Passive	On-board	Active	Passive	Active	Passive		
Inspection at sea	Courses																																
	Preparation for boarding																																
	Initial actions on boarding																																
	Conformity of catch on board																																
	Conformity of gear used																																
	Conformity of documentation																																
Inspection at sea - continued	Finalise the inspection																																
	Follow up the inspection																																
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The curriculum structure for inspection at sea and landing inspection has so far been defined. Development of the content for inspection at sea is under way. The structure and content of the core curriculum for the other types of inspection remain to be defined.

The following diagram provides a general overview of course structure (Figure 38).

Figure 38 - Overview of course structure, focusing on “inspection of a fishing vessel at sea”



The following diagram provides an overview of module handbook structure (Figure 39).

Figure 39 – Module handbook example

Module: How to assess quantities and species retained on board. Coverage: North Sea, Demersal fisheries
Objective
Entry requirements
Overview
Introduction
Chapter 1: How to identify the fish presentation
Introduction
Concepts and definitions
Data and information sources
How to identify presentation types
Chapter 2: How to verify the stowage
Introduction
Concepts and definitions
Data and information sources
Methodologies
- Chapter 3: How to assess the processed weight by species
Introduction
Concepts and definitions
Data and information sources
Methodologies
Chapter 4: How to assess the live weight by species
Introduction
Concepts and definitions
Data and information sources
Methodologies
Chapter 5: Recording of results
- Annex
Appendix 1: Bibliography
Appendix 2: Links and References
Appendix 3: Regulations

Stakeholder feedback indicates strong overall support for the development of the CC, with several interviews expressing support for '*anything that helps to enhance and standardise approaches to inspection*'. When stakeholders were consulted in mid-2011, there appeared to be significant differences between the expectations of different stakeholders with regard to the CC.

DG MARE considered that Member States had '*signed up*' to the CC and that they would implement the CC in full. However, senior fisheries staff in one Member State were unaware of the development of the core curriculum. Some stakeholders were concerned that the CC may be too prescriptive and would possibly not allow flexibility to take account of variations in inspection techniques based on risk analysis. By way of example, DG MARE indicated that inspectors would be expected to check nets whenever a boarding took place, while one Member State noted that, in some situations (based on risk analysis), focusing more on other aspects of inspection (and less on nets) could lead to enhanced control results.

Follow-up stakeholder consultation in November 2011 indicates that the situation has since been clarified by the CFCA at the meeting of the WGTEE in October 2011. It is understood that members of the WGTEE were informed by the CFCA that there was no expectation that all member states would implement the entire CC. Rather, it is envisaged that member states with limited existing training provision will adopt the entire CC, while member states with well-developed existing training provision will incorporate parts of the CC, where they consider that this is useful. The draft minutes of that meeting do include, as one of the main conclusions, the observation that “A *legal declaration/disclaimer should be included in the core curricula emphasizing that the text is not a legal document but is developed for instruction purposes*”.¹⁰⁰ However, this does not appear to fully reflect recent stakeholder feedback regarding expectations about how the CC will be used. It may be desirable to spell this out explicitly in order to avoid confusion in future, in particular regarding the extent to which future DG MARE audits of training provision will be based on application of the CC in the form being developed by the CFCA.

Feedback from the survey of Administrative Board members indicates that while Member State representatives consider the CC to be relevant to the needs of the EU, they consider it to be of limited relevance to their own countries. In this context, it is interesting to note that one respondent to the SGTEE/ WGTEE survey did not expect the trainer’s manual to be relevant to his own country, but prioritised it above other CC elements because he expected it to be useful to other Member States.

The majority of SGTEE and WGTEE survey respondents indicate that they plan to make some changes to national fisheries inspector training to address EU legislation (Figure 40).

Figure 40 - Do you plan to change national training to address EU legislation?



However, 20 out of 23 respondents indicate that they expect their countries to partially utilise the CC (Figure 41). This was reinforced by interview feedback, with Member States noting that they expect the CC to provide new tools that can enhance existing national inspector training, and fill in gaps. Stakeholders point out that a single, standardised training system covering all Member States is not feasible, bearing in mind significant differences between Member States with regard to institutional size and structures, responsibilities, and training arrangements. Stakeholders from two Member States noted that they expect the CC to be useful in training other agencies involved in fisheries protection, such as customs, environmental, and agricultural agencies.

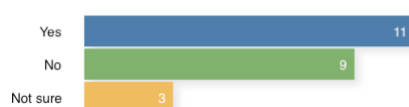
¹⁰⁰ Draft Minutes of the 3rd Working group meeting on "Training and exchange of experience" of the 13th and 14th of October 2011.

Figure 41 - To what extent do you think your country will make use of the core curriculum?

Eight survey respondents indicate that they expect the CC to fill gaps on national training, while six indicate that it will not, and nine that they do not know (Figure 42).

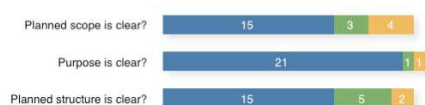
Figure 42 - Will the CC fill gaps in national training?

Almost half of survey respondents indicate that they expect that the CC will duplicate existing national training (Figure 43). This is not necessarily unexpected or unreasonable, since a number of Member States have shared national training materials with the CFCA and expect them to be incorporated into the CFCA to some extent.

Figure 43 - Will the CC duplicate existing national training?

The majority of survey respondents indicate that the planned scope, purpose, and structure of the CC are clear (Figure 44).

Figure 44 - Clarity of scope, purpose, and structure of the CC



However, there is no clearly documented strategy or roadmap for training, or capacity building overall, and for the purposes of this evaluation, an overall picture could be developed only by combining fragments of information from various documents and stakeholder feedback.

Interview feedback indicates that between the February 2011 WGTEE meeting and early July 2011, the CFCA provided minimal information to members of the SGTEE and WGTEE on developments. Few, if any, of those interviewed had seen the initial draft training materials that were produced during this period. In this context, it is important to bear in mind that only nine Member States were represented at the February meeting.

Follow-up stakeholder feedback in November 2011 indicates that there has been a significant improvement in communication from the CFCA in this regard. Draft training modules were circulated to members of the WGTEE prior to its October 2011 meeting, enabling them to review the draft modules and submit comments to the CFCA in a timely manner. This has enabled issues to be brought to the attention of the CFCA, for example regarding possible unnecessary duplication between modules. Moreover, the recent feedback indicates that this meeting was found to be considerably more worthwhile than previous meetings, as a number of substantive decisions were taken, which was not always the case in the past.

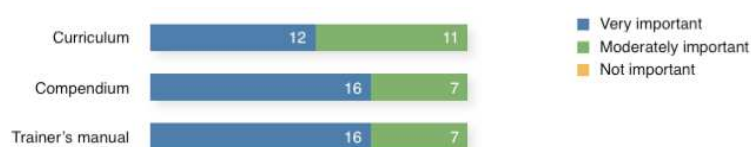
The proposed approach to the implementation of Article 7 (amended) of Council Regulation (EC) No 768/2005 does not appear to have been clearly presented so far. Article 7 identifies (a) the establishment and development of a core curriculum for the training of the instructors of the fisheries inspectorate of the Member States, and (b) the development of a core curriculum for the training of Community inspectors before their first deployment. Feedback in mid-2011 suggested that there would be a single CC with different levels addressing the requirements of different groups of inspectors, namely national, and Union. The CFCA notes that there will be two distinct outputs, namely a CC for trainers, and a CC for inspectors. It is understood that, in practice, the CC for trainers will be the same as the CC for inspectors, but with some additional elements (not yet defined) specifically targeting trainers.

Other aspects of the CC appear to be somewhat fluid. At the February 2011 meeting of the WGTEE, the CFCA proposed a two part structure for the CC consisting of (a) "...a training manual, with the learning method and guidance for the trainer...", and (b) a "...training compendium with the learning materials for the trainee." CFCA Document Nr. 3 prepared for that meeting indicates a detailed,

somewhat prescriptive model for the trainer's manual. At the inception report debriefing meeting for this evaluation on 27 May 2011, the evaluators expressed some reservations about such an approach, bearing in mind the different training arrangements in different Member States. The CFCA noted that for this reason, the trainer's manual had been made a lower priority. However, it is not evident that this decision had been documented or communicated to SGTEE and WGTEE members.

SGTEE and WGTEE survey respondents ranked the trainer's manual as the most important of three identified CC elements (Figure 45). This may indicate agreement with the proposals made at the February 2011 WGTEE meeting. Alternatively, this may be indicative of a lack of detailed understanding of the CFCA's proposal. Interview feedback suggests that Member States would not be in favour of such a detailed, prescriptive approach to the trainer's manual, and that it is not feasible, given the significantly different approaches to inspector training in Member States.

Figure 45 - Importance of CC elements



One stakeholder suggested that the CC will be helpful to Member States in interpreting EU legislation. However, at the SGTEE meeting on 13 October 2009, the CFCA noted that it is not the role of the CFCA to interpret legislation.

Divergent expectations may, in part, be due to lack of effective communication between the CFCA and other stakeholders. This is discussed further below.

Participation of Member States in development of the CC

At the SGTEE meeting on 13 October 2009 the CFCA stressed the need for close cooperation with Member States.

At the WGTEE meeting on 16 November 2010 the CFCA indicated that Member States were to be invited to participate in CC drafting groups and to provide comments and input. The CFCA also noted that it '*...assists the Member States in the development of the training materials; it brokers cooperation between Member States; and it contributes to the work*'.

Effective Member State participation appears to be undermined by several factors:

Interview feedback indicates MS frustration with limited communication from the CFCA on the development of the CC, with some indicating that they would have liked to have been more involved in reviewing draft outputs (not in directly preparing materials, however). Effective Member State

involvement is considered essential by one Member State stakeholder, bearing in mind that the experts contracted to draft the CC are retired and, while highly experienced, may not always be fully up to date with the latest developments. Follow-up stakeholder feedback in November 2011 indicates that the CFCA is now involving Member State representatives on the WGTEE more fully.

The web-based training platform was intended as a tool for facilitating the development of the CC and sharing training tools and materials. However, problems were identified at the WGTEE meeting in February 2011. Steps have been taken to rectify these problems but interviews express some frustration with the lack of CFCA feedback on progress with the platform between February and early July 2011. The draft minutes of the October 2011 WGTEE meeting indicate continuing problems with the web-based platform. The draft minutes further indicate that this is “outside the remit and responsibility of the Training department”. It was also noted that while one or two Member States had uploaded materials between February and early July 2011, the CFCA had itself uploaded nothing. The CFCA notes that some authorized users had been invited to upload materials for testing purposes. It is possible that the purpose of the uploading at this stage was not clearly understood by members of the WGTEE;

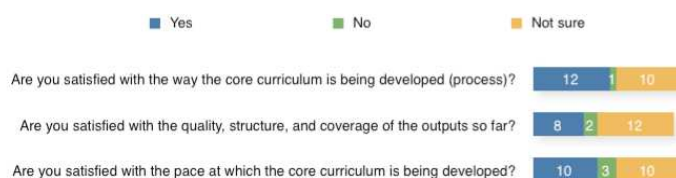
Several stakeholders note that the location of the CFCA in Vigo is highly inconvenient, as it requires two full days of travel to attend meetings. This may account, at least in part, for the limited participation at the February 2011 WGTEE, at which only nine Member States were represented. Another, related, factor may be the perceived limited utility of meetings: one stakeholder suggested that meetings result in few concrete actions. Another stakeholder noted some difficulty in obtaining meeting minutes from the CFCA;

One stakeholder suggested that the CFCA should not only keep the SGTEE and WGTEE informed about CC developments, but also the Advisory Board;

Although not directly related to the development of the CC, some dissatisfaction was also expressed with regard to the lack of communication from the CFCA to Member States about the development of FishNet, which is a tool that was originally requested by Member States to reduce the number of coordination meetings. As with the CC, there is a risk that lack of effective Member State involvement may lead to divergent expectations, and limit the relevance of FishNet to Member State needs.

Regarding overall satisfaction with the development of the CC, approximately half of respondents indicate that they are not sure if they are satisfied or not (Figure 46).

Figure 46 - Satisfaction summary



3.2 Efficiency

This section provides feedback on the **operation of the agency** (section 3.2.1), and explores efficiency issues related to the **delivery of the JDPs** (3.2.2) and **capacity building** (3.2.3).

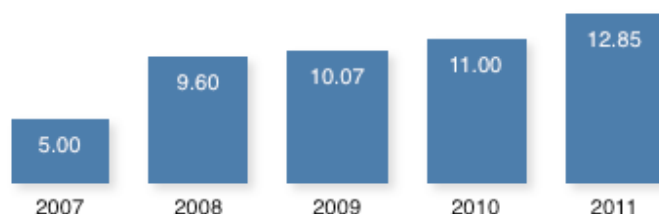
3.2.1 The administration of the CFCA

This section reviews the adequacy of the administration of the CFCA. The section reviews a series of issues, including CFCA size and efficiency implications (section 3.2.1.1); CFCA human resources (3.2.1.2); EC and EU Agency support for the CFCA (3.2.1.3); and the CFCA location in Vigo (3.2.1.4).

3.2.1.1 CFCA size and efficiency implications

With a programmed budget of just under €13 million and some 53 staff for 2011 (55 in 2009, 53 in 2010),¹⁰¹ the CFCA is among the smaller EU agencies (Figure 47).¹⁰²

Figure 47 - CFCA annual budget 2007 to 2011 (€ million)¹⁰³



¹⁰¹ Staff figures according to CFCA Decision 11-I-7.

¹⁰² Among the 26 agencies assessed by the EC in 2009, the CFCA has the third lowest budget. Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume I Synthesis and prospects, December 2009, page 2.

¹⁰³ Budget figures according to the ECA annual account reports 2007 to 2009, and CFCA Administrative Board Decisions 8-W-2, 9-W-10, 9-II-4 and 10-II-3. See Administrative Board meeting of 15 March 2011 for the above mentioned 2011 budget increase.

A recent evaluation notes that agency administration accounts on average (across all agencies) for about a third of agency staff resources. The same evaluation confirms '*a clear reverse proportionality between the size of the agency and the share of staff devoted to administrative tasks*', and concludes that '*small agencies are at a significant disadvantage since the regulations and procedures with which they have to comply are largely the same regardless of the agency's size*'.¹⁰⁴

In this context, an inter-institutional working group (Council, EP, EC) has assessed (amongst other issues) the support that the EC could provide to EU agencies.¹⁰⁵ This follows up on EC and EP research into the functioning of the agencies.¹⁰⁶

Moreover, small EU agencies tend to experience difficulties with efficiency in the early years of their operation. For example, agency staff still lack sufficient experience in areas such as budget and finance or public procurement (this applies to all agencies). The following figure shows a series of ECA observations on the CFCA during 2007 to 2009 (Figure 48).

Figure 48 - ECA annual account reviews - identified observations on deficiencies¹⁰⁷

Issue	Year of incidence
Implementation of accounting system / Migration to the new accounting system	2007
Budget implementation / management in line with sound financial management	2007
Internal control procedures	2007
Staff recruitment and retention	2009
Activity-based management	2008, 2009

Feedback from the CFCA's internal auditor indicates that the CFCA now has an effective administration. The areas of budget, finance and procurement are highlighted as having significantly improved over the years. Similarly, EC feedback notes good progress with ensuring full compliance with regulatory requirements, emphasising the CFCA's quick follow-up on EC Internal Audit Service recommendations (comparing well with other agencies).

Finally, in the wider context of demonstrating the agency's achievements, and following a recommendation from the EC Internal Audit Service (2010), the agency is currently in the process of

¹⁰⁴ Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume I Synthesis and prospects, December 2009, pages 9 and 22.

¹⁰⁵ European Commission, Commission, Parliament and Council move on with discussions on European agencies and agree a roadmap for the work ahead, press release IP/10/582, 19 May 2010.

¹⁰⁶ Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume III Agency level findings, December 2009; and European Parliament, Opportunity and feasibility of establishing common support services for EU Agencies, 7 April 2009.

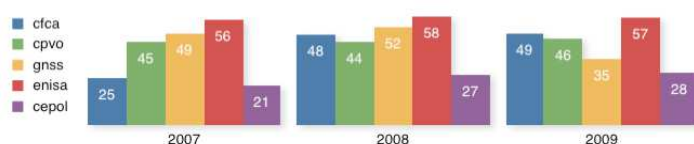
¹⁰⁷ ECA, Report on the annual accounts of the Community Fisheries Control Agency for the financial years 2009, (2010/C 338/01), 2008, (2009/C 304/01), 2007, (2008/C 311/01).

defining a set of performance indicators for Unit A's main areas of activity (budget and finance, procurement, human resources, ICT). These are to be applied for the first time in 2011.¹⁰⁸

A possible indicator for measuring an agency's efficient operation in terms of operating in line with regulatory requirements is the absence of European Court of Auditors (ECA) observations in the context of the annual account review.

For this assessment the evaluator has reviewed ECA annual account reports for the CFCA, and for comparison, a series of other comparatively small agencies, namely the Community Plant Variety Office (CPVO, established in 1995), the GNSS Supervisory Authority (GNSS, established in 2004), the European Network and Information Security Agency (ENISA, established in 2004), and the European Police College (CEPOL, established in 2005) (Figure 49).¹⁰⁹

Figure 49 - Small EU agencies (number of total staff including all staff categories)¹¹⁰



The review shows that the CFCA compares well with the other agencies (Figure 50). On the whole, the ECA confirms better performance for the CFCA than for the other agencies, and where observations are made, these are not identified for more than one year (with the exception of Activity-based Management in 2008 and 2009).¹¹¹ The EC Internal Audit Service confirms the CFCA's efficient approach in addressing identified deficiencies.

¹⁰⁸ EC feedback indicates that there is limited existing best practice with performance indicators for agency support functions. The European Centre for the Development of Vocational Training has developed performance indicators for agency support functions, but apparently, the monitoring system is too complex.

¹⁰⁹ Please note that the selection of the other agencies was made by the evaluators; the selection was made by considering agencies of similar size.

¹¹⁰ Staff numbers according to the ECA annual account reports (staff by the end of the year). Note that ECA reports 48 staff by end 2008, though CFCA information indicates 47 staff.

¹¹¹ The ABMS was established in the CFCA in 2010.

Figure 50 - ECA observations in the account reviews 2006 to 2009 (red font for issues that affected three or four successive years)¹¹²

Problem	CFCA (year)	ENISA (year)	CPVO (year)	GNSS (year)	CEPOL (year)
Financial reporting in line with Agency Framework Financial Regulation				2009	2006, 2007
Implementation of accounting system / Migration of the accounting system to ABAC	2007	2006, 2009	2008		2007, 2008, 2009
Treasury management			2007		
Budget implementation / management in line with sound financial management	2007	2006, 2007, 2009	2007, 2008	2008	2006, 2007, 2008, 2009
Procurement / grants in line with Financial Regulation		2007, 2008, 2009	2008, 2009	2009	2006, 2007, 2008, 2009
Detailed implementation procedures - procurement, recording of exceptions					2006, 2007, 2009
Activities compliant with administrative and financial rules					2008, 2009
Internal control procedures	2007	2006			2009
Staff recruitment and retention	2009	2009	2009	2009	2009
Activity-based management	2008, 2009				2006, 2008

¹¹² For CFCA: ECA, Report on the annual accounts of the Community Fisheries Control Agency for the financial years 2009, (2010/C 338/01), 2008, (2009/C 304/01), 2007, (2008/C 311/01). The recent ECA report for the year 2010 notes deficiencies with regard to budget management and recruitment. See ECA, Report on the annual accounts of the Community Fisheries Control Agency for the financial years 2010 (2011/C366/01).

For CPVO: ECA, Report on the annual accounts of the Community Plant Variety Office for the financial years 2009, (2010/C 338/29), 2008 (2009/C 304/28), 2007 (2008/C 311/25).

For GNSS: ECA, Report on the annual accounts of the GNSS Supervisory Authority for the financial years 2009, (2010/C 338/20), 2008, (2009/C 304/19), 2007 (2008/C 311/16).

For ENISA: ECA, Report on the annual accounts of the European Network and Information Security Agency for the financial years 2009, (2010/C 338/04), 2008, (2009/C 304/04), 2007 (2008/C 311/03), 2006 (2007/C 309/1).

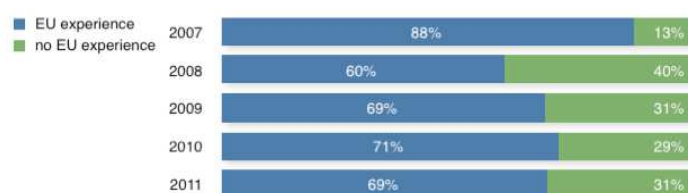
For CEPOL: ECA, Report on the annual accounts of the European Police College for the financial years 2009 (2010/C 338/24), 2008 (2009/C 304/23), 2007 (2008/C 311/20) and 2006 (2007/C 309/18).

3.2.1.2 Addressing resource constraints via qualified Agency staff

In relation to an agency's efficient operation of EC regulatory requirements, a possible approach is to ensure that agency administrative staff are familiar with these requirements.¹¹³ The evaluation has explored the extent to which CFCA Unit A staff have an 'EC administrative' background.

CFCA data confirms that an important share (over the years, between 60% and about 88%) of Unit A staff have previous relevant experience in a different agency, in the EC or in a different EU institution (Figure 51).

Figure 51 - CFCA Unit A - total staff by year, indicating whether staff has previous agency, EC or other EU institution experience ('EU experience')¹¹⁴



3.2.1.3 Addressing resource constraints via EC or other EU Agency support

The EU agencies, and in particular the smaller agencies can address resource constraints via seeking EC support. A recent EC paper on its support to agencies differentiates between assistance delivered 'by legal obligation', e.g. in the context of the budgetary procedure, and assistance 'outside legal obligation'.¹¹⁵ The latter is organised via 'service level agreements' with different EC Directorates General, e.g. with Directorate General Human Resources and Security on training issues.

The evaluation has explored the extent to which the CFCA makes use of existing EC support. CFCA data and EC internal auditor feedback confirm that full use has been made of the existing possibilities.

In this context it should be noted that the October 2008 Administrative Board refers to the CFCA's intention to conclude a Memorandum of Understanding with the EC: '*The cooperation between the CFCA and DG MARE is on the right way; however sometimes, especially in financial matters, formalised cooperation is needed.*'¹¹⁶

The following figure shows the CFCA use of EC support services (Figure 52).

¹¹³ Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume I Synthesis and prospects, December 2009, page 28.

¹¹⁴ Source: CFCA

¹¹⁵ EC, Assistance delivered to Agencies by the Commission (internal Secretariat General staff working document), 3 September 2009. Assistance outside legal obligation covers the following areas, the discharge procedure, the framework financial regulation, accounting and other financial tools, the EC Medical Service, appointment and evaluation of senior management staff, training, recruitment, data protection, salaries and related issues, infrastructure and logistics, security, information technology, procurement etc.

¹¹⁶ CFCA, Minutes of the 8th meeting of the Administrative Board, 16 October 2008, page 4.

Figure 52 - EC support services¹¹⁷

N.	Title/ Type	Signed	
1	SLA OPOCE (publication office)	10/03/2010	Commission services
2	SLA PMO (salaries, entitlements, missions, reimbursement)	03/12/2010	Commission services
3	SLA CDT (translation centre)	01/02/2008	Commission services
4	SLA EPSO (selection/ recruitment services)	18/02/2011 (light package)	Commission services
5	SLA HR (Training)	09/03/2011	Commission services
6	SLA Medical services	01/12/2006	Commission services
7	SLA EAS (training courses)	08/02/2011	Commission services
8	Revised Agreement for the use of ABAC systems	29/04/2010	Commission services
9	Agreement for IT hosting services for ABAC	24/01/2011	Commission services
10	MoU for IT training	23/03/2011	Commission services
11	Contract for Mission insurance	01/10/2009	Commission inter-institutional procedure
12	Contract for Liability insurance	21/12/2009	Commission inter-institutional procedure
13	Contract for insurance external staff	23/12/2010	Commission inter-institutional procedure
14	Contract Information and communication services	08/12/2008	Commission inter-institutional procedure
15	Contracts for ICT: - DI/06410-00 ORACLE - DI/06270 FUJITSU SIEMENS - DI/06650 SYSTEMAT LUXEMBOURG SA - DI/6730 NESTOR II	//	Commission inter-institutional procedures
16	Contracts for Internal Control and Risk management	08/12/2010	Commission inter-institutional procedure

¹¹⁷ CFCA data as shared with the evaluator on 28 June 2011.

Along similar lines, EU agencies can address efficiency issues by cooperating between each other.

For example, efficiency issues can be addressed via an exchange of experiences between agencies in the context of regular meetings between agencies at Director level but also at the level of Head of Administration, Procurement, IT etc.

Going beyond the sharing of experiences, the EC's agency evaluation has also noted the possibility of addressing efficiency constraints via a pooling of agency administrative tasks, e.g. two or more agencies agreeing between them that specific tasks are handled by one of the agencies on behalf of all cooperating agencies.¹¹⁸ The agency evaluation specifically referred to the CFCA sharing its internal audit function with EMSA. Feedback from the CFCA's internal auditor indicates that this is the only existing example of two EU agencies sharing the internal audit function. This internal audit function is considered to offer added value vis-a-vis EC internal audit (in line with the Financial Regulation the CFCA's 'regulatory' internal auditor is the EC Internal Audit Service), since the CFCA internal audit has a more direct and intensive 'exposure' to the agency's functioning (some 60 days' of internal audit per year as compared to a few days per year by the EC Internal Audit Service).¹¹⁹

CFCA feedback indicates that EMSA provided useful inputs during the establishment of the CFCA (e.g. by facilitating its system documentation in the area of budget and finance), and it currently cooperates on secure remote access facilities. Current exchanges with EMSA also touch on subjects such as leave management and career management. An exchange with the Fundamental Rights Agency focuses on tender and contract management. There is also cooperation with the European Securities and Markets Authority (temporary cooperation on accounting; completed in the meantime), the European Agency for Safety and Health at Work, and the Office for Harmonisation in the Internal Market (on staff training).

Moreover, the CFCA is exploring further possibilities for a joint use of assets with EMSA and Frontex.¹²⁰ This suggests a dedicated effort to maximise the availability of staff resources for 'core business', i.e. the Joint Deployment Plans and capacity building.¹²¹

The following figure shows CFCA cooperation with other agencies (Figure 53)

¹¹⁸ Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume I Synthesis and prospects, December 2009, page 28.

¹¹⁹ The cooperation was established with a Service Level Agreement with EMSA on 17 June 2008.

¹²⁰ Decision No 10-II-3 of the Administrative Board of the CFCA of 19 October 2010 concerning the adoption of the Multiannual Work Programme for years 2011-2015 and the Work Programme for year 2011 and the Final Budget of the CFCA for year 2011, page 16.

¹²¹ The EC's agency evaluation concluded '*The effort required to comply with administration and financial procedures is considered to be not adapted to the size of the agency and divert a disproportionate amount of resources away from its core business*'. Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume III, Agency-level Findings, December 2009, page 41.

Figure 53 - CFCA cooperation with other agencies¹²²

N.	Title/ Type	Signed	
1	SLA EMSA (sharing internal Auditor)	17/06/2008	Cooperation with Agencies
2	EMSA Security Convention for remote access	Pending	Cooperation with Agencies
3	SLA ESMA (sharing Accountant – temporarily)	23/02/2011	Cooperation with Agencies
4	EMSA-CFCA-FRONTEX Inter-Agency Cooperation Agreement	25/11/2009	Cooperation with Agencies

3.2.1.4 CFCA location in Vigo

In relation to the CFCA's location in Vigo in Spain's north-western region of Galicia, the EC's agency evaluation noted efficiency constraints: *'A majority of board members agrees that the geographic location has a negative influence on the agency activities (58% of all respondents). This point is also confirmed by the evaluation team's comparative analysis of travel costs and time across agencies. CFCA has the highest travel time index and one of the highest travel costs, whilst its coordination function would require a high accessibility.'*¹²³ The CFCA and ENISA were found to score the lowest among the 24 agencies assessed,¹²⁴

CFCA feedback on the location is mixed. Whilst the location implies significant travel time and cost,¹²⁵ CFCA feedback indicates that the agency is making increased use of video or telephone conferencing.¹²⁶

Efforts have also been made to limit agency staff travel, e.g. annual medical checks are now provided in Vigo instead of Brussels. Moreover, it is noted that travel costs for operational staff would be high no matter the location, since the JDPs involve significant travel to remote regions. EC and Member State feedback points to drawbacks of the location, emphasising travel time, in particular. For example, several Member States noted that the location has negative efficiency implications for

¹²² CFCA data as shared with the evaluator on 28 June 2011.

¹²³ Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume III, Agency-level Findings, December 2009, page 39.

¹²⁴ Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume II, December 2009, pages 44 to 45.

¹²⁵ It appears that the number of direct flights (e.g. Brussels, Paris) has been reduced as of 2012.

¹²⁶ EC feedback on the draft final report (EC Note to the CFCA, dated 2 December 2011) notes support for the exploring of 'synergies between different meetings and use of telephone / video conferencing'.

operational activity, indicating difficulty in justifying attendance at short meetings involving two full travel days.¹²⁷

The agency's founding regulation foresees the agency's seat in Vigo (Article 18(4)).¹²⁸ In relation to the location in Vigo, the evaluation has reviewed the establishment of the seat agreement between the agency and Spain, as this was considered to offer lessons for future agencies.

The seat in Vigo was already noted in the founding regulation of 26 April 2005, but the agency was initially located in Brussels, and only moved to Vigo in July 2008.

A relocation can imply significant resource constraints, especially in the case of smaller agencies. In this context, the EC noted in 2007 implications for the agency's operational activity suggesting '*that the CFCA scales down its operational activity and focuses mainly on the relocation to Vigo as such relocation will require a lot of resources and will disrupt the continuity of work*'.¹²⁹ Subsequent meetings confirm the relocation's constraint vis-a-vis operational activity: '*...difficulties faced for the operational activities in the present year due to the relocation and the ongoing recruitment*'.¹³⁰

The 4th meeting of the Administrative Board on 14 March 2007 notes: '*we regret the absence of agreement on the MoU*', and sets a deadline for 31 May 2007. Agreement was finally reached on 13 June 2007 (Agreed Record of Conclusions, Protocol and MoU). The March 2008 Administrative Board meeting noted that Spain's ratification of the headquarters agreement and MoU was still outstanding.¹³¹ The October 2008 Administrative Board meeting minutes note signature of the Seat Agreement and Memorandum of Understanding on 19 July 2008. The minutes of the October 2007 Administrative Board meeting refer to a relocation in the second quarter of 2008; the minutes of the March 2008 Administrative Board meeting refer to a relocation in July 2008; and the 2008 Annual Report notes the CFCA's functioning on the new premises as of 1 July 2008.

Moreover, the current location (Odriozola building) was first referred to as '*provisional*' (e.g. 6th and 7th Board Meeting). The October 2009 Administrative Board meeting minutes note that the MoU foresees the '*Comandancia de Marina*' as the agency's final headquarters as of 2010, but that discussions with the Spanish authorities indicated that such a move would not be possible in 2010, and that the preliminary location should be considered the definitive location. The March 2010 meeting minutes note Spain's final proposal for the location in the Odriozola building whilst proposing changes to the conditions in the seat agreement (implying higher costs to the CFCA). The Administrative Board voices its opposition to this: '*If political authorities decide to change the political deal it is up to them*'.

¹²⁷ The evaluation of this aspect has been conducted on the basis of stakeholder consultations. This indicated substantial concerns over travel time and cost, causing more limited attendance at meetings of some Member States. The evaluators understand that the location of an agency is a political decision, however, considering current financial constraints, the location of agencies in non capital cities appears questionable.

¹²⁸ The decision to locate the Agency in Spain was taken in 2003, however, this decision does not refer to Vigo. Council of the European Union, Brussels European Council 12 and 13 December 2003, Presidency Conclusions, 5 February 2004, page 27.

¹²⁹ EC contribution to discussions at the 6th meeting of the Administrative Board, Minutes of the Administrative Board meeting of 17 October 2007.

¹³⁰ Minutes of the Administrative Board meeting, 13 March 2008, page 4.

¹³¹ In December 2007, Spain raised new legal questions challenging the international legal personality of the Agency and its capacity for signing international agreements. Minutes of the 7th Administrative Board meeting, 13 March 2008, page 2.

but the CFCA budget cannot be reduced as it is needed for the operational activities'.¹³² The March 2011 Administrative Board meeting notes ongoing discussions between the CFCA and the Spanish authorities on the seat agreement.

Overall it appears that relocation has consumed a significant amount of time at Administrative Board meetings, with separate sections dedicated to this subject up to the March 2011 meeting. CFCA feedback indicates that it managed the relocation efficiently, with only limited interruption of core business.

In relation to the location in Vigo, some stakeholders have pointed to the limited visibility of the agency, and suggested that there might be a need for a stronger communication effort.¹³³ Stakeholders have also suggested that there might be opportunities for developing Member State support for the Agency's visibility (e.g. bilateral meetings in the Member States).

3.2.2 The efficiency of delivering the JDPs

Feedback on the efficiency of the JDPs can be derived from the evaluator's case study work.¹³⁴

This section comments on legal and budgetary issues (section 3.2.2.1), JDP planning (3.2.2.2), JDP implementation (3.2.2.3), and other efficiency issues (3.2.2.4).

3.2.2.1 Legal and budgetary issues

Although some Member States indicate that the legal basis of JDPs is clear and adequate, a detailed analysis of the JDP BFT Steering Group meeting minutes suggests a need for obtaining clearer recommendations from ICCAT, improved interpretation of articles from such recommendations, and a general enhancement of communication-coordination between ICCAT, the EC and the Member States, when it comes to transferring information.

For example, on 19 May 2009 *"a clarification was asked concerning the inspections to be done to Turkish vessels"*.¹³⁵ On 2 June 2009 *"a clarification was requested to the EC concerning the date of the official entrance into force of ICCAT recommendation 08-05"*.¹³⁶ Several other clarification requests are reported in SG meeting minutes.

¹³² CFCA, Minutes of the 11th Administrative Board meeting, 18 March 2010, page 10.

¹³³ The CFCA has one Communication Officer, attached to the Office of the Executive Director. CFCA Organisational Chart for 1 April 2011.

¹³⁴ The evaluator initially anticipated that feedback on efficiency would also be available from the evaluation formats that inspectors complete after their participation in a JDP campaign. However, CFCA feedback indicates that an analysis of the evaluation formats would not allow for any systematic conclusions on efficiency, since only few inspectors actually complete this format.

¹³⁵ CFCA, Minutes of the Steering Group meeting, 19th May 2009, Page 2.

¹³⁶ CFCA, Minutes of the Steering Group meeting, 2nd June 2009, Page 2.

Furthermore, several Member States noted difficulties for inspectors to act in response to a recommendation if Member States are unclear about whether the recommendations have been adopted, if articles are not clear enough or if changes are announced with short notice.

When these issues occur early during the campaign there can be important implications for the efficiency of operational coordination. For example, during the JDP BFT Steering Group meeting of 2 June 2009, in the middle of the campaign, the Member States asked the EC to clarify when ICCAT Recommendation 08-05 would enter into force.¹³⁷ At the following meeting (19 June 2009), two weeks later, the Member States were informed that the recommendation had already entered into force.

It is worth noting that interpretation of legislation remains a competence of the EC, and therefore, the CFCA is limited in this respect, not having the possibility to accelerate this process. In this context, an Administrative Board survey respondent indicated: *'I feel the CFCA deserves more trust to deliver the mandate given to it under EU law, in this context once the work programme has been agreed the CFCA should be given the space and resources to deliver the programme. The CFCA is well placed to perform a central role in the development of a level playing field in fisheries enforcement, to do this valuable work effectively the Agency will need to have more proactive role in facilitating common standards for the implementation and interpretation of the CFP'*.

Concerning budgetary issues, it has been noted that the demands for inspection and control are increasing over time while the Member States' budgets are being reduced, particularly affecting some Member States. Different types of implications were noted: Member States not being able to attend meetings or deploy the means committed; limitations in contributing to JDP vessel charter costs; reduction of national training efforts.

For example, Scotland is under financial pressure, which will affect its ability to participate with assets in future JDPs. Cumulative spending cuts in Scotland amount to 10.6% for 2010-2015. This implies that aircraft flying hours have been cut from 1,300 in 2010 to 800 in 2011, and other reductions (e.g. number of vessels).

¹³⁷ CFCA, Minutes of the Steering Group meeting, 19th May 2009, Page 2.

3.2.2.2 JDP planning

Overall, a review of Steering Committee meeting minutes (JDPs NS and BFT) shows a systematic consideration of efficiency issues, e.g. JDP NS planning considers the planning for the JDP BS to avoid any overlapping of control activity,¹³⁸ and Member States and other stakeholders generally confirm the adequate functioning of relevant structures (e.g. Steering Groups) and the quality of participating inspectors.

However, constraints to JDP planning are also noted: a review of Steering Committee meetings (JDP NS) indicates that some Member State representatives are not in a position to make firm commitments on resource allocations during meetings (or relevant Member States do not participate in the meeting).¹³⁹ Similar situations are observed within the JDP BFT, e.g. *'most of the MS representatives stated that they were not in a position to take a decision about the proposal made by France and that they have to consult with their authorities'*.¹⁴⁰ This has led some Member States to note an excessive number of meetings with a high travel burden, and to recommend a more efficient planning of meetings (e.g. joint meetings, shorter meetings etc.). In this context, stakeholder consultations point to difficulties in traveling to Vigo (limited number of direct flights, long travel times). For example, a Member State questions the efficiency of organising training in Vigo, since training for inspectors implies that inspectors are not available for inspections during several days because of the travel time to Vigo.

CFCA feedback indicates that this is not a substantial problem, and that the number of meetings is decreasing. For example, for the JDP NS there are two to three Steering Group meetings per year (for comparison, there were seven JDP BFT Steering Group meetings in 2009, five in 2010 and five in 2011). Both, the JDP NS and the JDP BFT are making increased use of telephone and email exchanges. Joint Steering Group meetings also support efficiency for two JDPs (NS and BS). In this context, one Member State recommended the joint organisation of three JDPs, namely the BS, NS and NAFO/NEAFC Steering Committee meetings.

3.2.2.3 JDP implementation

Member States have commented positively on the CFCA's flexibility during the implementation of the JDPs. For example, on 7 May 2010 Italy reported to the JDP BFT Steering Group meeting that *'Italian purse seiners will not fish for bluefin tuna in 2010'*, and the deployment of means was thus adapted to the changed situation.¹⁴¹ Similarly, the evaluation of a 2010 JDP NS campaign suggests flexibility during JDP implementation: *'Through the introduction of continuous and flexible approach in this campaign, MS managed to streamline the task of inspection and surveillance in the area'*.¹⁴² However,

¹³⁸ CFCA, NS Steering group meeting, Minutes of the meeting, 16 March 2010, page 2.

¹³⁹ CFCA, NS Steering group meeting, Minutes of the meeting, 24 September 2010, page 2; CFCA, Note on information regarding the NS JDP planning, 30 September 2010, page 1; CFCA, NS Steering Group meeting, 22 March 2011.

¹⁴⁰ CFCA, Minutes of the Steering Group meeting JDP Bluefin tuna, 19th May 2009, Page 3

¹⁴¹ CFCA, Minutes of the Steering Group meeting, 7th May 2010, Page 1

¹⁴² CFCA, Evaluation of the 11 campaign of 2010, Page 2

at the June 2011 JDP BFT Steering Group meeting it was stated that last minute changes may be difficult to adapt to. Moreover, some Member States have also noted that the flexibility, which is necessary for the deployment of inspectors during the campaigns, may negatively affect inspectors involved in the campaign, as they may have only a week to plan and move to the required location.

During the 2009 bluefin tuna campaign, the Vessel Monitoring System (VMS) was implemented. The quality of this system has improved over the last three years: it currently receives information from all EU vessels, and on time.¹⁴³ This information allows the conducting of targeted inspections. In this context, stakeholder consultations pointed to only one constraint. VMS data from Croatia arrives 15 hours late, which makes the data useless: *'the non reception of Croatian VMS data in due time is hampering the effectiveness of their inspection missions in the Adriatic'*.¹⁴⁴

At a May 2009 JDP BFT Steering Group meeting, it was proposed for the first time *'to exchange VMS data of their respective Bluefin tuna fleet in the Mediterranean, in order to improve the effectiveness of control and the crosscheck of data'*,¹⁴⁵ as done to good effect for the JDP North Sea and Western Waters: *'participating MS were able to benefit from VMS data from all participating MS over a long period. This permitted participating MS to use the additional data and intelligence it generated to create better fleet profiles for risk assessments'*.¹⁴⁶ The willingness to share this information varies between Member States. Therefore, on 4 February 2010, when it was decided that *'the CFCA should be responsible of the exchange of VMS data, upon requests'*, a series of conditions was established identifying when VMS data could be requested and exchanged.¹⁴⁷ Currently the CFCA continues to act as a platform for the exchange of VMS data, and this is reported to work satisfactorily.

Overall, stakeholder feedback on the efficiency of JDP implementation is positive. Participating Member States are making their committed means available on time. Moreover, there have been signs of solidarity between Member States in situations where individual Member States were unable to deploy the committed means. For example, when Greece was not able to coordinate a JDP BFT campaign for which it had committed itself, Cyprus took over the coordination of the campaign.¹⁴⁸

Further efficiency issues are related to the inspection itself.

A June 2009 JDP BFT Steering Group meeting notes for the first time the need for improving estimates of biomass of bluefin tuna inside cages: *'the CFCA is exploring the possibility to organize a technical seminar on methods available to estimate the number and biomass of bluefin tuna inside the cages'*.¹⁴⁹ A subsequent meeting notes: *'the need to develop sampling plans (for caging operations, to improve counting and weight estimates of caged fish) as well as pilot projects on technologies to*

¹⁴³ CFCA, Minutes of the Steering Group meeting JDP BFT, 19 May 2009, Page 3. Minutes of the Steering Group meeting JDP BFT, 2 June 2009, Page 2. CFCA, Minutes of the Steering Group meeting JDP BFT, 19 June 2009, Page 1. CFCA, Minutes of the Steering Group meeting JDP BFT, 1 June 2010, Page 2. CFCA, Minutes of the Steering Group meeting JDP BFT, 2 July 2010, Page 3. CFCA, Minutes of the Steering Group meeting JDP BFT, 31 May 2011, Pages 1-2.

¹⁴⁴ CFCA JDP BFT Steering Group meeting of 31 May 2011.

¹⁴⁵ CFCA, Minutes of the Steering Group meeting, 19 May 2009, page 3.

¹⁴⁶ CFCA, Evaluation of campaign 11/2010 (JDP NS), page 5.

¹⁴⁷ CFCA, Minutes of the Steering Group meeting, 4th Feb 2010, page 1.

¹⁴⁸ CFCA, Minutes of the Joint Steering Group meeting (JDP BFT), 2 July 2010, page 1.

¹⁴⁹ CFCA, Minutes of the Steering Group meeting, 19th June 2009, page 3.

evaluate bluefin tuna catches. The SCRS can be consulted on the stereoscopic systems presently used in Australia and that there might be a need to train observers on how to use and analyse stereoscopic camera data.¹⁵⁰ Indeed, interviewees from the CFCA, the Member States, and other stakeholders agree that there is a need for developing better ways to quantify the bluefin tuna biomass and abundance during transfers and in fattening farms. In this context, the use of stereoscopic cameras is suggested. A pilot project and training course are currently ongoing (CFCA, Malta, Italy, France).¹⁵¹ Other stakeholders suggested that cameras cannot match the expert-eye, and that unemployed divers from recently closed bluefin tuna fattening farms could be recruited to establish a group of experts capable of assessing the number and biomass of bluefin tuna, both during transfers and in fattening farms.

Stakeholders also confirmed that the introduction of the Bluefin Catch Documentation is a plausible move towards improving the control of captures, however, there is a need to move even further and ensure that the data can be provided and processed electronically.

Some stakeholders questioned the need for lengthy land inspections. For example, fisheries landings in the Netherlands take place on Thursday and Friday, and there is no need for exchange inspectors to spend the whole week in the Netherlands.

3.2.2.3 Other efficiency issues

Stakeholder consultations pointed to a series of further efficiency issues.

On confidentiality, stakeholders indicated that in order to allow control/inspections to be conducted under normal conditions, there is a need for confidential information to remain fully protected. Loss of information may undermine the effectiveness of planned control/inspection. Regarding this issue, the evaluators have noticed that during the JDP BFT SG meetings, the Member States are reminded on a regular basis not to disclose confidential information.¹⁵² Such emphasis on confidentiality is not as obvious within the notes of the SG meetings JDP NS. Member States have also highlighted that although confidential information needs to remain confidential, having all documents encrypted is not always practical. Moreover many classified documents need to be sent using the confidential double envelop system (not possible to use encrypted email).

Finally, the JDP desks still do a lot of data collection via spreadsheets, as during the time under evaluation there was no database to collect the different types of JDP reports.¹⁵³ Note that this might be a recommendation to enhance qualitative evaluation: instead of asking participating inspectors to complete an evaluation form and send this to the CFCA following the completion of the mission/campaign, there could be an online reporting system.

¹⁵⁰ CFCA, Minutes of the Steering Group meeting, 9 December 2010, page 1

¹⁵¹ CFCA, Minutes of the Steering Group meeting, 31 May 2011, page 3

¹⁵² CFCA Minutes of the Steering Group Meeting, 16 September 2009. CFCA Minutes of the Steering Group Meeting, 4 February 2010. CFCA Minutes of the Steering Group Meeting, 8 February 2011.

¹⁵³ CFCA feedback indicates the imminent establishment of a database.

3.2.3 The efficiency of delivering capacity building (focus on the Core Curriculum)

This section reviews the efficiency of the CFCA's development of the Core Curriculum.

In accordance with the EC position, development of the CC could not commence until after the introduction of the new control regulation.¹⁵⁴¹⁵⁵ Thus substantive development of the CC was constrained until 2011.

Development of the modules for inspection at sea is now well under way, and a plan has been developed for the development of landing inspection modules. Nevertheless, there does appear to be a lack of a clear, up to date, longer-term road map for the development, launching, and maintenance of the CC. The 2009 training roadmap provides a brief, general overview, and is now possibly out of date and could benefit from an update to reflect recent developments and changes since it was written.¹⁵⁶

The task of developing the CC is potentially enormous and expensive, with DG MARE suggesting it will take two to three years, and the CFCA longer. Delivery of outputs was initially limited but there has been considerable progress since mid-2011, and intermediate outputs are expected to be validated by the SGTEE in 2012. In the longer term, already developed elements of the CC will need to be updated to take account of changes in legislation, technology, trends in non-compliance, etc.

Moreover, all training materials will be translated into all necessary Member State languages, which implies a significant cost.¹⁵⁷

However, development of the CC commenced in the absence of a clear, documented roadmap. The document "Training and exchange of experience: CFCA Road map" provides a brief, general overview of the proposed CC and the approach for its development.¹⁵⁸ However, stakeholder feedback in mid 2011 indicated uncertainty about the CC. For example, there was no document available describing

¹⁵⁴ Note from DG Mare to the Director of the CFCA regarding the Common Core Curriculum on inspector training, 06 May 2009.

¹⁵⁵ Council Regulation (EC) No 1224/2009 (the control regulation) was adopted on 20 November 2009. Commission Implementing Regulation (EU) No 404/2011 (the implementing regulation) was adopted on 08 April 2011.

¹⁵⁶ The evaluators suggest that the updated roadmap could provide more detail on the different elements of the CC, including the trainer/ instructor part, and the web-based platform. It could also provide information on: how the CC is expected to be utilised by different MS; how/ when different elements will be launched; an estimate of future demands e.g. for reviewing/ updating/ expanding, and what systems and resources will be required to meet these demands; how and when the uptake and impact of the CC will be assessed (the evaluators were informed at a meeting with the CFCA on 09 January 2012 that the CFCA is working on this last point and that an action plan on indicators will be available in February). Importantly, the updated road map could also provide details of how Unit B and Unit C training activities will be integrated, and concretely what form such integrated activities will take. The evaluators suggest that overall clarity and transparency would be significantly enhanced by (a) presenting all relevant information in a single global document, (b) reporting on progress, developments, challenges, etc. systematically (e.g. every six months) by means of a progress report that reflects the structure of the roadmap. This could then feed into the CFCA's annual reports.

¹⁵⁷ Minutes of the WGTEE meeting of 16 November 2010.

¹⁵⁸ "Training and exchange of experience: CFCA Road map", CFCA (undated, although it is understood to have been drafted in 2009).

the scope and structure of the core curriculum (e.g. how many/what courses, how many/what modules per course, and how many versions of each course and module are to be developed to meet the needs of different regions and fisheries), although the CFCA subsequently noted that a draft was under preparation and would be discussed at the WGTEE meeting in early October 2011. This would perhaps have been desirable at an earlier stage to facilitate human and financial resource planning.

Nevertheless, the considerable progress since mid 2011 indicates that the process of developing the CC has become more systematic since substantive work commenced in May 2011.

While development of training materials for inspection at sea was prioritised at the second meeting of the SGTEE (10 June 2010), some stakeholder feedback nevertheless highlights the need for the CFCA to clearly prioritise the development of different elements within this, and it is unclear to what extent the roadmap will address prioritisation.

Unit B considers that it has insufficient staff to develop the CC. The available evidence suggests that the number of suitably qualified and experienced staff dedicated to the development of the CC does, indeed need to be significantly increased.

CFCA documentation indicates that six external experts are currently involved in the development of training for inspection at sea. Work has not yet started on the four other inspection types identified in Annex 27 of Commission Implementing Regulation (EU) No 404/2011. There has so far been limited interest from experts of Mediterranean countries to the call for the expressions of interest to develop the core curriculum. This may undermine the development of relevant parts of the core curriculum covering a fishery that is a particularly high priority from a control perspective. The CFCA notes that it was planned to contract one expert for this area by the end of 2011 and it is working on this. The maximum daily fee rate of €200 is low, and may well be a constraining factor in attracting suitable external experts. However, the call for expressions of interest does note that the contracting authority reserves the right to alter daily fee rates if necessary.

3.3 Effectiveness

This section reviews the effectiveness of CFCA activity, i.e. whether CFCA activity contributes to achieving the immediate objectives of strengthening Member State cooperation and enhancing compliance with CFP control requirements.

This aims to ascertain to what extent the CFCA was able to address the main problems that led to its establishment in 2005, namely Member State deficiencies in ensuring effective compliance with CFP requirements: *'Currently, control and inspection activities of the competent authorities in Member States are not coordinated in a systematic manner. Efforts of Member States are not matched by other Member States which may have other priorities and practices. Therefore, gaps and weaknesses in control and enforcement occur at the level of the Community. The fishing industry complains about fragmented and uneven control and enforcement which is sometimes even experienced as discriminatory by fishermen'*.¹⁵⁹

The section first notes a series of constraints with regard to assessing effectiveness (section 3.3.1), and then reviews the effectiveness of operational coordination (3.3.2) and capacity building (3.3.3)

3.3.1 Introductory remarks on effectiveness

The evaluation criteria of effectiveness refers to the CFCA's performance in relation to the specific objectives set out in its founding regulation, i.e. to what extent does CFCA activity contribute to Member State cooperation and enhanced compliance with CFP control requirements (specific objective)?¹⁶⁰ This section reviews the regulatory requirements for assessing effectiveness and the CFCA response (section 3.3.1.1) and notes a series of limitations to assessing effectiveness (3.3.1.2).

3.3.1.1 Regulatory requirements for assessing effectiveness and CFCA response

The CFCA's founding regulation specifically requires the CFCA to undertake annual assessments *'of the effectiveness of each joint deployment plan, as well as an analysis, on the basis of available evidence, of the existence of a risk that fishing activities are not compliant with applicable control measures'* (Article 14). Moreover, Article 29 notes the Executive Director's responsibility for organising *'an effective monitoring system in order to be able to compare the Agency's achievements with its operational objectives'*.

¹⁵⁹ EC, Proposal for a Council Regulation, COM(2004) 289 final, 28 April 2004, Explanatory Memorandum, page 3.

¹⁶⁰ The EC impact assessment on the establishment of the Agency notes *'the more effective implementation of the CFP (higher compliance levels, improved reliability of catch data)'* as main measure for assessing effectiveness. EC, Commission Staff Working Paper, Proposal for a Council regulation establishing a Community Fisheries Control Agency, Impact assessment and ex ante evaluation, 28 April 2004, page 13.

The EC's agency evaluation noted CFCA efforts with regard to measuring effectiveness: *'In the process of developing appropriate performance indicators, the Agency is also relating to DG Research and the Framework Programme for research'*.¹⁶¹ Moreover, it is confirmed that the agency is aware of weaknesses with regard to assessing performance: *'The agency is aware of this aspect and is currently working to identify relevant indicators'*.¹⁶²

A review of the Administrative Board meeting minutes shows that there has been a strong interest in demonstrating effectiveness. For example, the Administrative Board meeting minutes of 13 March 2008 refer to performance indicators, with the EC stressing *'the importance of developing performance indicators to evaluate the work of the Agency and to facilitate an assessment of the Agency's work by the Administrative Board'*. The chair concluded that a complete set of performance indicators would be discussed at the October 2008 Administrative Board meeting. It is also noted that future Annual Reports (as of 2008) would include performance indicators.¹⁶³

The October 2008 Administrative Board meeting minutes refer to the CFCA's *'obligation to evaluate annually each JDP'* and *'The outcome has to be a better compliance'*. The EC asked for the inclusion in the 2009 work programme of an assessment report at the end of the JDP. The meeting also noted that the establishment of performance indicators should precede the Five-year external evaluation. First performance indicators were presented at the meeting, however, these were considered *'quite general'* with a need for *'more concrete performance indicators'*.

Subsequent Administrative Board meeting minutes refer to discussions on performance indicators in the context of the JDP Steering Groups. The March 2010 meeting minutes note that a tender was to be launched for the development of JDP assessment reports. The October 2010 meeting minutes note that performance indicators had been included in Annex III to the Multiannual Work Programme 2011-2015.

Finally, it is noteworthy that the European Parliament recently emphasised the need for the CFCA to establish *'specific and measurable objectives both at policy area level and at operational activity level'* and for related *'SMART indicators'*.¹⁶⁴

The evaluator was given a copy of the report on performance indicators as prepared by an external consultant (dated April 2011, and approved in August 2011).¹⁶⁵ Note that this focuses on the JDPs, and aims to address the regulatory requirement of annual JDP assessment (Article 14). Whilst most of the identified indicators relate to measuring activity (outputs), the new methodology also includes *'Indicators of Risk'* that are related to the CFCA's specific and wider objectives, namely *'Risk to Compliance'*.¹⁶⁶ (in our understanding, a measurement of achievement for the specific objective) and

¹⁶¹ Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume III, Agency-level Findings, December 2009, page 37.

¹⁶² Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume III, Agency-level Findings, December 2009, page 38.

¹⁶³ CFCA, Minutes of the 7th Administrative Board meeting, 13 March 2008, page 2.

¹⁶⁴ European Parliament, Report on the discharge in respect of the implementation of the budget of the Community Fisheries Control Agency for the financial year 2009, 4 April 2011, page 7

¹⁶⁵ Assessment of the effectiveness of Joint Deployment Plans, Final Model Standard Methodology, April 2011. The report was prepared by MRAG Ltd. (CFCA contract: CFCA/2010/C/01).

¹⁶⁶ This is defined as follows: *'The indicator will provide an assessment of the risk of non-compliance in the fishery subject to the JDP. The evaluation of the risk to compliance will use the indicators of activity relating to*

'Risk to Stock Status'¹⁶⁷ (in our understanding, a measurement of achievement for the wider objective).

Finally, the CFCA's 2007 to 2010 Annual Reports provide comprehensive monitoring data for the JDPs, e.g. in terms of the number of different types of inspections and the detected infringements. Moreover, the CFCA Work Programme for 2011 includes an annex with performance indicators for the JDPs.¹⁶⁸ However, this data is related to strictly operational objectives (generally referred to as outputs), and does not allow for an assessment of the CFCA's achievement of specific objectives (e.g. enhanced compliance).

Overall, the evaluators consider that the CFCA has fallen short of complying with the 'spirit' of the regulatory requirement for annual JDP assessment (in terms of looking annually at effectiveness and impact as defined by this evaluation as opposed to activities / outputs), however, plausible explanations were provided, i.e. the CFCA wished to avoid any hasty assessment, and preferred to contract external expertise to develop a sound methodology.

3.3.1.2 Limitations to assessing effectiveness

Whilst stakeholder feedback suggests that the CFCA is making a substantial contribution to Member State cooperation and compliance with CFP control requirements, stakeholder feedback also indicates limited availability of quantitative evidence (lack of baselines, lack of systematic data on effectiveness in terms of enhancing Member State cooperation and improving compliance), and that the causality between CFCA activity and actual improvements in Member State cooperation and compliance with CFP control requirements is difficult to establish.

For example, data on infringements need to consider several 'dimensions' e.g. the fishing effort in a particular area and at a particular point in time or the related control effort. This point is valid for most possible quantitative indicators on stronger Member State cooperation or enhanced compliance with CFP control requirements. Where the evaluator uses such quantitative indicators to show wider tendencies in Member State cooperation and compliance, the related caveats are clearly indicated.

infringement rates and other information to give a board assessment of risk. The presentation of these rates over time and aggregated by area or fleet will give a clear indication of any trends that may be observed in compliance although the assessment should only be carried out with a thorough knowledge and understanding of the fisheries and MS activities independent of the JDP.' Assessment of the effectiveness of Joint Deployment Plans, Final Model Standard Methodology, April 2011, page 4.

¹⁶⁷ This is defined as follows: 'This indicator will provide an assessment of the level of risk of the stock(s) covered by the JDP. This will vary greatly between JDPs depending on their structure, e.g. for the bluefin tuna JDP it will be relatively simple as there is only one stock under consideration, but for NAFO and NEAFC that are area-based JDPs with many species and stock management areas for each species there will be more information required.' Assessment of the effectiveness of Joint Deployment Plans, Final Model Standard Methodology, April 2011, page 4.

¹⁶⁸ Decision No 10-II-3 of the Administrative Board of the CFCA of 19 October 2010 concerning the adoption of the Multiannual Work Programme for years 2011-2015 and the Work Programme for year 2011 and the Final Budget of the CFCA for year 2011, page 35.

The evaluator has explored the possibility of using EC data on Member State compliance with CFP control requirements. This focused on information collected by the EC in the framework of its responsibility to evaluate and control the Member States' application of the CFP, e.g. the new control regulation allows the EC to conduct '*inquiries, verifications, inspections and audits*' to verify among other issues '*the cooperation between Member States*'.¹⁶⁹ The new control regulation includes several Member State reporting requirements, although comprehensive Member State reporting '*on the application of this Regulation*' is only foreseen every five years.¹⁷⁰ In this context it is worth noting the recent introduction of the point system for serious infringements (to be operational as of 1 January 2012). Information stemming from this system is likely to support future evaluations of effectiveness, however, the validity of the data depends of course on the 'rigour' of Member State application of the system.¹⁷¹

On 10 June 2011, the evaluators asked the EC to share data on Member State compliance. However, by the time of submitting this report, no data had been received. This implies that the assessment of the effectiveness of operational cooperation is based on qualitative feedback from stakeholder consultations and the surveys.

3.3.2 Effectiveness of operational coordination

This section reviews the effectiveness of operational cooperation. A series of aspects are explored: enhanced Member State cooperation (section 3.3.2.1), enhanced compliance (3.3.2.2), overall cost effectiveness (3.3.2.3), and transparency (3.3.2.4).

To introduce this section, the following figures provide feedback on effectiveness from the surveys to Administrative Board and RAC members / other stakeholders (Figures 54 and 55).

Administrative Board members provide the strongest effectiveness ratings with regard to 'Transfer of best practices', 'Trust between Member States', 'CFP compliance', and 'Member State multilateral cooperation'. Indeed, between 84% and 88% of respondents strongly agree or agree that the CFCA is making a contribution in these areas.

Strong effectiveness ratings are also provided for 'Member State bilateral cooperation' and 'Quality of Member State inspections' (between 76% and 80%).

It is only with regard to 'Reduced cost of individual Member State control effort' that stakeholder views are markedly divided (44% strongly agree or agree and 40% disagree or strongly disagree).

¹⁶⁹ Article 96, Council regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy.

¹⁷⁰ Article 118, Council regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy.

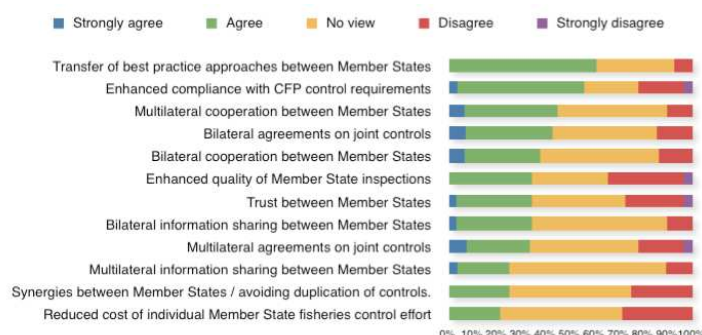
¹⁷¹ http://ec.europa.eu/fisheries/cfp/control/infringements_sanctions/index_en.htm

Figure 54 - Administrative Board member views on effectiveness in terms of enhanced operational coordination (% of responses)



RAC members and other stakeholders provide the strongest effectiveness ratings with regard to 'Transfer of best practices' (61%) and 'CFP compliance' (56%). This coincides with Administrative Board survey results. However, the remaining effects only obtain effectiveness ratings between 21% and 45%. It is noteworthy that 'Reduced cost of individual Member State fisheries control effort' obtains the lowest rating (21%), coinciding again with the Administrative Board survey results. Moreover, 'Reduced cost...' together with 'Enhanced quality of Member State inspections' and 'Synergies between Member States / avoiding duplication of controls', are the only areas with more negative than positive survey feedback.

Figure 55 - RAC / other stakeholder views: Do you consider that CFCA activities have led to the expected results in the following areas?¹⁷²



Finally, when asked to compare operational coordination under the JDPs with cooperation prior to the establishment of the CFCA, Member State stakeholders tend to strongly agree on the substantial improvement.

3.3.2.1 Enhanced Member State cooperation

The CFCA Multiannual Work Programme for 2011-2015 refers to the CFCA's success in terms of contributing to Member States' '*enhanced cooperation*' and '*better compliance*'.¹⁷³

Overall stakeholder feedback clearly indicates that cooperation has improved significantly following the establishment of the CFCA. In this context, substantial improvements are noted in comparison with pre-CFCA cooperation, e.g. within the 'Scheveningen' and 'Baltic' groups. It is also worth noting that pre-CFCA cooperation is generally considered of a rather ad hoc nature and lacking in structure: '*However, in practice the operational effectiveness is undermined because of the lack of structure at Community level.*'¹⁷⁴

Several Member States note that the JDPs led to the establishment of contacts with other Member States, pointing out that such contacts did not exist prior to the establishment of the CFCA.¹⁷⁵

¹⁷² Whilst the response rate for the Regional Advisory Council (RAC) members and other stakeholders can be considered low (46 responses / 20% of the target group), feedback has been validated via in-depth interviews with the Regional Advisory Council leadership.

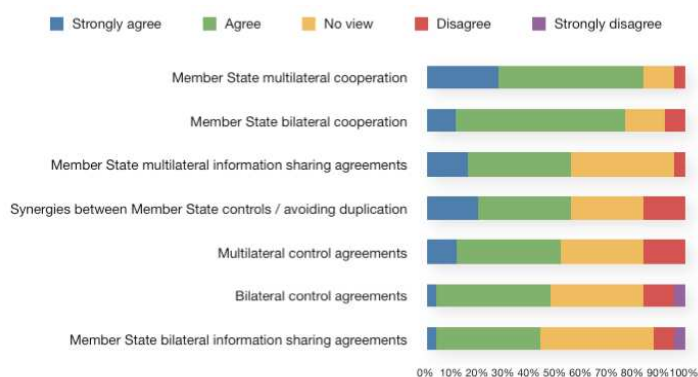
¹⁷³ Decision No 10-II-3 of the Administrative Board of the CFCA of 19 October 2010 concerning the adoption of the Multiannual Work Programme for years 2011-2015 and the Work Programme for year 2011 and the Final Budget of the CFCA for year 2011, page 4.

¹⁷⁴ EC, Commission Staff Working Paper, Proposal for a Council regulation establishing a Community Fisheries Control Agency, Impact assessment and ex ante evaluation, 28 April 2004, page 3.

¹⁷⁵ A reference to the Scheveningen and Baltic groups is included in the minutes of the 4th Administrative board meeting of 27 October 2006. Note that the Scheveningen group appears to operate a website: <http://www.scheveningengroup.com/scheveningen/7.html?redirect=http%3A%2F%2Fwww.scheveningengroup.co>

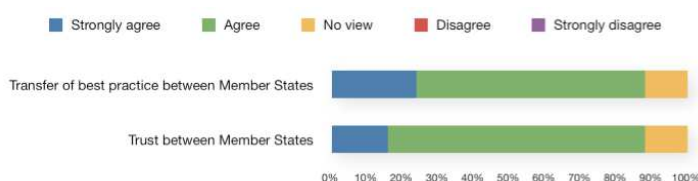
As already shown above, Administrative Board survey feedback confirms effectiveness in terms of enhanced Member State cooperation (Figure 56). Particularly strong ratings are provided for 'Transfer of best practices', 'Trust between Member State' as well as multilateral and bilateral cooperation (80% to 88% of respondents agree or strongly agree). It is, however, noteworthy that this enhanced multilateral and bilateral cooperation is not systematically articulated in formal agreements between Member States, e.g. bilateral agreements on sharing resources or coordinating activities (Figure 56). Indeed, Administrative Board survey feedback on formal bilateral or multilateral cooperation obtains lower effectiveness ratings (44% to 56%).

Figure 56 - Administrative Board member views on enhanced Member State cooperation (% of responses)



Enhanced cooperation is evidenced by more 'intangible' outcomes, e.g. enhanced trust between Member States, transfer of best practice between Member States, culture change (spirit of cooperation) etc. Several Member States have stressed the importance of these more intangible results: *'we now learn from each other'*.

Figure 57 - Administrative Board member views on best practice transfer and trust (% of responses)



Case study work has identified concrete examples of the transfer of best practices between Member States. For example, Greece indicated that during the JDP BFT June 2011 campaign, cooperation

[m%2F](#). Netherlands feedback indicates that the JDP North Sea facilitated contacts with France, with no cooperation prior to the JDP (however, good pre-JDP contacts with other NS MS).

with a Cypriot inspector allowed for an exchange of 'best practice': Cypriot inspectors 'confiscate' illegal tuna by putting a specific stamp on the fish to identify the fish upon landing.

In more general terms, several stakeholders have pointed to the JDPs having led to the establishment of direct contacts at inspector level, with regular informal exchange. In case of problems, inspectors now call or email their counterparts in the concerned Member States without any EC or CFCA intermediation. Member State feedback confirmed that this was not the case prior to the CFCA's establishment.

In the context of best practice transfers, stakeholder consultations have pointed to an interesting recommendation to further increase the exchange of good practices. Indeed, some of the JDP BFT Member States suggested an exchange between inspectors of different JDPs, as a means of increasing the exchange of good practices between those Member States that are only involved in one JDP and that otherwise would not have the opportunity to learn from other Member States.

3.3.2.2 Enhanced compliance

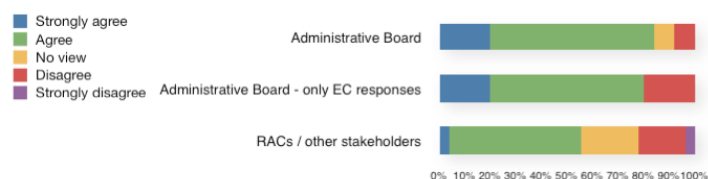
The CFCA Multiannual Work Programme for 2011-2015 refers to the CFCA's success in terms of contributing to Member States' '*better compliance*',¹⁷⁶ and the CFCA's 2009 Annual Report refers to its '*important contribution to demonstrably better compliance in several areas*'.¹⁷⁷

As already shown above, Administrative Board and RAC/other stakeholder survey feedback confirms effectiveness in terms of enhanced Member State compliance (Figure 58). It is, however, noteworthy that the Administrative Board members provide far more positive feedback (84% agree or strongly agree) than the RACs / other stakeholders (56%). It is also noteworthy that there are different views within the EC on enhanced compliance.

¹⁷⁶ Decision No 10-II-3 of the Administrative Board of the CFCA of 19 October 2010 concerning the adoption of the Multiannual Work Programme for years 2011-2015 and the Work Programme for year 2011 and the Final Budget of the CFCA for year 2011, page 4.

¹⁷⁷ CFCA Annual Report 2009, Administrative Board Decision 10-I-03, 18 March 2010, page 8.

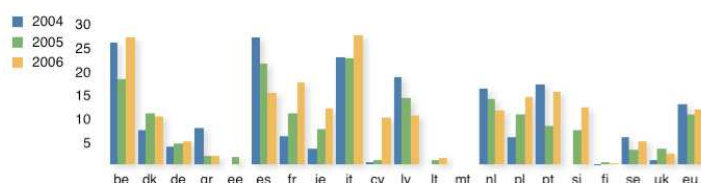
Figure 58 - Administrative Board member and RAC member / other stakeholder views on compliance (% of responses)¹⁷⁸



As noted under section 3.3.1.2, the evaluators asked the EC to share data on Member State compliance, in order to substantiate the Administrative Board views, however, by the time of submitting this report, no data was received.¹⁷⁹

Publicly available data related to compliance was already shown in the evaluator's technical proposal, however, this data precedes the establishment of the CFCA, and can therefore not be used to conclude on the CFCA's effectiveness in terms of enhancing compliance (Figure 59). Indeed, available data relates to serious infringements in 2006. Data for 2007 to 2010 is not publicly available, since the latest EC report on serious infringements dates back to 2008. After this date this reporting was discontinued, and the current control regulation only requires EC reporting on compliance every five years. In this context, European Parliament feedback on this evaluation has pointed to a need for more transparency: *'Calls on the Commission to publish annual assessments of the performance of Member States in implementing the rules of the Common Fisheries Policy (...) From 2003 to 2006 the Commission published scorecards on the performance of Member States in applying the rules of the CFP. The initiative should be resumed, in the interests of transparency and a "level playing field".'*¹⁸⁰

Figure 59 - Common Fisheries Policy serious infringements as reported by the Member States (% of infringements out of number of active vessels)¹⁸¹



¹⁷⁸ Whilst the response rate for the Regional Advisory Council (RAC) members and other stakeholders can be considered low (46 responses / 20% of the target group), feedback has been validated via in-depth interviews with the Regional Advisory Council leadership.

¹⁷⁹ Written request (10 June 2011) and meeting (27 June 2011) with a representative of Unit E Fisheries Control Policy, Directorate A Policy Development and Coordination, EC DG Maritime Affairs and Fisheries.

¹⁸⁰ European Parliament, Draft Report on combating illegal fishing at the global level - the role of the EU, 5 May 2011, pages 5 and 9

¹⁸¹ EC Communications on 'Reports from Member States on behaviours which seriously infringed the rules of the Common Fisheries Policy in 2005' for the years 2004 to 2006, COM(2006) 387 final, COM(2007) 448 final, and COM (2008) 670 final.

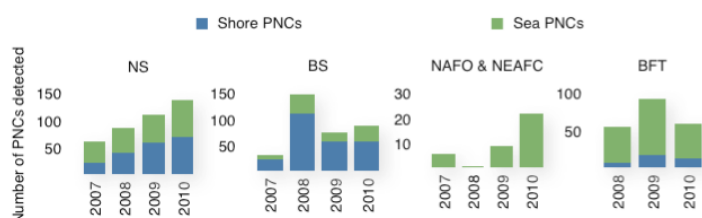
In the absence of systematic data on compliance for 2007 to 2010, the evaluator reviewed the 2007, 2008, 2009 and 2010 DG MARE annual activity reports' section on '*ABB Activity 1108: Control and Enforcement of the CFP*' in order to identify feedback on Member State compliance.

The 2009 report refers to Member State misreporting, however, no differentiated data by Member State or stock is provided: '*Through its control and inspection activities DG MARE gathered evidence suggesting that hake and southern mackerel fisheries are particularly problematic. Misreporting in these two fisheries could be beyond 30%*'.¹⁸² Similarly, the 2010 report notes: '*Audits of the control and inspection activities in the Member States during 2010 showed that the level of deficiencies was still too high, although there have been improvements in some fisheries and/or Member States. The financial crisis has had a negative impact on the control performance of the Member States, as it has led them to reduce budgets and staffing levels*'.¹⁸³ Whilst not allowing any conclusions in relation to compliance trends of specific Member States, the EC reports suggest that there are still substantial shortcomings over Member State compliance.

The evaluator also consulted other stakeholders on Member State compliance. In this context, environmental NGOs pointed to infringements in relation to bluefin tuna in the Mediterranean.¹⁸⁴

Finally, as already discussed under section 1.3.1.2, the JDP figures in relation to PNCs show, at least, that there might still be important deficiencies with regard to compliance (Figure 60). It is, however, worth noting as suggested by the CFCA, that PNC figures need to be considered in the context of the inspection effort and improvements in risk analysis.

Figure 60 – Number of PNCs detected on shore and at sea during the inspections conducted within the framework of the JDPs.¹⁸⁵



Regarding enhanced compliance, stakeholder consultations have pointed to the enhanced quality of inspection work, e.g. more experienced inspectors, enhanced uniformity of inspections between Member States.

¹⁸² EC, Directorate General for Maritime Affairs and Fisheries, Annual Activity Report 2009, 2010, page 11.

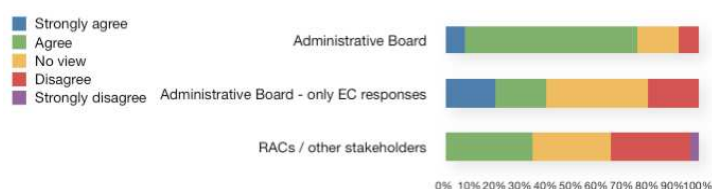
¹⁸³ EC, Directorate General for Maritime Affairs and Fisheries, Annual Activity Report 2010, 2011, page 10.

¹⁸⁴ WWF and Greenpeace, Lack of compliance with management rules and traceability shortcomings in the 2010 industrial bluefin tuna fishery in the Mediterranean Sea, Summary prepared by WWF and Greenpeace based on official information made available by the International Commission for the Conservation of Atlantic Tunas (ICCAT) to its Contracting Parties, November 2010.

¹⁸⁵ Information for JDP BFT (2008/2009) refers to the number of vessels committing PNCs, rather than the total number of PNCs detected.

Administrative Board and RAC/other stakeholder survey feedback only partially confirms effectiveness in terms of enhanced inspection quality (Figure 61). Whilst 76% of Administrative Board respondents agree or strongly agree that the CFCA has contributed to enhanced inspection quality, only 34% of RAC members / other stakeholders share this view (34% of RAC members / other stakeholders disagree and 32% have no view). It is also noteworthy that the EC representatives on the Administrative Board have different views on enhanced inspection quality, i.e. two members agree on enhanced quality, two have no view, and one EC member considers that inspection quality has not improved.

Figure 61 - Administrative Board member and RAC member / other stakeholder views on enhanced inspection quality (% of responses)¹⁸⁶



In the past, it appears that there have been issues over the quality of inspection reports. For example, at a 2009 meeting, the EC requested the Technical Joint Deployment Group and Member States *‘to request fisheries inspectors to clearly state within the inspection report the observations and infringement detected’*.¹⁸⁷ Stakeholder consultations indicate that reports have significantly improved, and they now contain all information required from Member States to allow follow-up on infringements.

In this context it is noteworthy that there are some differences between the EC and the Member States. At a 2011 meeting, the EC requested the Technical Joint Deployment Group to submit, on a daily basis, *‘all inspection reports (with or without possible non compliance) under the ICCAT Scheme of Joint International Inspection’*,¹⁸⁸ whilst the Member States understand their obligation as to *‘submit only the inspection reports in which PNCs are observed’*. Some Member States interpret the EC position as being more concerned with control than with quality.

¹⁸⁶ Whilst the response rate for the Regional Advisory Council (RAC) members and other stakeholders can be considered low (46 responses / 20% of the target group), feedback has been validated via in-depth interviews with the Regional Advisory Council leadership.

¹⁸⁷ CFCA Minutes of the Steering Group Meeting, 2 June 2009, page 2.

¹⁸⁸ CFCA Minutes of the Steering Group Meeting, 31 May 2011, page 4.

3.3.2.3 Stronger cost effectiveness

The review of CFCA operational coordination has also confirmed effectiveness in terms of reducing the costs associated with Member State fisheries control.¹⁸⁹

The EC's agency evaluation concluded at the end of 2009: *'The Agency is able to facilitate strong leverage of Member State inspection means (resources) enabling inspection practices and operations to become more cost-effective'*.¹⁹⁰ However, the agency evaluation report does not provide supporting information, such as objectively verifiable indicators.

The March 2011 Administrative Board meeting notes: *'Regarding synergies, the CFCA has been encouraged by the EP to make sure that it also contributes to less spending and more cost effective use of means of control of the MS. Examples were given to the EP in which the CFCA could demonstrate that by certain amounts of money the CFCA generates lower spending and maintain the effectiveness of operations and contribution of all parts as low as possible.'*¹⁹¹

However, feedback from the surveys of Administrative Board members and RAC members/ other stakeholders is less positive than with regard to other outcomes.

Looking at the Administrative Board survey, 44% of respondents strongly agree or agree, and 40% disagree or strongly disagree with the statement that CFCA operational coordination has contributed to enhanced cost effectiveness (Figure 62). RAC members and other stakeholders are more critical with 29% disagreeing and only 21% agreeing with the statement. It is also interesting to note that the EC representatives on the Administrative Board have more positive views on cost effectiveness than the Administrative Board members as a whole.

¹⁸⁹ The report includes two references to concrete examples of Member State cost savings. The evaluator considers it important to demonstrate 'genuine cost savings' and has included a recommendation to develop a methodology for assessing cost savings. However, it should be noted that whilst stakeholder consultations with Member States have raised the issue, no readily available information was available beyond the two examples noted in the report. The evaluator considers that the Member States will be able to prepare this information in the medium-term and on the basis of a common methodology, however, it was beyond the scope and resources of the evaluators to prepare this information in the course of the evaluation. CFCA feedback on the draft final report emphasises the need for a sound methodology as no easy comparisons can be drawn between Member States.

¹⁹⁰ Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume III, Agency-level Findings, December 2009, page 41.

¹⁹¹ CFCA, Minutes of the Administrative Board meeting of 13 March 2011, page 8 (draft text provided to the evaluator on 12 May 2011).

Figure 62 - Administrative Board members and RAC members / other stakeholders' views on enhanced cost effectiveness (% of responses)¹⁹²



In this context it worth noting survey feedback on synergies between Member State controls / avoiding duplication, since this outcome also suggests savings (Figure 63). Survey feedback is mixed, with 56% of Administrative Board members and only 25% of RAC members / other stakeholders considering that the CFCA has contributed to enhanced synergies. Administrative Board members expressing disagreement on synergies come from the BFT, NS and BS JDPs.

Figure 63 - Administrative Board member and RAC members / other stakeholders' views on effectiveness in terms of synergies between Member State controls / avoiding duplication (% of responses)¹⁹³



In the framework of the stakeholder consultations several Member States indicated that CFCA operational coordination allowed them to increase the quality and number of inspections whilst maintaining their inspection budgets stable.

Other Member States were able to provide estimates of cost savings. For example, Italy indicated savings of 30% as an outcome of the JDP BFT. UK feedback at a recent CFCA seminar confirmed savings of about £1 million per year as an outcome of the JDP NS. This estimate is based on the cost of means deployed by the UK in the past, and the value of the means currently deployed for control/inspection under the JDPs.¹⁹⁴

Stakeholder consultations also suggest that cost effectiveness was supported by the CFCA chartering vessels for the JDPs. For example, for the JDP BFT, the deployment of a common EU vessel was first

¹⁹² Whilst the response rate for the Regional Advisory Council (RAC) members and other stakeholders can be considered low (46 responses / 20% of the target group), feedback has been validated via in-depth interviews with the Regional Advisory Council leadership.

¹⁹³ Whilst the response rate for the Regional Advisory Council (RAC) members and other stakeholders can be considered low (46 responses / 20% of the target group), feedback has been validated via in-depth interviews with the Regional Advisory Council leadership.

¹⁹⁴ CFCA seminar on JDP assessment, Vigo, 27 to 29 June 2011.

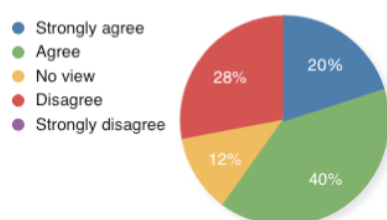
considered in 2009, when the CFCA director *'invited MS to consider the possibility to charter an EU joint patrol vessel for one month in the framework of the 2009 BFT-JDP'*.¹⁹⁵ The objective of chartering an EU vessel was *'to give more visibility to control operations and send a strong message about the commitment of the EC and MS both towards the sustainable exploitation of the Bluefin tuna'*.¹⁹⁶ Despite financial difficulties chartering the first joint EU-inspection vessel (Jean Charcot) in 2010, *'feedback from MS inspectors participating to this mission has been very positive'*.¹⁹⁷ Several stakeholders indicate that chartering the joint EU-inspection vessel has helped to increase the visibility of CFCA activities.

3.3.2.4 Transparency

During the initial stakeholder consultations, it was pointed out that effectiveness might be further enhanced by increased transparency. Indeed, several stakeholders noted that effectiveness might be constrained by the extent to which JDP results are made public.

In order to introduce this section the following figure shows feedback from the survey to Administrative Board members (Figure 64). 60% of respondents agree or strongly agree that the effectiveness of CFCA activity would benefit from stronger transparency, whilst 28% disagree with the statement.

Figure 64 - Administrative Board member views on transparency - Do you consider that the effectiveness of CFCA activity would benefit from stronger 'transparency', for example, via the publication of additional information on CFCA operational coordination activity (e.g. additional details on the Joint Deployment Plans)? (% of responses)



Whilst the CFCA publishes campaign results for the JDPs NAFO & NEAFC, BS and NS, the only information available for the JDP BFT is the CFCA annual reports. CFCA feedback indicates that results are also presented at meetings with the RACs, to ICCAT, and the European Parliament. Stakeholders noted that the effectiveness of the JDP BFT might benefit from the publication of findings immediately following the campaigns. For example, the Administrative Board meeting of 19 March

¹⁹⁵ CFCA Minutes of the Steering Group Meeting, 13th Jan 2009, page 2.

¹⁹⁶ CFCA Minutes of the Steering Group Meeting, 16th Sept 2009, page 2.

¹⁹⁷ CFCA Minutes of the Steering Group Meeting, 2nd Jul 2010, page 2.

2009 notes discussions on transparency, in terms of the way that information is presented for different JDPs. One Member State representative notes support for enhancing the presentation of information for the JDP BFT, and the CFCA addresses this by taking note (*'If necessary, more transparency would be provided in the future'*).¹⁹⁸

3.3.3 Effectiveness of capacity building

Capacity building activities are generally less well developed than operational co-ordination activities, since the initial emphasis of the agency's work was on delivering immediate, visible results with a strong focus on supporting the JDPs. Looking at the agency's founding regulation, it also appears that it was first necessary to define a more detailed concept for capacity building. Whilst the founding regulation notes some capacity building elements (e.g. the core curriculum for the training of the instructors of the Member State fisheries inspectors), most of the regulatory effort with regard to operational activity focuses on operational coordination, i.e. the JDPs (the regulation dedicates a specific chapter to the JDPs (Chapter III), whilst capacity building activity is noted in more general terms under Chapter II '*Mission and Tasks of the Agency*').

In this context, the EC's agency evaluation notes '*...the Agency's main achievement so far has been to hire competent staff and activities will really start in 2009*'.¹⁹⁹ This is not to suggest that capacity building is considered less important. However, it does mean that related evaluation work has focused more on plans than on results to date.

This section focuses primarily on the development of the core curriculum.

The core curriculum does not address EU-wide certification or assessment requirements, as no such requirements currently exist. This may undermine the effectiveness of the CC in enhancing and standardising fisheries inspection in EU waters.

While some stakeholders indicate that the introduction of such systems is envisaged in the future, such an intention has not been documented. Moreover, given its currently limited resources, it is unlikely that the CFCA would be able to develop such systems in the foreseeable future.

At the SGTEE meeting in October 2009, the CFCA noted that it planned to issue attendance certificates for participation in core curriculum training. DG MARE suggests that participation in relevant courses will indicate that participants have achieved the necessary levels of competence. However, only one Member State has indicated its intention to adopt the CC as its national training system for fisheries inspectors, while others indicate that they will use parts of it to enhance existing national training, as they see fit. It is therefore hard to see how attendance certificates issued by Member States, or by the CFCA to participants in different Member States will be comparable.

¹⁹⁸ See minutes of the Administrative Board meeting of 19 March 2009, page 4.

¹⁹⁹ Ramboll, Eureval, Matrix, Evaluation of the EU decentralised agencies in 2009, Final Report Volume III, Agency-level Findings, December 2009, page 34.

Moreover, using “attendance” or “participation” as indicators of achieving common standards of competence is unsafe, as it fails to take account of likely differences, between countries and even between regions within countries, in the quality and effectiveness of training, the effectiveness of participation (e.g. motivation, number of days participated). Moreover, it does not take account of underlying differences in the abilities of individuals to absorb information and perform specific tasks.

Eight survey respondents are in favour of EU-wide certification (Figure 65). Twelve are less certain, while just two actually oppose it. Some reservations are expressed about the potential increase in bureaucracy, while some stakeholders highlight the difficulty in developing universal certification to cover different types of fisheries, which require different inspection techniques.

Figure 65 - Is there a need for EU-wide certification & competence standards?

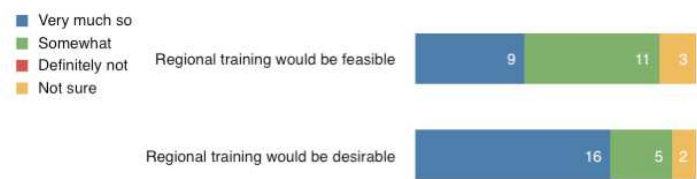


However, there does appear to be overwhelming support for the development of EU-wide competence standards. To some extent, this would address the need for certification, provided that Member States were to use such standards, not only as aspirational targets, but also as a means for uniformly and systematically assessing the competence of inspectors.

The CC will address competence standards, but initial materials suggest that competence standards are not explicitly stated, but will have to be inferred from the documents. It would therefore be helpful if the CFCA were to develop a separate, concise, stand alone set of competence standards.

The majority of survey respondents agree that regional training of national inspectors would be desirable (Figure 66). However, some have reservations about the feasibility of such an approach, noting concerns about possible locations (i.e. Vigo would not be feasible due to travel difficulties) and timing (difficulties in reconciling the schedules of different national training systems).

Figure 66 - Regional training



Some stakeholders note that international training of national inspectors is not new. For example, inspectors from Greece, Italy, and Norway have been trained in the UK in recent years, and one stakeholder from another Member State noted that he was trained in the UK in 1991.

3.4 Impact

This section reviews the impact of CFCA activity. Impact refers to the achievement of the CFCA's overall or wider objective, namely to '*Contribute to the sustainable exploitation of living aquatic resources as well as ensuring a level playing field for the fishing industry*' (Regulation 768/2005, introductory note 4).

Please note that the CFCA has noted doubts regarding the evaluator's views on the wider objectives of the CFCA and impact.²⁰⁰ For example, it is questioned whether the definition of the wider objectives, and the related assessment of impact can be based on the above introductory note to the Regulation. The doubts are justified since the Regulation fails to clearly declare 'enhanced stocks' and the 'level playing field' as wider objectives. However, the evaluators believe that there are arguments of some weight supporting their view, and these are set out in detail below. In addition, it is recommended to clarify the objectives via a review of the regulation (see section 4 on the conclusions and recommendations).

Already in 2004, the EC's impact assessment noted the expectation that the CFCA would '*positively contribute to sustainable exploitation of depleted stocks*' and '*the improvement in the state of certain important fish stocks*'.²⁰¹ Along these lines, the CFCA's October 2010 Administrative Board meeting minutes note an interest in '*assessing the impact of the JDP on the recovery of the cod stock*' in the North Sea, in the context of scientific advice suggesting the poor health of the stock.²⁰² Moreover, a recent CFCA seminar has explored the relations between CFCA activity and the state of fish stocks in the Baltic Sea.²⁰³ Finally, consultations with Member State representatives and Administrative Board survey results have confirmed the expectation that CFCA efforts on operational coordination and capacity building would contribute to enhanced fish stocks.

Stakeholders generally indicate that stocks are in a better situation as a result of CFCA activity. For example, it is noted that CFCA activity under the JDP BFT acts as a deterrent to purse seine fishing out of season. Some Member States were particularly positive regarding impact on fish stocks. For example, Italy and Malta indicate that captures of bluefin tuna have been reduced over the last five years, contributing to an important enhancement of stocks (increased average size of captured bluefin tuna in 2011 as compared to 2010, increase in the number of juveniles).

Nevertheless, the limitations that apply to the evaluation of effectiveness (section 3.3.1) are even more important with regard to impact, i.e. there are data limitations, and it is difficult to establish causality between CFCA activity and resulting compliance and impacts (e.g. the health of fish stocks is strongly dependent on environmental and other conditions). This is exacerbated by the fact that the CFCA is a relatively young agency, whilst impacts, generally, require longer periods of time to 'materialise'.

²⁰⁰ For example, CFCA feedback on the draft final report notes: '*the Agency considers that the impact of the CFCA activity should be assessed against the objective set out in Article 1 of the Regulation, as stated in the tender specifications. The situation of fish stocks is depending on multiple factors, ranging from the management measures in place, the environmental conditions, sanction policy, general economic situation and other*'.

²⁰¹ EC, Commission Staff Working Paper, Proposal for a Council regulation establishing a Community Fisheries Control Agency, Impact assessment and ex ante evaluation, 28 April 2004, pages 12 and 14.

²⁰² CFCA, Minutes of the 12th meeting of the Administrative Board, 19 October 2010, page 4.

²⁰³ CFCA, Seminar on JDP performance indicators, 27-29 June 2011.

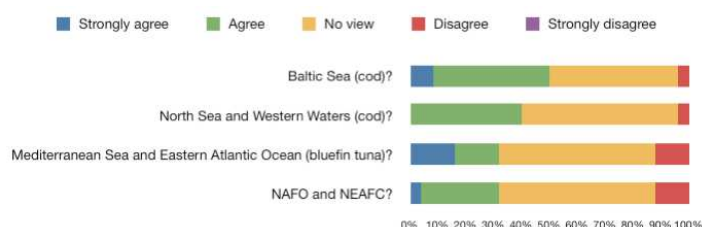
This section first reviews the impact of CFCA activity on the situation of relevant fish stocks (section 3.4.1), and then explores impact on fisheries industry, i.e. the 'level-playing field' (3.4.2).

3.4.1 Impact on fish stocks

This section shows feedback from the evaluation surveys (survey to Administrative Board members and survey to RAC members and other stakeholders).

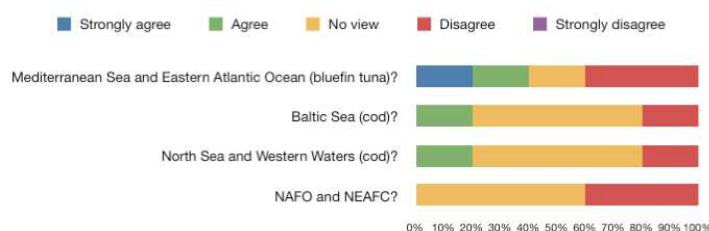
Depending on the JDP, between 32% and 48% of Administrative Board members consider that operational coordination contributes to improved fish stocks (Figure 67). However, 44% to 56% have no view on this issue. Only a minority of survey respondents considers that CFCA operational coordination does not contribute to enhanced fish stocks (4% to 12%). Looking only at the EC views on impact on fish stocks, the picture is more critical (mainly no view / disagree) (Figure 68). In this context it is worth noting that the feedback also needs to be considered in the context of *'the fact that different JDPs involve different levels of Member States inspection effort: 70% of total member States inspection effort in the case of Bluefin tuna, and 30% of total MS inspection effort for others'*.²⁰⁴

Figure 67 - Administrative Board member views on impact on fish stocks - Do you consider that there is evidence for CFCA activity having contributed to an improved state of fish stocks? (% of responses)



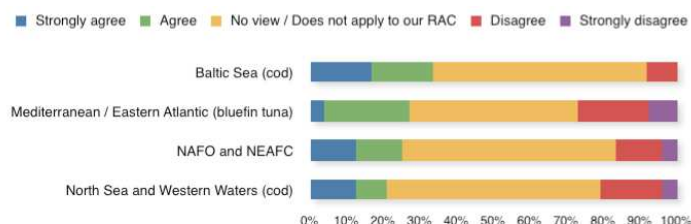
²⁰⁴ EC feedback on the draft final report (EC Note to the CFCA, dated 2 December 2011).

Figure 68 - Administrative Board member views on impact on fish stocks - only EC - Do you consider that there is evidence for CFCA activity having contributed to an improved state of fish stocks? (% of responses)



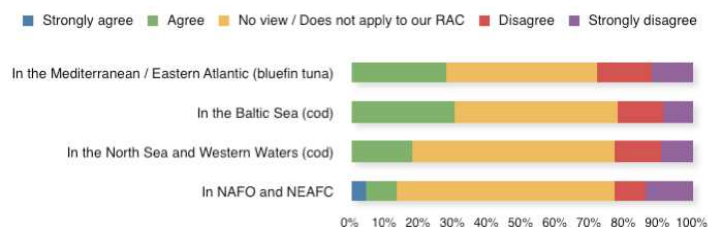
RAC members and other stakeholders have a less positive view on the impact of operational coordination on enhanced fish stocks. Depending on the JDP, about 20% to 35% of survey respondents consider that the situation of the fish stocks has improved (Figure 69), and about 15% to 30% of respondents confirm a CFCA contribution to enhanced fish stocks (Figure 70). On the other hand, 5% to 25% of respondents disagree or strongly disagree with the statement that stocks have improved, and about 20% to 25% disagree or strongly disagree with the statement that CFCA activity has contributed to enhanced fish stocks.

Figure 69 - RAC / stakeholder survey - Do you consider that the situation of fish stocks has improved since 2007? ²⁰⁵



²⁰⁵ Whilst the response rate for the Regional Advisory Council (RAC) members and other stakeholders can be considered low (46 responses / 20% of the target group), feedback has been validated via in-depth interviews with the Regional Advisory Council leadership.

Figure 70 - RAC / stakeholder survey - Do you consider that there is evidence for CFCA activity having contributed to enhanced fish stocks?



3.4.2 Impact on fisheries industry ('level-playing field')

In order to introduce this section the following figures show feedback from the evaluation surveys (survey to Administrative Board members and survey to RAC members and other stakeholders).

Depending on the JDP, about 36% to 60% of Administrative Board members consider operational coordination to contribute to an enhanced level-playing field (Figure 71). It is interesting that most positive feedback is provided for the JDPs NS and BS (these two JDPs also performed better in terms of survey responses on enhanced fish stocks). However, 40% to 56% have no view on this issue. Only a minority of survey respondents consider that CFCA operational coordination does not contribute to an enhanced level-playing field (0% to 8%). Looking only at the EC responses shows an overall majority of 'no view' answers. (Figure 72).). In this context it is worth noting that the feedback also needs to be considered in the context of *'the fact that different JDPs involve different levels of Member States inspection effort: 70% of total member States inspection effort in the case of Bluefin tuna, and 30% of total MS inspection effort for others'*.²⁰⁶

²⁰⁶ EC feedback on the draft final report (EC Note to the CFCA, dated 2 December 2011).

Figure 71 - Administrative Board member views on impact on 'level playing field' - Do you consider that there is evidence for CFCA activity having contributed to an enhanced 'level-playing field' between fisheries of the different Member States (i.e. no discrimination on the basis of the concerned fisheries' Member State)? (% of responses)

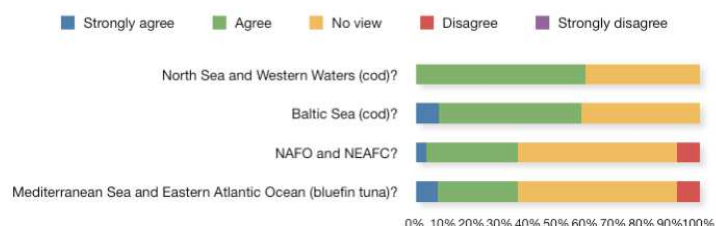
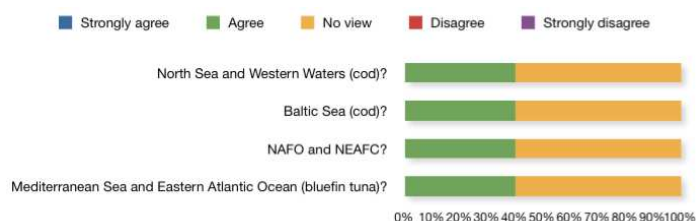


Figure 72 - Administrative Board member views on impact on 'level playing field' - only EC - Do you consider that there is evidence for CFCA activity having contributed to an enhanced 'level-playing field' between fisheries of the different Member States (i.e. no discrimination on the basis of the concerned fisheries' Member State)? (% of responses)

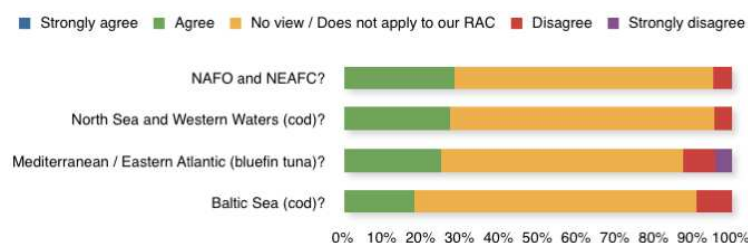


RAC members and other stakeholders are more critical. Depending on the JDP, only about 13% to 33% of survey respondents consider that the level-playing field has improved; 58% to 67% have no view on this issue; and 8% to 26% disagree or strongly disagree that the level-playing field has improved (Figure 73). Moreover, only 17% to 29% consider that the CFCA has contributed to an enhanced level-playing field (Figure 74).

Figure 73 - RAC and other stakeholder views: Do you consider that the situation with regard to the 'level-playing field' between fisheries of the different Member States has improved since 2007 (i.e. inspectors do not discriminate on the basis of the fisheries' country of origin)?²⁰⁷



Figure 74 - RAC and other stakeholder views: Do you consider that there is evidence for CFCA activity having contributed to an enhanced 'level-playing field' between fisheries of the different Member States?



Stakeholder consultations with both groups of respondents confirmed the differences in feedback on the level-playing field. In this context it is noteworthy that RAC and other stakeholder criticism is often explained with a perceived lack of transparency with regard to sanctioning identified infringements.

However, Administrative Board members have also pointed to remaining challenges with regard to the level-playing field.

For example, and according to Member State feedback, the Netherlands' fisheries have noted shortcomings in relation to inspections conducted by some of the other JDP NS Member States. The UK, Belgium or France take boats of other Member States into port when detecting serious infringements by these boats, whilst the Netherlands conducts all inspections at sea with no need for taking a boat into port. This is partly explained by the better equipment of Dutch inspectors who can conduct all necessary investigations at sea. However, Dutch fisheries have complained that France only proceeds in this way (taking a boat into port) with non-French boats. This is explained by the fact that France knows that the French boat will sooner or later return to a French port where France can complete its investigations. A Member State notes that at least this situation is now being discussed openly, whilst there was only very limited communication prior to the JDP NS.

²⁰⁷ Whilst the response rate for the Regional Advisory Council (RAC) members and other stakeholders can be considered low (46 responses / 20% of the target group), feedback has been validated via in-depth interviews with the Regional Advisory Council leadership.

In more general terms, stakeholder consultations have pointed to legal constraints with regard to following up on infringements, e.g. functioning of Article 80, Regulation 1224/2009 (detection of an infringement in the waters / vessel of a different Member State). Stakeholder consultations note limitations in follow-up after receiving the relevant information from the inspecting Member State. This is explained by the different legal systems in the Member States (e.g. divide between the Anglo-Saxon and roman law systems). For example, the Netherlands notes that the UK requires more evidence than 'continental' systems for following up on infringements.

A further limitation in following up on infringements is related to the List of Union Inspectors. Stakeholders noted that the List of Union Inspectors can only be changed once a year, although the actual number of inspectors in Member States may change during the year. For example, a Member State noted an incident over a Dutch follow-up on a UK-detected infringement. However, the UK inspector detecting the infringement was not on the list of Union Inspectors (UK naval officers change frequently), and the Dutch court therefore dismissed the case.

Stakeholder consultations also suggest challenges with regard to the follow-up of infringements for the JDP BFT with repeated EC reminders on the communication of the follow-up of infringements: *'information concerning inspection and control activities, infringement, follow-up of infringements and coordination and cooperation actions between MS'*²⁰⁸

In agreement with the EC, several NGO stakeholders noted the need for information regarding the follow-up of infringements and more transparency in the sanctioning process (please note that the follow-up on infringements is not a CFCA competency). These stakeholders suggest that some of the JDP BFT Member States do not follow-up adequately on detected infringements and propose a uniform sanctioning system for all Member States and sanctioning powers for the CFCA.

Concluding this section the following two figures show survey feedback on the sanctioning of infringements.

Looking first at changes in the sanctioning systems since 2007, 60% of the Administrative Board members indicate that their sanctioning systems have become stronger or substantially stronger since 2007 (Figure 75).

RAC members and other stakeholders were also asked to comment on changes in sanctioning systems since 2007. Depending on the JDP, 8% to 23% consider that the sanctioning systems have improved (i.e. less discrimination between Member States), whilst 4% to 21% disagree or strongly disagree with this (Figure 76).

Figure 75 - Administrative Board member views on impact on 'sanctions' - Has your approach to sanctioning infringements of the CFP changed since 2007? (% of responses)

²⁰⁸ CFCA, Minutes of the Steering Group meeting, 7th May 2010, page 3. CFCA, Minutes of the Steering Group meeting, 1st June 2011, page 4. Minutes of the Administrative Board meeting of 19 October 2010: an EC representative notes interest in the follow-up on detected infringements. Minutes of the Administrative Board meeting, 19 October 2011, page 3.

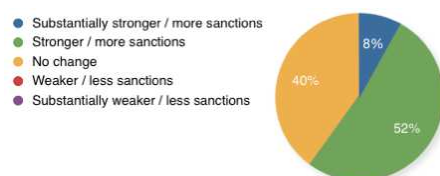
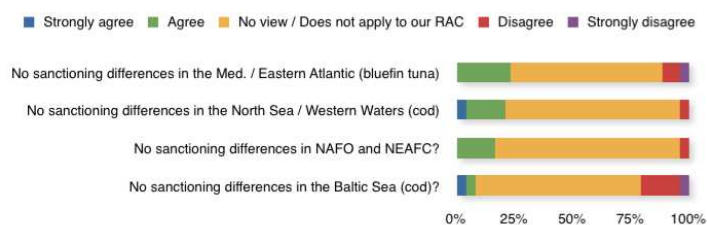


Figure 76 - RAC and other stakeholder views: Do you consider that the sanctioning of infringements of the Common Fisheries Policy has improved since 2007 (i.e. all Member States apply similar sanctions)?²⁰⁹



²⁰⁹ Whilst the response rate for the Regional Advisory Council (RAC) members and other stakeholders can be considered low (46 responses / 20% of the target group), feedback has been validated via in-depth interviews with the Regional Advisory Council leadership.

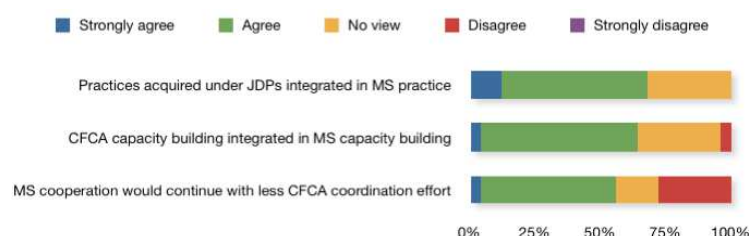
3.5 Sustainability

This section reviews the sustainability of CFCA activity. The assessment of sustainability focuses on the extent to which CFCA results and impacts are ‘maintained’ by the Member States. For example, in the area of capacity building (e.g. training delivered by Unit B) the evaluation focus is on mechanisms to ensure the dissemination of CFCA training (i.e. the extent to which a Member State trainee disseminates knowledge in his country following to participation in a CFCA capacity building activity).

In order to introduce this section the following figure shows feedback from the survey to Administrative Board members (Figure 77).

Administrative Board members provide strong sustainability ratings for CFCA operational coordination. Nearly 70% of respondents agree or strongly agree that practices acquired in the framework of the JDPs are being integrated in Member State practices. Whilst some 30% of respondents have no view on this issue, this is the only area (out of the three sustainability questions) where no disagreement is expressed. Looking at CFCA capacity building, survey feedback remains positive, however with lower ratings: 64% of respondents consider that CFCA capacity building will be integrated in Member State capacity building (32% have no view and 4% disagree). Finally, the Administrative Board members were asked if Member State cooperation would continue with a reduced CFCA operational coordination effort. 56% of Member States agree or strongly agree, 16% have no view, and 28% disagree.

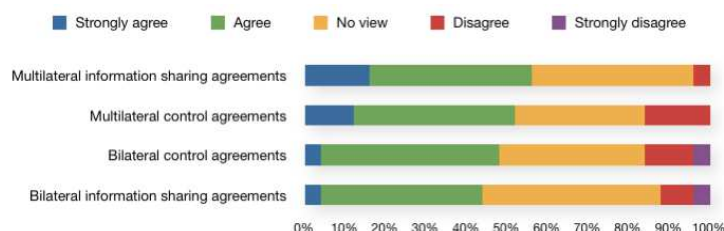
Figure 77 - Administrative Board member views on sustainability (percentage of responses)



Sustainability is also influenced by the extent to which mechanisms are put in place to support the maintaining of results.

As already discussed in relation to effectiveness, Administrative Board survey feedback confirms effectiveness in terms of enhanced Member State cooperation. However, this enhanced cooperation is not systematically articulated in formal agreements. Indeed, Administrative Board survey feedback on formal bilateral or multilateral cooperation agreements obtains lower effectiveness ratings (to 44% to 56%) (Figure 78). On the basis of these results it could be argued that there are opportunities for further enhancing sustainability.

Figure 78 - Extent of Administrative Board agreement that ‘the CFCA has been effective in enhancing the following issues’ - Member State agreements (% of responses)

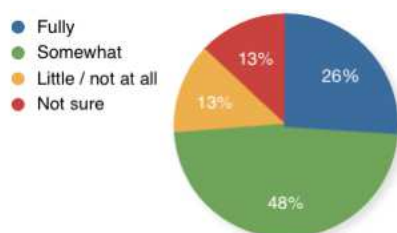


Moreover, stakeholder feedback suggests that the exchange of best practices between Member States (one of the main outcomes of CFCA operational coordination according to survey feedback) would benefit from dedicated mechanisms to facilitate the dissemination of such best practices, e.g. dissemination of exchanged best practices via the CFCA website. In this context it is worth noting that several Member States noted that their inspectors change frequently with limited attention to institutional memory, i.e. the best practices exchanged in the context of CFCA activity depend on the continuity of the individual inspectors having participated in the campaign that facilitated the exchange of best practice.

Finally, and still in relation to operational coordination, survey feedback has shown that Member State cooperation would continue with a reduced CFCA operational coordination effort (56% of Member States). This suggests that there are prospects in the future for operational coordination to be sustained by the Member States, and consideration might be given to moving CFCA efforts to other geographical regions or changing focus to different species in cases where JDPs are performing well over a certain number of years. Survey data suggests that this might be the case for the Baltic Sea or the North Sea (overall, positive survey feedback on impact in terms of enhanced situation of stocks).

Looking more specifically at the sustainability of the Core Curriculum, 74% of survey respondents consider that the Core Curriculum is likely to be integrated into the training of their fisheries inspectors ('somewhat' or 'fully'), and the remaining 26% consider that perhaps parts will be integrated (little / not at all) or are not sure.

Figure 79 - Administrative Board member views on sustainability of the Core Curriculum - To what extent is the core curriculum likely to be integrated into the training of fisheries inspectors in your country? (% of responses)



An additional consideration for the sustainability of the Core Curriculum is the ability of the CFCA to ensure its continuing relevance by keeping it up to date. In order to remain relevant, the Core Curriculum, and other training tools uploaded to the web-based platform, will need to be regularly refreshed and updated to take account of changes in EU legislation and scientific and technological developments. The CFCA acknowledges that this will be a challenge, given the limited resources that it is able to devote to the development of the Core Curriculum, and the fact that some updating may already be required while development of the Curriculum is still underway due to the expected long duration of the development phase.

4 - Conclusions and recommendations

This section presents the conclusions and recommendations. Most of this was discussed with the CFCA at a focus group meeting on 31 August 2011.

Section 4.1 notes overall conclusions from the evaluation work. Section 4.2 reflects on the possible implications of the currently ongoing reform of the CFP on the CFCA, and Section 4.3 notes specific conclusions and recommendations aiming to further enhance the operation of the CFCA in the future.

4.1 Overall conclusions

The evaluators' overall assessment of the governance and performance of the CFCA is positive although there is scope for improvements. On the whole, governance arrangements have worked well. Considering the agency's limited resources, its operation in the politically sensitive environment of fisheries policy, and current Member State budget constraints, performance against the evaluation criteria of relevance, efficiency, effectiveness, impact and sustainability can be considered promising.

In this context it is noteworthy that the CFCA intervention logic as set out in the establishing regulation can be improved by clarifying and refining stated objectives and activities, in particular, when considering the regulatory changes that have affected the CFCA in recent years (e.g. new control regulation, new IUU regulation). A clear regulatory delimitation of agency and EC responsibilities is also likely to contribute to more clarity / better understanding of the CFCA's remit.

Governance arrangements, whilst having performed well on the whole, can also be further enhanced, in particular via a stronger focusing of Administrative Board discussions on strategic issues (accompanied by a deployment of more senior Member State and EC representatives to board meetings). Wider developments regarding EU agency governance, in particular the likely future introduction of executive committees or bureaus to prepare Administrative Board decision-making, will need to be taken into consideration but there are also other measures that could improve the CFCA Administrative Board's performance.

Coming to the first element of performance, the review of relevance confirms the strong relevance of operational coordination to EU and Member State needs and priorities. EC efforts are under way to further enhance the effectiveness of the JDPs, via introducing new concepts (e.g. a stronger multi-species or continuous JDP approach). Similarly, feedback on the relevance of CFCA capacity building is generally positive, although there is limited evidence of a clear capacity building strategy, and the work programmes for 2011 and 2011-2015 provided limited insight into planned activities, and less into expected outcomes (i.e. what the CFCA aims to change, and to what extent, with respect to the performance of systems, target groups, and institutions).

The Agency also scores well against the evaluation criteria of efficiency. With regard to agency administration the CFCA stands out as demonstrating efficient administration, making good use of relevant EC support services, cooperating with other agencies and the swift follow up on EC Internal Audit Service and/or ECA observations. The start-up of the Agency is likely to have benefited from attention to recruiting staff with previous EU experience. Limitations implied by the agency's location in Vigo (travel time and cost) are being addressed to the extent that this is within the powers of the agency to do so. Finally, the new regulatory framework is anticipated to add to the CFCA's existing workload. Once the delimitation of tasks between the EC and the agency has been clearly established, the CFCA's current staffing level might need to be reviewed.

On effectiveness, the evaluators have found much positive stakeholder feedback, both in terms of enhanced Member State cooperation and Member State compliance with CFP requirements. Concerning Member State cooperation outside the JDPs it is, however, noteworthy that cooperation is not always articulated in formal bilateral or multilateral agreements. Whilst there are first promising estimates from some Member States, overall, there is still limited evidence for Member State cooperation leading to genuine cost savings. The assessment of compliance was constrained by the absence of systematic EC data on Member State compliance with CFP requirements. In the absence of this data, available information and survey feedback points to mixed performance. Administrative Board members consider that the CFCA has contributed to enhanced compliance, however, other information and stakeholder feedback suggest more limited performance.

Although it is debatable whether it is feasible for the agency to have a direct impact, with regard to the contribution of CFCA activity to improving the situation of the fish stocks and enhancing the 'level-playing field', only limited information is available. Concerning the 'level-playing field', stakeholder consultations point to improvements, and Administrative Board members confirm this for some of the areas covered by the JDPs, however, there is no conclusive evidence confirming any substantial improvement.

CFCA activities have good prospects for sustainability. Administrative Board members consider that practices acquired in the framework of the JDPs and CFCA capacity building are being integrated in Member State practices. The positive feedback on enhanced trust between Member States and substantial best practice exchange also support the positive sustainability prospects. However, feedback also suggests that sustainability is likely to benefit from the introduction of tools such as dissemination platforms for showcasing exchanged best practices. Finally, whilst Member States cooperate more (bilaterally and multilaterally), a systematic articulation in the form of formal

cooperation agreements would further improve sustainability (note again that this is not a CFCA competence and would therefore require EC initiative).

4.2 Implications of CFP reform

Before presenting the specific conclusions and recommendations (Section 4.3 below) the evaluator considered it worthwhile to reflect on the possible implications of the ongoing CFP reform for the CFCA.²¹⁰ Indeed the final outcome of CFP reforms is considered a key determinant with regard to the final evaluation recommendations.

The EC will progressively develop indicators for the assessment of the control systems of the Member States. As the EC will develop its role as auditor of the control system of the Member States, it will carry out its activities on the basis of clear performance indicators that will include:

- The evaluation of the quota and the effort management system;
- The evaluation of data validation systems, including systems of cross-checks of VMS, catch, effort, marketing data and data related to the Community fishing fleet register as well as the verification of licences, fishing permits and special fishing permits;
- The evaluation of the administrative organisation, including the adequacy of the available staff and the available means, the training of the staff, the delimitation of functions of all authorities involved in monitoring, control and surveillance and enforcement as well as the mechanisms in place to coordinate the work and the joint evaluation of results of those bodies;
- The evaluation of the operational systems, including procedures for monitoring, control and surveillance and inspection, and of designated ports;
- The evaluation of national control and inspection programmes including the establishment of inspection levels and their implementation;
- The evaluation of the national system of sanctions, including the adequacy of the sanctions imposed, duration of proceedings, economic benefits of which offenders are to be deprived and the deterrent nature of such system of sanctions.

The CFCA will play a vital role in the coordination of measures aiming to strengthen uniformity and efficiency of implementing the reformed CFP and ensuring a level playing field. It will do this by pooling national and community resources for controlling fishing activity and monitoring resources, as well as by coordinating implementation measures. It will have an important role to play with regard the compliance work plan and scoreboard to comply with the rules of the CFP. The mandate of the CFCA would be extended to other inspection activities than at sea, and it would be given proper inspection

²¹⁰ For further detail on the CFP reform, see http://ec.europa.eu/fisheries/reform/index_en.htm

powers and the responsibility for the coordination of crisis situations. The following are specific examples of aspects of the new CFP that have implications for the CFCA, in some cases in terms of an expanded or even a new role.

4.2.1 Multi-annual management plans

These plans will establish TACs by species and fishing zone that will be divided by Member States in quotas. The EC can take emergency measures for a six-month period in response to any threat that fishing poses to the marine ecosystem. Member States are permitted to take such measures in their national waters for a period of three months. Ensuring that TACs are not exceeded in a much larger number of stocks than is currently the case is a challenge that will require cooperation and monitoring at national and EU levels. Here the CFCA may have an important role to play, e.g. in the establishment of general standards of control.

4.2.2 Transition to MSY and discard ban

The transition to MSY and the discard ban will require adjusting fishing effort to the available resources and the implementation of technical measures such as sorting grids and square mesh panels in trawl nets to reduce or eliminate by-catch and subsequent discarding on non-target species. Other measures may include banning of certain fishing gears and spatio-temporal management (real time closure of areas that for example have large quantities of juvenile fish that will be discarded if caught). The CFCA will undoubtedly play an important role (e.g. in the implementation of the discard ban and establishment of general standards of control).

4.2.3 Top-down to bottom-up approach

The CFP reform foresees a less top-down management approach that will involve greater stakeholder participation and responsibility. Thus, fishermen will be tasked with the responsibility of reducing or eliminating discards, monitoring and even data collection. Compliance will be monitored with for example on board cameras and sensors. Several pilot studies (e.g. Denmark and Scotland) have produced convincing results in relation to obtaining full accountability of all catches, reducing discards and changing fisher's behaviour. The CFCA may have a role in training, co-ordinating and practical implementation of such programs.

4.2.4 Regional Advisory Councils

A key aspect of the revised CFP is greater involvement of stakeholders from fisheries, NGOs, and other interest groups through the RACs. The CFCA may play an important role in RACs, contributing to the resolution of the problem of the “culture of compliance” and improving management of the resources.

4.2.5 Inspections and monitoring

The new community control and enforcement system envisages a fairer and more efficient inspection system, involving national and community inspectors. While Member States will continue to be responsible for the application of sanctions for infringements, cooperation among Member States will be strengthened. Here the CFCA will play a key role.

As mentioned above, the new CFP has new requirements in terms of monitoring. For example, a far greater number of fishing vessels will be required to have satellite-based vessel monitoring systems. As of 1st January 2012 it became compulsory for all vessels exceeding 12m. The Electronic Recording and Reporting System, used to record fishing activities data, is also compulsory for vessels above 12m as of 1st of January 2012. Clearly this has implications for the role of the CFCA.

4.2.6 Recovery plans

In order to achieve sustainability, a greater number of stocks may require recovery plans. Recovery plans involve controlling fishing activity and monitoring resources; activities that are clearly within the mandate of the EFCA. The establishment of general standards of control will also be a task for the EFCA.

4.3 Specific conclusions and recommendations

This section presents specific conclusions and recommendations in relation to the CFCA's intervention logic, governance and performance.

4.3.1 Intervention logic

Establishing additional clarity on wider and specific objectives, and related agency and EC responsibilities, could enhance the CFCA regulatory framework. Indeed, the current framework has shown some deficiencies in this regard, causing confusion among stakeholders on the detailed remit of the CFCA. Moreover, the CFCA's responsibilities have increased with the new control and IUU regulations; further change can be expected with the ongoing reform of the CFP. Greater clarity is particularly needed bearing in mind the CFCA's sometimes rather uncertain position between the EC and Member States.

It is therefore recommended to revise the regulatory framework on the basis of a regulatory impact assessment. In addition the CFCA is advised, in cooperation with the EC, to consider preparing a guidance document on its regulatory framework to help new stakeholders, e.g. new Administrative Board members, to better understand the scope of CFCA activity, and in particular, delimitations between CFCA and EC responsibilities.²¹¹

4.3.2 Governance

The functioning of the Administrative Board would benefit from a stronger focus on strategic issues, leaving routine matters to be decided by written procedure (or by an Executive Bureau or Committee that would prepare Administrative Board meetings). An Executive Committee of Bureau would be delegated powers by the Administrative Board and as such, the authority of the CFCA's Executive Director would not be affected.²¹² Strategic issues will need to be defined but should involve focusing on how effectively the CFCA is achieving its mission and strategy, and its contribution to EU policies in the fisheries field, rather than deliberating on the policies themselves.

²¹¹ The CFCA notes in this context, that it has no 'interpretation competence'. Stakeholder feedback collected by the evaluators suggests that at the time of the evaluation there were uncertainties over the scope of activity of the two actors. The evaluators believe that a recasting of the regulation would allow for additional clarity, and this is the path that other agencies affected by regulatory developments have chosen in the recent past.

²¹² CFCA feedback on the draft final report rightly points out that the recommendation for the establishment of an Executive Committee or Bureau needs to be well reflected on in order to avoid the establishment of additional bureaucracy with no clear efficiency gains. More specifically, the CFCA might wish to consult with other agencies that are already operating and Executive Bureau, e.g. the European Union Agency for Fundamental Rights (note that this Agency is of similar size and is currently undergoing its external evaluation). Finally, the establishment of an Executive Bureau needs to be well aligned with the regulatory framework that stipulates the Executive Director's discharge responsibility.

The focus on strategic issues would need to go hand in hand with more senior-level Member State and EC representation on the Administrative Board. Having more senior-level Member State officials participate is likely to counteract the perceived 'dominance' of the EC at board meetings.²¹³

Concerning board composition, it is also recommended to invite representatives of the European Parliament, and relevant EEA and Candidate Countries to participate in the Administrative Board (in the case of the EEA and Candidate Countries as observers). These changes should mean that the Administrative Board becomes more useful as a forum for discussion but it needed to be borne in mind that many issues relating to fisheries control will continue to be dealt with in other fora. A disadvantage of enlarging the Administrative Board is that it may become more difficult to engage members in its proceedings (although this should be counteracted by setting up an Executive Bureau or Committee). There could also be concerns about including some (EEA) countries in Administrative Board proceedings if the EU is in negotiation with the countries concerned, and in these situations there would have to be an arrangement to preserve the confidentiality of discussions (e.g. asking observers to withdraw from the sessions concerned).²¹⁴

Concerning the Advisory Board, the ongoing CFP reform might imply changes with regard to the functioning of the Regional Advisory Councils. The current functioning of the Advisory Board and its representation on the Administrative Board is not yet optimal, mainly because of RAC capacity constraints and a certain lack of common interest between RACs. In any case, it is considered important to strengthen the Advisory Board to facilitate genuine communication between the CFCA and external stakeholders, in particular, concerning the level-playing field. It could be argued that because regional interests are so diverse, it is not feasible – or indeed appropriate – to seek to develop a common position on issues or even to discuss questions that are of essentially of regional interest. However, the function of the Advisory Board in providing a two-way link between the CFCA and regional interests seems to us to be important, and we would favour its continued existence.

However, the role of the Advisory Board should be defined in more detail than is currently the case in the Council Regulation (EC) No 768/2005.²¹⁵

²¹³ EC feedback on the draft final report (EC Note to the CFCA, dated 2 December 2012) notes agreement with this recommendation, indicating that the EC has already acted on this recommendation and changed its representation at the Administrative Board.

²¹⁴ CFCA feedback on the draft final report confirms concerns over the participation of non Member States. Specific attention would be required with regard to confidentiality of proceedings.

²¹⁵ EC feedback on the draft final report (EC Note to the CFCA, dated 2 December 2012) indicates that the focus should be on addressing the absence of stakeholders represented in the Advisory Board meetings.

4.3.3 Performance

As noted above, the CFCA performs well against the evaluation criterion of relevance. It is however recommended that decisions be taken with regard to the introduction of multi-species and continuous JDP approaches. It is considered that any JDP reform needs to be based on firm legal grounds, via prior regulatory impact assessment and the EC's adoption of the required regulatory changes.

Concerning Member State commitments to operational coordination, additional detail with regard to the human and physical resource commitments of individual Member States to JDPs in the agency's annual reports is likely to benefit long-term Member State commitment to the CFCA. In the background of current budget reductions, Member States need to have certainty that their commitments are proportional to the importance of their fisheries. Member States that are unable to commit resources commensurate with their fisheries effort and other relevant criteria, need to be supported on the basis of agreements outlining how the concerned Member States are going to reach required commitment levels in the future.

A possible risk to the relevance of capacity building is posed by the divergent visions and expectations regarding the Core Curriculum between different stakeholder groups, and it is not entirely clear to what extent the model being developed will address the requirements of Member States with different needs and training arrangements. Enhancing regular, systematic, and effective communication with other stakeholders, particularly Member States, regarding the development of capacity building products, could better ensure long-term relevance of the Core Curriculum.

Moving on to efficiency, the CFCA can be considered a best-practice case in terms of making optimal use of EC support services and inter-agency cooperation. Other agencies might benefit from adopting similar approaches, e.g. with regard to sharing the internal audit function (between the CFCA and EMSA). Other agencies might also benefit from CFCA experience with performance indicators for measuring administrative efficiency and effectiveness. The CFCA's experience with establishing its seat arrangement offers lessons for future agencies. The EC should encourage Member States that have offered to host an agency to move more swiftly on the seat arrangements since protracted negotiations and agency relocations from transitional to permanent seats can divert resources from agency core business.

Operational coordination has also been found largely efficient. The agency's location in Vigo is however a concern to some stakeholders, involving substantial travel time and cost compared with many other locations for EU bodies. This can be addressed by exploring synergies between different meetings and use of telephone and video conferencing. More CFCA meetings could also be held elsewhere, for example in Brussels. Member States can contribute to reducing the number of meetings by ensuring that sufficiently senior officials participate (allowing, as far as possible, immediate commitments without the need for follow-up meetings to confirm commitments).²¹⁶

Moreover, there have been efficiency constraints related to uncertainties over the correct interpretation of regulatory requirements for fisheries inspection and control. Drawing on the EC's experience with its

²¹⁶ CFCA comments on the draft final report indicate: *'The SG participation has been satisfactory, with the attendance of the officials in charge of planning the control operations. The SG is a body taking practical decisions, and the level of representation is considered adequate for the intention of the meetings'*.

web-based information portal on IUU,²¹⁷ the CFCA could develop such a legal information portal in cooperation with the EC.²¹⁸ Looking at the experience with the JDP BFT, prompt action is required on improving estimates of bluefin tuna biomass during transfer to cages. Existing evidence points to the limited effectiveness of current approaches to estimating biomass. The CFCA has launched a promising pilot project, and decisions are now required to apply the experience on a broader basis.

The development of capacity building activity has been slow due to the agency's initial focus on operational coordination, a comparatively less developed regulatory basis for capacity building, and understaffing. Moreover, in accordance with the EC requirements, the CFCA did not commence the development of the Core Curriculum while new legislation was being prepared, which meant that substantive development of the Core Curriculum could commence only in 2011. The development of the Core Curriculum would now benefit from a clear road map to reconcile limited resources with the prioritisation of the most important elements of the Core Curriculum, and those that are likely to be the most widely and heavily used. A review of working methods may also help to accelerate the development of the Curriculum (e.g. expert fees for developing the Core Curriculum are considered below market rates).²¹⁹

On the next evaluation criterion, namely effectiveness, the evaluation has faced some constraints due to the absence of readily available indicators and related data to substantiate more qualitative findings on enhanced Member State cooperation and compliance with CFP requirements. In this respect, the CFCA is advised to quickly implement the recently prepared method for assessing the performance of the JDPs, and allocate the necessary resources for putting the method into practice. In addition, the development of indicators for measuring the effectiveness of capacity building is required. To ensure long-term Member State commitment to CFCA operational coordination, the agency is also advised to develop a method for assessing cost savings to Member States. Examples for Member States experiencing cost savings exist, and the concerned Member States might be able to contribute to developing a methodology. Looking specifically at enhanced compliance, performance assessments should be supported with an agreement between the CFCA and the EC on sharing data on compliance.²²⁰ Moreover, additional transparency on JDP campaign outcomes, in particular with regard to the JDP BFT, is considered useful to maintain Member State commitment.

As far as the Core Curriculum is concerned, effectiveness (contribution to application of uniform, high quality inspections procedures) would be enhanced by the development of a concise set of competence standards covering national as well as Union inspectors. Consideration should also be given to the establishment of regional (multi-country) training for national inspectors, as well as Union

²¹⁷ The EC provides a handbook in relation to IUU and has established a mailbox function for queries: http://ec.europa.eu/fisheries/cfp/illegal_fishing/info/index_en.htm.

²¹⁸ The CFCA notes in this context, that it has no 'interpretation competence'.

²¹⁹ EC feedback on the draft final report (EC Note to the CFCA, dated 2 December 2012) indicates that with regard to the content of the core curriculum and the corresponding road map '*priority should be given to the Control regulation and its implementing rules*'.

²²⁰ Whilst not a current CFCA competence stakeholder feedback suggests that the presentation of related information would reinforce CFCA operational coordination. See for example the minutes of the Administrative Board meeting of 19 October 2010: an EC representative notes interest in the follow-up on detected infringements. Minutes of the Administrative Board meeting, 19 October 2011, page 3. In this context the CFCA notes that such an agreement would need to be compatible with the nature of the agency's mandate. This needs to be analysed in the context of the proposed revision of the agency's regulatory framework.

inspectors. Moreover, the CFCA would be well advised to consider how the effectiveness of the Core Curriculum will be assessed (selection of objectively verifiable indicators).²²¹

Looking at CFCA impact on fish stocks and the 'level-playing field' the evaluation has found some qualitative evidence supporting a CFCA contribution in these areas, however, more systematic information is required for future assessments. The CFCA is considered to have the potential to contribute to enhanced fish stocks and improving the level-playing field. The evaluators therefore recommend an annual stock-taking of scientific evidence on developments with the fish stocks that the CFCA is focusing on (to be presented in the annual reports). Moreover, an agreement with the EC could be established to share and assess information on Member State sanctioning of infringements.²²²

The evaluators' review of sustainability suggests that CFCA operational coordination and capacity building has good prospects for sustainability. Encouraging Member States to formalise cooperation could further strengthen this. Indeed whilst there is positive feedback on Member State bilateral and multilateral cooperation resulting from the JDPs, this is not systematically articulated in formal agreements or protocols on cooperation, e.g. information sharing agreements or agreements on joint control activity (examples exist for some Member States). Moreover, the evaluators found evidence for Member States exchanging best practices. The sustainability of this outcome would benefit from systematic stock-taking of exchanged best practices and dissemination via the CFCA website. This would also enhance CFCA visibility. Finally, comprehensive information on the situation of specific stocks and related Member State efforts should allow the CFCA to consider moving efforts to other areas or other stocks, e.g. if effectiveness and impact data suggests that the situation in the North Sea has improved substantially, and that Member State cooperation on control is sufficiently mature, the CFCA would be in a position to develop an 'exit strategy', reducing its JDP NS efforts and shifting to other areas. Concerning the Core Curriculum consideration should be given to ensuring its maintenance, bearing in mind that this will have a significant bearing on its utilisation by Member States. Moreover, some updating may be required, even while development is still underway, as this is likely to take several years.

²²¹ EC feedback on the draft final report (EC Note to the CFCA, dated 2 December 2012) notes its specific agreement on the recommendation to develop indicators.

²²² See footnote above.

Annex 1 - Stakeholders

The following list notes stakeholders consulted for the preparation of the report (in alphabetical order):

Member States

Austria, Member State representative on the CFCA Administrative Board

Belgium, Ministerie van de Vlaamse Gemeenschap. Member of CFCA SG & WG on training

Denmark, Ministry of Food, Agriculture and Fisheries, The Directorate of Fisheries, The Fishery Office, Member State representative on the CFCA Administrative Board

Finland, Member State representative on the CFCA Administrative Board

France, Ministère de l'agriculture, de l'alimentation, de la pêche, de la ruralité et de l'aménagement du territoire

Germany, Fisheries Control, Federal Agency for Agriculture and Nutrition, Member State representative on the CFCA Administrative Board

Greece, Hellenic Coast Guard on behalf of the Member State representative on the CFCA Administrative Board

Italy, Member State representative on the CFCA Administrative Board

Ireland, Member State representative on the CFCA Administrative Board

Malta, Ministry for Resources and Rural Affairs

Netherlands, Food and Consumer Product Safety Authority, Ministry of Economic Affairs, Agriculture and Innovation

Poland, Member State representative on the CFCA Administrative Board

Portugal, Ministerio da Agricultura, Mar, Ambiente e Ordenamento do Território

Spain, Member State representative on the CFCA Administrative Board

Sweden, Department of Fisheries Control, Swedish Board of Fisheries, Member State representative on the CFCA Administrative Board

United Kingdom, District Marine Officer/ Professional Training Co-ordinator, Marine Management Organisation, Member State representative on the CFCA Administrative Board

United Kingdom, District Marine Officer/ Professional Training Co-ordinator, Marine Management Organisation

United Kingdom (Scotland), Marine Scotland Compliance

European Commission

Chairperson, CFCA Administrative Board

Unit Integrated Fisheries Data Management, Directorate B International Affairs and Markets, EC DG Maritime Affairs and Fisheries (Member of the CFCA Administrative Board)

Unit E Fisheries Control Policy, Directorate A Policy Development and Coordination, EC DG Maritime Affairs and Fisheries (Member of the CFCA Administrative Board)

Unit A/4 - Fisheries control policy

Unit, Internal audit capability, Directorate General Human Resources and Security, EC (until February 2011, head of unit at the EC Internal Audit Service with responsibility for EU Agencies)

Directorate, EC Internal Audit Service with responsibility for EU Agencies

CFCA

Executive Director, CFCA

Internal Audit, CFCA and EMSA

Head of Unit A, CFCA

ICT Section, CFCA

Budget and Finance, CFCA

Human Resources, CFCA

Procurement, CFCA

Head of Unit B, CFCA

Data Monitoring, Pooled Capacities and Networks, CFCA

Coordination and training, CFCA

Head of Unit C, CFCA

Operational Coordination, CFCA

Desk North Atlantic, CFCA

Desk Baltic Sea, CFCA

Desk Black Sea and Mediterranean, CFCA

Desk North Sea, CFCA

Desk IUU, CFCA

European Union institutions

European Parliament, Greens in the European Parliament

European Court of Auditors, Unit Community Agencies and other decentralised bodies, Chamber IV²²³

EMSA, Unit for Vessel Traffic and Reporting Systems

FRONTEX, External Relations

Other stakeholders

Baltic Sea Regional Advisory Council, Representative on the CFCA Advisory Board

Food and Agriculture Organisation, General Fisheries Commission for the Mediterranean, Secretariat

Greenpeace, Italy

International Commission for the Conservation of the Atlantic Tuna, Executive Secretariat²²⁴

Long Distance Waters Regional Advisory Council, Secretariat

Mediterranean Regional Advisory Council, Secretariat

OCEANA, Spain

Pew Environment Group's European Marine Programme

South Western Waters Regional Advisory Council, Representative on the CFCA Advisory Board

Spanish Fisheries Confederation (Confederación Española de Pesca), Secretariat General

WWF Spain, Fisheries Coordination

²²³ The European Court of Auditors referred to a Special Report dealing with agencies. Whilst noting that *'the Court's position is expressed through the reports or communications made available to the public'* and that *'the Court refuses to involve itself in any exercise which could rise real or perceived potential conflicts of interest'*, the Court noted its interest in the evaluation's conclusions.

²²⁴ Note that ICCAT did not wish to comment on the activities (performance) of the CFCA as this was considered to be incompatible with ICCAT's mandate. However, it was suggested that the ICCAT Secretariat might provide 'neutral' feedback in the context of the case study on the JDP Blue Fin Tuna, e.g. to enhance the evaluator's understanding of issues surrounding the conservation of tuna and tuna-like species in the Atlantic Ocean and adjacent seas.

Annex 2 - References

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Council of the European Union, Brussels European Council 12 and 13 December 2003, Presidency Conclusions, 5 February 2004

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Assessment of the effectiveness of Joint Deployment Plans, Final Model Standard Methodology, April 2011. The report was prepared by MRAG Ltd.

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Expert Group Fisheries Control North Sea, minutes of meeting, 15 March 2007

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Cod Joint Deployment Plan, Debriefing meeting report, minutes of meeting, 4 March 2008

Steering Group meeting for the North Sea and Western Waters, mission report, 2 April 2009

Joint Steering Group North Sea / Baltic Sea, minutes of meeting, 3 December 2009

Joint Steering Group North Sea and Western Waters / Baltic Sea, minutes of meeting, 4 December 2009

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