

# Final report

## Five-Year Independent External Evaluation of The European Fisheries Control Agency

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# List of abbreviations / acronyms

AB	EFCA Administrative Board
ABMS	Activity Based Management System
AC	Advisory Council
ADVB	EFCA Advisory Board
AR	EFCA Annual Report
AWP	EFCA Annual Work Programme
BALTFISH	Baltic Sea Fisheries Forum
BFT	Bluefin tuna
CA	Contractual Agent
CC	Core Curriculum
CCS	Catch Certification Scheme
CFP	Common Fisheries Policy
DG MARE	Directorate-General for Maritime Affairs and Fisheries
DRS	Disaster Recovery Site
EC	European Commission
ECA	European Court of Auditors
ED	EFCA Executive Director
EFCA	European Fisheries Control Agency
EIR	Electronic Inspection Report
EMSA	European Maritime Safety Agency
EP	European Parliament
ERS	Electronic Reporting System
ESG	Evaluation Steering Group
EU	European Union
EUCG	European Union Coast Guard
EUR	Euro
FI	Fisheries Inspector
FIS	Fishery Information System
FPA	Fisheries Partnership Agreement
FRONTEX <sup>1</sup>	European Border and Coast Guard Agency

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<sup>1</sup> Frontex was originally established as 'the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union' (Council Regulation (EC) 2007/2004). Regulation (EU) 2016/1624 established the European Border and Coast Guard Agency (Frontex).

FTE	Full Time Equivalent
GFCM	General Fisheries Commission for the Mediterranean
HR	Human Resources
ICS	Internal Control Standard
IAS	Internal Audit Service
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICES	International Council for the Exploration of the Sea
IUU	Illegal, Unreported and Unregulated fishing
JDP	Joint Deployment Plan
KPI	Key Performance Indicator
LO	Landing Obligation
MARSURV	Maritime Surveillance Information System (note that MARSURV is not an abbreviation but the name of the system)
MWP	EFCA Multiannual Work Programme
MS	EU Member State
NAFO	Northwest Atlantic Fisheries Organisation
NEAFC	North East Atlantic Fisheries Commission
PMO	EC Office for the Administration and Payment of Individual Entitlements (Pay Master's Office)
RFMO	Regional Fisheries Management Organisation
RPAS	Remotely Piloted Aircraft Systems
SFPA	Sustainable Fisheries Partnership Agreement
SG	JDP Regional Steering Group
SGTEE	Steering Group on Training and Exchange of Experience
SLA	Service Level Agreement
SNE	Seconded National Expert
SYSPER at	Système de gestion du Personnel (the EC information system aiming at integrating all human resource management functions)
TA	Temporary Agent
ToR	Terms of Reference (for this assignment)
VMS	Vessel Monitoring System
WGTEE	Working Group on Training and Exchange of Experience

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# Introductory note

This introductory note aims to facilitate the reading of the final report for the evaluation of the European Fisheries Control Agency (EFCA).

The final report is structured in five main parts:

1. Half-page summary.
2. Executive summary.
3. Introduction to the evaluation: This part introduces the evaluation by first outlining the evaluation mandate and objectives, followed by a detailed description of the methodology.
4. Findings: This part presents the findings of the evaluation. This part first describes the context against which this evaluation has been conducted, followed by detailed findings for each evaluation criterion.
5. Conclusions and recommendations: The final part includes the conclusions, recommendations and suggestions for follow-up.<sup>2</sup>

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<sup>2</sup> The ToR differentiate between recommendations and suggestions. EC feedback on this point indicates that suggestions are a sub-category of recommendations that could be considered in a more long-term perspective.

# Half-page summary

In line with EFCA's Founding Regulation (Council Regulation (EC) 768/2005, as last amended by Regulation (EU) 1626/2016), this evaluation reviewed the implementation of the Regulation during 2012-2016 against the evaluation criteria of follow-up on the last evaluation, relevance, coherence, utility, added value, efficiency, effectiveness, impact, sustainability and gender balance. Data collected with the help of extensive desk research, interviews with some 60 stakeholders, five case studies (focusing on specific EFCA activities) and five surveys of key stakeholders confirm EFCA's positive performance across all evaluation criteria. This is mostly explained with EFCA successfully operationalising a role of 'honest broker' between the MS, EC and industry, allowing EFCA to achieve objectives in terms of MS cooperation and compliance, thus contributing to the level-playing field and the sustainable exploitation of living aquatic resources. EFCA's strong performance was supported by adequate governance arrangements and working practices, with commendable efficiency efforts, e.g. use of e-administration. The evaluation issues a series of recommendations, including:

1. Promote a participatory approach to further improve EFCA working practices;
2. Promote the reflection in the AB on the added value of EFCA's international dimension; Explore how to enhance visibility and ensure that international dimension activities are aligned with needs of third parties;
3. Initiate the development of an EU qualification framework for fisheries inspectors; Continue working on the operationalisation of the new e-learning platform to enhance utility for MS; Adopt a comprehensive model for assessing effectiveness of EFCA training to better understand the extent of the use of EFCA material;
4. Engage in discussions with industry through the ACs and promote self-regulation initiatives with industry on the LO provisions; Strengthen AB, AC / EFCA interaction;
5. AB members not able to attend AB meetings to make systematic use of proxies or attend via videoconferencing; Encourage less active MS to take on specific AB preparatory tasks; Improve KPIs, with a specific focus on KPIs on effectiveness and impact;
6. Organise regional or fishery based workshops involving stakeholders to improve compliance by promoting greater transparency and understanding of the management objectives, changes in behaviour and implementation of best practices; Consider promotion of results-based management systems; Develop and implement a mechanism to provide mutual assurance on the uniform application of the CC, or training equivalent to the CC; Engage in dialogue on the issue of making the adoption of the CC mandatory;
7. Consider the launching of a dedicated initiative to promote an enhanced gender balance among EFCA staff.

# Executive summary

Covering the period 2012-2016, and in line with EFCA's Founding Regulation (Council Regulation (EC) 768/2005),<sup>3</sup> this evaluation reviewed the implementation of the Regulation against the evaluation criteria of follow-up on the last evaluation, relevance, coherence, utility, added value, efficiency, effectiveness, impact, sustainability and gender. These criteria were 'operationalised' with the help of 12 evaluation questions and related indicators and judgement criteria. Data collection involved desk research, surveys, interviews and case studies.

The evaluation was conducted between 19 May 2016 (entry into force of the contract) and 29 May 2017 (submission of this report).

**Follow-up on the last evaluation:** EFCA's follow-up on the recommendations issued by the 2012 evaluation has been highly satisfactory, thus leading to the intended impact in terms of addressing identified shortcomings. The follow-up was systematic and strategic with regular reviews in the Administrative Board (AB) of the state of implementation of the recommendations and consideration in EFCA strategic documents. In some cases, recommendations cannot be considered 'closed', however, in these cases the recommendations were of a continuous nature.

**Relevance:** EFCA operational objectives largely correspond to Member State (MS) needs and to the level of European Union (EU) policy. Stakeholders acknowledge differences in terms of the relevance of EFCA objectives between their own MS and other MS. At the same time, there are differences between MS and European Commission (EC) interests. However, there is also a common MS and EC understanding of EU fisheries control and inspection objectives. EFCA plays a facilitating role in ensuring that MS, the EC, and industry harmonise individual interests to achieve optimal outcomes of the established common operational objectives as stated in the Founding Regulation. EFCA operationalises this role by fostering trust between stakeholders, continuous face-to-face interaction and the establishment of transparent and inclusive working procedures.

The challenge for EFCA is to bring different elements of fisheries control and inspection together through the coordination of activities. In this regard, the coordination of control and inspection by MS relating to the control and inspection obligations of the EU and the objective to coordinate the deployment of national means of control and inspection pooled by the MS are considered by stakeholders as most relevant. This is particularly associated with the work of EFCA in relation to the Joint Deployment Plans (JDP).

**Coherence:** EFCA activities in relation to EU operations<sup>4</sup> and implementation tasks<sup>5</sup> largely correspond to EFCA's mission as specified in the regulatory framework. EFCA's activities in relation to international operations<sup>6</sup> correspond to a large extent to EFCA's mission, but are affected by different views on prioritisation. International operations do correspond to the regulatory framework. However, MS stakeholders have differing views of the relevance of the international dimension, and this presents EFCA with several options of how to align the corresponding activities. The main approach identified is the prioritisation of activities in a way to cater to both, the alignment of objectives as well as the relevance of the problems. Whether this is also the case for international operations

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<sup>3</sup> When referring to the Founding Regulation, the text always implies the Founding Regulation as last amended by Regulation (EU) 1626/2016.

<sup>4</sup> EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors; EFCA Fisheries Information System; Joint Deployment Plans.

<sup>5</sup> Implementation Tasks: New technologies for Maritime Surveillance; Common Information Sharing Environment – CISE; Union Inspectors; EFCA Coordination Centre; Compliance Evaluation; Landing Obligation.

<sup>6</sup> International Operations: IUU evaluation missions to Third Countries; Capacity Building for Third Countries.

cannot be confirmed with certainty, partly because the debates on this issue have taken place recently (in 2015). Prior to this, the evaluation does not identify a clear strategy for EFCA activities in the fight against Illegal, Unreported and Unregulated Fishing (IUU), Sustainable Fisheries Partnership Agreements (SFPA) or Regional Fisheries Management Organisations (RFMOs). The main reasons for this are: resource constraints limit the scope for strengthening international operations; EFCA gets involved in these activities on request of the EC; MS stakeholders and other stakeholders lack awareness of the international operations and EFCA's capacity development in third countries.

Further, the objectives and activities largely complement those by other relevant actors, in particular the MS and the EC, but also international organisations (such as RFMOs), and to a more limited extent, the private sector. An important driver for the alignment of EFCA activities with MS activities is the EFCA-MS-EC interaction which largely takes place within the AB governance arrangements. EFCA increasingly collects private sector feedback, in particular through the Advisory Board (ADVB) meetings and by attending Advisory Council (AC) meetings, resulting in the industry's perception of complementarity between EFCA and activities of the fishery industry. AB stakeholders do not share this view, which is mainly explained by the limited understanding of the role and outcome of interaction between EFCA and the industry sector.

EFCA activities are complementary with activities of EU actors, in particular with EU Agencies in the context of inter-agency collaboration. Two important drivers support the alignment of activities: the rolling out of the EFCA MARSURV application based on EMSA's Integrated Maritime Data Environment, allowing fisheries control authorities to enrich Vessel Monitoring System (VMS) information with other vessel position data; the other driver relates to the development of the European Coast Guard initiative in collaboration with EMSA and Frontex.

**Utility:** EFCA outputs and results largely satisfy MS needs and needs at the level of EU policy. During the period under evaluation, EFCA has committed to a wide range of training and operational activities. Concerning the utility of capacity building activities, EFCA satisfies needs at the MS level as well as EU policy needs relating to the Core Curricula (CC) for fisheries instructors and Union Inspectors and activities on IUU assistance. Participant satisfaction with the training is high. The role of the CC in contributing to a level playing field is largely positive considering 18 MS use or plan to use the CC. However, this evaluation cannot determine the extent to which the CC materials are used in the different MS. Concerning the utility of operational activities relating to the assistance in the implementation of the landing obligation (LO), EFCA addresses the needs on the level of EU policy as well as MS needs. In addition, EFCA has also addressed the needs of regional MS groups, resulting in repeated requests for assistance, particularly on the implementation of the LO.

**Added value:** EFCA adds value to the coordination of fisheries control and related activities as opposed to other actors (i.e. MS, EC, private sector) providing this support. EFCA expertise and know-how are particularly strong for EU operations and implementation tasks. The coordinated approach stands out as a feature of added value for a range of activities, including JDPs, EFCA's Coordination Centre, and LO tasks. This evaluation finds that AB stakeholders do not clearly see the role of the private sector in the coordination of fisheries control and related activities. However, to strengthen fisheries control, the relevance of engaging fishermen by promoting compliance with the CFP is noted. In particular, in the area of the LO, this evaluation identifies the importance of industry changing its attitude on discards. The difficulty of detecting infringements constitutes a clear challenge for compliance with the LO. The efforts to compare landed fish against estimated levels of by-catch only provides 'soft evidence' of non-compliant behaviour that may be used at a risk management level. Arguably, the way to increase compliance with the LO lies in ensuring that the private sector self-regulates behaviour.

However, self-regulation is a contested approach. EFCA deals with control whilst sanctioning remains a MS responsibility. In a scenario of weak enforcement or sanctions it is difficult to break patterns of deviant behaviour due to the absence of identifiable consequences. This is particularly true for repeat offenders for which the self-regulation approach might not work. In other words, there is a need for enhanced self-regulation of the fisheries sector due to the limited capacity to control compliance with the LO, while at the same time there is need for identifiable consequences to non-compliant behaviour. The latter is an area in which EFCA does not play a role, the former is an area where EFCA can play a role.

**Efficiency:** EFCA has demonstrated very strong performance with regard to the evaluation criterion of efficiency. Strong budget performance is indicated, inter alia, by the reduced volume of carry-overs, and stakeholder feedback largely considers the Agency's budget structure and resource allocation to be adequate. EFCA governance arrangements are considered adequate in terms of contributing to the Agency's efficient operation. In line with the positive views on the governance arrangements, stakeholders were supportive of maintaining current arrangements. Looking at the operation of the AB, data confirms largely adequate attendance of, and contribution to meetings, however, a small number of MS has not made systematic use of issuing proxies in case of non-attendance and several MS appear to be less active at the AB meetings. Looking at the ADVB, attendance at, and contributions to meetings also appear largely adequate. The evaluation also considers EFCA working practices to be adequate, noting the Agency's efforts to continually improve practices and accommodate AB member needs. EFCA has also demonstrated strong performance regarding systems and processes, comparing well with other EU Agencies of similar size in terms of audit performance. EFCA has enhanced its processes in a pro-active way during 2012-2016, with stakeholders only noting the constraint of Agency size, i.e. EFCA needs to comply with the same requirements as substantially larger EU Agencies. Limited opportunity for harnessing 'economies of scale' internally were addressed by maximising cooperation arrangements with the EC, other EU Agencies and external service providers. Finally, EFCA has made good progress on Key Performance Indicators (KPI) for monitoring the performance of internal processes and delivery of outputs. Finally, EFCA has also demonstrated strong performance in complying with the requirements posed by the Common Approach and the Interinstitutional Agreement. This is evidenced by a combination of measures, including a reorganisation of functions and related staffing; the use of e-administration; the use of e-communication; systematic cooperation with EC Services, other EU Agencies and recourse to external service providers; and general attention to opportunities for cost savings.

**Effectiveness:** Stakeholders rated EFCA's effectiveness high in terms of achieving results along the lines of the mission elements/operational objectives specified in the Founding Regulation. In particular, the AB stakeholders considered EFCA most effective in coordinating,<sup>7</sup> followed by contributing<sup>8</sup>, and assisting<sup>9</sup> the work of the MS and the EC.

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<sup>7</sup> Coordination mission elements: to coordinate control and inspection by MS relating to the control and inspection obligations of the Union; to coordinate the deployment of the national means of control and inspection pooled by the MS; to coordinate the operations to combat illegal, unreported and unregulated fishing in conformity with Union rules.

<sup>8</sup> Contribution mission elements: to contribute to the work of MS and the EC on research into and development of control and inspection techniques; to contribute to the coordination of inspector training and the exchange of experience between MS.

<sup>9</sup> Assistance mission elements: to assist MS in reporting information on fishing activities and control and inspection activities to the EC and third parties; in the field of its competences, to assist MS to fulfil their tasks and obligations under the rules of the common fisheries policy; to assist MS and the EC in harmonising the application of the CFP throughout the Union; to assist in the uniform implementation of the control system of the CFP.

Consistent with findings on relevance, this evaluation notes lower effectiveness ratings for the coordination of operations to combat IUU and the contribution of EFCA to the research and development of control and inspection techniques. The former can be explained by questions raised on visibility of what the coordination of IUU operations by EFCA mean. The latter can be explained by views of not having sufficiently explored possible alternatives for those MS experiencing problems (i.e. privacy protection) with the use of on-board cameras to control and inspect fisheries.

Concerning the effectiveness of EFCA in achieving specific objectives,<sup>10</sup> this evaluation notes that the Agency contributed to strengthened cooperation between MS authorities, in particular through JDPs and activities in relation to MS regional cooperation. EFCA-facilitated coordination through JDPs resulted in increased inspection activities. Concerning achievements to enhance compliance with the CFP, EFCA positively contributed to this through facilitating MS exchange and ensuring harmonisation of inspection standards. However, it was noted that JDP activities largely rely on the deployment of national means which places responsibility to enhance compliance with the MS. While the JDP inspection effort indicates the effectiveness of EFCA's contribution to strengthen cooperation between MS, the extent to which inspections are effective in preventing infringements is difficult to determine. Concerning the extent to which EFCA achieved the specific objective of more effective and uniform application of the CFP, stakeholders generally responded positively. Negative responses to achievements point to MS concerns regarding differences in the application of the CFP. Rather than considering EFCA was not effective in this field, stakeholders argued that continuous efforts are required. At the same time, EFCA's limited mandate in this area was repeatedly noted (i.e. in relation to sanctioning of fisheries infringements which remains a MS competence).

Further, determining the effectiveness of operational coordination is challenging. The one recurring area of interest is to look at substantiating compliance to determine the effectiveness of fisheries monitoring, control and surveillance programmes. EFCA has repeatedly made efforts to tackle this issue, i.e. by fine-tuning a compliance methodology, and this has been frequently discussed during AB meetings. This evaluation points to a series of caveats in the context of assessing compliance: the MS have no comparative standards in terms of procedures and enforcement; JDPs can only be considered a 'proxy' since the entire fleet is not covered, nor all species, and each area has different species and gears. Concerning capacity building activities, stakeholders generally responded positively to EFCA training activities and initiatives. Concerning the CC, stakeholders were largely positive about the role of the material in contributing to a level playing field, suggesting increased confidence between MS. However, concerns were raised that the CC are not uniformly used in all MS. Stakeholder feedback also suggested that the lack of a sectoral qualification framework for inspectors undermines the effectiveness of the CC.

**Impact:** EFCA contributed to achieving wider objectives.<sup>11</sup> EFCA played a more important role in terms of enhancing the level playing field between fisheries of the different MS rather than with regard to contributing to the sustainable exploitation of living aquatic resources. This is not identified as a shortcoming of EFCA's impact but rather relates to the fact that the sustainable exploitation of living aquatic resources is conditioned by a wide variety of external factors over which EFCA has limited control. In particular, the attribution of the socio-economic and environmental conditions of fisheries to EFCA activities is difficult to establish. However, EFCA's contribution to a more

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<sup>10</sup> Specific objectives: strengthened cooperation between relevant MS authorities; enhanced compliance with the rules of the CFP; more effective and uniform application of the CFP.

<sup>11</sup> Wider objectives: sustainable exploitation of living aquatic resource; enhanced level playing field between fisheries of the different MS.



effective and uniform application of the CFP and support to MS in the area of CFP enforcement can be considered relevant to further the sustainable exploitation of living aquatic resources.

EFCA's role with regard to increasing the level playing field between fisheries of the different MS is limited within the larger framework of the Control Regulation (CR), however this evaluation suggests that the Agency plays an important role in ensuring exchange of information, inter alia, coming from the VMS. The increase in VMS use by vessels due to the CR allows EFCA, in particular within the framework of interagency collaboration, to play a valuable role in ensuring MS data access for control efforts which subsequently contributes to a more level playing field. Another important element of the level playing field is the harmonisation of inspection standards. EFCA training activities contribute to this and can therefore be considered to contribute to wider objectives in this area.

**Sustainability:** Stakeholders principally considered EFCA EU operational tasks (in particular JDP activities) and implementation tasks (in particular on the LO) sustainable. However, some contradictions in views were identified. For example, JDPs, which can be considered EFCA's 'flagship initiative', are relevant, coherent, efficient, and perceived effective. The role of EFCA as a coordinating body for the deployment of control and inspection means is considered essential. Eliminating EFCA's role and activities in this area would result in a deterioration of the situation, which suggest this is not sustainable. There is a need for this to continue and the European Parliament (EP) has called for EFCA's mandate to be strengthened. This shows that there is still room for improvement in the harmonisation of control and inspection standards and procedures, coordination and implementation, and supporting information systems at the EU level. The support given in relation to the LO is undoubtedly sustainable. This is particularly clear in the MS regional groups where EFCA has been active. It appears clear that the industry is struggling with the LO and has deployed resources to tackle this issue. However, the support of EFCA is needed during the implementation phase of the LO to cover various fishing areas (and types of fisheries), considering the EU level perspective, the regional approach, and the available expertise and know-how in the Agency.

EFCA's international operations are considered less sustainable, and this is attributed to limited visibility of the results of the activities conducted by EFCA relating to the international dimension, thus raising questions from stakeholders on the role that EFCA plays and can play in this. There are on the other hand calls from stakeholders (i.e. advisory councils) for a strengthening of the role that EFCA plays in international and third country waters. This would entail amendments to EFCA's mandate on the need for specific legal provisions for the fight against IUU (referring to a consistent relation between the IUU and CR).

In relation to the CC, EFCA has fulfilled its objectives and related tasks, but there appears to be a common agreement that more is needed in order to achieve a level playing field in this area. There are calls for making the adoption of the CC mandatory, including the standardisation of control procedures (i.e. from EP). Resistance from MS would be expected in this respect, and this is also linked to varying MS training systems, but an adoption of standards in this area is needed in order to achieve CFP objectives. Considering the current situation, the EFCA efforts vis-à-vis MS have to be more systematic and measurable in order to be considered sustainable, including the impacts of the training given by EFCA so far.

**Gender:** EFCA consciously addresses gender issues in its activities. EFCA's ratio of female staff is similar to that of other agencies with a similar traditionally male-dominated portfolio. Further, this evaluation finds that EFCA deploys conscious efforts to address gender imbalance in recruitment. There is no dedicated initiative underway to actively promote gender balance.

## Recommendations

Follow-up on the last evaluation: Maintain the AB meeting agenda point 'Ways to further improve the working practices'. Consider the selection of a small number of key issues to be followed up by dedicated working groups, comprising AB and EFCA representatives; AB members to feed into the improvement of working practices by reflecting on experiences in their own administrations or in other EU Agencies; Develop AR reporting on results (improved compliance, strengthened cooperation, capacities) and impacts.

Relevance: Strengthen the interaction between the ADVB and the AB; Promote the discussion / reflection on the added value of EFCA activities on the international dimension; Map MS policy structures in relation to maritime affairs in order to adequately anticipate future policy needs.

Coherence: Continue providing feedback to the AB on EFCA activities related to RFMOs, the fight against IUU and SFPA; Assess the required resources for EFCA activities relating to the international dimension and explore funding mechanisms; Clarify the need for flexibility in relation to needs of SFPA partners; Continue timely scheduling of missions to third countries and clarify to the AB that these activities do not interfere with EFCA activities in the EU.

Utility: Initiate debates on the development of an EU qualification framework for fisheries inspectors and map differences in inspection structures and systems, differing training systems, and potentially differing perspectives in MS; Further develop the CC utility for training of trainers; Continue working on the operationalisation of the new e-learning platform in order to mitigate language constraints; Promote the translation of material by MS, i.e. in collaboration with the EC through funding from the EU Structural and Investment Funds; Adopt a more comprehensive model for assessing EFCA training on the basis of the widely used Kirkpatrick model for the evaluation of training effectiveness.

Added value: Engage in discussions with industry through the ACs and promote self-regulation initiatives with industry on the LO provisions; Strengthen AB / AC / EFCA interaction; Raise awareness of EFCA activities / added value to external stakeholders (i.e. RFMOs and ACs).

Efficiency: AB members not able to attend AB meetings to make systematic use of proxies or attend via videoconferencing; Encourage less active MS to take on specific preparatory tasks, e.g. in the context of Working Groups reviewing specific issues; Improve KPIs, with a specific focus on KPIs in the areas of EFCA effectiveness and impact.

Effectiveness and impact: Organise regional or fishery based workshops involving stakeholders (fisheries, fisherman associations, scientists and authorities) to improve compliance by promoting greater transparency and understanding of the management objectives, changes in behaviour and implementation of best practices; Consider promotion of results-based management systems for certain fisheries; Consider 'fuzzy logic' approach as an alternative to the current 'traffic light' approach used in the risk analysis; EFCA to draw relevant stakeholders' attention to mandate and resource adjustments required to strengthen EFCA's effectiveness in international and third country waters; Consider making participation in the work of the SGTEE more productive for MS representatives, e.g. continue use of high quality video conferencing in place of some face-to-face meetings, and holding fewer meetings in Vigo; Develop and implement a mechanism to provide mutual assurance on the uniform application of the CC, or training equivalent to (or more advanced than) the CC and greater clarity in the data regarding the numbers of Union inspectors that have been trained in line with the CC, or to an equivalent or high level; Assess impacts of EFCA training at MS level.

Sustainability: Explore how to enhance visibility and ensure that international dimension activities are aligned with needs of international public entities responsible for fisheries

(i.e. RFMOs, FAO); Engage in dialogue on the issue of making the adoption of the CC mandatory, including the standardisation of control procedures.

Gender: Consider the launching of a dedicated initiative to promote an enhanced gender balance among EFCA staff.

# 1 Introduction to the evaluation

The first sub-section notes the evaluation mandate and objectives (Section 1.1); the second sub-section outlines the evaluation methodology (Section 1.2)

## 1.1 Evaluation mandate and objectives

In line with Article 39, Council Regulation 768/2005,<sup>12</sup> the independent external evaluation 'shall assess the impact of this Regulation, the utility, relevance and effectiveness of the Agency and its working practices and the extent to which it contributes to the achievement of a high level of compliance with rules made under the common fisheries policy'. Further to a public procurement procedure, the evaluation contract between EFCA and Blomeyer & Sanz entered into force on 19 May 2016.

The EFCA evaluation pursued a twofold objective. Indeed, as for other European Union (EU) Agency evaluations there was a summative and formative evaluation component.<sup>13</sup> Translated to the context of the EFCA evaluation, this implies: The first evaluation objective is related to the wider accountability of EFCA, i.e. 'an assessment of the overall impact of EFCA's founding regulation against the objective set out in Article 1 of the same regulation'.<sup>14</sup> Two main aspects are considered, namely EFCA's governance and its performance with a focus on the evaluation criteria of follow-up on the last evaluation, relevance, coherence, utility, added value, efficiency, effectiveness, impact, sustainability and gender balance. The assessment of wider accountability represents the main focus of the external evaluation. However, the external evaluation is also forward-looking in so far as past experience was assessed to shape the content and extent of future EFCA activity. This evaluation aspect was particularly important with regard to the preparation of the final conclusions and recommendations and related consultation with EFCA stakeholders.

## 1.2 Evaluation methodology

This section presents the evaluation methodology. This section is organised as follows: Introduction to the evaluation questions (0); Desk research (1.2.2); Surveys (1.2.3); Interviews (1.2.4); Case studies (1.2.5); Validity of the evaluation findings (1.2.6); Difficulties encountered (1.2.7).

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<sup>12</sup> When referring to the Founding Regulation, the text always implies the Founding Regulation as last amended by Regulation (EU) 1626/2016.

<sup>13</sup> The European Commission (EC) defines summative and formative evaluation as follows: Summative evaluation: 'It is conducted after completion and for the benefit of some external audience or decision-maker (e.g. funding agency, historian, or future possible users)'; Formative evaluation: 'Evaluation which is intended to support programme actors, i.e., managers and direct protagonists, in order to help them improve their decisions and activities. It mainly applies to public interventions during their implementation (on-going, mid-term or intermediate evaluation). It focuses essentially on implementation procedures and their effectiveness and relevance'. See: [http://ec.europa.eu/regional\\_policy/sources/docgener/evaluation/evalsed/glossary/index\\_en.htm](http://ec.europa.eu/regional_policy/sources/docgener/evaluation/evalsed/glossary/index_en.htm).

<sup>14</sup> ToR, p. 10.

### 1.2.1 Introduction to the evaluation questions

This evaluation reviewed EFCA 'performance' against the evaluation criteria of follow-up on the last evaluation, relevance, coherence, utility, added value, efficiency, effectiveness, impact, sustainability and gender. These criteria were 'operationalised' with the help of a set of evaluation questions and related indicators and judgement criteria. Data collection involved desk research (1.2.2); surveys (1.2.3); interviews (1.2.4); and case study work (1.2.5). Triangulation of feedback from the different sources allowed for the systematic validation of findings: 'Evaluations are based on the best available evidence (factual, opinion based etc.), which should be drawn from a diverse and appropriate range of methods and sources (triangulation)'.<sup>15</sup> Before presenting the data collection in detail, the following paragraphs briefly reflect on the evaluation questions and present a table showing all questions, indicators and judgement criteria. The Terms of Reference (ToR) note 19 evaluation questions.<sup>16</sup> Further to careful revision, the evaluators prepared a set of 12 main evaluation questions, each questions further detailed with a series of sub-questions. The revised set was prepared on the basis of the evaluators' understanding of the EFCA intervention logic, Evaluation Steering Group (ESG) written and verbal feedback,<sup>17</sup> and a series of methodological considerations, drawing on relevant EC sources.<sup>18</sup> The revision of the evaluation questions pursued a two-fold objective, namely, (a) the methodological alignment of the questions in the ToR with standard definitions and understandings of evaluation concepts in the framework of EC evaluation practice, and (b) the structuring and re-wording of questions to allow a reader not involved in the preparation or implementation of this evaluation to easily follow and understand the evaluation. In this sense, the revision of the evaluation questions was mostly concerned with reorganisation and rewording. The evaluators have not identified any elements in the original phrasing of the evaluation questions in the ToR that for some reason should not be addressed. However, the evaluators added one aspect, again following a logic of alignment with standard evaluation practice, namely the assessment of the horizontal priority of gender mainstreaming. To facilitate the reading of this evaluation, the following pages present the outcome of the reflections on the evaluation questions, with the final evaluation questions and related methodological detail, e.g. indicators, judgement criteria, and data collection methods (Table 1). Finally, with regard to drawing conclusions from the findings under the different evaluation questions, this evaluation follows the EC Better

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<sup>15</sup> EC (2015) Commission Staff Working Document, Better Regulation Guidelines, SW(2015) 111 final, 19 May 2015, p. 54.

<sup>16</sup> Note an error in the numbering of the evaluation questions; questions are numbered from 1 to 20, with number 9 missing.

<sup>17</sup> The ESG is composed of EC, MS and EFCA representatives and provides the contractor with access to information, supports and monitors the work of the contractor and assess the quality of the reports submitted, while ensuring that the contractor's independence is not compromised.

<sup>18</sup> EC (2004) Evaluating EU Activities, A Practical Guide for the Commission Services, [http://ec.europa.eu/smart-regulation/evaluation/docs/eval\\_activities\\_en.pdf](http://ec.europa.eu/smart-regulation/evaluation/docs/eval_activities_en.pdf); EC (2010) Analytical Fiche Nr 29, Evaluation of agencies, [http://europa.eu/agencies/documents/fiche\\_29\\_sent\\_to\\_ep\\_cons\\_2010-12-15\\_en.pdf](http://europa.eu/agencies/documents/fiche_29_sent_to_ep_cons_2010-12-15_en.pdf); EC (2013) EVALSED: The resource for the evaluation of Socio-Economic Development - Evaluation guide, [http://ec.europa.eu/regional\\_policy/sources/docgener/evaluation/guide/guide\\_evalsed.pdf](http://ec.europa.eu/regional_policy/sources/docgener/evaluation/guide/guide_evalsed.pdf); EC (2015) Commission Staff Working Document, Better Regulation Guidelines, [http://ec.europa.eu/smart-regulation/guidelines/docs/swd\\_br\\_guidelines\\_en.pdf](http://ec.europa.eu/smart-regulation/guidelines/docs/swd_br_guidelines_en.pdf); EC (2012) Roadmap on the follow-up to the Common Approach on EU decentralised agencies (19 December 2012), [https://europa.eu/european-union/sites/europa.eu/files/docs/body/2012-12-18\\_roadmap\\_on\\_the\\_follow\\_up\\_to\\_the\\_common\\_approach\\_on\\_eu\\_decentralised\\_agencies\\_en.pdf](https://europa.eu/european-union/sites/europa.eu/files/docs/body/2012-12-18_roadmap_on_the_follow_up_to_the_common_approach_on_eu_decentralised_agencies_en.pdf); EC (2015) Better Regulation Toolbox, [http://ec.europa.eu/smart-regulation/guidelines/docs/br\\_toolbox\\_en.pdf](http://ec.europa.eu/smart-regulation/guidelines/docs/br_toolbox_en.pdf).

Regulation Guidelines with specific emphasis on the points shown in Annex 4.2. In this context it is worth noting that the conclusions at the end of the report sections dealing with the individual evaluation criteria, also include a short paragraph referring back to the original evaluation questions.

**Table 1 - Evaluation questions**

Note: Target groups refer to AB: Administrative Board, ADVB: Advisory Board, EFCA

Evaluation criteria	Revised evaluation question	Indicators (judgement criteria)	Method	Target
Follow-up last evaluation	0) To what extent has EFCA addressed the recommendations made by the 2012 evaluation?	AB and EFCA qualitative feedback (number of AB recommendations closed / in progress)	Desk research, Interviews	AB, EFCA
Relevance	<p>1) To what extent do the original EFCA objectives still correspond to (a) needs at the level of EU policy, and (b) needs at the level of the Member States' policies?</p> <p>This question will comprise sub-questions:</p> <ul style="list-style-type: none"> <li>• per EFCA specific objective (Article 3, Council Regulation (EC) No 768/2005 / Council Regulation (EC) No 1224/2009); i.e. the question above will be asked separately for each of the specific objectives noted under Article 3.</li> <li>• per year covered by this evaluation; i.e. the question will differentiate between the different years covered by this evaluation to verify whether relevance can be confirmed for all years.</li> <li>• factors explaining (lack of) relevance; i.e. whenever a respondent notes particularly strong / weak levels of relevance, there will be a follow-up question aiming to understand the reasons behind the response.</li> </ul>	AB / ADVB qualitative rating per EFCA specific objective and per year covered by this evaluation (majority of feedback confirming correspondence)	Interviews, Survey	AB, ADVB
Effectiveness	<p>2) To what extent have intended operational objectives (evidenced by outputs) and specific objectives (evidenced by immediate and medium-term results) been achieved, as set out in the regulatory framework, and further articulated in the EFCA work programmes (including contribution to CFP policy and other internal and external policies and strategic priorities, including through its cooperation/support upon EC request with third countries)?</p> <p>per EFCA specific objective (Article 3, Council Regulation (EC) No 768/2005 / Council Regulation (EC) No 1224/2009)?</p> <p>quality of outputs and results?</p> <p>factors of success / failure?</p> <p>unintended outputs and results?</p>	<p>Resources</p> <ul style="list-style-type: none"> <li>• AB / ADVB qualitative rating of the preparation and delivery of meetings and follow-up on decisions concerning Unit Resources</li> <li>• Benchmarking of EFCA progress vis-à-vis the Common Approach on decentralized agencies (EFCA progress at least equal to comparable agencies)</li> <li>• Unit A – Resources Performance Indicators (as used in EFCA Annual Reports, e.g. Annual Report 2015, p. 67)</li> </ul> <p>Capacity Building</p> <ul style="list-style-type: none"> <li>• Number of capacity building events and participants (planned</li> </ul>	Desk research, Interviews, Survey	AB, ADVB, EFCA

Evaluation criteria	Revised evaluation question	Indicators (judgement criteria)	Method	Target
		<ul style="list-style-type: none"> <li>versus achieved)</li> <li>• Participant feedback on the quality of capacity building (majority of participants confirming quality)</li> <li>• Number of users of EFCA systems, e.g. VMS system, ERS system, Fishnet, EIR, EFCA-EMSA MARSURV etc. (planned versus achieved)</li> <li>• User feedback on the quality of systems (majority of users confirming quality)</li> <li>• Operational Coordination</li> <li>• Number of inspections (planned versus achieved)</li> <li>• Ratio inspections/infringements (trend suggesting increasing compliance)</li> <li>• MS public data on compliance (trend suggesting increasing compliance)</li> <li>• AB / ADVB qualitative feedback on quality of coordinated controls (majority of feedback confirming quality)</li> <li>• AB qualitative feedback on best practices exchanged in the context of coordinated controls (majority of stakeholders confirming exposure to best practices)</li> </ul>		
Impact	<p>3) To what extent have intended wider objectives (evidenced by impacts) been achieved?</p> <p>1. per EFCA wider objective (wider objectives are understood as follows: '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</p>	<ul style="list-style-type: none"> <li>• Data on the situation of JDP fish stocks (data confirming improvements or at the least maintenance of status quo)</li> <li>• Proxy indicator: Total allowable catches (increases or at least maintenance of status quo)</li> </ul>	Desk research, Interviews, Survey	AB, ADVB



Evaluation criteria	Revised evaluation question	Indicators (judgement criteria)	Method	Target
	<p>this exploitation thus reducing distortions in competition' Council Regulation (EC) No 768/2005)?</p> <p>2. per 'target', i.e. CFP policy and practices in Member States, third countries, RFMOs, industry?</p> <p>3. causality / attribution?</p>	<ul style="list-style-type: none"> <li>AB / ADVB qualitative rating of enhanced level-playing field (majority of feedback confirming improvement)</li> <li>Proxy indicator: Employment in the fisheries sector (data confirming improvements or at the least maintenance of status quo)</li> </ul>		
Utility	<p>4) To what extent do EFCA outputs and results satisfy (a) needs at the level of EU policy, and (b) needs at the level of the Member States?</p> <ul style="list-style-type: none"> <li>per area of EFCA activity?</li> <li>factors explaining (lack of) utility?</li> </ul>	<p>Capacity Building</p> <ul style="list-style-type: none"> <li>AB qualitative rating of utility of training (majority of stakeholders confirming utility)</li> <li>AB qualitative rating of utility of systems (majority of stakeholders confirming utility)</li> </ul> <p>Operational Coordination</p> <ul style="list-style-type: none"> <li>MS commitment of human and other resources to JDPs (planned versus achieved)</li> <li>AB qualitative rating of utility of JDPs (majority of stakeholders confirming utility)</li> </ul>	Interviews, Survey	AB, ADVB
Efficiency / cost-effectiveness	<p>5) To what extent has EFCA delivered outputs on budget and on time over the period covered by this evaluation?</p> <ul style="list-style-type: none"> <li>per EFCA specific activity?</li> <li>factors of efficiency (To what extent is efficiency explained by the adequacy of the volume of EFCA budgetary resources? To what extent is efficiency explained by the adequacy of the volume and characteristics of EFCA human resources? To what extent is efficiency explained by the use of external services? Influence of changes in the organisational and budgetary structure?)</li> </ul>	<ul style="list-style-type: none"> <li>Commitment appropriations (planned versus achieved)</li> <li>Payments (planned versus achieved)</li> <li>Timelines (planned versus achieved)</li> <li>AB qualitative feedback on the adequacy of the structure of the EFCA budget (majority of stakeholders confirming)</li> </ul>	Desk research, Interviews, Survey	AB, ADVB, EFCA

Evaluation criteria	Revised evaluation question	Indicators (judgement criteria)	Method	Target
		adequacy) <ul style="list-style-type: none"> <li>AB qualitative feedback on the adequacy of the size of the EFCA budget (majority of stakeholders confirming adequacy)</li> </ul>		
	6) To what extent are EFCA outputs cost-effective? <ul style="list-style-type: none"> <li>for selected capacity building and operational coordination activities?</li> <li>in case of higher costs, what explains / justifies this?</li> </ul>	<ul style="list-style-type: none"> <li>Benchmarking of standard EFCA output costs, e.g. cost per one day per participant of capacity building, or cost per one day of inspections (costs lower or equal to costs of comparable activities delivered by MS or other Agencies)</li> <li>Variations in standard EFCA output costs (costs remain stable / variations are explained)</li> </ul>	Desk research, Interviews	EFCA
	7) To what extent has the delivery of outputs benefited from (a) EFCA governance arrangements, and (b) EFCA systems and processes? <ul style="list-style-type: none"> <li>per 'component' of EFCA governance (Administrative Board, Advisory Board, Director)?</li> <li>per process and system?</li> </ul>	<ul style="list-style-type: none"> <li>AB / ADVB qualitative feedback on governance arrangements (majority of stakeholders confirming adequacy)</li> <li>AB qualitative feedback on processes and systems (majority of stakeholders confirming adequacy)</li> <li>AB member participation in AB meetings (participation higher or equal to importance of fisheries in the concerned Member State)</li> <li>AB member participation in AB meetings (participation higher or equal to importance of fisheries in the concerned area)</li> </ul>	Desk research, Interviews, Survey	AB, ADVB, EFCA

Evaluation criteria	Revised evaluation question	Indicators (judgement criteria)	Method	Target
Added value	8) What are the comparative advantages of EFCA in terms of delivering support on the coordination of fisheries control and related activities? <ul style="list-style-type: none"> <li>factors explaining (absence of) added value?</li> </ul>	<ul style="list-style-type: none"> <li>AB / ADVB qualitative rating of EFCA expertise (majority of stakeholders confirming expertise)</li> <li>AB / ADVB qualitative rating of JDPs versus MS individual action (majority of stakeholders confirming advantage of coordinated action)</li> </ul>	Interviews, Survey	AB, ADVB
Internal coherence	9) To what extent do EFCA activities (operational objectives) correspond with objectives? <ul style="list-style-type: none"> <li>per EFCA specific and wider objective (Council Regulation (EC) No 768/2005 / Council Regulation (EC) No 1224/2009)?</li> <li>factors explaining (lack of) internal coherence?</li> <li>recommendations for discontinuation / modification of activities?</li> </ul>	AB qualitative rating of internal coherence (majority of stakeholders confirming internal coherence)	Desk research, Interviews, Survey	AB
External coherence	10) To what extent do EFCA activities and objectives complement those by other relevant actors? <ul style="list-style-type: none"> <li>factors explaining (lack of) external coherence?</li> </ul>	Demarcation between EFCA activities and activities of other actors, e.g. MS actors, the EC, EU Delegations, EU Agencies, international organisations, private organisations (majority of stakeholders confirming complementarity)	Desk research, Interviews	AB, ADVB, other stakeholders
Sustainability	11) To what extent are EFCA outputs and results resilient to a discontinuation of support by EFCA? <ul style="list-style-type: none"> <li>per EFCA output and result?</li> <li>factors explaining (lack of) resilience?</li> </ul>	<ul style="list-style-type: none"> <li>AB / ADVB qualitative rating of sustainability (majority of stakeholders confirming sustainability)</li> <li>MS resources allocated to maintaining outputs and results, integration of EFCA outputs into national structures and systems (interview feedback confirming allocation of resources / integration of EFCA outputs)</li> </ul>	Desk research, Interviews, Survey	AB, ADVB

Evaluation criteria	Revised evaluation question	Indicators (judgement criteria)	Method	Target
Gender	12) To what extent has EFCA mainstreamed gender considerations into its activities?	Qualitative stakeholder feedback on gender mainstreaming (interview feedback confirming gender mainstreaming where relevant)	Desk research, Interviews	EFCA

**Source:** Author's own elaboration

### 1.2.2 Desk research

Desk research focused on the review of relevant documentation and literature in the area of fisheries and documents available on the EFCA website 'library',<sup>19</sup> e.g. the Annual and Multiannual work programmes (AWP / MWP), Annual Reports (AR) etc. Upon request of the evaluator, EFCA facilitated additional documentation, e.g. minutes / conclusions of the meetings of the Administrative Board (AB) and Advisory Board (ADVB). Finally, desk research also included a review of relevant documentation / literature on EFCA's role in the wider framework of the Common Fisheries Policy (CFP), e.g. reports issued by the European Parliament (EP) and other stakeholders etc. A full list of consulted documentation can be found in Annex 4.1.

### 1.2.3 Surveys

The evaluators prepared five surveys to collect data to inform the different evaluation questions:

- On 3 July 2016, a first survey ('AB survey') was addressed to the AB members (see the survey format in Annex 4.4). The survey was closed on 26 September 2016, and by this date 30 of the 34 AB members answered the survey (24 Member States (MS) / 6 EC). Four AB members did not complete the survey. The survey findings are presented in this report ('AB survey'). The rate of response for the AB survey is 88% (a highly satisfactory rate of response).
- As of 5 July 2016, a second survey ('AC survey') was addressed to the Members of the Advisory Councils (AC) (see the survey format in Annex 4.6). This survey was disseminated via the different AC secretariats, i.e. the secretariats were given a web link to disseminate the survey among their members. The survey was closed on 19 September 2016. Following up on the recommendation of some of the AC, the survey was also prepared in French and Spanish. A total of 49 responses were received, and this is considered satisfactory as a complementary source of information.<sup>20</sup> The largest number of AC respondents represent activities in the North-Western Waters (NWW) and the Mediterranean (MED) whilst the North Sea (NS) and the Baltic Sea (BS) show the lowest representation.<sup>21</sup> Some respondents are represented in multiple ACs. Moreover, some respondents also noted affiliation to other bodies / fishing areas such as: Svalbard, and Greenland. Some respondents also noted membership in the recently established Markets and Aquaculture AC.
- The third and fourth surveys were launched to support case study research on the Core Curricula (CC). Both surveys were closed on 4 October 2016. One survey was addressed to MS representatives on the Steering Group on Training and Exchange of Experience (SGTEE) ('SGTEE survey'). A link to the survey of MS representatives on the SGTEE was sent to 61 MS representatives on 21 August 2016. This generated ten responses. A second email was sent on 9 September to 25 representatives of

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<sup>19</sup> See: <http://www.efca.europa.eu/en/library>.

<sup>20</sup> The ACs were asked to send the survey to their members. The sum of all members of the AC indicates that an estimated 385 members should have received the survey.

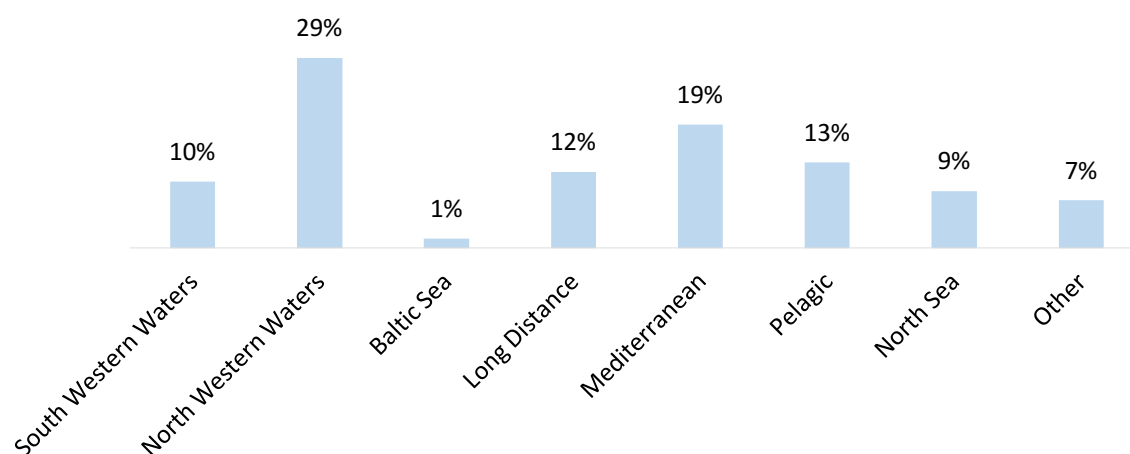
<sup>21</sup> It is interesting to compare this information with the ACs' engagement in the ADVB. The SWWAC and NSAC are the two ACs having participated in the smallest number of ADVB meetings (6 out of 10). The BS AC has a comparatively high ADVB participation rate (9 out of 10 meetings; idem for MEDAC, LDAC; NWWAC has participated in 8 of 10 ADVB meetings and Pelagic AC in all 10 meetings).

maritime MS, which had not responded by that date. As of 15 September, this had generated a further three responses. As of 4 October, the survey had generated 13 answers, a response rate of 22%, which is considered satisfactory as a complementary source of information.

- The other survey on the CC was addressed to fisheries inspectors (FI) ('FI survey') who have participated in training organised by EFCA, or to which EFCA contributed, and which EFCA considers relevant to the CC. A link to the survey of training participants was sent to 72 email addresses extracted from lists of training participants provided by EFCA Unit B (Capacity Building).<sup>22</sup> There had been just five responses to this survey as of 4 October 2016, a response rate of 7%. This is not considered a satisfactory rate of response and the feedback on its own was therefore not used as a basis for conclusions.
- The fifth survey was launched to inform the case study on Illegal, Unreported and Unregulated fishing (IUU) catch certification. The survey addressed the Members of the IUU Steering Group ('SGIUU survey'). This survey was conducted between 23 August and 2 September 2016. It was sent out to the Members of the IUU Steering Group, i.e. the 47 attendees to the EFCA IUU Plenary Seminar & Steering Group meeting in Vigo on 4-5 November 2015. A total of 14 responses were received or 30% of the target (involving 10 MS), which is considered satisfactory as a complementary source of information.

**Figure 1 - Advisory Councils respondents until 19 September 2016**

Note: % of respondents as member of AC



**Source:** AC survey

<sup>22</sup> These were participants in five training events (two in 2014 and three in 2016), i.e.: EFCA Workshop on the CC implementation, 26 February 2014; Workshop on the implementation of the Bluefin Tuna Legislation Nicosia, Cyprus 02-04 April 2014; IUU Advanced Workshop Las Palmas, Spain 14-15 June 2016; IUU workshop for newcomers Vigo, Spain 5-6 April 2016; Training in Ostend, Belgium 21-25 March 2016. It was not possible to use all email addresses provided for the survey of fisheries inspectors, as they were not sufficiently legible. There was some overlap in the two lists of email addresses (SGTEE and training participants). In order to avoid overloading stakeholders with similar surveys, the MS representatives who had already been invited to respond to the SGTEE survey were removed from the email list for the survey of training participants.

#### 1.2.4 Interviews

With the support of EFCA and the EC, the evaluators identified a list of stakeholders for interviews to feed into the data collection. A total of 58 stakeholders were interviewed face-to-face or through telephone/Skype. Interviews were conducted with a wide range of stakeholders, aiming to collect data from a balanced sample (i.e. EC, EFCA, and MS public stakeholders as well as ACs and international organisations such as RFMOs). Some interviewees were consulted on multiple occasions in order to deal with different issues or in order to validate previously collected information. Two interviewees provided written answers to a questionnaire. The interviews aimed to collect feedback from stakeholders that directly and indirectly are involved and affected by EFCA's activities. Feedback has been used to complement desk research and survey data. An overview of the interviews is included in Annex 4.12

#### 1.2.5 Case studies

The evaluators conducted five case studies. The case studies, by looking in more detail at a selection of EFCA activities, aimed to allow the evaluators to form a more in-depth understanding of EFCA's work and thus inform the discussion of some of the evaluation criteria.

- **Case study I - Inter-regional harmonisation: the landing obligation:** This case-study focused on EFCA activities that facilitate inter-regional harmonisation of the CFP reform concerning the landing obligation (LO), with a specific focus on activities relating to the Baltic Sea Member State (BALTFISH) Fisheries group. The choice of BALTFISH is explained with the fact that EFCA started its activities with BALTFISH in the period covered by this evaluation (2012-2016). This case study aimed to: 1) map the challenges concerning the implementation of the landing obligations in the BS; 2) take stock of the activities targeting BALTFISH and conducted by EFCA to support effective and efficient implementation of the LO; 3) and assess whether these have generated the desired results.
- **Case study II - Inter-agency collaboration and cooperation:** The added-value of looking at inter-agency collaboration and cooperation for this evaluation lies in the changing European context in which EFCA is operating and will operate in the future. The scope of this case study covered all activities relating to collaboration between the European Border and Coast Guard Agency (Frontex), the European Maritime Safety Agency (EMSA) and EFCA. This case study reviewed the existing collaboration between the agencies (2012-2016), and assessed the efficiency and effectiveness of this collaboration in the light of the current EFCA objectives. Moreover, this case study also looked at the extent to which EFCA would have to adapt activities in order to meet potential future changes in the wider objectives (2016 - onward). This case study aimed to: 1) map EFCA activities in collaboration with Frontex and EMSA; 2) identify objectives of each Agency in relation to this collaboration; 3) assess the extent to which EFCA objectives in this respect are met and how this aligns with the objectives of the other agencies.
- **Case study III – Joint Deployment Plan (JDP) regional risk management strategy:** The scope of this case study was the analysis of the activities relating to JDP risk management strategies, with a focus on the BS, WW, and NS JDPs considering that these JDPs have concentrated an important share of EFCA resources. Specific focus was placed on the Last Haul project which included the collection of

data in order to contribute to further enhance the risk assessments for the LO. This case study aimed to: 1) map the activities concerning regional risk management strategies; 2) assess the results of these activities; 3) determine the extent to which risk management strategies affect the level playing field.

- **Case study IV - IUU catch certificate:** EFCA's effective assistance in monitoring compliance with certain provisions of the IUU regulation is relevant given that the EU is a major producer, exporter and importer of fisheries products.<sup>23</sup> The EU's Catch Certification Scheme (CCS) is an essential part of the IUU Regulation and aims to improve the traceability of all fisheries products traded with the EU. The scope of this case study included EFCA activities directed at supporting the EC and the MS. The purpose of this case study was to assess the effectiveness and efficiency of the EFCA activities in the fight against IUU fishing. Particular focus was placed on the assistance provided by EFCA to MS concerning the implementation of the CCS. This case study also aimed to determine the added value of EFCA to support the EC in cooperation with third countries. This case study aimed to: 1) map the activities conducted to assist MS and the EC on IUU; 2) assess the effectiveness of this assistance on MS and third countries; 3) identify gaps and recommend how to strengthen assistance.
- **Case study V - CC:** For the purpose of this evaluation it is relevant to look at the effectiveness of the training of fisheries inspectors<sup>24</sup> in order to tackle challenges concerning the level playing field and harmonisation of inspection methodologies between MS. The scope of this case study was the training directed at inspectors, and training directed at trainers. Focus was placed on inspection at sea, port inspection (landing and transshipment) and the general principles and specific types of inspections. This case study aimed to: 1) assess the use of the Core Curricula for training of inspectors and trainers; 2) assess the effect of the use; 3) assess the impact on enhancing the level playing field.

The case studies were launched at the beginning of July 2016 with the preparation of interview guides and the detailed briefing of the evaluator's case study experts. The case study experts received: 1) background documentation, 2) stakeholder contacts lists, and 3) case study guidance in order to ensure that case study work would be efficiently integrated into the general evaluation tasks. Case studies have been prepared on the basis of desk research, interviews and surveys when relevant. Data collection for the case studies took place at the same time as the rest of the evaluation. Findings from the case studies have been incorporated in the report's section on findings. Desk research for the case studies included documents publicly available and documents provided to the experts. These include the documents used for the general evaluation, as well as specific documents on the topics of the case studies, such as specific EC regulations and reports. The list of documents consulted is available in Annex 4.1. Interviews have been conducted with regard to the case studies and some stakeholders have been interviewed for both the general evaluation and the case study work (either in a single or in a separate interview). Case studies draw on the interview feedback of a total of 23 stakeholders. Annex 4.12 provides an overview of the stakeholders interviewed and case

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<sup>23</sup> European Commission (2016). Facts and Figures on the Common Fisheries Policy [WWW]. Available from: [http://ec.europa.eu/fisheries/documentation/publications/pcp\\_en.pdf](http://ec.europa.eu/fisheries/documentation/publications/pcp_en.pdf) [Accessed 20/02/2017].

<sup>24</sup> EFCA feedback (21 March 2017) on a draft version of this report states that 'Training of fisheries includes workshops, exchange of best practices, CC etc.; the CC is just one part'.



studies for which they have provided feedback. The two general surveys (of the AB members and AC members) provided further information that fed into the case studies.

The case studies on inter-regional harmonisation, the landing obligation, on inter-agency collaboration and cooperation, and on JDP regional risk management strategy, feed into the general data collection described above. For the case study on the IUU catch certificate, the information presented was sourced from EFCA documents and annual reports, interviews, a survey directed at the members of the IUU Steering Group, as well as publicly available reports and documents. In relation to third countries, EFCA has provided capacity building in basic fisheries inspection and the IUU Regulation, as well as supported the EC in evaluations of third countries on IUU implementation, including catch certification. Only limited information was provided by EFCA on capacity building efforts and the EC evaluation reports appear to be considered of a confidential nature. Thus, the present evaluation focuses on EU MS and only indirectly on third countries. For the case study on the CC, various documents have been reviewed, such as the EFCA MWP and AR, EU legislation, meeting reports, training evaluation surveys, and other documents specific to training activities. Two surveys were launched in light of the case study research on the CC (see section 1.2.3). The surveys have been complemented by interviews with several members of the SGTEE (four in total). Stakeholders from EFCA and DG MARE were also interviewed specifically with regard to that case study.

#### 1.2.6 Validity of the evaluation findings

The validity of the evaluation's findings has been ensured through a mixed method methodology. Data has been collected, analysed and interpreted on the basis of both quantitative and qualitative approaches. The mandate and objectives of this evaluation are in line with Article 39, Council Regulation 768/2005.<sup>25</sup> The evaluation reviewed EFCA's performance against a set of criteria which were operationalised with the help of a series of indicators and judgement criteria, which were discussed by the evaluators and the Evaluation Steering Group consisting of representatives of EFCA, the AB and the EC DG Mare.

Data collection involved desk research, surveys, interviews and case studies. The data was processed, analysed and interpreted by the evaluators. Triangulation of feedback from the different sources allowed for systemic validation of findings. In repeated review rounds, the Evaluation Steering Group provided the evaluators with detailed comments. This ensured that the findings are based on the best available evidence from a diverse and appropriate range of methods and sources, in line with the EC's Better Regulation Guidelines.

1. Validity of data from desk research has been ensured by collecting and reviewing relevant documentation and literature in the public and private sphere. This includes documentation available on the EFCA, EP and EC websites, as well as internal documentation from EFCA such as minutes of meetings of the AB and ADVB.

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<sup>25</sup> When referring to the Founding Regulation, the text always implies the Founding Regulation as last amended by Regulation (EU) 1626/2016.

2. Validity of data from surveys has been ensured by collecting and analysing data from a representative sample of stakeholders. A total of five surveys were launched:
3. One survey addressed to the AB members resulted in 30/34 responses (24 MS / 6 EC), a response rate of 88% which is considered highly satisfactory.
4. One survey addressed to the Members of the Advisory Councils (AC) was disseminated via the different AC secretariats in three languages (EN, FR, ES). This resulted in a total of 49 responses which was considered satisfactory as a complementary source of information.<sup>26</sup> Respondents represented fisheries activities in the North-Western Waters and the Mediterranean, North Sea and the Baltic Sea.
5. Two surveys supported the case study on the CC, one addressed to MS representatives on the SGTEE and one addressed to fisheries inspectors. The former resulted in 13/61 responses, a response rate of 22%, which is considered satisfactory as a complementary source of information. The latter resulted in 5/72, a response rate of 7%, which was not considered a satisfactory response rate. Feedback on its own was therefore not used as a basis for conclusions.
6. One survey supported the case study on IUU catch certification and was addressed to representatives in the IUU Steering Group. This resulted in 14/47 responses, a response rate of 30% of the target audience (involving 10 MS), which was considered satisfactory as a complementary source of information.
7. Validity of data from interviews has been ensured by collecting, analysing and interpreting feedback from 58 stakeholders. The sample represents a wide range of stakeholders, i.e. EC, EFCA, and MS public stakeholders as well as advisory councils and international organisations such as RFMOs. Feedback was used to complement desk research and survey data.
8. Validity of data from case-study findings has been assured by collecting, analysing and interpreting data in close collaboration with EFCA staff and fisheries experts in the team of evaluators. The case studies looked in more detail at a selection of EFCA activities, allowing the evaluators to form a more in-depth understanding of EFCA's work and thus to inform the discussion of some of the evaluation criteria. Case studies combined a series of data collection tools such as desk review, interviews and surveys.

### 1.2.7 Problems and solutions

This section reflects on problems encountered in the course of the evaluation and related solutions.

The ToR require the following main outputs: an inception report, an interim report, a draft final report and a final report. No significant problems have been faced in the context of data collection up to the preparation of the second output, i.e. the interim report. This period was characterised by a fluid exchange with EFCA, MS stakeholders, the EC and other stakeholders to facilitate documentation and schedule interviews.

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<sup>26</sup> The ACs were asked to send the survey to their members. The sum of all members of the AC indicates that an estimated 385 members should have received the survey.

However, the contractor experienced some difficulties in the subsequent preparation of the draft final report, mainly explained with time constraints as illustrated in the following table. The contractor underestimated the efforts required for the preparation of the draft final report. Due to the fact that the final report was required to feed into the AB meeting of 5 April 2017, and related timelines for submitting documentation to the AB, there was no scope for extending the final reporting timelines. The evaluator addressed the time pressure by mobilising additional resources.

**Table 2 – Time schedule**

Output	Delivery of output according to ToR	Actual delivery of output	Comment
Contract signature	March 2016	19 May 2016	Contract signature delayed by approx. six weeks
Inception report	One month as of contract signature	3 June 2016 (draft version) 23 June 2016 (final version)	Inception period shortened by two weeks
Interim report	Three months as of contract signature	27 July 2016 (draft version) 5 October 2016 (final version)	Interim reporting period shortened by four weeks
Draft final report	1 September 2016 (six months as of contract signature)	11 November 2016 (version 1) 3 February 2017 (version 2) 23 February 2017 (version 3) 2 March 2017 (version 4) 3 April (version 5) 12 May 2017 (version 6)	Draft final reporting shortened by one week
Final report	1 February 2017 (11 months as of contract signature)	29 May 2017	

**Source:** Author's own elaboration

Finally, the following table provides an overview of problems encountered during the evaluation and solutions.

**Table 3 – Problems and solutions**

Problem	Solution
Limited availability of stakeholders in July / August to participate in interviews	Flexible scheduling of interviews. For example, the evaluators intended to meet a number of EC representatives (AB members) on one day in Brussels. However, due to limited availability, the interviews were flexibly scheduled over several weeks in July, August and September 2016.
Initial low rate of response to the AB	Reminders to stakeholders with extensions of deadlines for responding to the surveys, e.g. some AB members indicated their availability to complete the survey only in September 2016.
Low rate of response to the AC surveys	The members of the different AC have been contacted through the respective secretariats. This way the evaluators have limited possibility to remind stakeholders as this depends partly on the willingness of AC's to remind their members. The evaluators did repeatedly follow up with the AC in order to increase response rates.

Problem	Solution
	Moreover, the views of the AC were considered on the basis of desk research.
Low rate of response to interview requests European Parliament (EP).	It was discussed during the ESG meeting on 13 September that the evaluators did not yet receive feedback from the EP. The ESG offered to support reaching out to the EP. Eventually the evaluators managed to receive written feedback from one Member of the EP. The chair of the PECH Committee was approached several times for feedback but declined the invitation for an interview. This was addressed by reviewing relevant EP reports.
Access to the European Commission's evaluation of the control regulation	At the ESG meeting of 13 December 2016, the ESG asked the evaluators to consider the EC's evaluation of the control regulation, and reflect on implications for the EFCA evaluation, however, the EC only shared relevant documentation with the evaluators on 11 January 2017. The evaluators addressed this by reviewing the EC's public consultation paper, and public responses to the consultation by relevant stakeholders.
Time constraints over preparing the draft final report	Mobilisation of additional evaluation resources for the preparation of the draft final (final version) and final reports.

**Source:** Author's own elaboration

## 2 Context and findings

This section presents the evaluation context and findings. The first sub-section sets the context, presenting an overview of the main features of EFCA (mandate, activities, resources) in 2012-2016 (2.1). The second sub-section presents findings, organised by evaluation criterion (2.2).

### 2.1 EFCA during 2012-2016

This section presents the main features of EFCA during the period covered by this evaluation, i.e. the years 2012 to 2016. The section is organised as follows: Mandate and intervention logic (2.1.1); Activities (2.1.2); Resources (2.1.3).

#### 2.1.1 Mandate and intervention logic

This section discusses EFCA's mandate and intervention logic. In line with the EC guidance 'Better Regulation Guidelines' this evaluation aims to 'deconstruct the expected chain of events by using a simplified model of causality – showing how an intervention was triggered by a certain set of needs or problems occurring within a certain context and how it was designed, with the intention of producing the desired changes'.<sup>27</sup> With this in mind, this section presents the EFCA intervention logic representing the logical relation between EFCA's different types of objectives and related activities. The intervention logic used for this evaluation resembles the framework adopted by the 2012 Five-Year Independent External Evaluation of the Community Fisheries Control Agency (referred to in this report as '2012 evaluation report'). However, for this evaluation a few changes have been made to address contextual developments, such as the reform of the CFP. Moreover, for this evaluation the evaluators used the EC Better Regulation Guidelines and related terminology. This section first presents the background against which the intervention logic has been designed, followed by a detailed presentation of the underlying theory of change.

##### 2.1.1.1 Intervention logic, external evaluation covering the years 2007 to 2011

The 2012 evaluation report presented an intervention logic which defined EFCA's objectives based on Council Regulation 768/2005 (referred to in this report as 'Founding Regulation').<sup>28</sup> It was noted at the time that whilst 'specific objectives' (in Article 1) and EFCA 'activities' (in Article 3) were defined, the Founding Regulation did not clearly define 'wider objectives'. The evaluation therefore deducted a set of wider objectives from the regulation and validated these with relevant stakeholders. At the same time, the evaluators argued that the context in which EFCA was operating in 2012 might have changed since its foundation in 2005. The evaluators therefore assessed the validity of

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<sup>27</sup> EC (2015) Better Regulation Guidelines, (SWD(2015)111 final), See [http://ec.europa.eu/smart-regulation/guidelines/docs/swd\\_br\\_guidelines\\_en.pdf](http://ec.europa.eu/smart-regulation/guidelines/docs/swd_br_guidelines_en.pdf), p. 54.

<sup>28</sup> Blomeyer & Sanz for EFCA (2012), Community Fisheries Control Agency, five-year independent external evaluation, final report, <http://efca.europa.eu/sites/default/files/Five%20year%20independent%20external%20evaluation%20report.pdf>.

the objectives derived from the Founding Regulation. The result of this exercise is presented in the following table (Table 4).

While the **specific objectives** were stated in Article 1 of the Founding Regulation, the evaluators argued that this article did not explicitly state the **wider objectives**. Instead, the evaluators pointed to the introductory text to the regulation (introductory paragraph 4) which specifies the wider objectives of EFCA: '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 the exploitation thus reducing distortions in competition'.<sup>29</sup> Stakeholders interviewed and surveyed for the 2012 evaluation confirmed an established consensus with regard to the two wider objectives, namely (1) contributing to the sustainable exploitation of living aquatic resources, and (2) ensuring a level playing field for the fishing industry.

**Table 4 - Intervention logic 2012**

Wider objective	Specific objective	Activities
Contribute to the sustainable exploitation of living aquatic resources as well as ensuring a level playing field for the fishing industry (Council Regulation 768/2005, introductory note 4) - via compliance with the rules of the CFP (Council Regulation 768/2005, Article 1)	Member States cooperate and coordinate their compliance efforts (Article 1)	Support Member States to enhance control and fight IUU fishing (Article 3, point h)
		Assist Member States and the EC in harmonising the application of the CFP (Article 3, point e)
		Research and development of control and inspection techniques (Article 3, point f)
		Capacity building (Article 3, point g)

**Source:** 2012 evaluation report

The 2012 evaluation report noted that EFCA's specific objectives are clearly described in the Founding Regulation's Article 1 (Objective). This states that EFCA 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 details that EFCA is to enhance compliance with the CFP. An evaluation is to assess 'the extent to which it contributes to the achievement of a high level of compliance with rules made under the common fisheries policy'.<sup>30</sup>

Finally, as stated in the table above, in the 2012 evaluation, EFCA **operational objectives** were broken down in four categories, based on Article 3 of the Founding Regulation which presents the EFCA mission:<sup>31</sup>

1. Support MS to enhance control and fight IUU fishing (Article 3, points a-d and h);

<sup>29</sup> See <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32005R0768>.

<sup>30</sup> See <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32005R0768>.

<sup>31</sup> See <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32005R0768>.

2. Assist MS and the EC in harmonising the application of the CFP (Article 3, point e);
3. Research and development of control and inspection techniques (Article 3, point f);
4. Capacity building (Article 3, point g).

These activities translate into the Activity Based Management System (ABMS), approach adopted by the EFCA AB in 2010, and establishing that EFCA deploys operational activities and functional activities in order to achieve its objectives.<sup>32</sup>

The operational activities consist of operational coordination and capacity building activities. The former implies the organisation of operational coordination of control activities by MS for the implementation of control and inspection programmes, international control and inspection schemes by Regional Fisheries Management Organisations (RFMOs) and operational plans upon request by two or more MS.<sup>33</sup> The latter concerns assistance to MS and the EC in the areas of control, inspection and surveillance in the form of activities that enhance the potential of national enforcement services that apply the CFP rules.<sup>34</sup> Moreover, activities include: 'reporting and exchange of data on fishing, control and inspection activities, arranging the accessibility of those data to the Coordination Centre in Charge (CCIC) and Associated Coordination Centres (ACCs), developing and coordinating training programmes, fighting against IUU and the possible acquisition of equipment necessary for the implementation of JDPs or on the request of Member States'.<sup>35</sup> The functional activities refer primarily to governance and representation activities that ensure the functioning of EFCA. These activities aim to support the AB, the ADVB, inter-agency cooperation, representation and communication services. These are considered EU governance activities. Resources allocated to functional activities are linked to the general objectives and carried out in connection with the operational activities.

#### 2.1.1.2 Intervention logic, external evaluation covering the years 2012 to 2016

Since the 2012 evaluation, EFCA has continued conducting activities in order to achieve the specific and wider objectives as defined in its Founding Regulation and further specified in the last evaluation. A review of AB meeting minutes for the years 2012-2016 confirms that the overall intervention logic presented for the last evaluation, largely

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<sup>32</sup> See Annual Report 2015, p. 74: EFCA accomplished its mission through the following operational and administrative activities, integral to its operation as an independent EU body. In line with the ABMS EFCA uses the following allocation methodology for the planning (AWP procedure) as well as for the implementation figures (AR procedure):

Direct cost allocation: Part of the operational expenditure (Title III) is allocated directly to one of the activities (e.g. the budget line Data Monitoring and Networks is directly allocated to the activity Data Monitoring and Networks);

Indirect cost allocation: The staff and overhead expenditure (Titles I and II) are allocated to the different activities based on different drivers. The main driver is the dedication of staff to each activity, which is weighted with the average cost for AD, AST and CA posts; EFCA estimates its horizontal support costs separately, which are then distributed within each of the main activities based on the final weight in the total expenditure. The figures presented for ABB (figures planned in the AWP 2015) and ABC (2015 implementation figures) for each activity include the corresponding share of horizontal support expenditure.

<sup>33</sup> Annual Report 2014, p.9.

<sup>34</sup> Such activities include reporting and exchange of data on fishing, control and inspection activities, as well as facilitating accessibility of data, but also developing and coordinating training programmes, fighting against IUU and acquisition of equipment for the implementation of JDPs on request of MS.

<sup>35</sup> Annual report 2014, p.10.

remains in place in 2016.<sup>36</sup> However, for this evaluation the evaluators introduced a series of adjustments to the objectives previously defined.<sup>37</sup> This takes into account legislation that has been adopted in the period leading up to the evaluation period and during this time such as the IUU Regulation,<sup>38</sup> ECFA's role under the IUU Regulation,<sup>39</sup> and concerning the coast guard functions,<sup>40</sup> the Control Regulation,<sup>41</sup> the Omnibus Regulation,<sup>42</sup> and the new CFP.<sup>43</sup> In the following text, these adjustments are highlighted in 'underlined' font. To sum up, the EFCA intervention between 2012-2016 is evaluated against the following objectives:

**Wider objectives (relating to 'impact')**

1. Contribute to sustainable exploitation of living aquatic resources and
2. Ensure a level playing field for the fishing industry

**Specific objectives (relating to 'results')**

1. Strengthen cooperation between relevant MS authorities
2. Enhance compliance with the rules of the CFP
3. More effective and uniform application of the CFP

**Operational objectives (relating to 'outputs')**

1. Assist MS and the EC in harmonising the application of the CFP (including via operational coordination of control activities)
2. Contribute to research and development of control and inspection techniques
3. Capacity building
4. Support MS to enhance control and fight IUU fishing
5. Cooperate, at the request of the European Commission, with competent authorities of third countries in matters relating to control and inspection in the framework of agreement concluded between the EU and such countries or RFMOs
6. Assist Member States in the implementation of the CFP reform
7. Cooperate with the European Border and Coast Guard Agency and the European Maritime Safety Agency<sup>44</sup>

The objectives defined above are based on a set of possible challenges or gaps ('needs' according to the Better Regulation Guidelines) that EFCA aims to address through its activities. In order to achieve the objectives defined above, EFCA deploys financial, human and material resources (input) such as staff, money, working hours, equipment and building facilities, and technical expertise. The input also includes the involvement of the EFCA AB and ADVB. The mobilisation of these resources generates specific outputs

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<sup>36</sup> Annual reports 2012-2015.

<sup>37</sup> Adjustments are partly based on discussions with the Evaluation Steering Group during the meeting on 13 June 2016. The justification to include the adjustments as part of EFCA's operational objectives will be tested on the basis of interview feedback from the stakeholders. This will be included in the final report.

<sup>38</sup> Council Regulation (EC) No 1005/2008 of 29 September 2008.

<sup>39</sup> Commission Decision (2009/988) of 18 December 2009.

<sup>40</sup> Regulation (EU) 2016/1626 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/339.

<sup>41</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009.

<sup>42</sup> Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015.

<sup>43</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013.

<sup>44</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016.



which in the case of EFCA translate into operational coordination, capacity building activities and governance and representation activities. A more detailed mapping of the activities conducted by EFCA is provided in section 2.1.2 below and this evaluation links these to the respective input of resources. This allows the evaluators to assess how resources are converted into outputs and results (efficiency). In line with the ToR, this evaluation shall assess whether and to what extent the specific objectives were achieved by EFCA's activities. These activities are, *inter alia*:<sup>45</sup>

- Organisation of operational coordination of control activities by MS, in particular by establishing JDPs and operational plans;
- Provision of training activities for Union inspectors;
- Development and publication of training material (CC) for trainers of fisheries inspectors and Union inspectors;
- Support the EU in the international dimension of the CFP and the fight against IUU activities;
- Development, maintenance and support of an integrated fisheries information system with EFCA-specific applications designed to support the coordination and training activities;
- Implementation of horizontal projects with MS and the EC to promote the level playing field in the areas of the LO, administrative cooperation, risk analysis, coordination of control means, compliance trends and cost-effectiveness;
- Capacity building support to third countries in the framework of Sustainable Fisheries Partnership Agreements.

Once the evaluation establishes efficiency of how inputs are converted into outputs, a closer look can be taken at the results of EFCA. The aim of this exercise is to establish to which extent the EFCA intervention attained the relevant specific and wider objectives (effectiveness and impact). Results of the EFCA activities can be immediate,<sup>46</sup> intermediate,<sup>47</sup> or long-term.<sup>48</sup> Annex 4.3 (Figure 18) presents the theory of change following the logic presented above (Table 4). The model presented below is based on the simplified intervention logic provided in the EC's Better Regulation Toolbox,<sup>49</sup> and further detailed and modified for this evaluation.

## 2.1.2 Activities

This section presents an overview of EFCA activities and tasks conducted during 2012-2016 on the basis of the Agency's annual reporting. The intention is to provide a first approximation to EFCA's activity portfolio to help the reader to better understand the subsequent discussion of the different evaluation criteria. However, it is not intended to provide an exhaustive record of all EFCA activities. Moreover, it is important to note that

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<sup>45</sup> Terms of reference, p. 9.

<sup>46</sup> For example, a training activity of Union inspectors on port inspection, landing and transshipment immediately improves knowledge on control and inspection.

<sup>47</sup> For example, trainers apply the acquired knowledge in practice resulting in enhanced national implementation of the CFP provisions concerning LO.

<sup>48</sup> For example, the enhanced national control of LO impacts the sustainability of the exploitation of living aquatic resources due to reduced waste of by-catch.

<sup>49</sup> EUROPEAN COMMISSION (2015). Better Regulation "Toolbox" [WWW]. Available from: [http://ec.europa.eu/smart-regulation/guidelines/docs/br\\_toolbox\\_en.pdf](http://ec.europa.eu/smart-regulation/guidelines/docs/br_toolbox_en.pdf) [Accessed on 12/01/2017]. p. 271.

this overview presents data as shown in the AR, and that a possible breakdown of specific activities per task cannot always be determined.<sup>50</sup> For clarification purpose, EFCA's tasks have been grouped into categories of activities. The choice of categories for this overview is based on the ABMS. In this context it is worth noting that the ABMS categories have evolved over the years under review, and some categories only count tasks for one or two years (e.g. on the 'level playing field enhancement'), whilst other categories have been merged (such as 'maritime surveillance and pooled capacities – IUU'). Changes in the categories are explained on a case by case basis in the AWP of the corresponding year. They correspond to adaptations to new control regulation requirements,<sup>51</sup> or new CFP objectives.<sup>52</sup> The 2015 AWP explains the change in categories in 2015: 'the provisional fiches for the AWP 2015 have been restructured following a horizontal approach, optimising the resources and providing flexibility towards the Common Fisheries Policy implementation'.<sup>53</sup> EFCA feedback confirms this. Where necessary, the evaluators have drawn on the MWP and AWP to help explain changes in the organisation of tasks and activities as presented in the AR. The categories used in this section can be related to the activities mentioned in the ToR. The following table shows their correspondence.

**Table 5 – EFCA activities**

<b>Activities as described in the ToR</b>	<b>Corresponding activity category in this section</b>
<b>Organisation of operational coordination of control activities by MS, in particular by establishing joint deployment plans and operational plans</b>	JDP planning and implementation, Level playing field enhancement, Programmes plans and assessment
<b>Provision of training activities for Union inspectors</b>	Training
<b>Development and publication of training material (CC) for trainers of fisheries inspectors and Union inspectors</b>	Training
<b>Support the EU in the international dimension of the CFP and the fight against IUU activities</b>	Maritime surveillance and pooled capacities - IUU
<b>Development, maintenance and support of an integrated fisheries information system with EFCA specific applications designed to support the coordination and training activities</b>	Data monitoring and networks
<b>Implementation of horizontal projects with MS and the EC to promote level field playing in the field of landing obligation, administrative cooperation, risk analysis, coordination of control means, compliance trends and cost-effectiveness</b>	Programmes, plans and assessment Level playing field enhancement
<b>Capacity building support to third countries in the framework of sustainable fisheries partnership agreements</b>	Training

**Source:** Author's own elaboration

<sup>50</sup> EFCA feedback clarifies this point: 'Until 2014, included, we had in the AWP, under each activity tasks. Since 2015 we just have the division by activity and under each activity we have objectives, deliverables, KPIs and targets'.

<sup>51</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 (Control Regulation)

<sup>52</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy

<sup>53</sup> AWP 2015

Governance and representation is not displayed in the table. The activities mentioned in the ToR are operational activities and 'governance and representation' is a functional activity.

It is also important to note that the number of tasks described below cannot always be related to the 'intensity' of activities corresponding to the concerned tasks. Intensity is understood as the number and or scope of specific activities, e.g., one task such as 'organisation of regional workshops and training' will be counted as one single task here, however, there might have been more than one workshop/training activity organised. For some tasks, the intensity of activities was reported in the AR, e.g. the number of JDP inspections.<sup>54</sup> The KPIs are the main indicators for intensity displayed in the AR. However, the intensity of activities for other tasks was more difficult to quantify, e.g. 'provide technical expertise'. Therefore, for simplification purposes, and to allow for a first overview of tasks, the intensity of activities is not systematically considered.

Some of the reported tasks fall into several categories. It is therefore possible that there is some duplication in the counting. For example, the task 'participation in the meetings of RFMOs and technical assistance to EU Delegation' is reported in several AR sections. This task appears for all years under the categories 'representation and networks', as well as under 'JDP planning and implementation' for the years 2012, 2013 and 2014, and under 'level playing field enhancement' for the year 2015. The categories mentioned in the AR have been kept and the task was counted twice for each year, even though EFCA informed the evaluator that this task was financed through the operational budget. Whilst it appears to be the same task, EFCA informed the evaluators that this duplication corresponds to various aspects of the same task. For example, EFCA prepares for the meetings of RFMOs and this fits into JDP planning and implementation as an operational task. However, EFCA's presence to the meetings needs to be reported on as a representation event and therefore appears in the 'representation and network' category as well. Duplication of reporting can be explained by the fact that some tasks have different aspects and therefore fall into different categories of activity.

The data collected from the AR for the years 2012 to 2015 provides a first insight,<sup>55</sup> and allows for the identification of a series of trends in the development of EFCA's portfolio.

This section now presents data on operational activity (2.1.2.1), and then on governance and representation (2.1.2.2).

### 2.1.2.1 Operational

The following figure shows the tasks reported in the AR for each activity over the period 2012-2015 (percentage and total number). As explained in section 2.1.2., during the period under review, some categories were newly created and others were merged. For example, in 2014, the activity 'programmes, plans and assessment' was created 'to coordinate the operational risk analysis assessment, evaluation of compliance, functional coordination, contribution to workshops and best practices, and assistance activities provided by the operational coordination unit in the framework of the JDPs'.<sup>56</sup>

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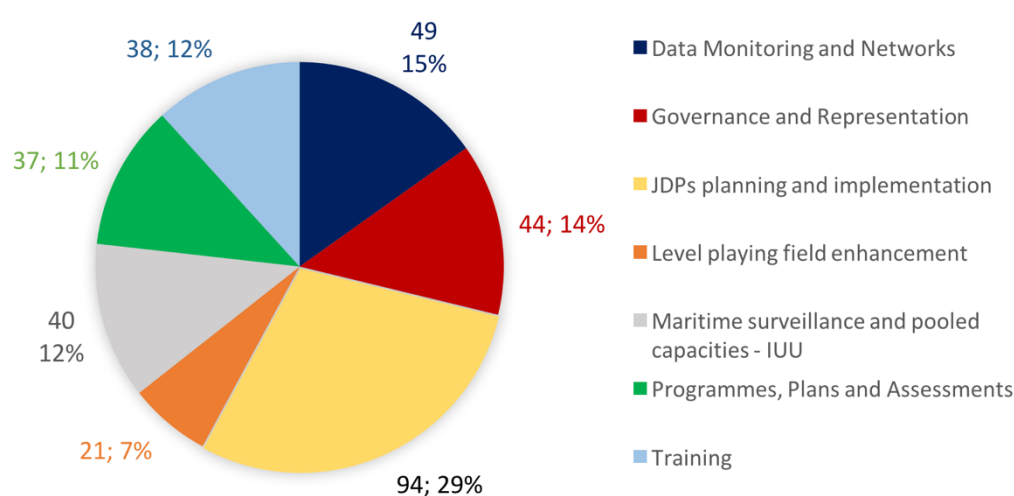
<sup>54</sup> EFCA feedback on a draft version of this report considers the statement to be misleading, noting that 'the intensity of the activities is systematically reported in the AR through the different indicators.'

<sup>55</sup> At the time of processing and analysing this information, the data for 2016 was not yet available.

<sup>56</sup> AWP 2014.

The figure shows that in line with the EFCA mandate, the most important category is 'JDPs planning and implementation' accounting for approximately 29% of all tasks. Most of the other activities represent between 10% and 15% of EFCA's volume of tasks: 'data monitoring and networks' (15%), 'Governance and representation' (14%), 'Training' (12%), 'Maritime surveillance and pooled capacities – IUU' (12%), and 'Programmes, plans and assessment' (11%). The comparatively smaller share of the category 'level field playing enhancement' (7%) is explained by the fact that this category was only introduced in 2015. This does not necessarily mean that all the tasks in this category are new, but rather that some tasks were transferred from other categories.

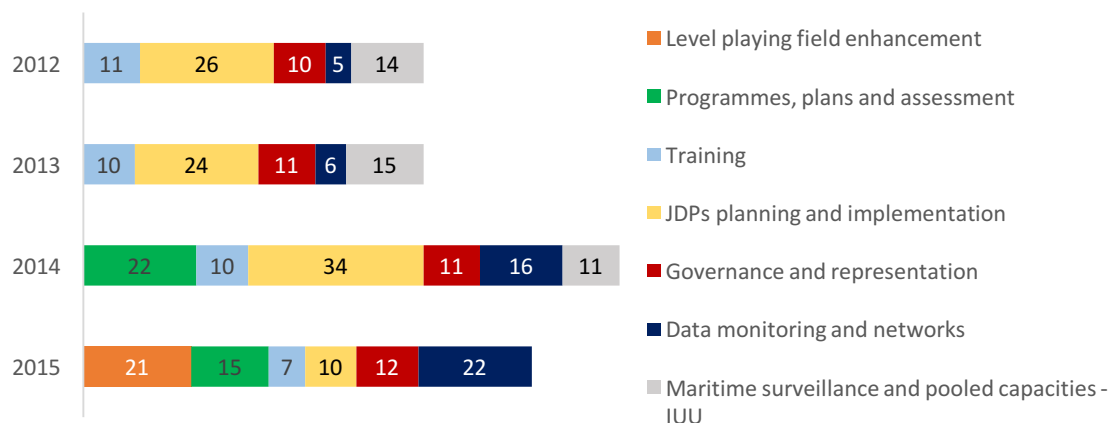
**Figure 2 - Categories of EFCA activities as reported in the Annual Reports 2012-2015**



**Source:** Author's own elaboration on basis of EFCA Annual Reports 2012-2015.

The following figure shows the number of tasks per category and per year.

**Figure 3 - Number of tasks per category for 2012-2015**



**Source:** Author's own elaboration on basis of EFCA Annual Reports 2012-2015.

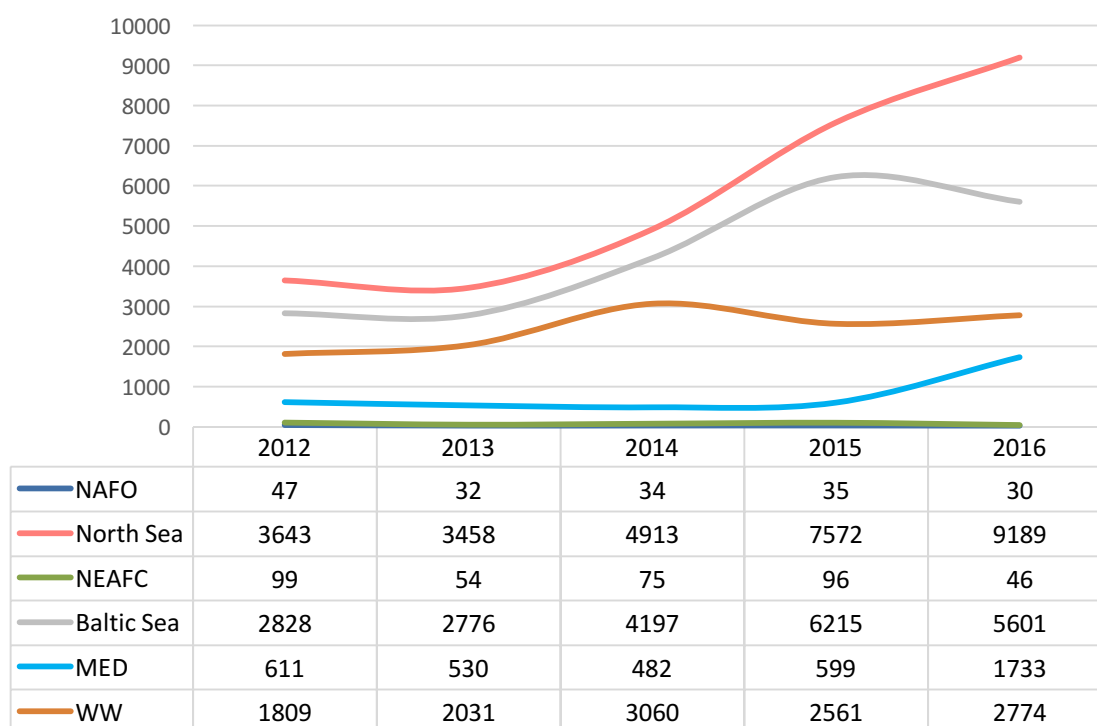
It is difficult to identify trends given that this overview of activities does not always consider the 'intensity' of activities for each task. However, it is possible to observe changes in the reporting of tasks. The following bullet points provide a description of each category of activities:

1. **JDPs planning and implementation:** As noted before, the 'JDPs planning and implementation' category represents a large share of EFCA's activities. No significant trend can be identified because the AR reporting of activities on JDPs changed over the years. For example, the tasks of the category 'Programmes plans and assessment' are very similar to some that were reported in the 'JDPs planning and implementation' category before 2014. The same can be said about the category 'Level playing field enhancement'.

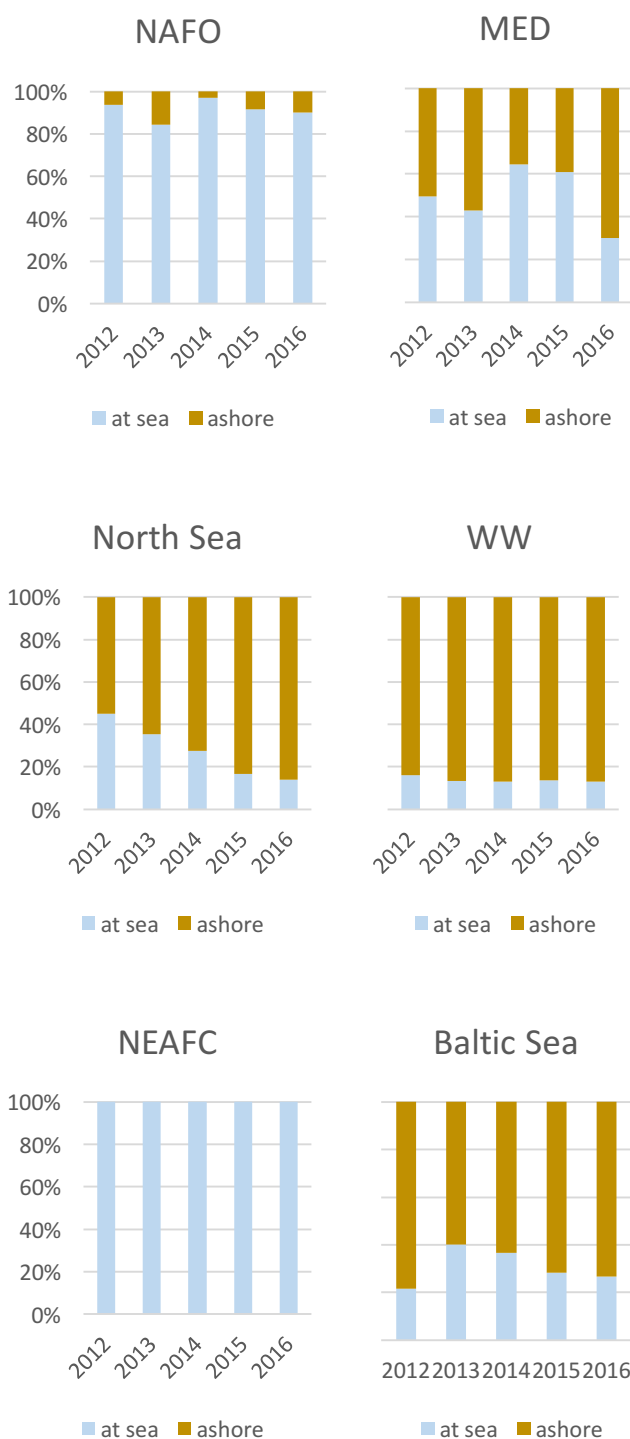
The intensity of activities related to the JDPs can be illustrated with indicators such as the number of campaign days or the number of inspections. The following graph displays the number of inspections per JDP per year. For JDPs in the NS, BS and WW, there is an increasing trend in the number of inspections over the evaluation period, possibly explained, inter alia, by the move to a permanent (12 month) campaign for some JDPs. In other areas such as MED, NEAFC and NAFO, the number of inspections appears more variable from year to year.

A distinction can also be made between the inspections taking place at sea or ashore. For two JDPs, most of the inspections take place at sea, reflecting the nature of the fisheries situation in these JDPs (NAFO & NEAFC and MED in recent years). For the other three JDPs, most inspections take place ashore (NS, BS, and WW). For the NEAFC RA, 100% of the inspections take place at sea.

**Figure 4 - Number of inspections per JDP over the years**



**Source:** Author's own elaboration on basis of EFCA data.



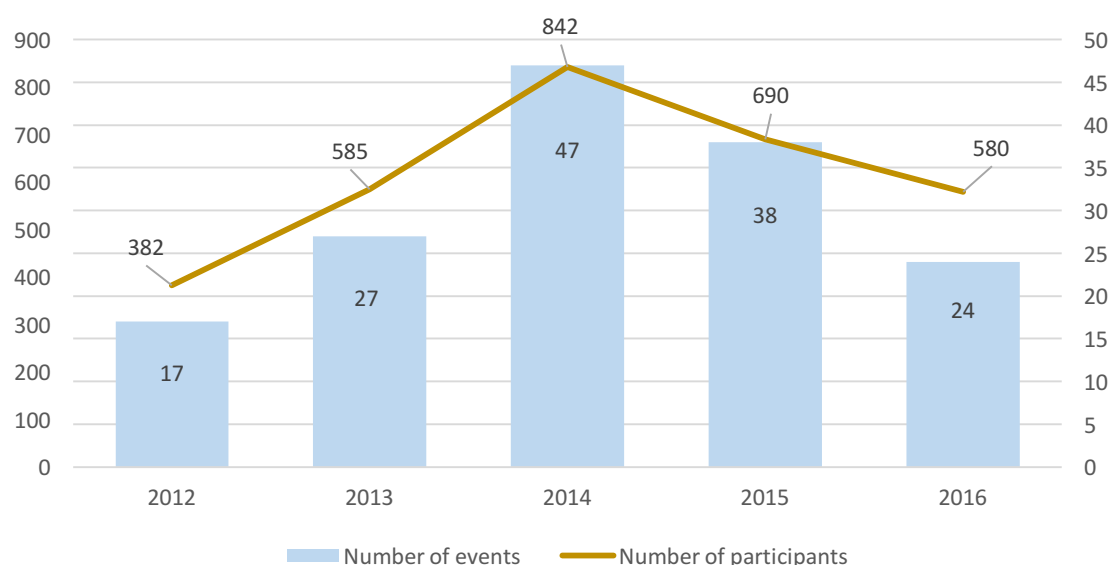
**Source:** Author's own elaboration on basis of EFCA data.

2. **Level playing field enhancement:** This ABMS category appears for the first time in 2015. It includes tasks that were previously categorised under 'Maritime surveillance and pooled capacities – IUU', and 'JDPs planning and implementation'. The AWP 2015 explains that the restructuring of activities in 2015 corresponds to the implementation of the new CFP and aims to increase flexibility while optimising resources.

3. **Maritime surveillance and pooled capacities – fight against IUU:** Maritime surveillance and pooled capacities and fight against IUU have been organised into one category here for simplification purposes. However, tasks in that category sometimes appear as belonging to separate categories in the AR. This category is not used in 2015 and most of the tasks were integrated into the category of 'Level playing field enhancement'.
4. **Training:** This considers the intensity of training activities, such as the number of training, seminars and workshops organised and the number of people trained. The following graph displays the number of training events organised by EFCA for each year, and the corresponding number of participants.

Overall, the number of EFCA training events has substantially increased between 2012 and 2016. 17 training events were organised in 2012, involving a total of 382 participants. In 2016, 24 events were organised, with 580 participants. There was a decrease in the number of training events organised between 2014 and 2016. EFCA explains that as it rolled out the various operational systems for the use of MS, EFCA created various training courses in the use of the systems. This work peaked in 2014 and 2015, in connection with the roll out of the systems and the period thereafter. (In the AR 2014 this was reported under the DMN and in 2015 this was reported under training). It seems therefore logical that the number of participants to training events also decreased.

**Figure 5 - Number of training events and participants 2012-2016**



**Source:** Author's own elaboration on basis of EFCA data.

5. **Programmes, plans and assessment:** This ABMS category appears for the first time in 2014. It includes tasks that were previously included in the category 'JDPs planning and implementation'. It also includes the tasks related to 'risk analysis and management'. According to the AWP 2014, the creation of this category results from the recognition that 'EFCA regional activities would benefit from a better coordination on horizontal related issues such as planning, implementation and assessment of

JDPs'.<sup>57</sup> The graph above indicates that the number of tasks in that area decreased between 2014 and 2015. EFCA feedback suggests that the intensity of activities has increased substantially between 2014 and 2015. EFCA informed the evaluators that there had been for example an extension of the task 'risk analysis'. In this activity mapping, this task would be reported as one task without regard to its intensity. This may explain the apparent decrease in activity in this category between 2014 and 2015, however, this does consider the intensity, that EFCA feedback confirms to have increased. Another explanation pointed out by EFCA is that some of the tasks have been allocated to other categories in 2015, such as training. Finally, EFCA explains that under this work category, different activities take place year-on-year according to Member State needs identified either by the AB, the JDP Steering Groups, or both.

6. **Data monitoring and networks:** The major trend in reporting over the years 2012-2015 is the development of the category 'data monitoring and networks'. The number of tasks reported on in that area quadrupled from 2012 to 2015. This category corresponds to tasks aiming at coordinating fisheries control and inspection, assist MS to comply with the rules of CFP and ensure effective application of the CFP. This requires gathering and exchanging data through various software and systems. The following systems relate to the tasks within the activity 'Data monitoring and networks':
  - a) VMS (Vessel Monitoring System): a system that monitors and displays data about fishing vessels movements;
  - b) FISHNET: a coordination platform to support decision making, planning, operational coordination, and assessment of joint control operations, and to promote remote collaboration in support to EFCA activities;
  - c) ERS (Electronic Reporting System): ERS is essentially electronic catch reporting, best understood by the term 'electronic logbook'. EU fishing vessels must report their catches electronically to their flag State. In some cases, MS and EFCA exchange this information;
  - d) EIR (Electronic Inspection Report) System: the ongoing development of a standardised system to gather and disseminate inspection data electronically;
  - e) EA (Enterprise Architecture): a system created to streamline system maintenance, data management, and increase data integrity and cohesiveness;
  - f) E-learning platform: a platform to support third countries and MS and provide training. Designing the courses for the e-learning is reported under the training activity.
  - g) Core Curricula Development Platform: a collaboration platform accessible to MS to create and update the Core Curricula;
  - h) JADE: a database to manage the fishery control deployments coordinated by EFCA in the framework of the JDPs. The JADE system is used for reporting and evaluation of the JDPs;
  - i) Regional Risk Analysis (RRA): a specific tool developed in 2013 that is integrated in the JADE interface for the evaluation of risks.

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<sup>57</sup> AWP 2014.

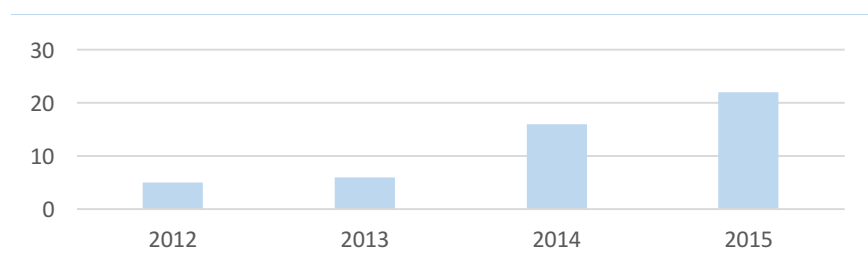


Besides these tasks, 'Data monitoring and networks' also include tasks related to training, working groups on electronic reporting and collection of information, and coordination with EMSA on the MARSURV service.

EFCA suggests that the increase in the number of tasks performed is due to a change in the Control Regulation. EFCA provided more support to MS on information systems and software. The increase in intensity of the tasks here mirrors that of the tasks related to JDPs and planning of campaigns. The higher number of coordinated campaigns over larger periods of time also leads to a need for more information exchange among the different stakeholders, and an increase in data monitoring and network activities.

Finally, EFCA feedback also notes that during the evaluation period, EFCA was also exposed to become the "body designated" in line with the Control Regulation which mostly deals with the fisheries data management systems provided for by the regulation. This implied both a threat and an opportunity. The threat is materialised by the fact that being already tabled in the regulation, the designation of EFCA would have been done without any additional resources. In terms of opportunity, the 'early bird' preparation of these potential tasks was critical for ensuring the quick adaptation of the Agency to this body designated responsibility.

**Figure 6 - Number of data monitoring and network activities 2012-2015**

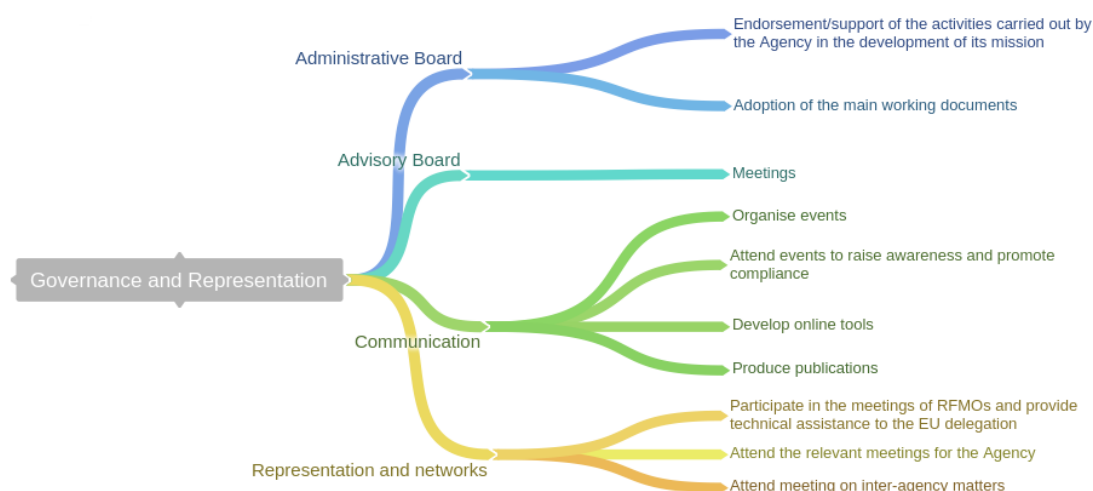


**Source:** own elaboration on basis of EFCA Annual Reports 2012-2015.

#### 2.1.2.2 Governance

The number and type of activities in 'Governance and representation' have remained stable over the past five years. This category includes activities related to communication, the AB, the ADVB, and representation and networks. The following figure presents a detailed breakdown of tasks in the activity category 'Governance and representation' between 2012 and 2015 (Figure 7).

**Figure 7 - Activities under 'Governance and representation' from 2012-2015**



**Source:** own elaboration on basis of EFCA Annual Reports 2012-2015.

### 2.1.3 Resources

The last section on the main features of EFCA presents an outline of EFCA human and financial resources and systems during 2012-2016, considering inter alia the '5% staff reduction foreseen in the Inter-institutional agreement for decentralised agencies'.<sup>58</sup>

#### 2.1.3.1 Human resources

Between 2012 and 2016, EFCA experienced relative stability with regard to staff numbers in service, and this despite the 5% staff reduction (see below in this section for further detail on the 5% staff reduction; additional detail is provided in the discussion of efficiency, sub-section on the Common Approach and the Interinstitutional Agreement).

The total number of staff, including Contract Agents (CA) and Temporary Agents (TA), increased slightly from 55 in 2012 to 56 in 2016.<sup>59</sup> The number of interim staff increased between 2012 and 2013, due to maternity leave, long term sickness and a higher number of staff turnover in 2013.<sup>60</sup>

Annex 4.13 shows staff data based on a review of the AR and ECA Annual Accounts for the years 2012 to 2015. A review of the AR suggests that there were no significant issues over recruiting and retaining staff, with the period under review generally characterised by a high occupation rate and relatively low staff turnover. Notwithstanding, it appears that there have been some difficulties over maintaining the level of SNE: 'maintaining the level of 4 FTE per annum, either with long or short-term SNEs has been difficult'.<sup>61</sup> EFCA ESG feedback confirms that this was a temporary

<sup>58</sup> EFCA (2016) Annual Report 2015:76.

<sup>59</sup> In 2012 there were 55 staff (50 TA and 5 CA) and in 2016 there were 56 staff (51 TA and 5 CA). These figures do not include SNEs. In 2016, in addition to the SNEs recruited under the agency's budget, EFCA recruited SNEs under grants for the MARSURV Pilot Project and for the EU Coast Guard Pilot Project.

<sup>60</sup> EFCA (2014) Annual Report 2013:91.

<sup>61</sup> EFCA (2016) Annual Report 2014:72.

problem, resolved in the meantime. The degree of implementation of the Internal Control Standard (ICS) 'staff allocation and mobility' and 'staff evaluation and development' was considered as high for 2015.<sup>62</sup>

As discussed in more detail in Section 2.2.6.2 (efficiency), the Inter-institutional agreement for decentralised agencies required a 5% staff reduction. EFCA's 2015 AR refers to compliance with the '5% staff reduction foreseen in the Inter-institutional agreement for decentralised agencies'.<sup>63</sup> The first post was cut in 2014;<sup>64</sup> a second post was removed in 2015; and the third post was cut in 2016.<sup>65</sup> The staff cuts were mitigated by a re-organisation of specific functions and related staffing; the data monitoring and network development for operational data; an increased use of 'e-administration' and 'e-communication'; and a growing number of cooperation agreements with different EC Services and other agencies.

In 2012, IT was transferred from Unit A to Unit B, and Unit C experienced a reorganisation affecting job descriptions and organisational structure, and resulting in a change from six to four sections, transferring IUU from Unit C to Unit B.<sup>66</sup>

EFCA interview feedback confirms the adequate functioning of EFCA human resources management.<sup>67</sup> Processes are considered well established, with the human resources team now in place for seven years. This explains that the increasing demand for human resources functions, inter alia, resulting from the new Staff Regulations (2014), were well addressed.

EFCA interview feedback suggests that some room for improvement remains regarding systems supporting human resources management.<sup>68</sup> EFCA ESG feedback suggests that this issue will be resolved with the introduction, scheduled for 2018, of the EC information system integrating all human resource management functions 'Système de gestion du Personnel' (SYSPER).<sup>69</sup> Current EFCA human resource systems still rely to an important extent on spreadsheet software such as Microsoft Excel. EFCA took the initiative to introduce its own applications in some areas, such as leave management, however, the introduction of 'tailor made' systems is considered expensive for a comparatively small Agency. In more general terms, EFCA human resources makes extensive use of EC Service Level Agreements (SLA), for example, with the EC Office for the Administration and Payment of Individual Entitlements (PMO) on salaries.

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<sup>62</sup> EFCA (2016) Annual Report 2015:85.

<sup>63</sup> EFCA (2016) Annual Report 2015:76.

<sup>64</sup> EFCA (2015) Annual Report 2014:68.

<sup>65</sup> EFCA (2016) Annual Report 2015:76.

<sup>66</sup> The reorganisation of human resources at the end of 2016 was not evaluated.

<sup>67</sup> Interview with EFCA human resources management staff.

<sup>68</sup> Interview with EFCA human resources management staff.

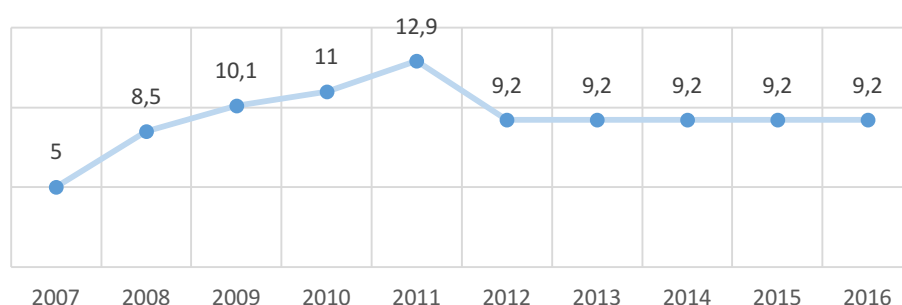
<sup>69</sup> EFCA feedback suggests it is amongst the first wave of agencies where Sysper will be implemented and has signed the related Service Level Agreement with the Commission (DG HR) in November 2016. The preparatory phase will start in 2017, <https://webgate.ec.europa.eu/fpfis/mwikis/thinktank/index.php/SysPer2>.

### 2.1.3.2 Financial

The following section provides an overview of EFCA budget features.

Following a steady increase between 2007 and 2011, reaching EUR 12.9 million in 2011, the EFCA budget decreased and remained stable at EUR 9.2 million for the years 2012 to 2016. The decrease between 2011 and 2012 is explained with the decrease in the part of the budget relating to 'acquisition of means'. EFCA's MWP for the years 2012-2016 refers to a EUR 4 million reduction for 'acquisition of means', and a budget increase in other expense categories.<sup>70</sup> The following figure shows an overview of the budget evolution since 2007.<sup>71</sup>

**Figure 8 - EFCA budget from 2007-2016**



**Source:** ECA annual account reports 2007 to 2015 and CFCA Administrative Board Decisions

The EFCA budget is organised in three main expenditure categories, namely, 'Title I – Staff', 'Title II – Administration', and 'Title III – Operations'. Title III is subdivided into two categories, i.e. operational coordination and capacity building.

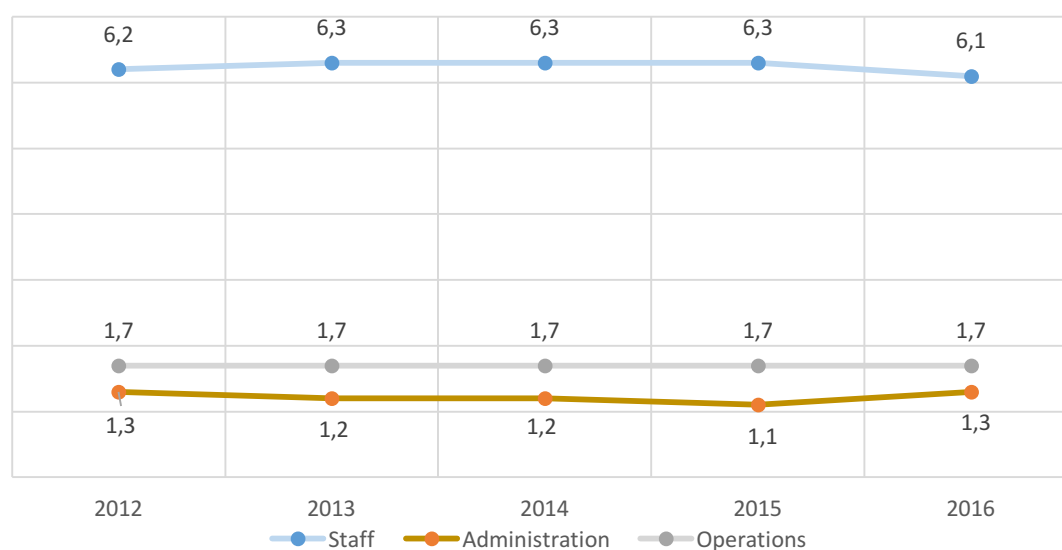
Over the period 2012-2016, the distribution of the budget between the three main expenditure categories remained rather stable, as shown by the figure below. Title I (staff) remained stable at around EUR 6.2 million between 2012 and 2016. Title II (administration) also remained stable between 2012 and 2016 at EUR 1.2 million. Title III remained stable at EUR 1.7 million over the period under review.

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<sup>70</sup> EFCA Multiannual Work Programme 2012-2016:11.

<sup>71</sup> Budget figures according to the ECA annual account reports 2007 to 2015, and CFCA Administrative Board Decisions 9-II-4 and 10-II-3 (data for 2010 and 2011), and the voted budget for 2016. 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).

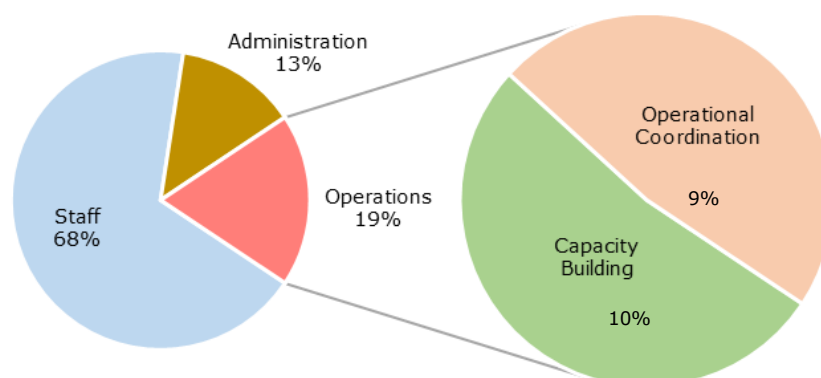
**Figure 9 - EFCA expenditure categories 2012-2016 (EUR million)**



**Source:** Budget figures according to the European Court of Auditors (ECA) annual account reports 2012-2015 and voted budget for year 2016 in EUR millions.

Over the period 2012-2016, the budget for 'Staff' accounts for EUR 31.4 million (68% of the total allocation for 2012-2016), 'Administration' for EUR 6.1 million (13%), and 'Operations' for EUR 8.6 million (19%).

**Figure 10 - EFCA expenditure categories 2012-2016 in relation to total budget**



**Source:** Budget figures according to the ECA annual account reports 2012-2015 and voted budget for year 2016 in as percentage of main expenditure categories in relation to total Budget for period.

## 2.2 Findings

This section presents the evaluation findings. The presentation is organised by evaluation criterion, in the following order: Follow-up on the last evaluation (2.2.1); Relevance (2.2.2); Coherence (2.2.3); Utility (2.2.4); Added Value (2.2.5); Efficiency (2.2.6); Effectiveness (2.2.7); Impact (2.2.8); Sustainability (2.2.9); Gender (2.2.10). Each of these ten sub-sections comprises: an introduction to the evaluation criterion, noting the corresponding evaluation question(s) and approach for answering the question; and findings from desk research, survey work, interviews or case study work.

### 2.2.1 Follow-up on the last evaluation

#### 2.2.1.1 Introduction

This section discusses follow-up on the last five-year evaluation's recommendations. This addresses the evaluation question 'To what extent has EFCA addressed the recommendations made by the 2012 evaluation?'. The evaluation question was addressed on the basis of desk research and interviews with AB members and EFCA staff.

#### 2.2.1.2 Findings on the follow-up

The last five year independent external evaluation issued a total of 26 recommendations, in the form of seven main recommendations, englobing several more detailed recommendations.<sup>72</sup>

In response, the AB issued 22 recommendations and organised a systematic follow-up process.<sup>73</sup> Indeed, the 2012 AR refers to the 'follow-up road map on the different actions to be implemented' and also notes references to the recommendations in the MWP and AWP.<sup>74</sup> The 2013 and 2014 ARs include a detailed overview on the follow-up on the recommendations.<sup>75</sup> The 2015 AR discontinues the practice of the detailed overview table on the state of play with the recommendations, and limits itself to noting that out of 22 recommendations, ten were closed, ten are of a continuous nature, and '2 would entail a legislative amendment falling under the European Commission's decision and the EU Agencies Roadmap'.<sup>76</sup> Annex 4.14 presents an overview of the 'original' recommendations issued by the last evaluation (2012), the AB response, and relevant stakeholders' follow-up on the recommendations.

The AB addressed the large majority of the recommendations issued by the last evaluation. However, the AB also decided not to respond to some of the

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<sup>72</sup> Blomeyer & Sanz for EFCA (2012) Community Fisheries Control Agency, five-year independent external evaluation, final report, 29 February 2012, <http://www.efca.europa.eu/sites/default/files/Five%20year%20independent%20external%20evaluation%20report.pdf>.

<sup>73</sup> EFCA (2012) Administrative Board, Item 8: EFCA Evaluation – Issuing of recommendations, <http://www.efca.europa.eu/sites/default/files/EFCA%20evaluation%20-%20issuing%20of%20recommendations.pdf>. The recommendations are also included in the 2012 Annual Report: EFCA (2013) EFCA Annual Report 2012.

<sup>74</sup> See for example EFCA (2013) EFCA Annual Report 2012, p. 41. The road-map is not included in the 2012 AR but in subsequent AR.

<sup>75</sup> EFCA (2014) EFCA Annual Report 2013, p. 113 and EFCA (2015) EFCA Annual Report 2014, p. 87.

<sup>76</sup> EFCA (2016) EFCA Annual Report 2015, p. 88.

recommendations issued by the last evaluation, i.e. for some of the recommendations, there is no AB response. This is in line with the Founding Regulation (Article 39) as the AB is free in terms of whether and how to address a recommendation issued by an external evaluator.

For some of the AB recommendations, the evaluators engaged in an exchange with EFCA to obtain additional clarification on the follow-up on the specific recommendation. For example:

- The evaluators recommended that the AB includes observers; the AB responded by recommending that 'The Board should reflect on the participation of other parties in the Administrative Board'. Whilst the rules of procedure allow for the invitation of observers, in practice it appears that not much use is made of this possibility, i.e. three experts were invited to attend the 16<sup>th</sup> meeting in March 2012, one expert was invited to attend the 18<sup>th</sup> meeting in March 2013, and one expert attended the 25<sup>th</sup> meeting in June 2016.
- Concerning the recommendation for the AB to focus more on strategic issues than discussing administrative and technical issues, EFCA interview feedback suggests that AB members have become more active at the meetings since 2012; there has indeed been a strong increase in the number of member contributions to agenda points: 94 in 2012, 116 in 2013, 169 in 2014, 126 in 2015. In 2012, the AB adopted a series of best practices, covering also the extension of the written procedure to allow for more time for discussing strategic issues.<sup>77</sup> Moreover, throughout the years 2012 to 2016, the AB meetings included an agenda item 'Ways to further improve the working practices'. This included, inter alia, discussions on the content of the AB meetings (see the section on efficiency for further detail). However, interview feedback from some AB members does indicate that significant time is still spent on technical issues, recommending to address these on the lowest possible management level before or if at all reaching the level of the AB;<sup>78</sup> interview feedback also highlights that significant time is spent during AB meetings for EFCA to report activities to the AB, and it is considered that some of this time could be saved if members prepared beforehand.<sup>79</sup> AB documents are sent three weeks in advance to members. In the view of the evaluators, this recommendation can be considered of continuous nature.
- On effectiveness, the 2012 evaluation recommended to establish indicators for assessing MS cooperation and compliance and capacity development. The AB responded by recommending 'Implement the recently prepared method for assessing the performance of the JDPs after discussion at regional level'. At this stage a specific JDP assessment method was adopted with the support of external consultants, however, EFCA feedback notes that whilst this methodology is still in use, a reflection is taking place on its applicability and a possible revision of the approach (the reflection is internal and no concrete decisions have as yet been made). Notwithstanding, JDPs have continued to be subject to annual assessments in line with the requirements under the Founding Regulation. It is also noted that KPIs do not relate to actual performance of capacity development; interview feedback from

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<sup>77</sup> EFCA (2012) Decision No 12-II-4(1) of the Administrative Board of the European Fisheries Control Agency of 10 Oct. 2012 amending the rules of procedure of the Administrative Board of the European Fisheries Control Agency adopted on 1 February 2006 and establishing best practices.

<sup>78</sup> AB Interview.

<sup>79</sup> AB Interview.

the EC suggests that although KPIs exist, they can be further improved to focus more strongly on the level of specific objectives / results;<sup>80</sup> interview feedback from an EC AB member confirms this, noting the need for strengthening the assessment of MS compliance with the CFP;<sup>81</sup> interview feedback from EFCA indicates that a constructive approach towards assessing MS cooperation and compliance is followed in order to foster trust between EFCA and MS;<sup>82</sup> AB members from MS conveyed a similar perception in interviews.<sup>83</sup> In the view of the evaluators, this recommendation can be considered of continuous nature.

- Concerning impact, the AB agreed with the evaluator's recommendations on impact, i.e. 'Annual stock-taking of scientific evidence on development of fish stocks' and 'Information on Member State sanctioning of infringements'. EFCA follow-up indicates that 'EFCA maintains regular contact with the main scientific bodies e.g. STECF, ICES, and participates in the relevant meetings'.<sup>84</sup> Concerning data on compliance, the AB recommended 'EFCA and the EC to study ways of exchanging data on compliance with the Common Fisheries Policy requirements, in accordance with data ownership requirements of Member States'. EFCA follow-up suggests that the recommendation was considered closed in 2013 on basis of EFCA involvement in the EC Expert Group on Compliance, established in the framework of the CFP reform.<sup>85</sup> The original recommendations on impact aimed to promote a discussion of impact and related dissemination of existing insights. EFCA feedback indicates that beyond the regular contact with the main scientific bodies and participation in the EC Compliance Committee, stock status is now an integral part of the risk assessment exercise.<sup>86</sup>

## 2.2.2 Relevance

### 2.2.2.1 Introduction

In line with the EC Better Regulation Guidelines this evaluation looks at the relevance of EFCA: 'Relevance looks at the relationship between the needs and problems in society and the objectives of the intervention'.<sup>87</sup> Relevance will focus both on EU policy as well as MS needs and problems. With fisheries being largely a shared EU competence, this section will also feed into evaluation questions on added value. This section addresses the evaluation question: 'To what extent do the original EFCA objectives still correspond to needs at the level of EU policy, and needs at the level of the Member States' policies?'. The evaluation question was addressed based on desk research, interviews with AB / ADVB members and EFCA staff, and survey feedback.

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<sup>80</sup> EC interview.

<sup>81</sup> AB interview (EC).

<sup>82</sup> EFCA interview.

<sup>83</sup> AB interview (MS).

<sup>84</sup> EFCA (2014) EFCA Annual Report 2013, EFCA (2015) EFCA Annual Report 2014.

<sup>85</sup> EFCA (2014) EFCA Annual Report 2013.

<sup>86</sup> EFCA interview.

<sup>87</sup> EC (2015) Commission Staff Working Document, Better Regulation Guidelines, p. 58.



### 2.2.2.2 Findings on relevance

This evaluation collected and analysed the views of stakeholders on the extent to which the original EFCA mission (EFCA Founding Regulation<sup>88</sup> / Control Regulation<sup>89</sup>) corresponded to the needs at the level of EU policy, as well as the needs at MS level. Subsequently, stakeholders were asked whether the different mission elements changed over the years 2012 to 2016. The following nine elements<sup>90</sup> of the EFCA mission were reviewed:

- (MISS.1) to coordinate control and inspection by Member States relating to the control and inspection obligations of the EU
- (MISS.2) to coordinate the deployment of the national means of control and inspection pooled by the Member States concerned in accordance with this Regulation
- (MISS.3) to assist Member States in reporting information on fishing activities and control and inspection activities to the Commission and third parties
- (MISS.4) in the field of its competences, to assist Member States to fulfil their tasks and obligations under the rules of the common fisheries policy
- (MISS.5) to assist Member States and the Commission in harmonizing the application of the common fisheries policy throughout the Union
- (MISS.6) to contribute to the work of Member States and the Commission on research into and development of control and inspection techniques
- (MISS.7) to contribute to the coordination of inspector training and the exchange of experience between Member States
- (MISS.8) to coordinate the operations to combat illegal, unreported and unregulated fishing in conformity with Union rules
- (MISS.9) to assist in the uniform implementation of the control system of the common fisheries policy

In order to further determine relevance of EFCA, this evaluation also looked at EFCA activities. The following break-down of tasks was included:

- (IMPL.T1) Implementation Tasks: New technologies for Maritime Surveillance
- (IMPL.T2) Implementation Tasks: Common Information Sharing Environment - CISE
- (IMPL.T3) Implementation Tasks: Union Inspectors
- (IMPL.T4) Implementation Tasks: EFCA Coordination Centre
- (IMPL.T5) Implementation Tasks: Compliance Evaluation
- (IMPL.T6) Implementation Tasks: Landing Obligation
- (INT.T1) International Operations: IUU evaluation missions to Third Countries

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<sup>88</sup> Council Regulation (EC) No 768/2005.

<sup>89</sup> Council Regulation (EC) No 1224/2009.

<sup>90</sup> A tenth mission element was included after the latest revision of the EFCA Founding Regulation the end of 2016. Article 3(j) adds the mission to cooperate with the European Border and Coast Guard Agency and the European Maritime Safety Agency. The fact that this evaluation covered the period 2012 to 2016, this mission element was not included here but activities relating the cooperation were evaluated through case study work.

- (INT.T2) International Operations: Capacity Building for Third Countries
- (EUO.T1) EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors
- (EUO.T2) EU Operations: EFCA Fisheries Information System
- (EUO.T3) EU Operations: Joint Deployment Plans

### **General findings on relevance**

The total of all AB survey responses for all nine mission elements shows that roughly 75% (147 out of 197)<sup>91</sup> of survey respondents considered EFCA's mission to correspond to needs at the level of MS policy. In the view of the AB respondents, the relevance vis-à-vis EU policy was significantly higher, with over 90% (187 out of 203) of survey respondents considering this highly relevant or relevant. Interviews with AB representatives suggested that AB respondents acknowledge differences in terms of relevance between their own MS and another MS.<sup>92</sup> Also, AB respondents considered that some mission elements required an EU intervention beyond the national action.<sup>93</sup> Interview feedback from AB respondents indicated that in some instances they are not in the position to comment on elements of EFCA's mission that address broader policy areas or areas dealt with by other authorities in their respective countries.<sup>94</sup>

When looking at the change in relevance over the years 2012 to 2016, the AB respondents suggested that the relevance of EFCA's mission in relation to MS needs has not changed much (54%/132 out of 244). With regard to the EU level, 48% (125 out of 261) of AB respondents perceived an increase in relevance against 47% (122 out of 261) perceiving no change. AB interviewees related the increased relevance to the changes introduced by the CFP reforms.<sup>95</sup>

AB survey respondents considered EFCA objectives that **contribute** (MISS.6 and MISS.7) to MS policy most relevant, followed by objectives that **coordinate** (MISS.1, MISS.2, MISS.8) or that **assist** (MISS.3, MISS.4, MISS.5, MISS.9) on the MS policy level.

### **Relevance to MS needs**

It is important to note that while EFCA's mandate relates to the level of EU policy, its mission and related activities have bearing on national policy needs. AB interview feedback suggested that objectives that contribute to the MS policy level are considered relevant for stakeholders.<sup>96</sup> For example, research into and development of control and inspection techniques (MISS.6) are perceived as additional services provided by EFCA in order for MS to help achieve or provide better control and inspection techniques. The same counts for inspector training and the exchange of experience between MS (MISS.7). Arguably, the contributions of EFCA to MS are of a 'softer' nature compared to

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<sup>91</sup> Survey findings throughout the evaluation report are presented in percentages and absolute numbers. The percentages are the percent of answers that were given by the survey respondents to a particular answer. In some instances, the responses from multiple rows have been combined. For example, the responses from all survey respondents for nine mission elements (rows) corresponds to 196 responses of which 147 (75%) answered highly relevant and relevant.

<sup>92</sup> AB interview.

<sup>93</sup> AB interview.

<sup>94</sup> AB interview.

<sup>95</sup> AB interview.

<sup>96</sup> AB interview.

objectives that assist or coordinate on the level of MS policy. This is supported by the AB survey results indicating that those objectives are slightly more 'conflictive' with the needs at MS level. For example, around 19% (16 out of 84) of responses suggested that EFCA objectives to coordinate on the MS level were irrelevant compared to 17% (19 out of 112) for objectives that assist MS and 13% (7 out of 56) that contribute. EFCA assistance at the MS level was considered helpful because EFCA picks up part of the work of the MS in terms of organising regional cooperation. This was considered particularly relevant when dealing with the uniform implementation of the CFP control system (MISS.9). The objective to assist MS in reporting on fishing activities and control and inspection activities to the EC and third parties (MISS.3) was considered less relevant. Interview feedback suggested that AB members from MS considered that assistance to MS to report to the EC is 1) not required because MS can do this themselves;<sup>97</sup> and 2) an objective supporting rather the interests of the EC instead of the MS.<sup>98</sup> Finally, concerning the EFCA objectives relating to coordination, this evaluation notes that the challenge is to bring different elements of the fisheries control and inspection together. The AB survey supports that coordination of control and inspection by MS relating to the control and inspection obligations of the Union (MISS.1) and the objective to coordinate the deployment of national means of control and inspection pooled by the MS (MISS.2) are considered most relevant in this area. Interview feedback indicated that AB respondents associate this with the work of EFCA in relation to the JDPs. The third objective in relation to coordination by EFCA is concerning the operations to combat IUU in conformity with Union rules (MISS.8). 25% (7 out of 28) of survey respondents considered this objective as irrelevant to the MS policy level. This AB view was predominantly held by the coastal MS, operating in the MED, two of which are considered important fisheries countries, including with activities in WW and NEA. AB respondents from the EC did not share this view, considering this objective relevant to MS needs.

### **Relevance to EU needs**

Concerning the relevance of EFCA's mission with regard to the EU policy level, most AB survey respondents rated the different elements as relevant or highly relevant. For all three areas (contributing, coordinating, assisting), the AB respondents overwhelmingly considered the mission of EFCA relevant to EU policy needs. The assistance (MISS.3, MISS.4, MISS.5, MISS.9) of EFCA to EU policy needs is considered most relevant (93%/108 out of 116), followed by objectives that contribute (MISS.6 and MISS.7) to EU policy needs (92%/53 out of 58), and finally those that concern coordination (MISS.1, MISS.2, MISS.8) (90%/78 out of 87).

Consistent with the findings for relevance on the MS level, also on the EU level the mission to assist MS in reporting information on fishing activities and control and inspection activities to the EC and third parties (MISS.3) was considered least relevant in the area of assistance. AB interviewees suggested on several occasions that this issue was to be dealt with immediately between the EC and the MS.<sup>99</sup> Interview feedback also suggested that AB members were not always fully aware of EFCA's activities relating to this mission.<sup>100</sup>

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<sup>97</sup> AB interview.

<sup>98</sup> AB interview.

<sup>99</sup> AB interview.

<sup>100</sup> AB interview.

Interview feedback from an AB member from the EC suggested that EFCA should take on the role of informing the EC on inconsistent MS reporting.<sup>101</sup> However, EFCA interview feedback suggested that this might be problematic, considering the importance of fostering a culture of trust between the EC and the MS.<sup>102</sup> EFCA's approach can best be described as that of an 'independent and honest broker'. Moreover, on assistance, some AB respondents (7%/3) indicated that the role of EFCA to assist MS and the EC in harmonising the application of the CFP throughout the EU (MISS.5) could be considered irrelevant. Also here the interview feedback in follow-up of the survey highlighted that the stakeholders have different perceptions as to the role of EFCA vis-à-vis the EC and vis-à-vis the MS.<sup>103</sup> Again, this view confirms the 'independent broker' approach that grew out of the Agency's mandate.

Concerning the coordination of operations to combat IUU (MISS.8),<sup>104</sup> similar to the views expressed on MS relevance, AB respondents questioned relevance. Concerning this mission, some AB respondents from MS doubted whether this objective can be considered a 'core mission' of EFCA.<sup>105</sup> Stakeholders argued that EFCA should focus on assisting MS on the CFP and not the EC on activities in third countries. Nevertheless, both AB respondents from MS and the EC acknowledged the relevance of the fight against IUU fishing and saw this as part of EFCA's mission. This is also reflected in the EP motion on how to make fisheries control in Europe uniform.<sup>106</sup> The EP stresses the need to match the EU fight against IUU fishing all over the world with an effective application of the Control Regulation in EU waters. Some AB interviewees warned that in the light of EFCA's resource constraints, assisting MS on the CFP should take priority.<sup>107</sup> Although this view was not contested by AB respondents from the EC, EC interviewees suggested that EFCA should play a more important role in this area.<sup>108</sup>

### **Changes of relevance**

When looking at the changes of relevance over the years 2012 to 2016, AB respondents conveyed a variety of views. Concerning the change in relevance on the MS level for the 'assisting' objectives, the majority of AB responses suggested that relevance did not change (57%/46 out of 81). The same can be said about the 'contributing' and 'coordinating' objectives for which respectively 46% (25 out of 54) and 53% (29 out of 55) of responses suggested that relevance has not changed. It is noteworthy that on the MS level the most limited change over the period 2012-2016 was noted with regard to the 'coordinating' objectives (33%/18 out of 55). This contrasts with the views of AB respondents concerning the EU-level needs. Here the survey suggested that 50% (29 out of 58) found relevance to have increased, more so than for the objectives that 'assist' (49%/43 out of 87) or 'contribute' (41%/24 out of 58). Interview feedback suggested

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<sup>101</sup> AB interview (EC).

<sup>102</sup> EFCA interview.

<sup>103</sup> AB interview.

<sup>104</sup> In accordance with its mandate, EFCA assists MS to fulfil obligations by organizing workshops and seminars for national administrations on the implementation of the IUU Regulation. EFCA also supports the EC as requested in evaluation missions to third countries in the framework of the IUU Regulation. More information: <https://efca.europa.eu/en/content/iuu>.

<sup>105</sup> AB interview.

<sup>106</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2016-0234+0+DOC+XML+V0//EN&language=en#title3>.

<sup>107</sup> AB interview.

<sup>108</sup> AB interview (EC).

that increased relevance is associated with a limited progress in addressing challenges. This becomes visible when looking at the fact that AB respondents on five occasions considered relevance to have decreased, four of which in the area of coordination. AB respondents considered that progress was made on the MS level, and therefore relevance had decreased. On the EU level, this was only considered once and by an AB respondent from the EC. On the EU level, AB respondents from MS showed more awareness in terms of increased relevance of coordination on the EU level. To sum up, the survey and interview findings indicate MS interests vis-à-vis the understanding of need for collective action on the EU level.

A detailed analysis of interview feedback specifically highlighted the CFP reform and the need for support on the implementation of the LO.<sup>109</sup> However, from this feedback it was also clear that respondents related LO implementation objectives to different headings of EFCA's mission (MISS.1, MISS.5, and MISS.9).<sup>110</sup> The AB survey also reflected mixed views on the coordination of operations to combat IUU (MISS.8) (14%/4 out of 29 no view) and the contribution to research into and development of control and inspection techniques (MISS.6) (14%/4 out of 29 no view). Interview feedback indicated that stakeholders were not fully aware of EFCA's work in these areas.<sup>111</sup> Concerning the IUU activities, stakeholders were aware of EFCA supporting the EC but not fully familiar with the outcome of this work.<sup>112</sup> Concerning research and development (MISS.6), AB stakeholders had limited views. This might be explained with the fact that AB members on the MS level are rather dealing with policy than with technical issues.<sup>113</sup>

### **Activity relevance**

With regard to relevance to MS policy, AB respondents highly rated the relevance of the implementation tasks (56%/73 out of 130) and the EU operations (68%/54 out of 79). However, AB respondents considered international operations of limited relevance to the MS level with only 33% (17 out of 52) considering this relevant/highly relevant. On the contrary, AB respondents saw a role here for the EU with 72% (42 out of 58) considering these activities highly relevant/relevant to EU policy needs. When asked about the relevance of EFCA activities in relation to the EU policy level needs, respondents rated EU operations as relevant or highly relevant (95%/83 out of 87). A significant number of AB respondents had 'no view' concerning international operations (24%/14 out of 58) and implementation tasks (19%/33 out of 174) in relation to EU needs.

In relation to EU operations, in particular the JDPs (EUO.T3) were considered highly relevant to EU policy needs (38%/11 out of 29 highly relevant and 41%/12 out of 29 relevant). In fact, AB respondents referred to the JDPs as EFCA's flagship initiative.<sup>114</sup> Moreover, AB respondents considered the CC (EUO.T1) a relevant activity (59%/17 out of 29 highly relevant and 31%/9 out of 29 relevant). Case study feedback (SGTEE survey) confirmed the relevance of the CC. Feedback suggested that the CC do fill gaps in fisheries inspector training, but not in all cases.

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<sup>109</sup> AB interview.

<sup>110</sup> AB interview.

<sup>111</sup> AB interview.

<sup>112</sup> AB interview.

<sup>113</sup> AB interview.

<sup>114</sup> AB interview.

**Table 6 - Core curricula fill gaps in inspector training**

Listed CC volumes fill gaps in (and/or complement) fisheries inspector training in my country	Yes	Some-what	No	Not sure	Total
Volume 1. Inspection at sea	40% (4)	40% (4)	0% (0)	20% (2)	10
Volume 2. Port inspection 2a. Landing inspection	30% (3)	60% (6)	10% (1)	0% (0)	10
Volume 2. Port inspection 2b. Transshipment inspection	40% (4)	20% (2)	30% (3)	10% (1)	10
Volume 3. General principles applicable to fisheries inspection and surveillance	50% (5)	40% (4)	10% (1)	0% (0)	10
Volume 3. Specific types of fisheries inspection	40% (4)	50% (5)	10% (1)	0% (0)	10

**Source:** survey of MS representatives on EFCA SGTEE

Various reasons were identified as to why the CC may not be filling gaps on the MS level:

- Training to the level of the CC, or higher, is already undertaken in the MS;<sup>115</sup>
- There is little or no requirement for training covered by the relevant course in specific MS;<sup>116</sup>
- Inspection responsibilities are split between different bodies, and only one of the bodies has responded to the survey.

Case-study feedback on the CC also found that in some instances the CC volumes duplicate existing fisheries inspector training in the MS. This could be an indication of limited relevance. However, this evaluation finds that this is not necessarily the case. First of all, the CC are based to a large extent on the input of the MS and cover largely the scope of the CFP and it is therefore to be expected that they will duplicate existing training material developed at the national level to some extent. Secondly, the CC are intended to promote consistency in different types of fisheries inspection through a common approach to training. It is to be expected that MS will to some extent already be provided training equivalent to parts of the CC. This is for example the case for training on sea and port inspection.

In relation to implementation tasks, AB respondents emphasised the relevance of the LO activities (IMPL.T6) to the EU and MS policy level. The AB respondents' views on the relevance of the Union inspectors (IMPL.T3) are interesting given that EFCA interview feedback highlighted its limited role apart from providing accreditation cards to the EC's preselected Inspectors.<sup>117</sup>

AB respondents highly scored the relevance of the implementation task of the Common Information Sharing Network (IMPL.T2) and New Technologies for Maritime Surveillance (IMPL.T1). However, it is noted that respondents indicated higher levels of 'no view'. This is consistent with the view of AB respondents on the relevance of EFCA research and

<sup>115</sup> AB interview.

<sup>116</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2016-0234+0+DOC+XML+V0//EN&language=en#title3> - point 18.

<sup>117</sup> EFCA interview.

development. Interview feedback suggested that these activities are less visible to MS.<sup>118</sup> Nonetheless, case-study feedback on inter-agency collaboration highlighted the development of the MARSURV project. Stakeholder feedback, inter alia from EMSA staff, described this as an innovative initiative, with EFCA having played a crucial role in designing and developing a user-defined tool with the potential to better integrate data and further enhance the EU maritime picture. The added value of the MARSURV project has therefore also been confirmed by the fact that the AB members responded positively to the developments and confirmed continuation.<sup>119</sup> Nonetheless, this evaluation noted several challenges to the integration of data. In the execution of the MARSURV project, several challenges were identified, one of which particularly reflects on the question of relevance, namely the need for EFCA to promote the use of a new tool. This evaluation finds that EFCA played not only an important role in designing the application but also took the initiative to promote the use of the application. In other words, regardless of the tool's relevance, which according to EFCA was never questioned, without users its effectiveness will be limited. More information on the use of the tool is included in the section on utility.

Concerning the relevance of the collaboration with EMSA, EMSA interview feedback highlighted that, in particular, the VMS data made available by EFCA adds to EMSA's Search and Rescue services to the EU MS.<sup>120</sup> It was noted that maritime accidents frequently involve fishing vessels, and the collaboration with EFCA was therefore considered of importance to EMSA. On the technical level, EMSA interview feedback noted that cooperation is largely one-sided, with EMSA providing technical support to EFCA. The EMSA interview feedback also suggested that relevance of their collaboration is echoed by the EC. More specifically, it was noted that the EC also has responsibilities in relation to vessels outside the EU. It is here, according to EMSA feedback, where EFCA's involvement could have future potential. Further, it was noted that EMSA sees clear synergies with EFCA especially considering that the former also looks at fisheries when addressing pollution.

Concerning the collaboration with EMSA on MARSURV, EMSA interview feedback suggested that prior to the collaboration with EFCA, EMSA was already working on maritime data integration, dealing with a variety of topics, i.e. piracy as well as border control. When EFCA approached EMSA to discuss the possibilities offered by the use of VMS data, EMSA considered this an opportunity. The collaboration has since then further advanced EMSA's capacity, transforming MARSURV into one of its more important services. EMSA noted that it can configure, but not own the data. EFCA was tasked with ensuring MS permission to allow EMSA access to VMS data. EFCA and EMSA interview feedback and AB confirmed that the ED played an important role in facilitating access to this information. In other words, the EFCA efforts to ensure access were important for EMSA to be able to achieve project objectives. In a way, EMSA functions as a hub allowing different users with different access rights integrating data and allowing for smart maritime pictures. According to interview feedback, EFCA has also been instrumental in facilitating Frontex access to VMS data. The road to ensuring access to information was, according to EMSA, not easy. Together with EFCA they ensured that MS security concerns were addressed. It was also noted that despite the EFCA resource

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<sup>118</sup> AB interview.

<sup>119</sup> AB interview.

<sup>120</sup> <http://www.emsa.europa.eu/operations/maritime-monitoring/item/2144-operational-services.html>.

constraints, the determination of EFCA staff to explore the integration of data has been important. Moreover, it was noted that EFCA management support was instrumental to overcome challenges and allow for a successful collaboration with the other Agencies. EMSA interview feedback suggests that EFCA evolved from a 'traditional mind-set' of sending out vessels to control to an approach to inspection and control on the basis of intelligent data. In addition, it has to be noted that the cooperation between the Agencies, and in particular the exchange of data, has been formalised under the new provisions in EFCA's Founding Regulation in relation to the European cooperation on coast guard functions.<sup>121</sup> To sum up, this evaluation finds that various EFCA actions contributed to ensuring relevance of activities for MS stakeholders as well as EU agencies.

Overall, the capacity building for third countries (INT.T2) and IUU evaluation missions to third countries (INT.T1) are perceived as highly relevant or relevant. However, the survey data indicates: 1) differences between the EU policy needs and MS policy needs, and 2) a relatively high percentage of 'no view' responses. Concerning the latter, interview feedback suggests that EFCA's international operations lack visibility or awareness among AB respondents from MS.<sup>122</sup> This is also supported by the AB debates where specific clarification on the international dimension of EFCA was provided by the EC to the AB members.<sup>123</sup> Interview feedback on the missions to third countries confirmed that AB respondents from MS consider them useful but resource-intensive, noting the risk of EFCA overstressing limited resources to the detriment of EFCA 'core' tasks serving the MS.<sup>124</sup> The fact that respondents rated international operations of higher relevance for the EU policy level than for the MS level could indicate that AB respondents distinguish between EU and MS needs. Arguably, it is difficult to identify direct MS benefits of EFCA activities targeting third countries on the request of the EC. These activities might only indirectly benefit MS, i.e. better compliance with catch certification requirements for fisheries imports, or only to those MS with bigger fishing fleets operating outside EU water, or are only visible in the long-term, i.e. less IUU fishing. However, case-study feedback on EFCA activities on IUU did indicate relevance to MS. For example, survey feedback from SGIUU respondents indicated that EFCA training on IUU is well structured and focused and provides an important opportunity to cover best practices, review case studies and relevant issues (Annex 4.11).

## **Wider relevance**

Finally, to conclude the section on relevance, feedback from the AC respondents showed overall support in relation to the relevance of EFCA's mission to the needs of the industry (86%/128 out of 149 highly relevant and relevant). Broken down per activity, the AC respondents indicated that the EFCA capacity building in third countries is considered less relevant to their needs (INT.T2) (27%/4 out of 15 irrelevant and highly irrelevant). The same counts for the CC (EUO.T1) (13%/2 out of 15 irrelevant). This is understandable from the perspective that fishermen do not directly benefit from CC training.

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<sup>121</sup> Article 7a '(a) sharing, fusing and analysing information available in ship reporting systems and other information systems hosted by or accessible to those agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States'; <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02005R0768-20161006>.

<sup>122</sup> AB interview.

<sup>123</sup> AB interview.

<sup>124</sup> AB interview.



Nonetheless, the harmonised application of inspection which is an objective of the CC does not seem to weigh on the view of the industry in this issue. Arguably it is not through training where this could be addressed given that EFCA is not responsible for training fishermen. This, in fact, links to the EP motion (point 42) proposing improvements in training and information for fishermen in which the EC and MS have a more defined role. EFCA instead could focus on awareness building through the ADVB. Feedback from stakeholders through the EC Consultation on the evaluation of the CR does support the relevance of EFCA to train inspectors,<sup>125</sup> as well as work on training material and courses to improve the CC.<sup>126</sup> Relevance of ensuring adequate operational coordination of the national means of control and inspection is also highlighted by the LDAC calling for an 'increased mandate and resources of EFCA not only in relation to control in EU waters but also outside EU waters, in particular in the field of operational coordination in the fight against Illegal, Unregulated and Undeclared (IUU) fishing'.<sup>127</sup> The MEDAC makes various suggestions to address weaknesses in the CR, including some that relate to EFCA activities which testify to its relevance. For example, MEDAC suggests to: 'Improve and encourage the exchange of information and experiences on control implementation between MS and operators'; 'Harmonize and simplify the electronic tools (AIS, VMS, ERS, etc.)';<sup>128</sup> and 'Encourage a more regionalized approach with bottom-up consultation procedure to achieve greater compliance'.<sup>129</sup> PELAC highlights the relevance of EFCA's activities in relation to the LO. In particular, 'the central role in convening discussion forums between regional control experts groups and the Advisory Councils'.<sup>130</sup>

## 2.2.3 Coherence

### 2.2.3.1 Introduction

In line with the EC Better Regulation Guidelines, this evaluation reviews the internal and external coherence of EFCA's areas of activity. The Guidelines note that evaluating coherence 'involves looking at how well or not different actions work together'.<sup>131</sup> Internal coherence is evaluated by 'looking at how the various internal components of an EU intervention operate together to achieve its objectives...'.<sup>132</sup> In other words, the evaluation looks at whether EFCA activity is aligned with the mission as specified in the Founding Regulation and amendments included in the Control Regulation (EC Regulation 1224/2009). For external coherence the evaluation reviews the extent to which EFCA activities complement activities by other actors such as MS and different EU actors (in particular the EC and other EU Agencies).

This section addresses the evaluation question: 'To what extent are EFCA activities the most appropriate for achieving its objectives?' The outcome of this question informs various sub-questions:

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<sup>125</sup> Consultation input Client Earth, March 2016.

<sup>126</sup> Consultation input LDAC, March 2016.

<sup>127</sup> Consultation input LDAC, March 2016.

<sup>128</sup> Consultation input MEDAC, April 2016.

<sup>129</sup> Consultation input MEDAC, April 2016.

<sup>130</sup> Consultation input LEDAC, March 2016.

<sup>131</sup> EC (2015) Commission Staff Working Document, Better Regulation Guidelines, p. 59.

<sup>132</sup> EC (2015) Commission Staff Working Document, Better Regulation Guidelines, p. 59.

- 'How should EFCA activities be adapted in order to better respond to its multiannual & annual priorities and the existing and potential upcoming request for services and activities from EU institutions/MS/other stakeholders?'
- 'Should certain existing activities be discontinued, modified or new activities launched?'

The approach adopted by this evaluation has been to review to what extent the EFCA activities (operational objectives) correspond with objectives, and to what extent EFCA activities and objectives complement those of other relevant actors. The evaluation questions were addressed on the basis of desk research, interviews with AB / ADVB members, EFCA staff and staff of international organisations (such as FAO and RFMOs), and survey feedback from the AB.

### 2.2.3.2 Findings on coherence

#### **Internal coherence**

The AB survey confirmed, on the whole, the alignment of EFCA activities with the mission as specified in the Founding Regulation. The EU operations are considered particularly well aligned with EFCA objectives (88%/71 out of 81 strongly agree and agree).

Similar to the findings for relevance, international operations are not always considered aligned with the objectives (8%/4 out of 50 strongly disagree and disagree). Moreover, roughly one out of five AB respondents have no view on the coherence of international operations (22%/6 out of 27 for INT.T2 and 19%/5 out of 26 for INT.T1). More specifically, some AB respondents considered the IUU evaluation missions somewhat less aligned with the EFCA mission (INT.T1) (8%/2 out of 25 strongly disagree and disagree). Interviews confirmed the survey feedback. Indeed, AB respondents did not always consider international operations a 'core' activity of EFCA, and argued that the Agency's main focus should be on assisting EU MS and not third countries, or at least focus on EU waters first and secondly on waters adjacent to EU waters.<sup>133</sup> Considering the findings on relevance and coherence, this evaluation points to a scenario in which some activities, whilst considered relevant, are at the same time, in the view of some AB respondents, not well aligned with the mission as specified in the Founding Regulation. AB meetings in 2015 offer further insight into the debate on the international operations. The AB meetings discussed several issues relating to EFCA's international dimension. Firstly, the discussion points to the MS' limited awareness of the outcomes of the activities or at least the wish to better understand this. Secondly, the discussion points to the question on how to fund activities by EFCA when requested by the EC. This is discussed with the common understanding that the international dimension is increasing in importance but without a clear view on the required resources. This point relates to the question how to prioritise the international activities. Thirdly, the discussion points to a common awareness of the need to ensure that EFCA's activities in EU waters remain a priority, while at the same time continue reflection on the international dimension.

The discussion surrounding the working arrangements between DG Mare and EFCA and the international dimension of EFCA largely took place in 2015. The March 2015 AB meeting discussed the implementation of the IUU Regulation. A MS representative emphasised that the coordination of the implementation of the IUU Regulation needed to

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<sup>133</sup> AB interview.

be improved with a view to a better level playing field.<sup>134</sup> This suggests the need for more information on EFCA's IUU activities. For example, the above noted MS representative requested EFCA to analyse and report the results and outcomes of workshops carried out in 2014 and planned for 2015 in relation to the international dimension. Moreover, EFCA was asked to report on results of the missions with the EC to third countries and the documents analysed by EFCA staff. The subsequent presentation of the EC Strategy for the participation of EFCA in SFPAs capacity building complemented these issues to the extent that these concern the international dimension.<sup>135</sup> It was explained how SFPAs intends to improve partnership with third countries through assistance in developing monitoring control and surveillance systems and reinforcement of technical capacity in fisheries governance.<sup>136</sup> The EC also highlighted the positive contribution of EFCA to missions. At the same time, the EC anticipated MS concerns by noting that the participation of EFCA in missions would have limited impact on EFCA daily activities. While the number of missions relating to the international dimension was to be confirmed, the EC did urge for flexibility in relation to unexpected needs of SFPAs partners. Several AB members responded positively to the EC strategy and expressed interest in collaborating.<sup>137</sup> At the same time, clarity was requested on what constitutes unexpected needs and also on the possibilities of externally funding such missions in light of limited availability of resources.<sup>138</sup> The EC outlined the different funding channels that were being explored.<sup>139</sup> At the October 2015 AB meeting, the ED reported the state of play of EFCA involvement in the implementation of Article 30 of the CFP relating to the support of the EC. In particular, the ED noted the cap on missions to third countries.<sup>140</sup> The ED also noted the DG MARE efforts to support EFCA with access to grants to fund third country activities. At the same time, the ED asked for the AB's agreement on asking the EC for additional resources. The MS responded positively with some questions on specific funding arrangements. However, it was emphasised that EFCA was to expand activities on the basis of new resources without abandoning work in European waters.<sup>141</sup> The October 2016 AB meeting further discussed the international dimension, with the EC presenting an updated DG MARE strategy on cooperation aspects in the context of the CFP's international dimension, on the basis of discussions in the previous AB meetings.<sup>142</sup>

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<sup>134</sup> One AB representative also highlighted the importance of the electronic catch certificate. EFCA evaluation feedback on this issue notes that the missions to third countries includes the analysis of relevant catch certificates and gives the Agency information that feeds into EFCA's workshops but also the risk management methodology. Since EFCA has limited involvement in the rest of catch certificate administration, it hence considers this the most important source of information. The added value for MS can thus be found in training and workshop sessions.

<sup>135</sup> More details on IUU missions was scheduled for the October 2015 meeting. Note the distinction between capacity building missions (i.e. training to SFPAs countries) and verification missions (i.e. catch certificate document analysis by EFCA staff).

<sup>136</sup> AB minutes, March 2015, p. 15.

<sup>137</sup> One AB member noted the positive impact of the training by EFCA provided in Cape Verde.

<sup>138</sup> For example through the EMFF.

<sup>139</sup> The EC noted that the EMFF may not finance capacity building mission in third countries and that priorities would be given to countries with FPAs and that this was tried to be funded through DG DEVCO.

<sup>140</sup> Four missions per year for the implementation of the IUU Regulation; and 3 missions per year for capacity building in the framework of SFPAs. The former refers to evaluation of third countries national fisheries control and enforcement systems according to the provisions of the regulation against IUU activities and the latter refers to training missions and giving advice for the establishment of a national control system for third countries.

<sup>141</sup> By the EC and one MS AB representative.

<sup>142</sup> AB minutes, October 2016, p. 6.

The EC stressed the need to focus on the MED region due to the critical status of stocks and the EU shared responsibilities in the region. EFCA would be considered to support this process and activities discussed with international partners. The EC reaffirmed the understanding that no additional tasks should be attributed to EFCA beyond those falling within the scope of the mandate. AB members requested clarification on the caps on number of IUU missions and number of capacity building missions per year to SFPAs countries.<sup>143</sup> The EC noted that the strategy presented by DG Mare should be considered a working tool. Nevertheless, the EC stressed the possibilities to motivate countries to improve the fight against IUU through the implementation of coherent control strategies and increased efficiency through capacity building.

The working arrangement between DG Mare and EFCA provides additional clarity on the strategy for EFCA's international dimension. At the same time, this document also exposes some of the challenges in detaching EFCA activities in EU areas from activities in the international domain. The Common Approach on decentralised agencies calls on the agencies to adopt a clear international relations strategy. It is important to note that 'without a specific mandate given by the Commission, EU agencies are not entitled to exert any external activity'.<sup>144</sup> In practice this means that EFCA cannot enter into international agreements with third countries or international organisations. However, EFCA can represent official EU positions externally if authorised by the EC. Against this background, EFCA may act within the international dimension of the CFP under Article 30 of the basic CFP Regulation (EU) No 1380/2013, the Control Regulation (EC) No 1224/2009 and its implementing rules (EU) No 404/2011, the Council Regulation (EC) No 1386/2007 (NAFO), the Regulation (EU) No 1236/2010 (NEAFC), and EFCA Founding Regulation. The arrangements also apply to the international dimension relating to IUU in accordance with the Agency's Founding Regulation (Article 3(i) introduced by the adoption of the Control Regulation, amending the mission of EFCA) and Article 1.3 of Council Regulation (EC) No 1005/2008. As pointed out in Articles 3 and 4 of the Founding Regulation,<sup>145</sup> EFCA's mission is to assist MS to fulfil their tasks and obligations under the rules of the CFP, harmonising the application of the CFP throughout the EU, and contribute to the coordination of inspector training and exchange of experiences between MS. This aims to create a level playing field on a number of fronts, including the application of the IUU Regulation. Article 4 of the Founding Regulation provides that EFCA tasks relating to the international obligations of the EU on control and inspection shall be performed at the request of the EC. Moreover, Article 8 (amended in the Control Regulation) and 12 provide that EFCA at the request of the EC is in charge of the operational coordination of the activities carried out by MS under JDPs which can cover high seas. Referring to Article 30 of the CFP regulation on compliance with international provisions, this states: 'The Union shall, including through the European Fisheries Control Agency ("the Agency"), cooperate with third countries and international organisations dealing with fisheries, including RFMOs, to strengthen compliance with measures, especially those to combat IUU fishing, in order to ensure that measures adopted by such

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<sup>143</sup> The working document apparently no longer mentioned the limitation of three capacity building missions per year to SFPAs countries and raised the IUU mission from four to six.

<sup>144</sup> Decision No 15-WI-1 of the Administrative Board of the European Fisheries Control Agency of 2 February 2015 endorsing the Working Arrangements between DG MARE and the European Fisheries Control Agency, Ref. Ares (2015) 145634 – 14/01/2015, p.2.

<sup>145</sup> Council Regulation (EC) No 768/2005.

international organisations are strictly adhered to'.<sup>146</sup> Furthermore, the EC Decision of 18 December 2009 designates EFCA as the body to carry out certain tasks under the IUU Regulation.<sup>147</sup> This involves EU obligations and commitments in the context of international relations such as in RFMOs and with third countries. The implications of the different legal provisions on the international dimensions are that EFCA can carry out activities relating to RFMOs, IUU and control related tasks, and SFPAs.<sup>148</sup>

This evaluation finds that from a legal point of view, the international operations appear well aligned with the regulatory framework. However, it is noted that since the international strategy was clarified by the EC (in accordance with the Common Approach) and discussed by the AB in 2015 and 2016, there is some feedback on limited coherence during the period under evaluation. At the same time, it is also noted that both DG Mare and EFCA adequately responded to MS questions on the international dimension, raised at 2015 AB meetings. Further, it is noted that questions over the international dimension are related to the possibility of overlap between activities concerning EU areas and those concerning international areas, i.e. in the area of the JDP in the MED as well as NEAFC.

Stakeholder views also depend on perspective and particular interests. For example, the Pelagic AC considered that the role of EFCA should be strengthened, also when it comes to international waters in e.g. the NEAFC area, where EFCA should have its own patrol vessels.<sup>149</sup> The Long-Distance AC supports a strengthened EFCA mandate and more resources not only in relation to control in EU waters but also outside EU waters, in particular in the field of operational coordination in the fight against IUU Fishing.<sup>150</sup>

This evaluation also finds that the debate concerning the priority of EFCA's activities in EU waters remains open. AB interviewees suggest that this remains a continuous concern despite EFCA and DG Mare clarifications in 2015. One option could be to reduce international operations, but this conflicts with EFCA's legal obligations and relevance, in particular when considering the increasing importance of the IUU regulation on the global scene. In addition, AB respondents from the EC view these activities more favourably, considering that the EC represents the EU on international fisheries management related issues.<sup>151</sup> A different option could be to respond to the need for EFCA activities in the area of international operations, in light of the growing relevance of IUU on the global level, but with the risk of undermining other mission objectives that are considered more relevant in the eyes of AB respondents from MS. The answer to this arguably lies somewhere in the middle. In fact, interview feedback suggests that EFCA prioritises activities in a way to cater to both, the alignment of objectives as well as the relevance of the problems.<sup>152</sup> Whether this is also the case for all international operations cannot be confirmed with certainty, because of the fact that the debates on the strategy for the international dimension have taken place recently (in 2015). Prior to this, the evaluators

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<sup>146</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013.

<sup>147</sup> Commission Decision 2009/988. EFCA is also designated in other regulations, e.g. Regulation 1386/2007 for NAFO and 433/2012 for NEAFC.

<sup>148</sup> The recent amendment of EFCA's Founding Regulation (article 7a(1)) also refers to the international level.

<sup>149</sup> PELAC Position paper on the evaluation of 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. 31 March 2016.

<sup>150</sup> LDAC Opinion on the evaluation of Council Regulation (EC) No 1224/2009. 31 March 2016.

<sup>151</sup> AB interview (EC).

<sup>152</sup> EFCA interview.

do not identify a clear strategy in relation to the EFCA activities in the fight against IUU, SFPAs or RFMO related activities.<sup>153</sup> To some extent, interview feedback suggests that the lack of resources limited the scope for strengthening international operations. The cap on the number of missions was set to be able to manage expectations and deal at the same time with resources limitations in order not to impact daily EFCA activities. Also, the fact that these activities depend on EC requests, does arguably place limits on the Agency's role. Nevertheless, EFCA implemented relevant activities in accordance to the MWP and AWP. Finally, this evaluation also notes that there is a perceived lack of awareness among MS with regard to the international operations. Similarly, other stakeholders demonstrated limited awareness of EFCA's engagement in third countries.<sup>154</sup>

## **External coherence**

The following paragraphs review the external coherence of EFCA activities with activities developed by the private sector, by international organisations, and by other MS and EU actors.

Overall, AB respondents considered EFCA activities to complement private sector activities to a rather limited extent (24%/71 out of 297 strongly agree and agree). In fact, apart from the 'no view' on this issue (53%/157 out of 297), AB respondents also to a large extent disagreed that EFCA activities complemented private sector activities (24%/69 out of 297 disagree). Interviewees noted on several occasions that the focus of EFCA was primarily on public authorities. EFCA interview feedback partly supported this, however, it was also noted that EFCA increasingly collected feedback from private sector players, i.e. with the help of the ADVB.<sup>155</sup> Moreover, it has to be noted that whilst AB respondents clearly do not view activity to be complementary, the private sector stakeholders themselves did indeed rate the relevance of EFCA activities as high (see section 2.2.2).<sup>156</sup> This gives reason to argue that EFCA activities are more aligned with activities of the private sector than acknowledged by the AB respondents. AB interviewees support this argument, commenting that they were not sufficiently informed on the ADVB activities and outcome, and this despite an ADVB representative participating in the AB meetings (no voting rights) as well as circulation of ADVB meeting minutes to AB members.

Concerning the coherence of EFCA activities with those of international organisations, the AB respondents clearly considered these more aligned (43%/128 out of 296 strongly agree and agree). It is worth noting that the majority of AB respondents considered EFCA international operations to complement activities of international organisations (55%/30 out of 54 strongly agree and agree). Interviews with stakeholders from international organisations such as the FAO and RFMOs supported this.<sup>157</sup> An interviewee from an international organisation recommended that in particular in the area of capacity building in third countries, the respective international organisation would like to be more

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<sup>153</sup> AB interview.

<sup>154</sup> AC interview.

<sup>155</sup> EFCA interview.

<sup>156</sup> PELAC Position paper on the evaluation of 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. 31 March 2016; LDAC Opinion on the evaluation of Council Regulation (EC) No 1224/2009. 31 March 2016.

<sup>157</sup> FAO / RFMO interviews.

involved to enhance the alignment between EFCA and their own objectives. For example, the interviewee noted that EFCA / the EC should strengthen capacity building follow-up once certain third countries were placed under pre-identification or identification under the IUU Regulation.<sup>158</sup> At that point, those countries would come to the respective international organisations asking for advice on how to comply with EU requirements. The interviewee commended the good quality of EFCA capacity building in third countries, but noted the limitations of tailoring capacity building to the needs of third countries given the restraints of the EC mandate in order for EFCA to undertake activities. The interviewee suggested to better align the capacity building initiatives with the international organisation to allow the latter to address gaps.

Concerning the coherence of EFCA activities with MS (66%/195 out of 297 strongly agree and agree) and other EU actors' activities (57%/168 out of 297 strongly agree and agree), AB respondents predominantly consider activities to be well aligned. This is understandable from the perspective that the EFCA-MS-EU interactions largely take place within the AB governance arrangements. AB respondents indicate that EFCA implementation tasks concerning the Union Inspectors (IMPL.T3), EFCA Coordination Centre (IMPL.T4), Core Curricula (EUO.T1), JDPs (EUO.T3), and the LO (IMPL.T6) to a large degree complement the work at the MS level. A particular complementarity of EFCA activity is seen in light of the collaboration between EFCA and other EU Agencies.

Case-study work on the inter-agency cooperation focused primarily on the development of MARSURV and the developments in light of the European Coast Guard initiative. However, the complementarity of EFCA activities has also been noted in terms of the cooperation with ESA and EUSC.<sup>159</sup> The cooperation with EMSA focused on exploring the exchange of information and the use of EFCA VMS data and EMSA to provide other data sets such as SAT-AIS to EFCA. The cooperation with Frontex focused primarily on enhancing the use of available surveillance means. In 2009, the inter-agency cooperation agreement was signed between EMSA, Frontex and EFCA.

The EC and MS/EEA members are currently developing the 'Common Information-sharing Environment' (CISE), with EFCA participating in the 'EUCISE2020' security research project promoting the pre-operational information sharing between Europe's maritime authorities. The AR 2012 notes that EFCA actively contributed to DG MARE's project towards the implementation of an EU IMP and the CFP promoting cooperation in maritime affairs with, inter alia, EU Agencies. In 2012, in close cooperation with EMSA, a pilot project on maritime surveillance was set up during the BFT JDP.<sup>160</sup> The pilot project aimed to assess the added value of enriching the existing global picture of the EFCA-VMS system with additional layers of information (AIS, Sat-AIS, LRIT, SAR-Images, nautical charts and inspection and surveillance information) in order to create an integrated maritime picture. A user-defined technical solution was developed, implemented and tested successfully. The application MARSURV, allowed the correlation of the traditional VMS with other maritime data sources. In 2013, cooperation with EMSA intensified, and MARSURV was tested also in the North Atlantic and NS, respectively in the JDP-NAFO and

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<sup>158</sup> FAO interview.

<sup>159</sup> The cooperation with ESA focused on exploring the exchange of information and the use of satellite imagery and RPAS technology using satellite communication technology. The activities in relation to the EUSC in Madrid focused on exploring possible cooperation with regards to the use of satellite imagery.

<sup>160</sup> AR 2012, p.20.

JDP NS.<sup>161</sup> At the October 2013 AB meeting the application was presented and the decision was taken to continue the development and expansion. The expansion of the tool allowed EFCA to test the application in different maritime environments. Meanwhile, EFCA increased the use of MARSURV in the BFT JDP allowing for more detailed monitoring of fishing vessel behaviour. The use of satellite imagery was also tested, and it was considered that the potential of enhancing the global picture through combining different layers of information could benefit from a more user defined and operational application and, therefore, MARSURV was integrated in EMSA's IMDatE architecture. MS feedback on functionalities made the application more user-friendly. In 2014, EFCA made MARSURV available to the JDP participating MS under the auspices of the Working Group on Data Monitoring and Networks. The development of the application continued in 2014 for various JDPs while focusing on the utility through user feedback. The operation of MARSURV continued to provide data for the integrated maritime picture. A new update of the application that established two maritime services (Atlantic and MED) intensified collaboration between the Agencies. However, as a result of the update, part of the services were unavailable during the first four months of 2014 which resulted in approximately 90% of availability during that year.<sup>162</sup> The AR notes that in 2014 more than 50 users in 12 MS and EFCA were using MARSURV. A Technical User Group meeting was organised in Vigo to collect feedback assess user experience. In 2014, EFCA also participated in two IMDatE meetings in Lisbon. In 2015, EFCA reported that MARSURV is operational in different JDP areas, and has increased its users to 215, from 21 MS and EFCA. In 2015, the application was also presented during the first IUU Steering Group meeting.

On the maritime capacity the complementarity of EFCA activities to Frontex arguably needs to be nuanced. Interviews with Frontex staff confirm the relevance of cooperation in terms of pooling resources. However, at the same time the impact might be limited for Frontex given the larger size of the Agency and corresponding maritime capacity. Nevertheless, EFCA activities do align with those of Frontex in the sense that information collected during fisheries control and inspection at sea could be of value to European border control. The same can be said of the Frontex activities and in particular sightings of fisheries vessels by border patrol which can be forwarded to EFCA.

The operational coordination with Frontex was established in 2012. The main purpose of this cooperation was to provide an additional surveillance capacity when there was no dedicated fishery surveillance means available in the MED area. The other tranche of inter-agency cooperation in the maritime domain in 2012 included the participation of EFCA in the European Patrol Network (EPN). The participation focused on the exchange of information regarding vessel activity detected by patrol means and the provision of mutual assistance on request. Within the framework of the BFT JDP activities, EFCA provided training to Frontex air surveillance crews in contact with BFT fisheries. In 2013 and 2014 the cooperation intensified with the EFCA participation in seminars, joint-meeting between the agencies and training sessions of Frontex staff.<sup>163</sup> Inter-agency

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<sup>161</sup> AR, p. 22.

<sup>162</sup> AR, p. 55.

<sup>163</sup> In 2013 this included three Frontex EPN seminars. Also in the framework of the BFT JDP activities, EFCA provided two additional training sessions for Frontex air surveillance crews. EFCA also participated in 2013 to specific Frontex Joint Operation briefing meetings in order to exchange information on operational planning in view of the proximity of both Agencies target areas and activities in the MED. AR, p. 86. In 2014 EFCA attended two workshops of the EPN dealing with illegal immigration sea border surveillance activities (Lisbon 4-5 June,



collaboration became more regular in 2015 with the exchange of information regarding operation activities, experiences, best practices and latest technologies. A driving force behind the regular exchange of information was considered to be the humanitarian crisis in the MED which also resulted in EFCA becoming a member of the Contact group of EU Agencies on migrant smuggling. An important development in this regard was the collaboration between Frontex, EMSA, and EFCA through two SLAs that were signed in 2015. These established grounds of exchange of information through MARSURV. This means that EFCA may deliver VMS data for use in EMSA tools. The cooperation now (2017) allows EMSA to provide VMS data for Search and Rescue purposes. The cooperation also allows Frontex to use VMS data through the EMSA IMDatE service for border control purposes as established in the Eurosur regulation. In 2016, Frontex, EMSA and EFCA signed an inter-agency agreement to extend cooperation in areas of border surveillance, interception of vessels suspected of engaging in criminal activities, cross border crime, support for search and rescue at sea and illegal fishing. In September 2016 the Council approved the European Border and Coast Guard Agency determining the future collaboration between EFCA, Frontex and EMSA. As a consequence, the mandates of EFCA, EMSA and the new European Border and Coast Guard Agency have been aligned. EFCA's Founding Regulation was amended, and working arrangements were established between the Agencies. It is important to note that the (draft) tripartite working arrangement includes relevant provisions to ensure future coherence between the Agencies. For example, it states that cooperation between the Agencies is based on the enhancement of the synergies between the Agencies, and that the exchange of information needs to be relevant to the respective mandates.

Instrumental in the run-up to the EU Coast Guard function has been the Coast Guard Pilot Project. Since the beginning of 2016, the three Agencies worked together with the three partner DGs (DG Mare, DG Home and DG Move) in the preparation and implementation of the pilot project that prepared the publication of the 'border package'. This project was divided into four tasks, each being allocated to the Agencies involved.<sup>164</sup>

**Table 7 - Coast Guard Pilot Project**

Task	Topics	Activities	Agency
Task 1	Sharing information	Fusing and analysing data	EMSA (Coordinator)
Task 2	Surveillance services	Remotely piloted aircraft systems Maritime patrol aircraft	EMSA Frontex
Task 3	Capacity building	Guidelines, recommendations and best practices	EFCA (Coordinator)
Task 4	Capacity sharing	Multipurpose operations	Frontex (Coordinator) EFCA

**Source:** AB minutes, October 2016

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Warsaw 9-10 December). EFCA attended two Frontex joint operation, evaluation and planning meetings for the coordination of activities (Rome 27 March, Athens 30 April). Further that year, EFCA attended another Frontex workshop and provided 3 training sessions for Frontex surveillance teams regarding detection of possible fishing activity. This training was provided through video conferencing. In 2014, EFCA also prepared a SLA for the exchange of VMS information for the Integrated Maritime Data Environment through Eurosur.

<sup>164</sup> AB minutes, October 2016, p. 8.

The following highlights from the CGPP illustrate the cooperation between the Agencies and the new legislative mandate. For example, under Task 4 different multipurpose operations were organised in the MED (EFCA JDP and three Frontex joint operations) with the collaboration of MS authorities through the MED JDP Regional Steering Group. Moreover, standard operational procedures were agreed upon and a number of personnel exchanges between Frontex and EFCA were organised in the Coordination Centre of the operations and on board of the control means. EFCA, in particular, valued the quality and utility of data coming from the cooperation. For example, EFCA received information on more than 500 sightings of interest for fisheries in the strait of Sicily. EFCA informed Frontex on 25 cases about fishing vessels. Further, EFCA followed up with the EC and MS concerned five sightings of third country vessels in order to ensure an appropriate follow-up by the flag state and ICCAT.

## 2.2.4 Utility

### 2.2.4.1 Introduction

In line with the EC Better Regulation Guidelines this evaluation looks at utility. This evaluation aims to assess the extent to which EFCA outputs and results meet needs at the level of EU policy and at the level of EU MS. In other words, this evaluation aims to determine the utility of EFCA's work. The EC Better Regulation Guidelines asks about utility as follows: 'To what extent do the changes/effects of an intervention satisfy (or not) stakeholders' needs? How much does the degree of satisfaction differ according to the different stakeholder groups?'.<sup>165</sup> The evaluators note the difference between relevance and utility in the sense that an EFCA intervention might be aligned with the mission (relevance) but still fails to address actual stakeholder needs (utility).

This section addresses the evaluation question 'To what extent do EFCA outputs and results satisfy (a) needs at the level of EU policy, and (b) needs at the level of the Member States?'. This section will also address the question 'To what extent are the services that EFCA makes available fully exploited and made use of by the relevant stakeholders. Both questions are addressed by looking at EFCA activities in the areas of capacity building and operational coordination. Concerning the former, this evaluation looks at the utility of some of the training activity and data systems. Concerning the latter, this evaluation looks at EFCA activities in relation to assistance to MS in light of the CFP reform, in particular the LO. The evaluation questions were addressed on the basis of desk research, interviews with AB / ADVB members and EFCA staff, and AB survey feedback.

### 2.2.4.2 Findings on utility

#### **Utility capacity building**

This section starts by looking at the utility of EFCA capacity building activity.

In the period under evaluation EFCA has engaged in a wide range of training activities. On the basis of a training strategy,<sup>166</sup> a breakdown of the training actions, in line with the

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<sup>165</sup> EC (2015) Better Regulation Toolbox, p. 275.

<sup>166</sup> Presented in the AB meeting of March 2013.

legal obligations of EFCA, envisages activities such as: training of trainers; training of Union inspectors (before first deployment); advanced workshops for Union inspectors (best practices); training for third countries on EC request; and workshops on the implementation of the IUU regulation. In order to determine to what extent the EFCA outputs and results satisfy the needs at the level of EU policy and the level of the MS, this evaluation has selected two training areas that encompass a large part of the strategy namely the development and utility of the Core Curricula (CC) for fisheries inspectors and Union Inspectors as well as the training on the implementation of the IUU regulation.

### **Utility of the CC**

Substantive development of the CC commenced in 2011 following the adoption of the implementing rules<sup>167</sup> of the Control Regulation.<sup>168</sup> The underlying objective of the CC is to contribute to the development of a 'level playing field' in fisheries inspection across the EU by providing a common basis for the training of fisheries inspectors.

The CC consists of a series of trainer manuals and trainee handbooks. First, the manual for the trainers contains comprehensive training guidelines, course objective, case studies and worksheets. They are intended to reduce the preparation workload on the trainers and to improving the effectiveness of the training by identifying the skills and competencies to be acquired by the trainee. The trainer manuals enumerate in detail the topics to be covered. The trainee handbooks presents core information and essential inspection techniques. So far, EFCA has published five training courses since 2013.<sup>169</sup> Each course comprises a trainer manual and a trainee handbook.

Since February 2014, EFCA has organised or contributed to 21 training events related to the subjects covered by the CC. These have involved 410 participants, from all 28 MS. EFCA has developed an e-learning platform, which stakeholders expect will promote the use of the CC. It is also noted that few MS have the resources to produce this type of platform individually, and it is therefore important that EFCA is undertaking this development. Stakeholder feedback on this subject indicates that the quality of the trial e-learning resources is good, however, only few stakeholders commented on this issue. This went live in mid-2016, with the launch of the course on inspection at sea.

Regulations require that EFCA establishes and develops two specific CC, one for the training of trainers, and the other for the training of inspectors. Article 7(a) of Council Regulation 786/2005 states that, in order to support MS in fulfilling their CFP obligations EFCA should, among other things, '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'. Council Regulation 1224/2009

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<sup>167</sup> Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011.

<sup>168</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009.

<sup>169</sup> Volume 1. Inspection at sea (2013), Volume 2. Port inspection 2a. Landing inspection (2014), Volume 2. Port inspection 2b. Transshipment inspection (2015), Volume 3. General principles applicable to fisheries inspection and surveillance and Specific types of fisheries inspection (2015).

added the development of a second CC to EFCA remit, this time for the training of Union inspectors.<sup>170</sup>

Neither regulation provides a definition of 'curriculum'. This is significant, as there are diverse understandings of what a curriculum is. From a utility perspective this could have bearing on how the EFCA documents are understood by MS. Benchmarking the definition of the 'curriculum' against other related initiatives shows that some understandings may be rather general, such as 'a collection of related subjects'. For example, the International Maritime Organization (IMO), which was an early inspiration for the EFCA CC, makes few references to 'curriculum' and it refers to its model courses as curricula.<sup>171</sup> The IMO list of model courses makes no reference to curriculum (or curricula).<sup>172</sup> The European Centre for the Development of Vocational Training (CEDEFOP) provides a rather comprehensive definition of the term.<sup>173</sup> It notes that 'the term curriculum refers to the design, organisation and planning of learning activities while the term programme refers to the implementation of these activities'.<sup>174</sup> The term 'curriculum' is not defined in available EFCA documentation. There is also a lack of clarity in whether the term 'core curricula', as used by EFCA, refers to the two curricula mentioned in Council Regulation 1224/2009 (one for trainers and one for inspectors), or if each of the five courses for inspectors are considered as curricula in their own right (i.e. five curricula for inspectors). This is shown from the responses from the SGTEE collected for this evaluation (see table below). Nevertheless, there does appear to be some preference for more complex understandings, i.e. options:

- 'A set of subjects that have to be studied to fulfil some requirement';
- 'A curriculum determines what will be taught and learned, by whom, when and where. It determines not only the content but also the sequencing of the learning and the overall educational experience';
- and 'The inventory of activities implemented to design, organise and plan an education or training action, including the definition of learning objectives, content, methods (including assessment) and material, as well as arrangements for training teachers'.

The 2012 AR suggests some uncertainty, both in what 'curriculum' means in the context of the Founding Regulation (as amended by Council Regulation 1224/2009), and also

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<sup>170</sup> 'The Agency shall in particular: [...] 2. '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';

<sup>171</sup> International Maritime Organization, 'STCW/CONF.2/32 Final Act of the Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978', 1 July 2010, p.13, <http://www.imo.org/en/OurWork/HumanElement/TrainingCertification/Documents/32.pdf>.

<sup>172</sup> <http://www.imo.org/en/OurWork/HumanElement/TrainingCertification/Documents/list%20of%20IMO%20Model%20Courses.pdf>.

<sup>173</sup> 'Inventory of activities related to the design, organisation and planning of an education or training action, including definition of learning objectives, content, methods (including assessment) and material, as well as arrangements for training teachers and trainers. Comment: the term curriculum refers to the design, organisation and planning of learning activities while the term programme refers to the implementation of these activities'.

<sup>174</sup> European Centre for the Development of Vocational Training (Cedefop), ed., Terminology of European education and training policy: a selection of 130 key terms, 2. ed (Luxembourg: Publ. Office of the European Union, 2014), p.55.

who the target groups are: 'A priority in the development of training schemes is to create reference materials for the training of the trainers of the inspectorates and of Union inspectors before their first deployment, the Core Curricula (CC)'. A few lines later, the report states that 'The Curricula are composed of a training handbook with the teaching materials for the students and a training manual with the instruction for the trainer'. This is the closest that EFCA comes to defining the term 'curriculum'. The first sentence refers to the training of trainers, and Union inspectors, while the second sentence indicates what the curricula consist of, although it is unclear if the 'students' referred to here include trainee trainers, as well as Union inspectors.

Whilst CC developed by EFCA can be used by trainers, and is not meant to exclude utility by trainers, there is in fact, no specific curriculum for the training of trainers. This is confirmed by the responses to SGTEE survey (Q2) on the purpose of the CC. None of the 13 responses refer to the training of trainers, although references to 'training standards' could be interpreted as encompassing the training of trainers. It is understood that a curriculum for the training of trainers was not developed as it was found that there was little need since trainers already received this type of training on the MS level.

EFCA has produced five courses for the training of inspectors, each of which comprises a trainer manual and a trainee handbook. The trainer manuals are not intended for the training of trainers. Rather, they are guides for trainers to support them with implementation of the courses. There is an implicit assumption that trainers using these manuals are already experienced trainers. The trainee handbooks are essentially high quality textbooks, and could be considered as components of a curriculum, rather than the curriculum itself. One survey respondent describes the training materials as 'good background resource material but not a training package'.

Nevertheless, stakeholder feedback indicates that MS consider that EFCA is fulfilling the requirements of the Founding Regulation (as amended by Council Regulation 1224/2009) with regard to the CC. Annex 4.9 shows that, of the 13 MS representatives on the SGTEE who responded to the survey, most consider that EFCA is fully meeting the requirements of the Founding Regulation (as amended by Council Regulation 1224/2009, Article 120, 3. (a) and (b)), while a small number consider that it is partly meeting these objectives.

EFCA feedback indicates that the SGTEE decided seven years ago to produce manuals for trainers and handbooks for inspectors.<sup>175</sup>

There are several possible explanations for the different understanding of the purpose of the training materials produced by EFCA, which could have implications for the CC's utility for MS:

- The relevant text of the Founding Regulation (as amended by Council Regulation 1224/2009) may not have fully reflected the intent or expectations of MS. Or possibly there was no clear expectation, and the meaning of 'curriculum' was possibly left undefined by the legislator in order to allow flexibility in its implementation by EFCA and MS representatives tasked with the development of the two curricula;
- It is possible that the relevant texts of the two regulations were over-ambitious with regard to the practical and political challenges of developing two curricula (for the training of trainers, and for the training of Union inspectors) for application across 23 coastal MS with diverse fisheries inspection structures and systems, differing training

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<sup>175</sup> EFCA interview.

systems, and potentially differing perspectives. Development of curricula using a more complex interpretation of 'curriculum'<sup>176</sup> could be perceived as too prescriptive, and might have implied a need for costly restructuring of MS training and development systems that might have been difficult to integrate into existing structures in MS;

- Stakeholders have highlighted the issue of translation as a potential constraint for less well-resourced MS with regard to the utility of EFCA's training materials and approach. A more complex interpretation of the term 'curriculum' would likely have exacerbated this issue as it would have implied a need to translate, not only the new EFCA manuals and guides, but possibly also significantly more documentation on training systems, methodology, assessment, etc.;
- As far as the training of trainers is concerned, one stakeholder has pointed out that MS trainers are already trained as trainers. Therefore, there is no need for a curriculum on training in general, although there is a need for training on how to deliver EFCA training, as MS do this differently. EFCA confirms that this is what it is doing.

The most comprehensive description of the purpose of the CC that was identified by this evaluation is one provided by an SGTEE survey respondent: 'The purpose of the Core Curricula is to train Union Inspectors, who assess compliance against the rules of EU Common Fisheries Policy; set minimum standards of training; improve the consistency in inspection standards; minimise the different interpretations of the legislation between member states; develop high quality training material, which would be expensive for member states to develop separately; train Union inspector in new legislation before it comes into force.'

There is agreement amongst SGTEE survey respondents that the underlying purpose is to promote a 'level playing field', or more specifically to enable fisheries inspectors to carry out their duties in a uniformly effective manner.

As discussed in the section on relevance, some considerations made by SGTEE relate to limitations of utility on the MS level. In particular, SGTEE respondents (8 out of 13) consider that the CC should incorporate an overall training framework/ roadmap and that this could be clearer/ more coherent. Nevertheless, SGTEE respondents did rate positively the content and quality of the CC materials.

A closer look at the utility of the content shows that the CC is a combination of both generic/standard step-by-step methodology (i.e. preparation of inspection, vessel documentation control, etc.) and more specific sections providing guidance on more regionally oriented topic (i.e. technical measures, SCIPs, etc.). EFCA appears to acknowledge that, given differences between regional fisheries, it may be desirable to adapt the curricula for more specific regional needs/requirements. This is already reflected in EFCA's 2016-2020 MWP.<sup>177</sup> Limited stakeholder feedback on this subject indicates support for such an approach. The updated version of the CC material on Inspection at sea and Port inspection (published at the end of 2016) reflects this regional approach, in line with the CFP reform, and should therefore be expected to further enhance the utility of the CC in its regional dimension. Stakeholders did express some

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<sup>176</sup> e.g. along the lines of Cedefop.

<sup>177</sup> European Fisheries Control Agency, EFCA's MWP 2016-2020 and AWP 2016, adopted on 15 October 2015, p.36.

concern about the use of independent consultants to develop the CC, as they may not be as fully up to date as MS administration staff on the latest legislative developments. In fact, stakeholder feedback suggests that, in some MS, the CC require significant restructuring and adaptation to make them fit well with established inspection arrangements in different MS (e.g. separation of inspection responsibilities between different bodies). This could therefore be seen as an area that limits the utility of the CC.

When taking a closer look at how the outputs and results of the CC are satisfying the needs of stakeholders, the assessments available from EFCA provide a limited picture.<sup>178</sup> For example, EFCA launched a questionnaire to the SGTEE in October 2016 on 'needs of support from EFCA in Member States national training services'.<sup>179</sup> The questionnaire took stock of how many MS received hard copies of the CC courses,<sup>180</sup> and whether they circulated information on the availability of the CC courses on different websites.<sup>181</sup> The SGTEE were also asked whether, in national training activities, they are using or are planning<sup>182</sup> to use the CC courses as reference material or whether they translated courses.<sup>183</sup> The survey further explored whether MS would like EFCA support on reviewing translated courses<sup>184</sup> or assistance on how to use CC courses for national trainers.<sup>185</sup> The only question that remotely looked at how the CC are satisfying the needs of the MS is the question on whether they are or are planning to use this. There are no questions on how they are using this. The MWP suggest the use of the indicator of 'attendee satisfaction'.<sup>186</sup> These assessments are very positive, but also provided a limited picture. The widely used Kirkpatrick model for the evaluation of training effectiveness identifies four levels of training effectiveness: reaction, learning, behaviour, and results.<sup>187 188</sup> Attendee satisfaction corresponds to the first level of the Kirkpatrick model. The other three levels of the model look at what actually changes as a result of the training, but these are not covered by EFCA indicators. The effective application of the CC, and ultimately the uniform application of effective inspection practices, may be

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<sup>178</sup> Assessments are not available in EFCA AR for training events prior to 2015.

<sup>179</sup> Summary of MS survey training\_December\_2016.pdf.

<sup>180</sup> 18 out of 19 respondents received Volume 1 and 2. 17 out of 19 received Volume 3. The question posed was: Have you received and distributed hard copies versions of the Core Curricula courses (Handbook and Manuel for the trainer) developed so far by EFCA for fisheries/Union inspectors and trainers?. The answers seem to suggest that these copies were received but it is unclear whether they were also distributed.

<sup>181</sup> 15 out of 19 respondents circulated this information. This suggests that beneficiaries could have accessed the CC courses online, however it is unclear to which extent they have done this.

<sup>182</sup> 14 out of 19 respondents confirm the use and 4 plan to do so. One respondent is not planning to do so. It is unclear to what extent they are using this as "reference material".

<sup>183</sup> 4 out 19 have translated Volume 1 and 3 out of 19 Volume 2. Volume 3 has not been translated. 4 respondents are planning to translate and 13 are not.

<sup>184</sup> 7 out of 19 respondents are not interested in EFCA providing technical assistance for reviewing (ex-post quality check) the translation of the CC courses.

<sup>185</sup> 13 out of 19 respondents are interested to receive EFCA's assistance on how to use CC courses. 6 respondents are not.

<sup>186</sup> European Fisheries Control Agency, EFCA's MWP 2015-2019 and AWP 2015, p.30.

<sup>187</sup> The four levels of the model consider: to what degree participants react favourably to the training (reaction); to what degree participants acquire the intended knowledge, skills, attitudes, confidence and commitment based on their participation in a training event (learning); to what degree participants apply what they learned during training when they are back on the job (behaviour); to what degree targeted outcomes occur as a result of the training event and subsequent reinforcement (results). More information: <http://www.kirkpatrickpartners.com/>.

<sup>188</sup> businessballs.com, 'Donald Kirkpatrick's Learning Evaluation Theory - a Training and Learning Measurement, Evaluations and Assessments Model'.

undermined by factors in the operating environment. It is important to understand where obstacles to change exist, what these obstacles are, and what EFCA might do to help overcome them.

Finally, in terms of utility prospects, this evaluation notes that stakeholders expect that the e-learning platform will strengthen the use of the CC. It is also noted that few MS have the resources to produce this type of platform individually and it is therefore important that EFCA is undertaking this development. Limited stakeholder feedback on this subject indicates that the quality of the trial e-learning resources is good. Concerning e-learning platform, the first e-learning course covering inspection at sea was fully launched with an e-mail announcement in late June 2016. As of 22 August 2016, 37 users from ten MS, EFCA and the EC had created user accounts. As of 15 November 2016 this increased to 120 users.<sup>189</sup> The next course (port inspection) was launched in October 2016.

Stakeholder feedback indicates the e-learning platform is an important development that is expected to enhance the application of the CC. It should enable the CC to be accessed by more people. The materials can be more easily kept up to date. However, translation – a potential obstacle to the utility of the CC in some MS – could be expensive, although EFCA notes that translation costs can be minimised as this does not necessarily imply the production of duplicate materials in different languages. For example, training videos can be dubbed or have sub-titles applied.

As noted above, translation is potentially a significant obstacle to the utility of the CC in some MS. EFCA does not have the resources to translate the CC publications (paper-based) into multiple languages, which would also imply a significant ongoing cost relating to the translation of updated materials.<sup>190</sup> Foreign language capacity is less present amongst trainers and inspectors in some MS, and individual MS also lack the resources to do the translation themselves. As noted above, the new e-learning platform may help to mitigate this obstacle, given the reduced volume of text (number of characters) to be translated.

As noted above, the time taken to develop and update CC materials is likely to deter some MS from utilising them. The absence of some kind of EU qualification framework for fisheries inspectors is considered a constraint by a significant majority of respondents. One stakeholder suggested that the absence of such a framework may undermine MS motivation to adopt the CC, especially where this might involve a significant investment, for example for translation.

It should be noted that the EP has stressed the necessity to strengthen the role of EFCA in terms of budget, competences and human resources. In the EP resolution of 25 October 2016 on 'how to make fisheries controls in Europe uniform' (2015/2093(INI)) there is specific mention of the CC which would entail more importance in the development of harmonised standards and would imply significant efforts in the cooperation with MS:

1. 'Considers that the implementation by the EFCA of a 'core curriculum' for the training of fisheries inspectors is an essential point for the standardisation of training and control procedures and calls for its use by all Member States; notes

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<sup>189</sup> EFCA feedback notes 155 users as of 1 February 2017.

<sup>190</sup> EFCA notes that MS may use Structural Funds to translate training materials.



that Member States do not, unless voluntarily, have the same training standards, which means that the content of qualifications, recruitment and objectives are different;'

2. 'Calls for the implementation by the EFCA and training institutions in the Member States of a uniform European training curriculum for fisheries inspectors based on a common syllabus and standardised rules, part of the funding for which could come from the EMFF;'
3. 'Calls for the EFCA Core Curriculum to be translated and circulated widely, for example by means of application trainings for the national authorities, with the aid of the EMFF; proposes that this manual be supplemented with examples of good practice by inspectors;'
4. 'Suggests that the idea of an EFCA electronic registry (EFCA single desk) be examined, with ready-to-print or electronic models for inspections and for the centralisation of inspection reports; notes that this EFCA electronic registry could also be used for receiving and centralising the capture certificates issued by Member States and third countries;'

### **Utility – capacity development on IUU**

The section now moves on to reviewing the utility of capacity development in the area of IUU. Considering the EU's major role as a producer, exporter and importer of fisheries products, the adoption of the IUU Regulation is considered a significant effort globally in the fight against IUU fishing. A key component of the IUU Regulation is the CCS, aiming to improve the traceability of all fishery products traded with the EU and facilitate the control of their compliance with conservation and management rules. In order to determine to what extent the EFCA outputs and results satisfy the needs at the level of EU policy and the level of the MS, this evaluation has taken an in-depth look at the utility of the EFCA activities in the fight against IUU fishing with a particular focus on the analysis of catch certificates and supporting documents (assistance to the EC) and training on the implementation of the IUU Regulation (assistance to MS and, on EC request, to third countries). The IUU regulation was adopted on the 29 September 2008 and entered into force on 1 January 2010. This Regulation introduces the CCS.<sup>191</sup> Training is an essential component of the assistance provided by EFCA in relation to the implementation of the IUU Regulation, including the CCS. At the EU level, the objectives of these training events is to provide guidance on technical issues with regard to the verification of catch certificates, provide a platform for the exchange of experiences and the development of best practices, and establish a network of administrative cooperation and exchange of information among the MS. There are two types of courses:

1. Basic course on IUU for newcomers introducing the principles of the IUU Regulation and basic questions on the implementation of the IUU CCS.<sup>192</sup> This includes topics such as:

#### **1.1. How to identify IUU fishing activities – overview;**

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<sup>191</sup> In addition, it also introduces provisions on port state control, mutual assistance and the establishment of a Community alert system, an EU IUU vessels list, and a list of non-cooperating third countries (the "carding process").

<sup>192</sup> EFCA Training Catalogue

[http://www.efca.europa.eu/sites/default/files/atoms/files/EFCA%20training%20catalogue\\_2016\\_21012016\\_version.pdf](http://www.efca.europa.eu/sites/default/files/atoms/files/EFCA%20training%20catalogue_2016_21012016_version.pdf).

- 1.2. How to inspect third country fishing vessels in EU ports;
- 1.3. How to control imports and exports of fishery products, including a) the IUU catch certification scheme; b) Non-cooperating third countries; c) IUU vessel lists; and d) Risk management under the IUU Regulation (basics);
- 1.4. Reporting procedures;
- 1.5. Mutual assistance procedures.
2. Advanced course on IUU with detailed training on the IUU Regulation and questions on the implementation of the IUU CCS in relation to a specific area/category of fisheries products.<sup>193</sup> This includes topics such as:
  - 2.1. Verification of catch certificates and accompanying documents (practical cases and exercises);
  - 2.2. Verification techniques with focus on imports from a specific area; a) overview; b) legal framework (e.g. RFMOs); c) trade flows; and d) case studies;
  - 2.3. Investigation and risk assessment techniques; a) analysis of trade data; b) investigation techniques; and c) risk assessment.

For the period 2012-2015, a total of 21 events were organised, involving 379 MS participants<sup>194</sup>. This does not take into account training events in 2010-2011, nor preparations that were carried out in the period leading up to the entry into force of the IUU Regulation on 1 January 2010. Assuming that there are an estimated 400 officials involved in the implementation of the CCS in the EU,<sup>195</sup> the above noted 379 MS participants represent a very substantial proportion of the persons involved, although it is likely that some participated in more than one event.<sup>196</sup> It should be noted that participants in IUU training courses are expected to disseminate information on IUU in their MS and some of the courses are intended as 'training for trainers'.

During the initial stages of implementation of the IUU Regulation, the IUU workshops and seminars were conducted for all MS at EFCA premises in Vigo. The events were complemented with EFCA support to training sessions organised by MS at the national level.

The evaluation of training events, workshops and seminars, based on questionnaires submitted by the participants themselves, shows a generally high level of satisfaction. 100% of participants consider the events to have been good or very good (the other options are neutral and poor). It has to be noted that as with the CC training assessment, also here the assessment looks primarily at the first level of the Kirkpatrick model. Nevertheless, this supports the utility of training and indicates that IUU training provided by EFCA is being effective and considered of good or very good quality, thus arguably contributing to a high level of awareness and a more uniform and harmonised approach to IUU implementation in the EU. The use of practical exercises, case studies, field visits, etc. appears to be appreciated, as well as the opportunity to exchange

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<sup>193</sup> Ibid.

<sup>194</sup> In 2016, EFCA also organised a series of training events. For example, the AR 2016 notes that EFCA assisted MS during a Malta National Training event on IUU and inspection in April 2016. A total of 28 participants were involved.

<sup>195</sup> The EU IUU Regulation – building on success 2016. EU Progress in the global fight against illegal fishing. 2016. EJF, OCEANA, PEW, WWF.

<sup>196</sup> The EU IUU Regulation – building on success. EU Progress in the global fight against illegal fishing. 2016. EJF, OCEANA, PEW, WWF.

experiences and identify best practices. Further evidence to support this was gathered through general interviews and a survey of Members of the IUU Steering Group, which is presented in the following text.

Upon the request of the EC, EFCA also provides training and capacity-building assistance to third countries in the area of fisheries inspection and control. In the framework of SFPAs, training has been provided on catch certificate validation, inspection methodologies, setting up of a fisheries monitoring centre (FMC), risk assessment procedures, and use of remote monitoring, control and surveillance technologies. This has been carried out in third countries such as Cape Verde, Gabon, Guinea-Bissau, Ivory Coast, Sao Tome and Principe, Liberia and Senegal, involving the training of more than 120 persons in fisheries control and inspection. The training is perceived as having a significant impact, considering that many third countries have indicated to the EC a strong need for support in the field of MCS. Specific training on the IUU Regulation has been provided to third countries such as Cape Verde, Curacao, Philippines and South Korea. There is generally a high demand for this type of capacity development, but due to financial and human resource limitations, EFCA limited this type of missions initially to four missions per year.<sup>197</sup>

Another form for assistance provided by EFCA concerns the evaluation process for third countries, carried out by the EC in the context of the IUU Regulation. EFCA supports this by analysing samples of catch certificates and supporting documents from third countries to identify weaknesses and shortcomings in their validation systems. Upon request from the EC, it can then provide training and capacity building to some of these third countries, contributing to improvements in their catch certificate validation systems.

The evaluation survey addressed to the IUU Steering Group looked at the assistance provided by EFCA to MS in terms of training, methodology, and technical assistance. When asked to rate EFCA's assistance in relation to IUU on a scale from 1 (poor) to 10 (excellent), the average score was highly satisfactory (average 8.08, 58% of respondents gave a score of 8 and above). In relation to the quality of the IUU training provided by or given with the support of EFCA, the average score was even higher at 8.55 with 91% of respondents giving a score of 8 and above.

Annex 4.11 shows the detailed assessment of the IUU training provided by EFCA. As would be expected from the very positive rating of training above, only positive characteristics were noted. Although the quality of the training does not rank particularly high, training appears to be well-structured and focused and provides an important opportunity to cover best practices, review case studies and relevant issues.

Considering the role of EFCA in developing methodologies, survey responses indicate an overwhelmingly positive assessment of the utility of 'Common Methodology for IUU Catch Certificate Verification and Cross-checks'. 69% of respondents indicated that this was relevant and 31% very helpful. No negative feedback was given.

On the issue of the need for further EFCA assistance in relation to the processing, verification, and validation of catch certificates, one recurrent theme is the need for continuing EFCA training and assistance to address current and possible future problems in catch certificate processing, verification, and validation, as well as exchange of knowledge/best practices and the uniform implementation across the EU. Another

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<sup>197</sup> Minutes of the Administrative Board Meetings.

recurrent theme concerns issues under the responsibility of the EC such as the need for an automated (electronic system) for verification and validation of catch certificates, as well as the development of the TRACES system. EFCA is involved in these developments, which are currently led by the EC.

Asked whether EFCA should strengthen its capacity to deal with IUU in order to provide training and guidance, as well as developing methodology and tools, there was a mixed response. 17% choose 'no', as EFCA is seen to be fulfilling its objectives; 33% choose 'yes' with more priority on IUU, and 50% choose 'yes' with additional resources. This is interpreted as being related to the possible varying capacity for CCS implementation in MS.

IUU Steering Group respondents all agreed with the role of EFCA in providing assistance to third countries (upon the request of the EC) in relation to IUU. 69% indicated that it should be maintained at current levels, while 31% indicated that this should be expanded. It should be noted that the initial level of missions to third countries was considered very low when there is an acute demand for this type of support in many third countries. In October 2016 the EC proposed to reinforce the support provided to MS and the EC on the implementation of the IUU Regulation, in particular, to extend EFCA's participation in IUU missions, thus to raise the number of missions from four to six.<sup>198</sup> In the end, in order not to require an amendment in the AWP, the ED suggested the number four not as a limit but as a key performance indicator, and likewise for the number of catch certificates to be analysed. This can be considered a step into right direction. The majority of responses indicate this should be maintained, and this is consistent with the view expressed by the majority of AB members that EFCA activities should primarily benefit the EU and MS. These findings confirm the discussions in the section on coherence. It appears that EFCA may be in the delicate position of trying to satisfy sometimes different MS and EC demands in the allocation of finite resources. Additional resources may not solve this (from the preceding question), as there are different views among MS.

Few possible shortcomings / gaps were identified in relation to the assistance by EFCA on IUU and the CCS. In fact, some comments were a confirmation of the good work being carried out by EFCA and its importance in solving implementation problems and creating a level playing field in the application of the IUU regulation across the EU. Some recommendations on practical improvements were given (e.g. facilitate reimbursement of travel expenses, providing course materials beforehand, more frequent meetings, etc.).

### **Utility LO activities**

The section now moves on to reviewing the utility of EFCA activities on the LO. In order to determine to what extent the EFCA outputs and results satisfy the needs at the level of EU policy and the level of the MS, this evaluation has taken an in-depth look at the utility of the EFCA activities supporting the implementation of the LO, reflecting specifically on inter-regional cooperation. Case-study work has been conducted focusing on EFCA activities that aim to facilitate inter-regional harmonisation of the CFP reform concerning the landing obligation (LO). The specific focus was placed on activities relating to the BALTFISH group. The choice to select the BALTFISH collaboration comes

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<sup>198</sup> AB minutes, October 2016, p. 6.

from the fact that EFCA started its initiatives in the timeframe 2012-2016 with this regional group.

The new CFP introduces a LO in order to reduce discarding which is considered a wasteful way of dealing with natural resources. Discarding is the 'practice of returning unwanted catches to the sea, either dead or alive, either because they are too small, the fisherman has no quota, or because of certain catch composition rules'.<sup>199</sup> With the new regime, the EC aims to drive for more selectivity and reliable catch data. Under the obligation, all catches of certain quota species have to be kept on board, landed and counted against the quotas.<sup>200</sup> The introduction is gradual to allow for stakeholders to adapt to rather complex rules which pose challenges to fishermen and MS, where the Omnibus Regulation (EU Regulation 2015/812) amends previous legislation in order to make it consistent with the LO. The obligation applies fishery by fishery, and details of the implementation are included in multiannual plans or in specific discard plans. Such details could include: the species covered; provisions on catch documentation; minimum conservation reference sizes; and exemption for fish that may survive after returning them to sea, as well as a specific *de minimis* discard allowance under certain conditions. Flexibility options in quota management have been introduced to aid adaptation to the obligations.

During the period 2012-2016, EFCA has been working to support the implementation of the LO. Concrete activities started in 2014 following the adoption of the new CFP when the LO came into effect for pelagic fisheries and the BS fisheries. However, already in 2013, EFCA discussed how to support the implementation of the LO, *inter alia*, through a series of LO seminars organised in the run-up to the first implementation phase.<sup>201</sup> EFCA confirmed the ambition to assist MS and the EC to develop simple and cost efficient methods for monitoring and ensuring compliance with the LO. The operational objectives identified by EFCA in the 2013 AR were to:

- Ensure compliance with the requirements for accurate recording of discards;
- Assist MS in the development of practical control and monitoring tools for the enforcement of the LO through the detection of discarding practices;
- Support the development of specific discard plans or multiannual plans with suggested recommendations to facilitate the controllability of the LO.

To say the least, these objectives were challenging. For example, when embarking on these goals, discards were recognised to be substantial, but there were few reliable estimates. Some figures pointed to 30% of global marine catch in commercial fisheries.<sup>202</sup> In the EU, figures differ; in some cases discards were considered to represent more than 60% of the catch while in other cases this may be very low.<sup>203</sup> There is evidence suggesting a relationship between the selectivity of the gear and the percentage of discard, although there are many other factors that can have significant

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<sup>199</sup> See [http://ec.europa.eu/fisheries/cfp/fishing\\_rules/discards/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/fishing_rules/discards/index_en.htm).

<sup>200</sup> See [http://ec.europa.eu/fisheries/cfp/fishing\\_rules/discards/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/fishing_rules/discards/index_en.htm).

<sup>201</sup> Draft EFCA recommendation to support the implementation of the LO.

<sup>202</sup> Alverson D.L., M.H. Freeberg, S.A. Murawski, J.G. Pope (1994). A Global Assessment of Fisheries Bycatch and Discards. FAO Fisheries Technical Paper 339. FAO, Rome. 1994; 233 pp.

<sup>203</sup> Sigurðardóttir, S., E.K. Stefánsdóttir, H. Condie, S. Margeirsson, T.L. Catchpole, J.M. Bellido, S.Q. Eliassen, R. Goñi, N. Madsen, A. Palialexis, S.S. Uhlmann, V. Vassilopoulou, J. Feekings, M.-J. Rochet (2015). How can discards in European fisheries be mitigated? Strengths, weaknesses, opportunities and threats of potential mitigation methods. *Marine Policy* 53: 366-374.

impacts. Nonetheless, EFCA faces the challenge of unreliable data on discards as well as highly diverse fisheries from the perspective of species composition and fleet characteristics. Levels of discard can vary depending on location, gears, species and fishing grounds among other factors. From a more technical point of view, the LO requirements concern the estimation of the volume of unwanted catches. Existing catch data does not provide proportions of undersized or high-graded fish in the discarded component of the catch, and therefore, a specific methodology had to be developed. This evaluation reviews the LO activities from the perspective of utility at the EU level.

For MS and the EC, and to some extent for EFCA, the main challenges lie in the development of regulatory and enforcement adaptations. The implementation, monitoring and control of the LO generates challenges. Apart from the need to improve catch composition data, more control measures are explored such as electronic reporting and electronic monitoring systems. Article 15 (13) of the CFP Basic Regulation determines the requirements for monitoring compliance. It states: 'For the purpose of monitoring compliance with the landing obligation, Member States shall ensure detailed and accurate documentation of all fishing trips and adequate capacity and means, such as observers, closed-circuit television (CCTV) and others. In doing so, Member States shall respect the principle of efficiency and proportionality'.

More practical challenges relate to port arrangements. Ports need to ensure that equipment, infrastructure and logistics deal with an increase of landings as well as landings of fish for non-direct human consumption. Challenges are also identified in terms of what to do with the possible increased landings of fish for non-human consumption. Moreover, increased landings might be a temporary phenomenon, considering that the LO aims at reduced bycatch. Finally, a specific challenge concerns the behavioral impacts. The LO could, positively and negatively, affect fishermen's behaviour in terms of where, when and how to fish.

According to EFCA, the coordinated implementation of the LO is necessary to ensure the use of common methodologies and a level playing field for the industry, and therefore falls under EFCA's mandate. Coordination has thus been incorporated into EFCA's Regional JDPs for the implementation of regional SCIPs by the EC in accordance with Article 95 of Regulation 1224/2009 or international control and inspection programmes (Article 8 and 9 of Regulation 768/2005). In addition, EFCA notes that MS can request the Agency to coordinate through Operational Plans the control activities in relation to a fishery or area not subject to a specific control and inspection programme (Article 5 and 15 of Regulation 768/2005). In this light EFCA started cooperating with BALTFISH in 2013, aiming to gradually expand collaboration as of 2014 with other regional groups. EFCA also participated in the STECF meetings organised on request of the EC to discuss the preparation for the implementation of the LO. In 2014, the AB endorsed the launch of a project to support the implementation of the LO in the framework of JDPs in the BS (demersal and pelagic species), WW (pelagic species), and MED (small pelagic species in the Adriatic Sea). The project was presented to each Regional Steering Group and incorporated into the respective JDPs. In 2015 it was also extended to the demersal species of the NS JDP. This project has been included within the control and inspection effort and sea inspection by introducing this specific objective in the JDP campaigns. Based on the data collected on catch composition at sea, provisional project results were disseminated to the Regional Steering Groups and used to prepare a regional risk analysis of the major risks of non-compliance with the LO. For conducting these risk

analyses, EFCA also engaged in cooperation with the specialised control expert groups of the regional bodies (namely the Scheveningen, BALTFISH, NWW and SWW groups) with a view to developing an effective and proportionate monitoring, guidelines for inspectors, standardisation of inspection methodologies and evaluation of compliance.

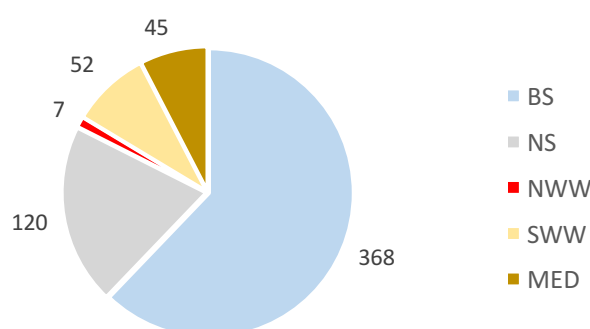
In 2014, the LO was noted as an operational priority for EFCA. EFCA moved ahead with several initiatives, inter alia, facilitating the discussion for a risk strategy matrix, strengthening cooperation with all formally constituted regional bodies, assisting in the preparation of guidelines for Union inspectors in the BS, and launching a project in the JDPs to estimate discard levels. Moreover, preparatory work was initiated in 2014 for future joint MS / EFCA methods and procedures for risk analysis in the context of the LO. Concerning the assistance to regional bodies, EFCA focused primarily on cooperation in the Scheveningen Group, NWW Group and BALTFISH. The engagement focused on the specialised control expert groups of these regional bodies created by MS and active in the framework of the regionalisation of the new CFP. Regarding Scheveningen, EFCA prepared a first risk analysis with regard to small pelagic fisheries in the NS, and initiated further cooperation on demersal fisheries. Regarding BALTFISH, EFCA organised two meetings to deliver an updated risk analysis in the BS. EFCA also participated in different fora together with MS authorities and other stakeholders to prepare the implementation of the LO. A permanent project to cooperate with BALTFISH during 2015 was agreed and a focus group seminar in 2014 resulted in EFCA adopting a more structured approach in its assistance to MS and the EC through guiding principles of Partnership, Accountability, Cooperation and Transparency (PACT). The PACT approach was also incorporated in the MWP 2015-2019. Further, upon request by the BALTFISH group, the EFCA LO project began for the JDP BS and proved to be instrumental in providing discard data for the development of a risk assessment per fishery on the risk of non-compliance with the LO in the BS. Again, upon request of BALTFISH, EFCA assisted MS in the preparation of guidelines for inspectors in the context of the introduction of the LO. In 2015, one of the main priorities for EFCA was the support of effective and efficient implementation of the LO. This was done by: using the JDPs to implement regional projects and specific training workshops for inspectors; supporting the new Regional bodies created by MS, promoting inter-regional cooperation through seminars; supporting dialogue with stakeholders; and promoting compliance by stakeholders. A specific workshop was organised together with BALTFISH and the industry representatives for discussing the monitoring, control and compliance with the LO. Particularly relevant was the publication of Volume 3 of the CC on General Principles and specific types of fisheries inspection which updated material to include the LO and regional aspects of the new CFP. Finally, EFCA attended and contributed to several meetings of the different ACs focusing specially on the implementation of the LO. In late 2016, BALTFISH requested EFCA to assist with a compliance evaluation exercise for the LO in the Baltic Sea over the implementation years of 2015 – 2016 inclusive.

The MWP 2015-2019 was adopted against the background of the CFP reforms. An important element included in 2015 are the activities relating to the LO. Therefore, in the MWP 2015-2019, EFCA aimed to concentrate on the assistance to the EC and to the MS for the implementation of the CFP. This included, in particular, support to the regional implementation of the CFP and the LO. The inclusion of the LO in the MWP can be considered evidence of utility of EFCA in relation to EU policy needs. Support consisted of the following activities:

- Using JDPs to implement regional projects for monitoring the implementation of the LO and specific training workshops for inspectors related to the Omnibus regulation and discard plans in the different regions;
- Supporting the new Regional bodies created by MS, facilitating cooperation in all the areas. Specific risk assessment workshops in the context of the LO have been carried out for demersal and pelagic fisheries in the BS and SWW, and for demersal fisheries in the NS and NWW.
- Promoting inter-regional cooperation through the organisation of two seminars attended by EFCA AB members to analyse the implementation of the LO in all the areas and facilitate dialogue (one of the seminars was also attended by members of the different ACs);
- Supporting the dialogue with stakeholders with the participation of EFCA staff in the different fora where the LO was discussed (ACs, STECF, etc.);
- Promoting compliance by stakeholders with a specific workshop organised together with BALTFISH attended by representatives of the BS AC, industry and control authorities.

Concerning the first activity, an important element for EFCA has been the collection of catch composition data of the 'Last observed haul during inspections' (the aptly-named 'last haul project') in order to improve the risk analysis relating to the landing obligation and facilitate a regional and spatio-temporal discard mapping. Inspection teams deployed at sea collected catch data of the last observed haul during the inspections. This information facilitated a comparison of quantities of fish recorded in fishing logbooks and estimated aboard of fishing vessels. This aimed to support the different JDP and regional MS Control Expert Groups (CEG) risk analyses. Data was collected from close to 600 inspections, more than half coming from the BS.

**Figure 11 – Last observed haul inspections by area**



**Source:** Annual Report, 2014

Interview feedback confirmed the complexity of collecting data for this purpose, highlighting the large biodiversity in some areas. Partly due to the enclosed area of the BS, data collection helped further refining of the analysis. In the NWW campaign (WW JDP), a protocol to collect Mackerel gramme size data from landings was developed in 2016 with the objective of facilitating the spatial and temporal mapping of gramme size data to form a landings baseline for future analysis.



Concerning the second activity, namely the support to Regional bodies, EFCA undertook a range of actions to promote regional cooperation. Cooperation with the Scheveningen, BALTFISH and the NWW and SWW Groups can be considered well advanced. Concerning the Scheveningen Group, cooperation dates back to February 2014. An official request from the High Level Group in March 2015 concerned the assistance in developing risk analysis on NS demersal fisheries. A work plan has been implemented in cooperation with the Scheveningen CEG. In 2015 this included a first risk assessment exercise for demersal fisheries in the NS and the assistance in the evaluation control and monitoring tools available for monitoring the implementation of the LO. The cooperation with BALTFISH dates back even further to 2013. A request from the High Level Group in 2014 resulted in a work plan that is currently being implemented. In 2015 activities included an update of the risk assessment for 2016, preparation of guidelines for inspectors, and the organisation of an event with the stakeholders to evaluate the implementation of the LO (BALTFISH-Industry-EFCA Workshop in June 2015). EFCA has been cooperating with NWW since February 2015. An official request in April 2015 was directed at assistance on the risk assessment of demersal fisheries in NWW regarding compliance with the LO. A work plan is being implemented with the CEG and during 2015 the main activities included a first risk assessment exercise for demersal fisheries and assisting the development of draft joint recommendations on the LO in pelagic fisheries. These recommendations, inter alia, included the evaluation of compliance with the LO, standardisation of inspection methodologies, use of JDP as a platform to exchange information on the implementation of the LO. EFCA has been cooperating with the SWW Group since June 2015. A formal request in 2015 resulted in work plan aiming to assist in the risk assessment of pelagic and demersal fisheries regarding compliance with the LO. During 2015 this included similar activities as with the NWW.

Cooperation with Romania and Bulgaria in the Black Sea is considered in its early stages. A joint work plan was established and implemented, which included activities concerning joint control and inspection actions, risk analysis and training. Finally, cooperation with the Adriatic Sea High Level Group was under discussion in 2015, again with a specific interest in the LO.

The regional groups' repeated requests for EFCA assistance are a strong indicator of utility. To further substantiate this, the review of the criteria of relevance, coherence and added value provide a more complete confirmation of how and why EFCA operational activities regarding the LO satisfy MS needs and needs at the level of EU policy. Feedback collected from AB members through the AB survey suggests that for most MS, the LO activities are considered relevant or highly relevant with regards to the level of MS (73%/19) and EU policy (90%/26). When looking at feedback from the respondents according to the regional groups there is little difference apart from the fact that in those regions where EFCA is most active on the LO (such as NS, BS, and WW), respondents show higher levels of 'highly relevant' compared to the region where there is less activity (such as the MED). This difference could be due to the fact that in the MED there is no formal control expert group in the MS regional group and therefore less cooperation between MS.

It is notable that despite the LO being a relatively new area of activity for EFCA, AB survey respondents overwhelmingly consider that this corresponds to the mission of EFCA as noted in the Regulation. AB members appear to see a clear utility of EFCA in

assisting stakeholders with new implementation requirements resulting from policy changes.

## 2.2.5 Added value

### 2.2.5.1 Introduction

The evaluation aims to assess the overall added value of EFCA. Moreover, the evaluation intends to determine the extent to which attributing tasks and responsibilities to the Agency adds value compared to other possible options. The EC Better Regulation Guidelines note that 'EU-added value looks for changes which it can reasonably be argued are due to EU intervention, rather than any other factors. In many ways, the evaluation of EU added value brings together the findings of the other criteria, presenting the arguments on causality and drawing conclusions, based on the evidence to hand, about the performance of the EU intervention and whether it is still justified'.<sup>204</sup> This section addresses the evaluation question: 'What are the comparative advantages of EFCA in terms of delivering support on the coordination of fisheries control and related activities?'. The evaluation question was addressed on the basis of desk research, interviews with AB / ADVB members and EFCA staff, and survey feedback.

### 2.2.5.2 Findings on added value

#### **Added value vis-à-vis the MS, EC, private sector**

The following paragraphs discuss to what extent EFCA support adds value to the coordination of fisheries control and related activities as opposed to other actors providing this support.

AB survey respondents clearly acknowledged EFCA added value for both the MS as well as the EC, in particular, for EU operations and implementation tasks. No noticeable difference is observed between AB respondents from the EC and AB respondents from the MS. However, AB respondents show significant levels of 'no view' with regard to EFCA's added value as opposed to private sector players providing support. The interview feedback suggests that AB respondents do not clearly see the role of the private sector in the coordination of fisheries control and related activities.<sup>205</sup> When asked, AB respondents acknowledged a change in the attitude of fishermen towards compliance with the CFP to be an important aspect of enhanced fisheries control. In particular, in the area of the LO, the AB interviewees noted on several occasions the importance of a change of industry attitude on discards. The difficulty of detecting infringements is the key challenge in relation to the LO. The efforts to compare catch composition of landed fish against estimated levels of by-catch only provides 'soft evidence' of non-compliant behaviour. Arguably, ensuring that the private sector self-regulates behaviour in this regard would increase compliance with the LO. However, self-regulation is a contested approach, in particular in the context of fisheries control. On various occasions, EFCA staff highlighted that the Agency deals with control, and that sanctioning falls within the remit of the MS. In a scenario of weak enforcement or sanctioning it is considered difficult to deal with deviant behaviour due to the absence of identifiable consequences.

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<sup>204</sup> EC (2015) Commission Staff Working Document, Better Regulation Guidelines, p. 60.

<sup>205</sup> AB interview.

This is particularly true for repeat offenders for which the self-regulation approach might not work. To sum up, there is arguably a need for better self-regulation of the fisheries sector due to the limited capacity to control compliance with the LO, while at the same time there is a need for identifiable consequences to non-compliant behaviour. The latter is an area in which EFCA does not play a role, the former is an area where EFCA can play a role, particularly in fostering dialogue. This is, for example, illustrated by the discussions on self-regulation during the meeting on the LO in 2014 in Dubrovnik. Determining any specific rules or system for industry self-regulation lies primarily in the remit of the MS and the EC.

### **Factors explaining added value**

EFCA feedback points to its conscious effort to comply with the mandate of the Founding Regulation and subsequent amendments. While respecting the boundaries of the mandate, and considering resource constraints, EFCA optimises its reach by exploring new ways to improve activities. Interview feedback suggests that this is pursued through the participation in FP7 and Horizon2020 projects such as FP7-Dolphin and FP7-NEREIDS, as well as projects involving the evaluation of Remotely Piloted Aircraft Systems for fisheries control systems.

The figures below provide an overview of the AB survey respondents' average rating of the factors considered to explain EFCA's added value. The detailed added value scores relate to the average rating of added value compared to private sector support, EC support and MS support. Ratings are given on a Likert scale (1=strongly disagreeing to 5=strongly agreeing).

Expertise and know-how are highlighted in particular for EU operations and specific implementation tasks such as those dealing with Union Inspectors, EFCA Coordination Centre, compliance evaluation and the LO. On the more technical implementation tasks such as new technologies for maritime surveillance and the CISE, respondents appear somewhat indifferent, with almost one third of AB respondents having no view. The same can be said about international operations which show a majority acknowledging the EFCA added value in know-how and expertise but also one third of respondents indicating that they have no view. On the data used by EFCA, some AB members raised questions in particular relating to EFCA requests for MS data. The AB interviewees noted that it was not always clear to what extent data requested by EFCA was used and what were the outcomes. One example concerned the data requested to feed into risk assessments. It was questioned whether the effort of providing EFCA with the data weighs up against the results from the risk assessment exercises. EFCA responded to this by noting that data requests for the risk assessment process are discussed beforehand with MS and limited strictly to catches and landings. The results of the assessment are subsequently presented and distributed to MS in specific workshops.

The AB respondents particularly highlighted the added value of the coordinated approach as opposed to MS individual action as regards Union Inspectors, EFCA Coordination Centre, the LO tasks, CC, FISHNET and JDPs. AB interview feedback (MS) specifically highlighted the added value of EFCA operating JDPs. For example, it was noted that if EFCA would not be running the JDPs, the MS would struggle to harmonise control and inspection, thus negatively affecting the level playing field. A specific added value is the pooling of resources. AB feedback (EC) noted added value in terms of EFCA rendering fisheries inspection more cost-effective. It was noted, for example, that without EFCA, inspection would imply that MS inspectors would only be able to inspect their own

vessels, and only Union inspectors fishing vessels of other flags. EFCA, through SCIP/JDPs, allows and facilitates for inspection vessels to control vessels from all MS in all waters. In other words, EFCA facilitates, through the JDPs, procedures and exchange of information to permit a more effective inspection effort. A related example of the added value of the coordinated approach is that EFCA promotes common standards for inspection which should reduce perceived discrimination.

It is further noted by EFCA that during the implementation of the JDPs, the number of man days of MS inspector exchanges is close to 2000 per year. This means that every day on average six fisheries inspectors are involved in an exchange. This arguably represents an added value in transparency in inspection practice, exchange of best practices and improvement of level playing field. There is also an added value in economic terms, as with the exchanges of inspectors permit deployment of inspectors at sea of two MS in platforms of one MS. According to EFCA, initial simulations of the additional cost of the deployment without exchanges would imply an increase of the global JDP cost between 10-20% in some EU areas.

AB respondents from the EC and from the MS rate the coordination approach and know-how for EU operations between high and very high. The AB respondents from the EC rate the EFCA added value for the coordinated approach slightly higher than AB respondents from MS in case of EU operations and international operations. Arguably this corresponds to the mixed views by MS on relevance and coherence of international operations. Although agreeing that a coordinated approach to international operations is an EFCA added value, the view of the EC is important in this matter given that all EFCA acts upon EC request. This is also supported by the fact that on international operations the AB respondents from the EC see significantly more added value in capacity building for third countries compared to AB respondents from MS.

The AB respondents from the EC see a clearer added value in the coordinated approach compared to AB respondents from MS for all three EU operations activities,<sup>206</sup> in particular on the JDPs. On the implementation tasks, the AB respondents from MS see more added value in the coordinated approach for the EFCA Coordination Centre than the respondents from the EC. This is understandable given that this includes direct MS involvement. The same is seen for new technologies, CISE and compliance evaluation. AB respondents from the MS also rate the know-how on compliance evaluation significantly higher than respondents from the EC.

Generally speaking, the findings from the survey are well aligned with the rating levels in relation to the added value of the activities to the needs of MS or the EU.

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<sup>206</sup> EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors; EFCA Fisheries Information System; Joint Deployment Plans.

## **AC and RFMO views on EFCA added value**

Apart from looking at the AB's perception of EFCA added value, this evaluation also considered the views of other stakeholders (i.e. AC members, chairpersons and staff, and RFMOs). Survey data indicates the AC members' limited understanding of the added value of EFCA (evidenced by high levels of 'no view'). However, the survey confirms that AC members see EFCA added value with regard to activities relating to the LO. EFCA interviews confirmed this. The AC respondents are divided over the added value of EFCA compared to MS actors delivering support on the LO. While 55% perceive this as a strong or very strong added value, 36% rate this as weak / very weak. Compared to the EC, AC respondents see EFCA adding more value on the LO with 67% of responses indicating very strong / strong. The views of AC respondents on the added value of EFCA compared to the private sector delivering support is more indifferent, with on average 47% having no view and 19% seeing weak / very weak added value.

It has to be noted that overall, AC members show high levels of 'no view' on the different added value questions. This can indicate that AC members are not sufficiently familiar with the work of EFCA. This is understandable given that AC members are not often directly in contact with the Agency but arguably should be informed through the respective secretariats of the AC. Concerning the factors explaining the added value of EFCA, AC members particularly acknowledge the know-how and expertise of EFCA on the LO as well as the JDPs. Nonetheless, also in these areas AC members show high levels of 'no view'.

AC interview feedback points to the positive developments and added value of EFCA relating to the collaboration between Frontex, EMSA and EFCA. It was noted that in particular the current humanitarian problems in the MED require a collaborative approach. The exchange of data is expected to strengthen coordination of fisheries control. This position was also supported by an interviewee from an RFMO operating in the area. It was noted that in relation to the exchange of VMS data, EFCA was adding value to their work, in particular with regard to the follow-up with MS to exchange VMS data. The RFMO representative noted the desire to learn from the expertise available at EFCA in order to develop data systems according to the standards used by EFCA.

When considering the interests of the Pelagic and Long-distance Advisory Councils that include activity in third country and international waters, the added value of EFCA is particularly acknowledged in the operational coordination of national control and inspection operations. In fact, both of these AC advocate for a strengthened mandate and resources of EFCA in the field of operational coordination in fight against IUU.<sup>207</sup>

RFMO interview feedback highlighted the added value of EFCA in terms of know-how and expertise. For example, the involvement of EFCA staff in technical working groups as well as participation in workshops and seminars is perceived positively. It was noted, however, that in some instances there is no clear distinction made by RFMO stakeholders between the EC and EFCA, nor is there is a clear understanding of why the EC engages EFCA in certain situations. This is understandable given that, in principle, EFCA operates on the international level under the mandate of the EC.

At the political level, the EP has expressed its acknowledgment of the excellent and cost-efficient work that EFCA carries out, implying the added value of coordination of MCS

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<sup>207</sup> PELAC and LDAC Position/Opinions on the evaluation of the Control Regulation, 31 March 2016.

operations and the development of common standards, including the core curriculum. Again, there is a call for the strengthening of EFCA's mandate and resources for the coordination of fisheries control at various levels.<sup>208</sup>

## 2.2.6 Efficiency

### 2.2.6.1 Introduction

In line with the EC Guidelines on Better Regulation this evaluation looks at the efficiency and cost-effectiveness of EFCA: 'Efficiency considers the relationship between the resources used by an intervention and the changes generated by the intervention (which may be positive or negative)'.<sup>209</sup> This section addresses the evaluation questions: 'To what extent has EFCA delivered outputs on budget and on time over the period covered by this evaluation?', 'To what extent are EFCA outputs cost-effective?', and 'To what extent has the delivery of outputs benefited from (a) EFCA governance arrangements, and (b) EFCA systems and processes?'. The evaluation questions were addressed on the basis of desk research, interviews with AB / ADVB members and EFCA staff, and survey feedback.

### 2.2.6.2 Findings on efficiency

Findings are organised in sub-sections, dealing with: budget structure and volume of resources; governance arrangements (including general considerations, AB and ADVB meetings and contributions); working practices; EFCA systems and processes; EFCA cooperation arrangements (with the EC, other EU Agencies and external service providers); Common approach and interinstitutional agreement.

The first sub-section reviews budget performance, the structure of the EFCA budget and the adequacy of resource allocations. EFCA's budget performance indicates an increasingly efficient delivery of outputs. The following figure (

Figure 12) shows a decrease in the difference between voted and paid budget per year. Indeed, following a small increase between 2012 and 2013, the budget carried forward steadily decreased from EUR 1.4 million in 2013 to 0.7 million in 2015. The European Court of Auditors (ECA) referred to the practice of carrying forward budget in its reports for the financial years 2012 and 2013, and this is noted to relate to budget title II (Administration) and III (Operations).<sup>210</sup> In its report on the financial year 2014, ECA no longer commented on this issue.

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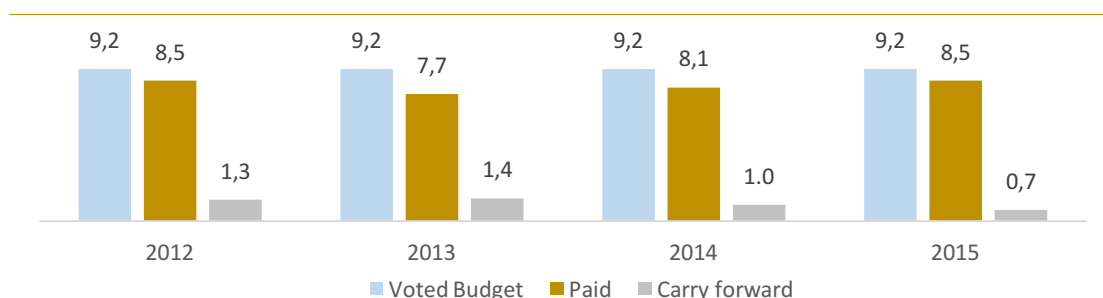
<sup>208</sup> European Parliament resolution of 25 October 2016 on how to make fisheries controls in Europe uniform (2015/2093(INI)).

<sup>209</sup> EC (2015) Commission Staff Working Document, Better Regulation Guidelines, p. 57.

<sup>210</sup> European Court of Auditors reports on the annual accounts of the European Fisheries Control Agency for the financial years 2014, 2013 and 2012.

**Figure 12 - Voted budget, paid appropriations and appropriations carries forward**

\* Note: from 2012-2015



**Source:** ECA reports on the annual accounts of EFCA for the financial years 2014, 2013 and 2012 (EUR millions).

### Budget structure and volume of resources

Turning to the budget structure and volume / allocation of resources, stakeholder feedback on the Agency's budget structure and allocation of human resources is generally positive. Concerning budget structure, AB survey feedback confirms the adequacy of the budget structure with around 76% of respondents considering budget structure to be adequate / highly adequate (81% consider the budget structure for Unit A to be adequate / highly adequate, 77% for Unit B and 69% for Unit C); 15% expressing no view; and the remainder considering the budget structure to be inadequate (9%). The feedback concerning the adequacy of the budget structure for unit A is noteworthy, considering that this Unit was most affected by the staff cuts. Looking at individual survey responses, there appears to be no obvious explanation underlying the 'inadequate' responses (i.e. no pattern suggesting that specific groups of Member States consider the budget structure to be inadequate). Similarly, concerning the allocation of human resources, AB survey feedback is largely positive with around 71% of respondents considering human resource allocations to be adequate / highly adequate (73% for Unit A, 73% for Unit B and 66% for Unit C); 14% expressing no view; and the remainder considering human resource allocations to be inadequate (15%). Looking at individual survey responses, again, there appears to be no obvious explanation underlying the 'inadequate' responses (i.e. no pattern suggesting that specific groups of Member States consider the resource allocation to be inadequate). Finally, it is noteworthy that the EP has expressed very positive acknowledgments of EFCA and its work in relation to budget implementation. The opinions of the EP Fisheries Committee on discharge in respect of the implementation of the budget of EFCA ('the Agency') for the financial years 2014<sup>211</sup> and 2015,<sup>212</sup> note various points, for example:

- Acknowledges the quality and importance of the tasks carried out by the Agency and welcomes its consistency and the very good results achieved since it was set up;

<sup>211</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fNONGML%2bCOMPARL%2bPE-571.453%2b02%2bDOC%2bPDF%2bV0%2f%2fEN>.

<sup>212</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fNONGML%2bCOMPARL%2bPE-592.433%2b01%2bDOC%2bPDF%2bV0%2f%2fEN>.

- Expresses its satisfaction with the Court of Auditors' declaration that the Agency's annual accounts present fairly, in all material respects, its financial position as at 31 December 2015 and the results of its operations and cash flows for 2015, and that the transactions underlying the annual accounts for the financial year 2015 are legal and regular;
- Considers that the Agency represents extremely good value for money;
- Points out the excellent implementation rate of commitment appropriations (100 %) and payment appropriations (92,2 %) for the financial year 2015;
- Points out that, for the Agency to comply with its new policy objectives, it is necessary to enhance its financial and human resources in the coming years; calls for an assurance as to the amounts to be included in the forthcoming budgets, so that the Agency can meet its future needs and its new ambitions, and stresses the need to evaluate the possibility of increasing the budgetary appropriations for the Agency's operations in the coming years.

### **Governance arrangements**

The following pages discuss the adequacy of EFCA governance arrangements. EFCA governance is considered to comprise three main elements, namely the AB, the ADVB and the Executive Director. Further to a general discussion, the section looks at the experience with AB and ADVB meetings, considering attendance of, and contributions to meetings.

Stakeholder feedback on the adequacy of EFCA's governance arrangements is positive, considering that current governance arrangements do contribute to the efficient operation of the Agency. Some 62% of AB survey respondents consider current governance arrangements to make a very important or important contribution to the efficient operation of the Agency (69% share this view with regard to the AB, 35% for the ADVB, and 81% for the Executive Director). 21% of respondents have no view; 18% consider governance arrangements to make a limited or very limited contribution to efficiency. Looking at individual survey responses it is difficult to identify any obvious explanations for the responses suggesting that governance arrangements make a limited contribution to efficiency (18%). One explanation for the particularly positive views on the contributions by the Executive Director is that the latter has a more direct relation to Agency operational and efficiency issues than the other two governance components. Looking specifically at the responses concerning the ADVB, it is worth noting that it is in particular the North and West European MS that consider the ADVB to make a limited contribution.

Turning now to the question as to whether governance arrangements need to be changed, and in line with the responses on the adequacy of current arrangements, the majority of AB members (63%) is in support of maintaining the current governance arrangements (59% of the respondents support maintaining the current competences of the AB, 52% for the ADVB and 79% for the Executive Director). Notwithstanding, 34% support a strengthening of AB functions; 10% would strengthen ADVB functions; and 10% the Executive Director functions. The remaining survey responses are accounted for by respondents expressing no view (18%). Again, there appear to be no obvious patterns behind the responses suggesting a need for change with regard to the governance arrangements. The AB members considering the ADVB to make a limited contribution to efficiency do not support a strengthening of competences of the ADVB. The only Member



State respondent considering that the Executive Director makes a limited contribution to efficiency actually suggests a strengthening of the competences of the Executive Director. Finally, looking at the responses by 'type' of AB member (EC/Member State) it is worth noting that only one EC respondent suggests a need for change as opposed to ten MS respondents.

The discussion now moves to the experience during 2012-2016 with the operation of the AB and ADVB, looking specifically at attendance of, and contributions to meetings. Annex 4.16 shows attendance at AB meetings. It shows that 13 MS have participated in all 11 meetings during 2012-2016, i.e. BE, CZ, DK, DE, IE, ES, FR, IT, NL, PL, PT, FI, SE; three MS (CY, LT, SK) have participated in ten, one MS (EE) in nine, and three (AT, HU, UK) in eight meetings. LU has not participated in any of the 11 meetings, EL has only participated in one, RO and MT in four and BG and SI in five meetings. MMS and the EC are making use of the possibility to give proxies to other MS/EC representatives. However, a combined 'non-attendance' and 'no-proxy' is observed in the cases of BG (on five occasions), EL (6), CY (1), LV (2), LT (1), LU (1), RO (7), SI (4), UK (3).<sup>213</sup> Discussing 'non-attendance' with concerned AB members, it appears that attendance of AB meetings is not determined by financial constraints. In fact, it is important to note that EFCA covers travel and subsistence expenses of Board members.<sup>214</sup> Interview feedback does suggest that it is rather logistical obstacles that influence AB meeting attendance, in particular given that AB representatives often need to spend two days traveling for each Board meeting.<sup>215</sup> This is perceived by some as inefficient and sometimes difficult to justify at home or align with other work. As discussed below in the context of EFCA 'working practices' the AB has followed up on this point, discussing different scenarios for the organisation of AB meetings, but finally settling for maintaining the practice of organising meetings during one day.

Having reviewed AB meeting attendance, the following paragraphs discuss contributions to AB meetings. Annex 4.17 presents an overview of contributions to AB meetings, i.e. individual interventions by members/observers at the meetings. The annex differentiates between contributions on general Agency administration issues ('Admin' in the table), and 'core business' ('Fisheries' in the table), i.e. EFCA's activities in the areas of operational coordination and capacity building. Between March 2012 and October 2016, about 24% of all contributions concerned general Agency administration issues whilst 76% concerned fisheries content. EFCA's Executive Director and other staff account for about 23% of all contributions; similarly, the EC (including the Chair) accounts for 18% of all contributions. The most active MS representatives include Ireland (12%), The

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<sup>213</sup> EFCA feedback notes that it is systematically asking the AB members not attending the meetings to send their proxy. Videoconferencing was also proposed and rejected.

<sup>214</sup> 'All travel and subsistence expenses incurred by the Board members and the representative appointed by the Advisory Board in connection with meetings relating to Board business and activities shall be paid by the Agency in accordance with Annex VII of the Staff Regulations of Officials and the conditions of employment of other servants of the European Communities. If stated in the invitation, all travel and subsistence expenses incurred by observers and experts in connection with meetings relating to Board business and activities shall be paid by the Agency in accordance with Annex VII of the Staff Regulations of Officials and the conditions of employment of other servants of the European Communities. Expenses incurred by alternate members relating to Board meetings shall be paid by the Agency in accordance with paragraph 1, only in the case where the substitute replaces the Board member for whom he/she has been appointed as alternate'. EFCA, Consolidated Version of the Rules of Procedure of the Administrative Board of EFCA (including the amendments adopted at the 6th, 17th and 22nd meeting of the Administrative Board on 17 October 2007, 10 October 2012 and 5 March 2015 respectively).

<sup>215</sup> AB interview.

Netherlands (8%), Spain (7%), Denmark (6%), and Italy (5%). For 11 MS the minutes of the AB meetings indicate that there were no contributions to discussions (BG, CZ, EE, EL, HR, LU, HU, MT, RO, SI, SK). It is noteworthy that this group, with the exception of LU and EL, only includes 'new' MS. The lack of contributions is in some cases explained by a low or no AB participation rate (e.g. EL, RO, BG); in other cases, the lack of contributions might be explained with a comparatively more limited 'interest' in the discussions, as indicated by the MS' more limited fisheries activity; some MS might also experience language difficulties (meetings are held in the English language and documentation is in English), and this explanation is validated by interview feedback from some of the MS with limited participation / contribution to meetings. Finally, between March 2012 and October 2016, there have only been seven contributions by the representative of the ADVB. This validates the AB survey respondents in terms of limited awareness of the role of the ADVB.<sup>216</sup> When looking at the MS' contributions from the perspective of their 'importance' in terms of total catches, it is worth noting that in some cases the percentage of contributions is not aligned with the percentage of catches, e.g. France accounts for 2% of the contributions at the meetings, whilst its catches represent some 10%; idem for the UK with 2% of contributions and 14% of catches. Finally, the academic literature on the governance of EU Agencies confirms the findings and their interpretation. In terms of contributing to meetings, the literature finds that, in general terms, Agency Boards 'have too many participants (...), they meet relatively seldom, and national delegates are, on average, neither very well prepared nor particularly active at meetings'; moreover, the literature also finds 'delegates from old and particularly affected Member States, as well as those emanating from well-resourced administrations, seem to be considerably more engaged than others'.<sup>217</sup> Thus the literature confirms that the EFCA experience is not unusual.<sup>218</sup>

Having reviewed AB attendance and contribution to meetings, the section now turns to the ADVB meetings. Annex 4.18 shows attendance at ADVB meetings. One AC (Pelagic) has participated in all 11 meetings during 2012-2016; three AC (MEDAC, LDAC, BSAC) have participated in ten meetings; and three have participated in six to nine meetings.

Annex 4.19 presents an overview of contributions to ADVB meetings, i.e. individual interventions by members / observers at the meetings. It shows that EFCA staff contributes most to the meetings (30%) followed by LDAC (15%). The slightly higher level of contributions by LDAC can be explained by the cross-regional interest of the AC in fisheries management. While most other ACs are regionally bound, this AC specifically highlighted that their interest covers various regions. Interview feedback from the AC suggested that this is a challenge in relation to the regionalisation of fisheries management as it requires them to target various approaches depending on the region in which their members operate.<sup>219</sup>

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<sup>216</sup> EFCA feedback confirms that the AB receives a copy of the draft conclusions of the ADVB meetings, which are quite detailed; besides they can participate in the ADVB meetings.

<sup>217</sup> Egeberg, M. and Trondal, J. (2017) 'Researching European Union Agencies: What Have We Learnt (and Where Do We Go from Here)?' in *Journal of Common Market Studies*, p. 6.

<sup>218</sup> Busuioc, M. (2008) 'Wielders of Supranational Power? The Administrative Behaviour of the Heads of European Union Agencies', Paper presented at the ECPR Standing Group on Regulatory Governance '(Re)Regulation in the Wake of Neoliberalism. Consequences of three decades of privatization and market liberalization', Utrecht, 5-7 June 2008.

<sup>219</sup> AC interview.

## **EFCA working practices**

The following pages review EFCA working practices. In 2012, the AB adopted a series of best practices.<sup>220</sup> This touched on various issues related to the working practices of EFCA, including the deadline for EFCA to send documents relevant for decision making to the AB (three instead of formerly two weeks prior to the AB meeting); requiring AB members to be present during the entire AB meeting; the extension of the written procedure to allow for more time for discussing strategic issues; and introducing the possibility of AB meetings outside Vigo. Throughout the years 2012 to 2016 (with the exception of the October 2016 meeting), the AB meetings then included the agenda item 'Ways to further improve the working practices'. Annex 4.20 shows the different issues discussed. Interview feedback confirms that the AB members' suggestions concerning working practices were discussed in detail. Interview feedback also suggest that a few issues merit additional reflection, namely: the number of EFCA meetings (discussed inter alia at the March 2014 AB meeting, with EFCA feedback suggesting that this is addressed by increasing use of videoconferencing and organising meetings outside Vigo); the number of presentations at AB meetings, considered to limit time for discussion (EFCA feedback confirms full awareness and efforts to balance the need for informing AB members with sufficient time for discussion. Some AB interview feedback recommended limiting information-sharing during the meetings by sending information to members prior to the meetings,<sup>221</sup> however, other feedback suggested that busy work schedules do not always allow all members to consult the prior information before attending the meeting).

## **EFCA systems and processes**

The following pages review EFCA systems and processes. The table below and Annex 4.21 show the European Court of Auditor (ECA) comments and findings for EFCA and a selection of other decentralised EU Agencies, drawing on the ECA annual audit reports for the years 2007 to 2015.<sup>222</sup> The following EU Agencies are included in the overview: FRA (established in 2007 / 75 staff), EU-OSHA (1994 / 43), CPVO (1994 / 47), ENISA (2005 / 48), CEPOL (2005 / 27), EIGE (2007 / 29). It is worth noting that only four of the total of 20 ECA comments on EFCA during the period 2007-2015 relate to the years covered by this evaluation (2012 on staff recruitment / retention and budget carry-overs, 2013 on budget carry-overs and 2015 on Internal Control Standards). Interview feedback confirms EFCA's strong performance in terms of addressing ECA comments, and this is confirmed by ECA interview feedback, noting the small number of comments and limited risk in comparison with other Agencies.<sup>223</sup> Looking specifically at the years covered by this evaluation, EFCA is subject to the lowest number of ECA comments, comparing with the other selected Agencies.

Similar to EFCA's strong performance in terms of addressing ECA comments, interview feedback confirms strong performance in terms of following up on Internal Audit Services (IAS) recommendations.<sup>224</sup> Since May 2016, all recommendations have been closed, and

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<sup>220</sup> EFCA (2012) Decision No 12-II-4(1) of the Administrative Board of the European Fisheries Control Agency of 10 Oct. 2012 amending the rules of procedure of the Administrative Board of the European Fisheries Control Agency adopted on 1 February 2006 and establishing best practices.

<sup>221</sup> AB interview.

<sup>222</sup> Whilst not covered by the period under evaluation, the years 2007 to 2011 are included to show the important improvements of EFCA's 'audit performance' over the years.

<sup>223</sup> EFCA / EC / ECA interview.

<sup>224</sup> EFCA / EC interview and IAS written feedback.

this is considered to compare well with the performance of other entities subject to the IAS. The positive assessment is valid for the entire period under evaluation. For example, the recommendations issued by the two IAS audits in 2011 (Core Curricula and JDPs) were all closed during 2012 and 2013. EFCA's positive performance is explained with the serious consideration given to issues related to Internal Control and attention to the IAS recommendations. Moreover, the Internal Control Coordinator maintains good working relations with the IAS and adequately follows-up the outstanding issues.<sup>225</sup>

**Table 8 - ECA comments on EFCA, ENISA, CPVO, CEPOL, EU-OSHA, FRA, EIGE**

Year	Total number of comments made by the ECA						
	EFCA	ENISA	CPVO	CEPOL	EU-OSHA	FRA	EIGE
2012	2	1	2	6	2	3	2
2013	1	4	1	3	1	1	1
2014	0	1	2	2	2	2	1
2015	1	2	4	2	2	1	1
Average	1	2	2.25	3.25	1.75	1.75	1.25

Interview feedback also indicates that whilst the Agency has made good progress in terms of establishing systems and processes during 2012 to 2016, e.g. business continuity for standard procedures, some areas require further efforts, e.g. information security and disaster recovery of IT systems.<sup>226</sup> In this context stakeholders noted, that EFCA progress on systems and processes needs to be considered in the context of Agency size, i.e. comparatively small agencies can experience difficulties when trying to address system and process requirements applying to all agencies irrespective of size. In other words, in the case of EFCA there is, in comparison with the larger EU Agencies, less potential for benefiting of 'economies of scale'. In this context it is worth quoting an extract from the literature on EU Agency governance: 'Whereas the larger agencies (...) boast staffs of approximately 500 and respectively 700 employees, there are also agencies with a staff capacity of 50 (...) or less (...). Yet, all of these bodies are subject to extensive accountability procedures for the most part similar to those encountered in the case of an institution like the European Commission (...), which employs a staff of approximately 25,000 employees. This is due to the fact that accountability mechanisms applicable to (some of) the EU institutions – the discharge procedure by the European Parliament, external audit by Court of Auditors, internal audit by the IAS or annual activity reports (originally a reporting obligation of the Commission's Directors General) – were simply rendered applicable to agencies as well. Such extensive and cumbersome procedures risk paralysing smaller scale agencies (...) and run counter to one of the central rationales for setting up agencies: their flexibility (...). It risks turning accountability into their full-time business'. (Busuioc 2013:24).<sup>227</sup>

<sup>225</sup> IAS written feedback.

<sup>226</sup> EFCA interview.

<sup>227</sup> Busuioc, M. (2013) 'The Theory and Practice of EU Agency Autonomy and Accountability: Early Day Expectations, Today's Realities and Future Perspectives' in Everson, M. Monda, C. and Vos, E. (eds.), European Agencies in between Institutions and Member States, p. 24.

EFCA is approaching these constraints by seeking synergies with other agencies. For example, EFCA is hosting its Disaster Recovery Site (DRS) in the EUIPOS data centre. The DRS is operational since January 2017 as planned. In addition EFCA's website is hosted in EMSA's secondary data centre. Also, in the past EFCA efficiently used Service Level Agreements (SLA) with EMSA to deal with Internal Audit Capability.

Interview feedback from EFCA staff suggests that follow-up on IAS recommendations was not constrained by limited budget, possibly with the exception of business continuity.<sup>228</sup> In general terms, the low level of errors is noted as an indicator of EFCA having coped well with budget constraints.

EFCA's Internal Audit Capability, assured on the basis of cooperation with EMSA and considered an example of best practice, was discontinued in 2015. This is explained with changes in internal audit procedures introduced by the new Financial Regulation. The new procedures require teams of four to five auditors for this function, and EFCA feedback indicates that only some five agencies maintained an Internal Audit Capability, e.g. EMA. In practice, this means that the IAS assumes all internal audit, and EFCA's Internal Control Coordinator supports the Executive Director with follow-up on IAS reports. EFCA feedback notes that the decision was influenced, inter alia, by the fact that EMSA also discontinued their internal audit capability, thereby closing this particular option for cooperation, and there is now cooperation between the Internal Control Coordinators of each Agency.

EFCA interview feedback confirms that the use of Key Performance Indicators (KPIs) improved, following efforts to establish meaningful KPIs during 2012 to 2014. As of 2015, the KPIs are considered to mirror performance as reported in the AWP and AR. There are some 100 KPIs, with a traffic light system to visualise performance; KPIs are reviewed in the context of quarterly meetings and in the AR. In the view of the evaluators, the indicators can be considered largely adequate vis-à-vis the monitoring of outputs.<sup>229</sup> At the same time, the evaluators consider that the indicators can be further improved in terms of definitions / methodology (e.g. alignment with SMART / RACER approaches) and stronger focus on assessing effectiveness of operational coordination and capacity development.

**Table 9 - EFCA use of Key Performance Indicators<sup>230</sup>**

	Number of KPIs	Areas covered (number of KPIs)
UNIT A	32	Budget (11), Procurement (6), Legal (2), Recruitment (3), HR (4), Training (4), Logistics (2)
UNIT B	36	Data Monitoring and Networks (9), ICT (4), New Technologies in Maritime Surveillance (4), IUU (5), Training (15)
UNIT C	26	JDPs (9), Training (5), Functional Coordination (2), Risk Management and Assessment (4), Level Playing Field Enhancement (5), Assist EC to cooperate with international organisations (1)

<sup>228</sup> EFCA interview.

<sup>229</sup> Note that indicators are mostly related to outputs, not results / impacts. E.g. KPIs for enhancing the level playing field include: 'Number of regional projects implemented (PACT)', 'Assessment reports 2014 delivered before 30 June 2015', 'Road map issued for PACT regional projects proposed by MS', 'Percentage of third countries to which EFCA assisted in comparison with EC requests', and 'No delay in the implementation of the tasks delegated by the EC'.

<sup>230</sup> Prepared on the basis of an EFCA spreadsheet with information on KPIs for 2015 Q3, shared with the evaluators.

ED Office	39	Accounting / Cash Management (2), Communication (7), Administrative Board (8), Advisory Board (2), Representation and Networks (2), Internal Control (4), Audit (14)
ED	9	Operational Objectives (3), Management of Financial and Human Resources (6)

### **Cost effectiveness, cooperation with the EC, EU Agencies and external service providers**

At the outset of the evaluation it was anticipated that it would be feasible to measure cost effectiveness by looking at the cost of different types of EFCA operational activity, and to compare this with costs of similar activities conducted by other actors, e.g. other EU Agencies, MS etc. A review of relevant EFCA data confirmed the feasibility of this review with regard to the JDPs. In the context of the JDPs, EFCA established a focus group on the cost effectiveness of control operations (2012),<sup>231</sup> developed a methodology for conducting the cost assessments (2013), and then prepared annual JDP cost assessments (for 2013, 2014, 2015).<sup>232</sup> The October 2016 AB meeting discussed the cost assessment,<sup>233</sup> on the basis of the report on the 2015 JDPs, comprising a comparative overview of cost developments per year (2013-2015) and JDP.<sup>234</sup> The bullet points below note and comment on the cost developments between 2013 and 2015, shown in detail in the figure below. Overall the data indicates strong cost-effectiveness in terms of the ratio between costs and number of inspections.<sup>235</sup>

- For BS and NS costs increased between 2013 and 2014 but dropped between 2014 and 2015 (for BS, under the level of 2013 costs); the total number of inspections increased substantially for NS (3,458 in 2013, 4,913 in 2014 and 7,572 in 2015); the total number of inspections also increased substantially for BS (2,776 in 2013, 4,197 in 2014 and 6,215 in 2015); the total number of inspections in WW increased from 2,031 in 2013 to 3,060 in 2014, and then dropped to 2,561 in 2015;
- For NEAFC, costs decreased between 2013 and 2015; however, the number of inspections increased (54 in 2013, 75 in 2014 and 96 in 2015);
- For NAFO, costs decreased between 2013 and 2014, but then increased between 2014 and 2015; the total number of inspections increased slightly (32 in 2013, 34 in 2014, 35 in 2015);
- and for MED, costs increased between 2013 and 2015; the number of inspections first dropped from 530 in 2013 to 482 in 2014 and then increased to 599 in 2015.

Finally, the evaluators consider EFCA efforts to assess the cost effectiveness of its activity to represent best practice that other EU Agencies might consider useful to demonstrate cost effectiveness and added value.

<sup>231</sup> EFCA (2012) Minutes of the 17<sup>th</sup> meeting of the Administrative Board, Vigo, 9-10 October 2012, p. 15.

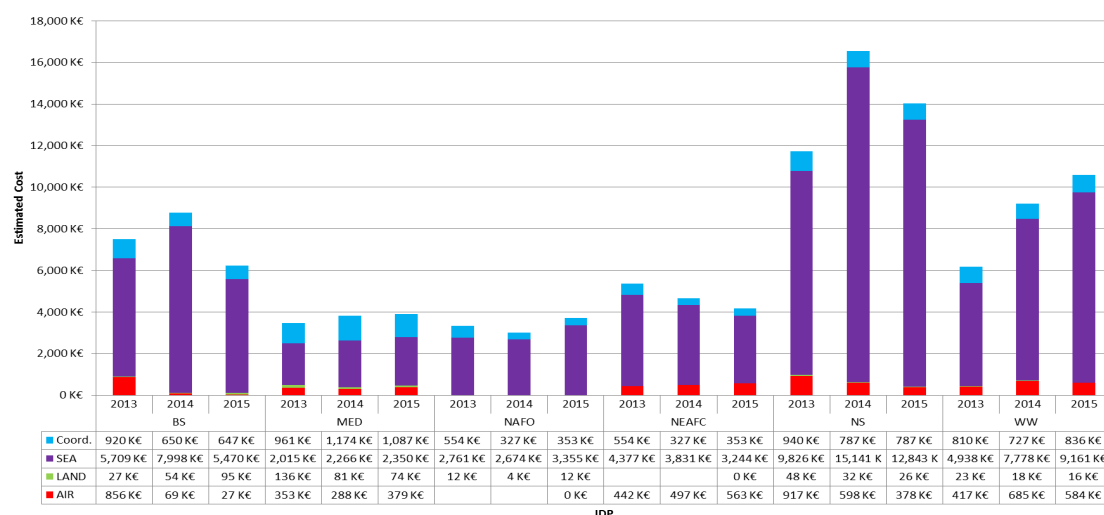
<sup>232</sup> EFCA (2015) Minutes of the 23<sup>rd</sup> meeting of the Administrative Board, Vigo, 15 October 2015, p. 3.

<sup>233</sup> EFCA (2016) Minutes of the 26<sup>th</sup> meeting of the Administrative Board, Vigo, 11 October 2016, p. 3.

<sup>234</sup> EFCA (2016) JDPs 2015 – Cost Assessment, revised on Wednesday, 31 January 2017, shared with the evaluators on 31 January 2017.

<sup>235</sup> Further detail on the trends with cost-effectiveness per JDP can be found in the individual JDP reports.

**Figure 13 - Costs per JDP and year**



**Source:** EFCA (2016) JDPs 2015 – Cost Assessment, revised on Tuesday, 31 January 2017

## Cooperation arrangements

Cost-effectiveness is also indicated by systematic cooperation with relevant EC Services, other EU Agencies and external service providers, aiming to harness benefits of economies of scale. The following pages review EFCA cooperation arrangements. EFCA cooperates with the EC through a number of SLA. In 2012,<sup>236</sup> this included 16 SLAs. Annex 4.22 presents the SLAs that have been identified at the time of drafting this evaluation, confirming that the recourse to SLAs has largely remained stable.<sup>237</sup> EFCA interview feedback confirms that the Agency is making good use of the existing EC 'offer'. In addition to the SLAs, this evaluation also notes that EFCA operated an SLA with SRB for the sharing of an accounting officer (this was temporary until the appointment of EFCA's new accounting officer on 1 November 2016).

Moving from cooperation with the EC to cooperation with other EU Agencies, EFCA documentation in 2016 shows the intensive cooperation with other EU Agencies (see Annex 4.23).<sup>238</sup> EFCA cooperates with eight other Agencies, including EMSA (nine initiatives), Frontex (three), EMCDDA (two) and ESA, Eurofound, EU SATCENT, EEA and EUIPO (one cooperation initiative each).

The cooperation with EMSA stands out. For example, cooperation initiatives on sharing maritime surveillance data, VMS data and operational arrangements for training and information sharing feed into wider policy objectives concerning the Integrated Maritime Policy. Most notably, interview feedback highlights the efficient collaboration between EFCA and EMSA staff in terms of developing maritime surveillance data sharing.<sup>239</sup>

<sup>236</sup> EFCA (2012) Community Fisheries Control Agency, five-year independent external evaluation, final report, p. 77.

<sup>237</sup> EFCA (not dated) EFCA's ongoing synergies and cooperation with other EU Agencies, shared with the Evaluator on 29 June 2016.

<sup>238</sup> EFCA (not dated) EFCA's ongoing synergies and cooperation with other EU Agencies, shared with the Evaluator on 29 June 2016.

<sup>239</sup> EFCA / EMSA interview.

Beyond the formal cooperation agreements with other agencies, EFCA interview feedback also points to active networking with other agencies in the context of enhancing systems and processes.<sup>240</sup> For example, in the area of asset management, EFCA has improved its practice of declassifying goods from its inventory, drawing on experience from Fusion for Energy. Similarly, on EMAS, EFCA is exchanging with Fusion for Energy, EU-OSHA, EMSA, EMCDDA, FRA and EBA.

Finally, EFCA also resorts to the contracting of external service providers. EFCA documentation in 2016 shows the following contracts for the provision of external services.<sup>241</sup>

**Table 10 - Contracts for external service provision**

	Area of support
EFCA	7 contracts for human resources and related issues (insurance, training, language classes, leave management)
EFCA	25 specific contracts under framework contract (in 2015), 2010:1, 2011:1, 2012:2, 2013:2, 2014:7, 2015:4, not dated:7
EC DG BUDGET	6 framework contracts for SAP licences (2011), accounting (2013), audit and control (2014, 2015), Financial systems (2015), accounting and financial systems (2016)
EC DG DIGIT	EFCA has joined 24 contracts (2009:1, 2010:1, 2011:1, 2012:6, 2013:6, 2014:4, 2015:2, 2016:3) and 5 tenders (2013:2, 2014:3)
EC DG MARE	EFCA can use one framework contract for information and communication activities (2013)

### Common approach and interinstitutional agreement

Finally, the review of the evaluation criterion of efficiency is completed with an assessment of EFCA performance in the context of the Common Approach to EU Decentralised Agencies, and the Interinstitutional Agreement.

Looking first at the Common Approach, in June 2012, the EP, the Council and the EC agreed on a common approach to the EU's decentralised agencies, 'driven by the concern for efficiency gains'.<sup>242</sup> The Common Approach was operationalised with the help of a 'Roadmap' including a list of 90 actions.<sup>243</sup> In 2013 and 2015, the EC reported on progress with implementation.<sup>244</sup> The 2013 report includes one specific mention of EFCA, highlighting EFCA's sharing of its Internal Audit Capability with EMSA as an example of good practice in terms of cooperation between Agencies (at the time of the EC reporting in 2013, it appears that there were no other examples of inter-agency cooperation).<sup>245</sup>

<sup>240</sup> EFCA interview.

<sup>241</sup> EFCA (not dated), Documentation on external services shared with the Evaluator on 29 June 2016.

<sup>242</sup> European Parliament, Council, European Commission (2012) Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies.

<sup>243</sup> European Commission (2012) Roadmap on the follow-up to the Common Approach on EU decentralised agencies.

<sup>244</sup> European Commission (2013) Commission progress report on the implementation of the Common Approach and European Commission (2015) Report from the Commission, Progress report on the implementation of the Common Approach on EU decentralised agencies, COM(2015) 179 final.

<sup>245</sup> European Commission (2013) Commission progress report on the implementation of the Common Approach, p. 2.



The EC's 2015 report also includes a specific mention of EFCA, and again, relating EFCA to good practices, this time in terms of counting among one of the seven Agencies with an operational Anti-Fraud Strategy.<sup>246</sup> The two EC progress reports do not allow for systematic comparison across all agencies, since there is no systematic information on how all agencies perform against the different Roadmap actions. EFCA documentation on the Roadmap in May 2015 shows a total of 35 actions, applicable to EFCA; 13 relate to the 'Operation of agencies'; 15 relate to 'Evaluations, audits and OLAF'; and seven relate to 'Management of financial and human resources and budgetary process'.<sup>247</sup> The same document notes all actions as 'completed' or 'continuously / ongoing actions'. A review of EFCA AR shows the good progress with the implementation of the Roadmap. The 2013 AR does not include detailed feedback on the implementation of the Roadmap.<sup>248</sup> However, by the end of 2014, EFCA had implemented 22 of the actions set out in the Roadmap on the follow-up to the Common Approach on EU decentralised agencies; five actions are not applicable to EFCA and 13 actions are reported as 'on-going'.<sup>249</sup> The 2014 AR notes 'Within the EU Agencies PDN the work developed, inter alia, in the following fields has been especially relevant: a common template gathering common elements for the multiannual and annual work programme of the agencies, thus a programming document across agencies, the report on performance indicators in the EU agencies, a consolidated annual activity report template and the guiding principles for agencies external evaluations'.<sup>250</sup> A noteworthy example of activities in 2014 relates to Anti-fraud Policy, i.e. EFCA worked on Conflict of Interest policy and Anti-fraud strategy and prepared a 'working arrangement' between DG MARE and EFCA for the Agency's international activities.<sup>251</sup> By the end of 2016, EFCA had implemented 27 of the actions set out in the Roadmap on the follow-up to the Common Approach on EU decentralised agencies; four actions are noted as not applicable to EFCA and seven actions are reported as 'in progress'.<sup>252</sup> The 2015 Annual Report also notes that 'EFCA has contributed to the roadmap implementation through the EU Agencies Performance Development Network to find synergies and to optimise the available resources'.<sup>253</sup> In 2015, EFCA prepared guidelines for whistle-blowers and submitted this to the European Data Protection Supervisor and the EC for agreement.<sup>254</sup> EFCA feedback on 23 June 2016 suggests that the EC has yet to provide feedback.<sup>255</sup> Finally, it is worth noting that EFCA has adopted a comparatively transparent approach on the implementation of the Roadmap. Looking at the Annual Reports for CPVO, EIGE, FRA, EU-OSHA, ENISA and CEPOL, only CPVO and EIGE provide information on the implementation of the Roadmap.

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<sup>246</sup> European Commission (2015) Report from the Commission, Progress report on the implementation of the Common Approach on EU decentralised agencies, COM(2015) 179 final, p. 5.

<sup>247</sup> EFCA (2015) Roadmap on the follow-up to the Common Approach on EU decentralised agencies, Excel spreadsheet, shared with the Evaluator on 29 June 2016.

<sup>248</sup> EFCA (2014) Annual Report 2013.

<sup>249</sup> EFCA (2015) Annual Report 2015, p. 69.

<sup>250</sup> EFCA (2015) Annual Report 2014, p. 80.

<sup>251</sup> EFCA (2015) Annual Report 2014, p. 9.

<sup>252</sup> EFCA (2017) Annual Report 2016, p. 87.

<sup>253</sup> EFCA (2016) Annual Report 2015.

<sup>254</sup> EFCA (2016) Annual Report 2015.

<sup>255</sup> EFCA interview.

Moving to the Inter-institutional agreement for decentralised agencies, this required a 5% staff reduction. EFCA's 2016 AR refers to compliance with the 5% staff reduction.<sup>256</sup> The first post was cut in 2014;<sup>257</sup> a second post was removed in 2015; and the third post was cut in 2016.<sup>258</sup> At the October 2013 AB meeting, this issue was discussed with the EC, noting that: 'the Agency would need to face new challenges through cost-effectiveness and setting up priorities. Despite the new Common Fisheries Policy, the Agency will not have its mandate amended and the Communication to the European Parliament and the Council on programming of human and financial resources for decentralised agencies 2014-2020 classified the Agency at cruising speed, with a cut of 6 posts during 2014-2018'.<sup>259</sup> Further detail is provided by EFCA: 'the new CFP has not been considered as adding new tasks to be reflected in the Agency Founding Regulation, therefore the Agency is considered at cruising speed. The Communication presents a cut for EFCA of 5% of the staff for the period 2014-2018 plus an additional cut of a yearly 1%. The posts resulting from the 1% levy would be allocated to 'start-up phase' agencies and 'new tasks' agencies for which an increase in the number of establishment plan posts is considered necessary. EFCA would be facing a cut of 6 posts'.<sup>260</sup> At the same meeting EFCA notes cooperation with other EU Agencies and European institutions as an avenue for addressing the resource constraints.<sup>261</sup> This evaluation found strong evidence of EFCA ensuring compliance with the Inter-institutional agreement and effectively addressing the resulting resource constraints. A first set of EFCA measures related to the re-organisation of specific functions and related staffing. For example, the centralisation and rationalisation of the finance function allowed addressing the first staff reduction (financial procedures were reviewed and streamlined in 2013/2014; most notably an external review allowed the reduction of ex-ante verifications of financial transactions, considering the very low error rate). The evaluation notes in this context the comprehensive documentation of over 100 finance processes, with a spreadsheet clearly documenting and describing tasks, allocating staff responsibilities, setting timelines, including budget preparation and programming, implementation of the budget, reporting, other tasks, and planning and projects. In addition, the implementation of processes is supported by guidance and documentation on the Intranet, e.g. on budget planning, commitments, payments and recovery orders, nonconformities management procedure, delegation of budget implementation powers, ABAC access rights implementation and verification etc. A second set of measures consisted of the increasing use of 'e-

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<sup>256</sup> EFCA (2016) Annual Report 2015, p. 79.

<sup>257</sup> EFCA (2015) Annual Report 2014, p. 68.

<sup>258</sup> EFCA (2016) Annual Report 2015, p. 79.

<sup>259</sup> EFCA (2013) Minutes of the 19<sup>th</sup> meeting of the Administrative Board, 15 October 2013, p. 5.

<sup>260</sup> EFCA (2013) Minutes of the 19<sup>th</sup> meeting of the Administrative Board, 15 October 2013, p. 9.

<sup>261</sup> 'According to the Communication of the European Commission to the European Parliament and to the Council, and contradicting the agreement given by the European Commission itself on the EFCA MSPP in force, the ED pointed out that the staff cuts would diminish the authorised establishment plan by 6 staffs (-11%) as follows: 2013 (54) to 2018 (48) including a cut of 2 posts in 2017. Consequence of the paragraph 3 of the communication, the cut could reach 8 staffs when adding 2 Full Time Equivalent (FTE) of external personnel. As mentioned in the previous item of the agenda, the ED added that the additional cut of the Agency staff, and even of external staff, as SNE or interims, should be considered when analysing the daily business continuation of the Agency when new tasks emerge with the future basic regulation of the Common Fisheries Policy. The ED underlined that the best avenue for facing this situation was the set up of cooperation and synergies with other agencies and European institutions through service level agreements (SLA), and mentioned to the Board two domains of possible synergies, considering that one of them contained a certain level of political or operational sensitivity for the Member States and the European Commission, demanding their consent', EFCA (2013) Minutes of the 19<sup>th</sup> meeting of the Administrative Board, 15 October 2013, p. 11.

administration'. For example, the increasing use of the ABAC system for ordering services and goods; and the introduction of paperless contracting and electronic procurement ('e-PRIOR' with sub-systems of 'e-ORDER' and 'e-SUBMISSION' etc.). In this context it is noted that the recent introduction of a new mission management system (MIPS) is expected to further reduce the number of errors.<sup>262</sup> Notwithstanding the progress in this area, interview feedback points to room for future improvements, e.g. budget programming still relies on Microsoft Excel, and the introduction of an application/database could be considered to contribute to further efficiency gains and enhance user friendliness, e.g. allowing relevant staff to verify budget execution whenever required without having to wait for the financial monthly report.<sup>263</sup> Thirdly, EFCA is increasingly making use of 'e-communication'. For example, Fishnet is facilitating communication, reducing costs, and the requirement for the physical meetings and missions during JDP implementation. A further set of measures relates to the systematic exploring of efficiency gains on the basis of cooperation agreements with the EC, other EU Agencies and external service providers. Finally, this evaluation found that EFCA efforts to address budget constraints were supported by the fact that staff salaries decreased because of adjustments (indexation) in line with living costs in Spain (down from 97.4% in 2012 to 88.1% in 2016). Moreover, EFCA reduced indirect costs, e.g. electricity and building costs.

## 2.2.7 Effectiveness

### 2.2.7.1 Introduction

In line with the EC Guidelines on Better Regulation this evaluation looks at the effectiveness of the EFCA intervention: 'Effectiveness analysis considers how successful EU action has been in achieving or progressing towards its objectives'.<sup>264</sup> This section addresses the evaluation question: 'To what extent have intended operational objectives (evidenced by outputs) and specific objectives (evidenced by immediate and medium-term results) been achieved, as set out in the regulatory framework, and further articulated in the EFCA work programmes (including contribution to CFP policy and other internal and external policies and strategic priorities, including through its cooperation/support upon EC request with third countries)?'. The evaluation question was addressed on the basis of desk research, interviews with AB / ADVB and EFCA staff, and survey feedback.

### 2.2.7.2 Findings on effectiveness

This section comments on overall effectiveness, effectiveness with regard to specific objectives, and effectiveness with regard to operational objectives. Moreover, the general discussion is illustrated with sections looking specifically at the effectiveness of operational coordination and of capacity building.

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<sup>262</sup> EFCA feedback notes on MIPS that EFCA has been the first decentralised Agency (without Sysper) to implement the mission management system of the Commission, deployed in November 2016, leading to a major reduction in use of paper forms and multiple data entry; use of MIPS also means an automatic link with ABAC for the payment requests related to the mission expenses, and is expected to lead to a reduction in calculation errors.

<sup>263</sup> EFCA interview.

<sup>264</sup> EC (2015) Commission Staff Working Document, Regulation Guidelines, p. 57.

## Overall effectiveness

EFCA has performed well in terms of delivering the activities set out in the AWP; in 2016, 97% of AWP activities were achieved;<sup>265</sup> in 2015, 97.4% of AWP activities were delivered,<sup>266</sup> up from 92.4% in 2014.<sup>267</sup> These findings are confirmed by AB survey feedback.

Looking at overall effectiveness on the basis of the different mission elements, the AB respondents rate this as high (74%/166 out of 224 highly effective and effective).

AB respondents consider mission elements dealing with coordination most effective (78%/58 out of 74 highly effective and effective), followed by mission elements that contribute to the work of the MS and EC (74%/37 out of 50), and this is consistent with findings on relevance discussed earlier in this evaluation. Also, the mission element of EFCA dealing with assistance is rated positively (71%/71 out of 100).

The AB survey shows lower effectiveness ratings concerning the coordination of operations to combat IUU (52%/13 out of 25 highly effective and effective) (MISS.8) and the contribution of EFCA to the research and development of control and inspection techniques (48%/12 out of 25 highly effective and effective) (MISS.6). The findings are consistent with the survey feedback on relevance. In this context it is worth noting that the interviewees often struggled to differentiate between effectiveness and relevance. Interview feedback on the effectiveness of EFCA's contribution to research and development of control and inspection techniques referred frequently to the discussions on cameras on board of vessels. Some interviewees considered this a useful tool, however, in this context the issue of data protection in MS was raised. Interviewees also noted the development of a black box on board of vessels.<sup>268</sup> Some AB respondents considered this tool not sufficiently explored as a possible alternative for those MS experiencing problems with the use of on-board cameras to control and inspect fisheries.

## Effectiveness – specific objectives

The following paragraphs discuss AB views concerning the effectiveness of EFCA in terms of achieving specific objectives as outlined in the intervention logic.

Specific objectives are:

(SPOB.1) strengthened cooperation between relevant MS authorities

(SPOB.2) enhanced compliance with the rules of the CFP

(SPOB.3) more effective and uniform application of the CFP

Overall, the AB respondents agreed that EFCA contributes to strengthened cooperation between MS authorities (SPOB.1). The AB respondents (MED region),<sup>269</sup> with the exception of the representative of one important coastal state, agreed or strongly agreed that EFCA contributed to strengthened cooperation between MS authorities. For the BS and NS regions all respondents agreed or strongly agreed with the EFCA contribution in

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<sup>265</sup> EFCA email dated, 21 February 2017, drawing on the draft AR for 2016 (not yet published at the time of issuing this report).

<sup>266</sup> EFCA AR 2015, p. 123.

<sup>267</sup> EFCA AR 2014, p. 131.

<sup>268</sup> For example, the implementation of this surveillance initiative was recorded in Denmark as an effective way to record and gather data on vessels' positions, courses, speed and fishing activities.

<sup>269</sup> MED refers to those MS involved in the JDP.

the region. For the WW, one respondent indicated no view while the rest confirmed effectiveness. In the NEA region,<sup>270</sup> the AB survey respondents provided lower ratings on the effectiveness of EFCA's contribution to cooperation between relevant MS authorities. This is explained with the fact that operations in the NEA region are largely organised through an RFMO.<sup>271</sup>

Two areas of cooperation that highlight the effectiveness of EFCA are the JDPs and the regional cooperation activities. The JDPs ensure the cooperation and participation of most EU MS. EFCA is a driving force behind the cooperation through JDPs, resulting in cooperation between EFCA and MS as well as cooperation among MS. The extent to which MS cooperate through JDPs depends largely on whether they share fisheries areas. For example, Romania and Bulgaria cooperate only through the Black Sea Operational Plan. However, other MS cooperate on multiple fisheries areas such as Denmark and Germany in the BS, NS and NWW. France cooperates also in three different JDPS, namely in the MED, NS and WW. However, MS do not exclusively participate in JDPs that directly concern their region but also participate when having fishing activities in the area (MS concerned by the SCIP/JDP Decision are decided on that basis). For example, Poland and the Baltic MS do not limit their cooperation to the BS, but also participate in the WW JDP.

**Table 11 – JDPs – MS participation**

<b>BLS Operational Plan</b>	<b>BS JDP</b>	<b>NS JDP</b>	<b>WW JDP</b>	<b>MED JDP</b>
		Belgium		
Bulgaria				
				Croatia
				Cyprus
	Denmark	Denmark	Denmark	
	Estonia		Estonia	
	Finland			
		France	France	France
	Germany	Germany	Germany	
				Greece
			Ireland	
				Italy
	Latvia		Latvia	
	Lithuania		Lithuania	
				Malta
		The Netherlands	The Netherlands	
	Poland		Poland	
			Portugal	Portugal
Romania				
				Slovenia
	Sweden	Sweden		
		United Kingdom	United Kingdom	
			Spain	Spain

<sup>270</sup> A distinction is made between MS participating in the JDPs in the WW and those engaging in fishing activities in NEA-NAFO and NEA-NEAFC.

<sup>271</sup> Note that the feedback on effectiveness in the Black Sea is not shown in the tables below. The main reason is that only one MS operating in the Black Sea answered. Nevertheless, this AB respondent rated EFCA's effectiveness high on all three specific objectives.

EFCA's contribution to effective cooperation between MS can also be assessed by looking at fisheries control activities. From 2012 to 2016, the number of inspections carried out through the JDPs doubled (from 9,037 to 19,373).<sup>272</sup> One AB respondent commented that EFCA's effectiveness was particularly strong in sea-based as opposed to land-based activities, which underlines that it is in sea-based operations that coordination of inspection means leads to most gains in effectiveness and efficiency. However, EFCA notes that the intensity of landing inspection depends on the area and thus can vary.

An important outcome of the inspections is whether infringements are detected. This relates to the effectiveness of EFCA to enhance compliance with the rules of the CFP (SPOB.2). The AB survey feedback is generally positive, however, some respondents disagreed with effectiveness in this area. In the MED, an AB respondent from a large coastal state disagreed with the effectiveness in this area. Interview feedback from the coastal state representative pointed to the view that deployment of means in the JDPs is largely driven by MS and that EFCA is dependent on this. According to this interviewee, the MS carry out the campaigns. Exchanges between MS are perceived to be limited and the involvement of EFCA reduced to avoiding that MS duplicate activities and to ensure exchange of data. Nonetheless, EFCA elaborates the deployment plan with the MS based on risk assessment. The control means are to be pooled by the MS. Arguably, these are in fact where gains in effectiveness and efficiency are achieved by EFCA. The AB respondent considered that this might change if EFCA would have more resources to deploy its own means, and there are indeed calls for EFCA to increase the use of own means (e.g. LDAC, PELAC). Also in the WW and in the NS, AB respondents expressed concerns over effectiveness.

The perception of the AB respondents may be related to the available information on number of infringements detected and the lack of a clear trend. EFCA does note that trends in apparent infringements is a complex subject affected by many factors, such as risk management (regional as well as national), targeting, fishing strategies, changes in the rules, external influences, availability of means, experience and training of inspectors, etc. The Agency therefore considers that its effort to examine the typology of the infringements can be more informative. Nonetheless, the number of infringements peaked in 2014 with 725 infringements detected. It then decreased to 703 infringements in 2015 and 665 in 2016. The ratio of infringements remained quite stable over the period 2012-2016.<sup>273</sup> EFCA noted that having a stable reducing trend is a positive development and is arguably the result of improvements in risk assessments and improvement of compliance.

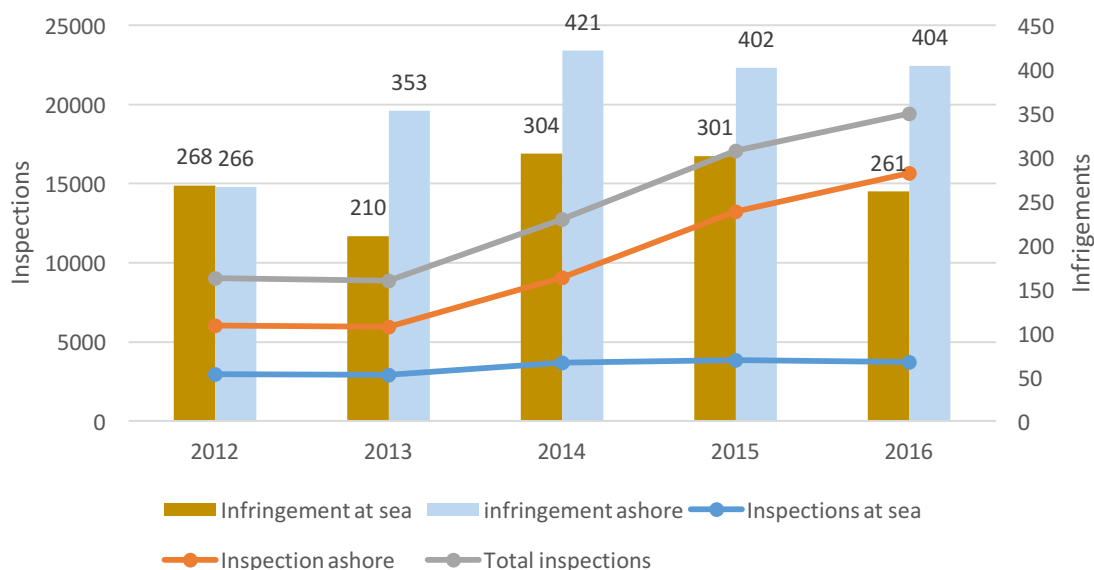
Over the whole period 2012-2016, there were more infringements detected ashore than at sea. Only in 2012, more infringements were detected at sea than ashore. Over the period, the number of infringements detected both at sea and ashore increased. The increase in the total number of inspections is mainly due to the increase in the number of inspections ashore between 2013 and 2016. This overall increase of both inspections and infringements corresponds to the increased cooperation between MS through EFCA's JDP activities.

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<sup>272</sup> Bearing in mind the move to permanent campaigns.

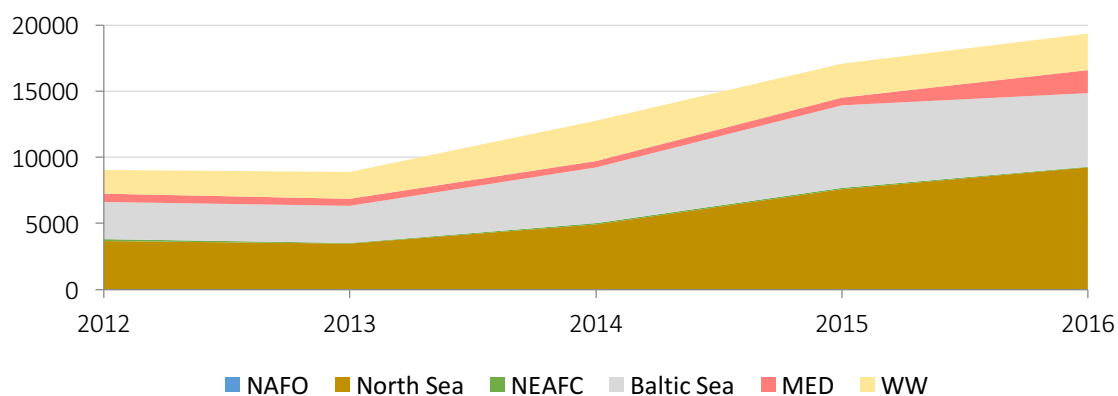
<sup>273</sup> The ratio of infringements per inspection is the number of infringements detected divided by the number of inspections.

**Figure 14 – JDP activity results trend 2012-2016**



The following graph shows the number of inspections per JDP over the period 2012-2016.<sup>274</sup> The JDPs with the higher number of inspections are NS, BS and WW. NAFO and NEAFC only represent a very small share of the inspections (explained by the lower number of vessels as compared with the coastal areas). Arguably, EFCA is limited in its ability to intervene effectively in international and third country waters due to the lack of provisions relating to IUU in its mandate, including the ability to specify common control programme (Article 94 of the Control Regulation), which is an MS competence. As a result, NAFO and NEAFC barely appear on the following graph; these two JDPs total under 100 inspections per year. In 2016, NAFO and NEAFC total 76 inspections, while the NS counted 9,189 inspections. There are strong differences between the JDPs. In 2016, suspected infringements were found during 665 inspections. This represents a share of 3.4% of the total number of inspections in 2016.<sup>275</sup>

**Figure 15 – EFCA JDP inspections per JDP 2012-2016**



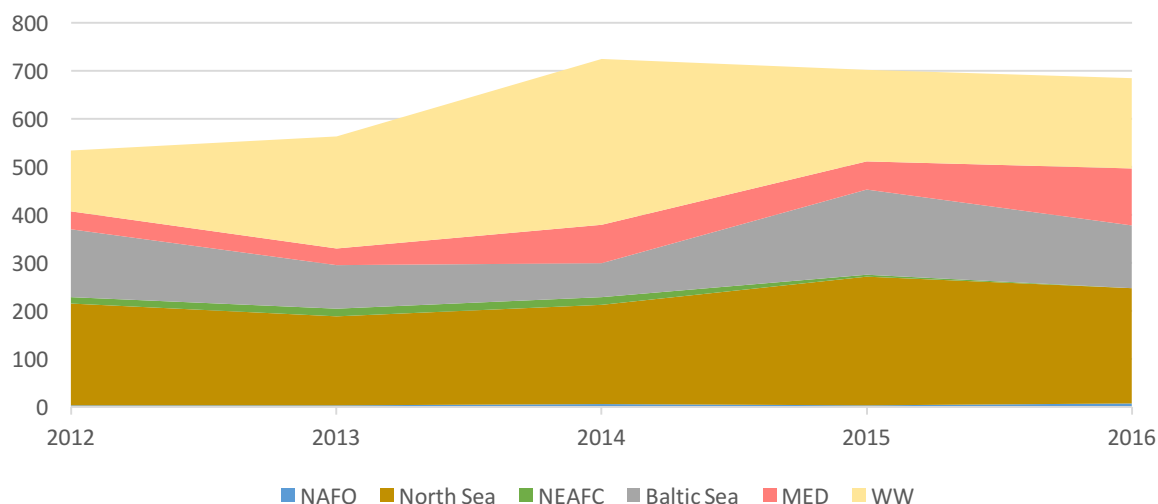
\* The number of inspections in 2016 is 76 for NAFO and NEAFC combined.

<sup>274</sup> Data for 2016 is provisional.

<sup>275</sup> Data provided by EFCA (provisional data for 2016).

The figure below shows the number of infringements per JDP between 2012 and 2016. The overall increase in the number of infringements is also visible in this figure. The JDPs with the higher number of infringements relate to the WW, NS and BS.

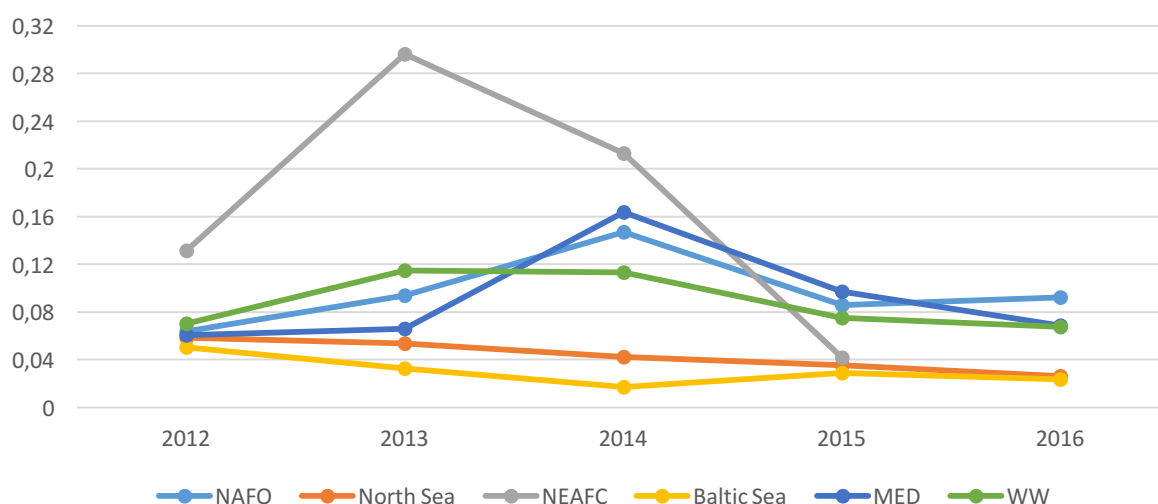
**Figure 16 – JDP infringements (number per JDP 2012-2016)**



\*The number of infringements in 2016 is 7 for NAFO and NEAFC combined.

The following figure shows a comparison between inspections and infringements. The higher ratio of infringements per inspection is seen in NEAFC for the years 2012, 2013 and 2014. NAFO and NEAFC present quite high ratios of infringements over inspections, even though they represent a small share of the overall inspections and overall infringements detected. The ratio in the MED JDP is high for the years 2014 and 2015.

**Figure 17 – Ratio of infringements per inspection per JDP 2012-2016**



\*The ratio for 2016 is 0,09 for NAFO and NEAFC combined.



While the JDP inspection effort indicates the effectiveness of EFCA's contribution to strengthen cooperation between MS, the extent to which inspections are effective in preventing infringements is difficult to measure. In the NS, the number of inspections increased faster than the number of infringements detected. Thus, the ratio of infringements detected per inspection decreased over the period 2012-2016. This can be used as a proxy indicator for stronger compliance because increasing inspections have resulted in less infringements. For the BS, there is a significant increase in the number of inspections and only a slight increase in the number of infringements. This explains the decreasing ratio of infringements per inspection. The higher increase in 2015 in the number of infringements is linked with the slight increase of the ratio that same year. For the WW, MED, NEAFC and NAFO JDPs the number of inspections does not appear to correlate to the number of infringements. As the correlation between the number of inspections and the number of infringements detected is not established, it is difficult to conclude on the effectiveness of inspections.

Concerning the extent to which EFCA achieved the specific objective of more effective and uniform application of the CFP (SPOB.3), AB respondents responded largely positively. All AB respondents from the MED and BS agreed. Feedback from AB respondents in the NS and WW was more critical. While in the NS, the majority still confirmed EFCA's effectiveness, in the WW the majority disagreed (note that there is no JDP for WW demersal fisheries), which is interpreted as being linked to limitations in the mandate of EFCA to act effectively in international waters. Interview feedback confirmed MS concerns regarding differences in the application of the CFP. Rather than considering EFCA is not effective in this field, the AB members argued that further efforts are required. At the same time, EFCA's limited mandate in this area was repeatedly noted. This is consistent with this evaluation's review of the effectiveness of EFCA's Regional Risk Management Strategies. Effectiveness is difficult to evaluate, because numerous factors (multi-factorial issues) need to be considered: e.g. control, enforcement and deterrence. As mentioned above, inspection outputs are not suitable for evaluating effectiveness due to the lack of solid baseline data on compliance. More importantly, and this touches upon the limitations of EFCA's mandate to ensure more effective and uniform application of the CFP, more control and enforcement do not necessarily lead to more compliance because sanctioning remains within the remit of the MS. Differences in judicial aspects and in the consequences of infringements vary considerably between MS. Compliance in different fisheries, regions and MS depends on several factors, including deterrence factors (certainty and severity, of sanctions, commercial gain), normative/social factors (legitimacy, morality/moral development, habit/practice, behaviour of others, attitude of others, personal reputation) and other factors such as industry, economic and biological characteristics, previous compliance behaviour, conviction, personal and operational characteristics. Furthermore, some infringements cannot be detected on shore, while others are very difficult to detect. The development of good indicators of non-compliance for the main infringements is critical. Even with suitable indicators, the effectiveness of regional risk management strategies requires time series that can allow trends to be evaluated.

### **Effectiveness – operational coordination**

Determining the effectiveness of operational coordination is challenging. The one recurring area of interest is to look at substantiating compliance. EFCA has repeatedly made efforts to tackle this issue and this has been frequently discussed during AB

meetings. For example, in 2012, during the October AB meeting it was noted that 'a higher number of infractions could be interpreted as an increase in control and evidences that the current system is working properly, thus the Agency is achieving success'. One AB member noted that it would be important to compare the performance under the JDPs with the performance of the MS. For example, if there would be a 5-10% ratio of infringements in the landings detected by EFCA and 0% in a MS, this difference could be a benchmark to measure compliance.<sup>276</sup> On this basis, during the same AB meeting, reference was made to the establishment of a 'focus group' 'to evaluate general trends in compliance levels'.<sup>277</sup> The interest in developing a methodology to measure compliance resulted in several outputs, including 'Evaluating Fisheries Compliance, Pilot Project Summary Report' (EFCA, June 2014); 'EFCA Seminar: The implementation of Landing Obligation requirements, Compliance evaluation' (EFCA, June 2014); 'Towards a compliance index: Information from the Regional Fisheries Organisations and comparing inspector and official landing data' (June 2014); 'Towards a compliance index: Compliance survey and trade analyses' (June 2014).

One year later in October 2013, the AB meeting refers to a presentation of the Focus Group findings.<sup>278</sup> Similarly, the March 2014 AB meeting discusses the Focus Group: 'Within the framework of the Focus Groups the Compliance Evaluation Project interim findings were presented. The project analyses the infringement trends and typology key points in different areas: For Southern North Sea (cod, sole and plaice), the relative increase in the at-sea infringement rate in 2011 is largely attributed to the broadening of the southern North Sea JDP campaign to six months and issues related with the introduction of the Omega mesh gauge; For Western Waters small pelagic species, the increase of shore infringements in 2013 is attributed to a more focused risk based approach after gaining experience in the campaign; For the Mediterranean Bluefin tuna, a general declining trend is noted. This reflects a stabilising of the regulatory regime following several years of changes, the gradual adaptation of industry to new requirements and fleet reduction'.<sup>279</sup>

The AB discussions of compliance during 2012-2016 build on earlier discussions. Also the previous evaluation conducted in 2012 refers to the issue of compliance as a way to measure effectiveness. In this context it is worth re-visiting the assessment of the last external evaluation. The previous evaluation referred to EFCA's Founding Regulation specifically requiring EFCA to undertake an annual assessment of the effectiveness of each JDP as well as an analysis of the existence of a risk that fishing activities are not compliant with applicable control measures (article 14). The evaluation also referred to the ED's responsibility to organise an effective monitoring system in order to be able to compare the Agency's achievements with its operational objectives. The 2012 evaluation noted EFCA efforts with regard to measuring effectiveness, and that EFCA was aware of weaknesses with regard to assessing performance. Starting in 2008, AB meetings already referred 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 AB. By the end of that year, the AB decided to

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<sup>276</sup> EFCA (2012) Minutes of the 17<sup>th</sup> meeting of the Administrative Board, Vigo, 9-10 October 2012, p. 4.

<sup>277</sup> EFCA (2012) Minutes of the 17<sup>th</sup> meeting of the Administrative Board, Vigo, 9-10 October 2012, p. 5.

<sup>278</sup> EFCA (2013) Minutes of the 19<sup>th</sup> meeting of the Administrative Board, Vigo, 15 October 2013, p. 7.

<sup>279</sup> EFCA (2014) Minutes of the 20<sup>th</sup> meeting of the Administrative Board, Vigo, 13 March 2014, p. 5.

request the Agency to evaluate annually each JDP aiming at better compliance. In 2009, the Agency focused on developing performance indicators which were subsequently discussed in the context of the JDP Steering Groups. By 2010, the Agency included performance indicators in the MWP 2011-2015. The 2012 evaluation also refers to the inclusion of monitoring data for JDPs in the 2007 to 2010 AR. On the basis of the evaluation at the time, it was considered that the Agency had 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 Agency wished to avoid any hasty assessment, and preferred to contract external expertise to develop a sound methodology.<sup>280</sup>

Today, in this area, interview feedback points to a series of caveats in the context of assessing enhanced compliance: The MS have no comparative standards in terms of procedures and enforcement; and JDPs can only be considered a 'proxy' since the entire fleet is not covered, and each area has different species and gears.

The October 2016 AB meeting minutes note 'it was envisaged for the next meeting of the AB in spring 2017 to report on compliance evaluation. Two requests had been received from the North West Waters (NWW) Control Expert Group and the BALTFISH group from the Baltic Sea-basin region asking EFCA to work with regional Member State (MS) groups on a compliance evaluation exercise for the landing obligation'.<sup>281</sup>

This evaluation has taken a closer look at EFCA's assessments of the 2015 NS and BS JDPs.

#### *Assessment of the 2015 NS JDP*

The NS JDP, focusing on cod, plaice and sole has been implemented since 2008, evolving from short-term, small geographic area coverage to a joint campaign organisation based on year round collaboration and exchange of data and increasing flexibility in deployment of control means. A permanent campaign model was first implemented in 2014, for all areas covered by the NS JDP,<sup>282</sup> and for the entire operational period. The NS JDP provides the framework for the coordination of joint inspection activities, in line with the requirements of the North Sea SCIP for cod, plaice and sole,<sup>283</sup> that aims to ensure uniform and effective implementation of conservation and control measures and that control and inspection activities are carried out within the framework of a risk management strategy. Cod is managed under a recovery plan,<sup>284</sup> while a multi-annual plan is in place for plaice and sole.<sup>285</sup>

EFCA carried out a comprehensive assessment of the 2015 NS JDP, based on seven indicators. Generic objectives (Indicator 1) are to ensure coordination, cooperation, information exchange, inspection, promotion of the level playing field and cost-

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<sup>280</sup> EFCA (2012) Community Fisheries Control Agency, five-year independent external evaluation, final report, p. 88-90.

<sup>281</sup> EFCA, Draft minutes of the 26<sup>th</sup> meeting of the AB, 11 October 2016, p. 3.

<sup>282</sup> North Sea, Kattegat, Skagerrak, eastern channel, waters west of Scotland, and Irish Sea.

<sup>283</sup> Commission Decision 2013/328/EU of 25 June 2013.

<sup>284</sup> Council Regulation (EC) No 1342/2008 of 18 December 2008.

<sup>285</sup> Council Regulation (EC) No 676/2007 of 11 June 2007.

effectiveness. For each of these objectives, a series of criteria are evaluated qualitatively (Y/N) and in all cases the score obtained was Y.

General objectives are related to ensuring compliance with the recovery plan for cod and the conservation and control measures for cod, plaice and sole, while specific objectives include inspection activities of vessels identified by risk analysis, the promotion, monitoring and evaluation of compliance with the LO and accurate recording of discards in logbooks, the carrying out of inspections to identify areas where real-time closures should be established, monitoring of real-time closure compliance, and cross checking of information concerning transport of fish ashore (Indicator 2). As for the generic objectives, a series of criteria were evaluated qualitatively (e.g. 2.1.2 Targets for inspection identified) and the score was Y for all 12 criteria.

Indicators 3 (Total control task committed), 4 (Total control activity) and 5 (Analysis control task: Have activities met tasking requirements?) are quantitative. However, not all items were evaluated: for Indicator 3, there is no information on four out of eight indicators, for Indicator 4, four out of 14 items were not evaluated, and for Indicator 5, information is not available for four out of 15 items. Indicator 6 (Risk to compliance) is based on perception by MS experts of compliance in 2015 and expected changes to the fishery in 2016. The outputs are 'Traffic light' charts showing compliance (from very low to very high) with regard to threats to cod, plaice and sole stocks from different fishing gear in different ICES Divisions. Indicator 7 (Risk to stock status) is based on ICES stock assessments and advice. The status of cod, plaice and sole in different ICES Divisions is given. EFCA feedback on these findings suggests that some indicators were not evaluated because the JDP planning has changed from a nominative indication of a patrol vessel and a period of activity to an annual commitment in number of control days following the move to a continuous JDP implementation.

The NS JDP Assessment report concludes that the NS JDP strategic planning by the NS Steering Group, based on the NS JDP Regional Risk Analysis, effectively contributed to the identification of risks of non-compliance and provided the basis for the short term joint campaign operational planning by the NS Technical Joint Deployment Groups (NS TJDG). It should be noted that for the first time, risks associated with the LO were taken into consideration for the strategic planning for 2016. The short term operational planning carried out by NS TJDG effectively implemented targeting and inspection of vessels most likely to be in non-compliance on a regional basis. The analysis of the utilisation of means, cost effectiveness and the results of the NS JDP activities is globally positive, showing there is good cooperation between MS and support from EFCA and that control targets were met, with responsibilities shared equally between the MS. The importance of flexible planning and permanent exchange of information was highlighted.

However, it should be noted that although stock assessment results for plaice in Subarea IV (North Sea) and sole in Subarea IV (North Sea) show encouraging signs, this is not the case for the four cod stocks covered by this SCIP. This highlights the importance of the time scale necessary for evaluating the effectiveness of the regional risk management strategies: it could well be that for a species such as cod a longer period is required for management measures to show effect. In addition, EFCA noted in response that it is difficult to relate the status of the stock with the control activities alone as other external factors also need to be taken into account. This is a key point, especially for a species as sensitive to environmental parameters as cod.

A number of proposals and recommendations for improvements are given by the MS, with several calls for further developments in web-based platforms, data acquisition, harmonisation, treatment and exchange and sharing. Other recommendations include further development of methodologies for risk analysis.

#### *Assessment of the 2015 BS JDP*

The Baltic Sea JDP for cod, herring, salmon and sprat provides the framework for the coordination of joint inspection activities, in order to give effect to the requirements of the BS SCIP.<sup>286</sup> The effectiveness of the BS JDP for 2015 was evaluated based on the same indicators outlined above for the NS JDP, taking into consideration the requirements of the BS SCIP and trends in the fisheries, compliance issues, implementation, training and joint operations.

Globally, the results of the analysis of the indicators and the results are similar to those for the NS JDP Assessment. It is considered that implementation of the BS JDP in 2015 was successful, with well-established cooperation between MS and good support by EFCA. Recommendations include further improvements in joint control activities through concerted actions at the TJDG level with the aim to put into effect risk treatment measures, reviewing the scope of tasks to optimise the use of resources, and further development of FISHNET, the web based platform for data exchange.

As is the case for the NS and adjacent areas cod stocks, the situation of the BS cod stocks is not promising. Again, this could be explained by the fact that there has not been enough time for management measures to be effective. Additional confounding factors include climate or environmentally driven changes.

#### **Effectiveness – capacity building**

Aside from the operational effectiveness in terms of compliance levels, EFCA also discussed the effectiveness of capacity building activities. For the purpose of this evaluation, effectiveness has been assessed on the basis of the extent to which the CC are being, or are likely to be incorporated into MS training of fisheries inspectors. In order to do so, the number of Union inspectors who have been exposed to elements of the CC through MS training have been reviewed, and the reach of CC-related training delivered directly by EFCA has been considered.

In 2013, effectiveness was discussed during the October AB meeting when a MS AB member asked for information on the number of MS using the CC. The AB discussion which followed (contributions by the MS, ED and Chair) failed to provide an answer on the use of the CC.<sup>287</sup> Looking at industry use of the CC, at the October 2013 AB meeting, a MS AB member asked about giving industry access to the CC. The ED answered: 'the document was printed by the EU inter-institutional service OPOCE, but was not yet already available at the EU Bookshop'.<sup>288</sup> The Chair therefore asked the ED to come back to the Board on this.<sup>289</sup> The discussion resulted in the following agreement: 'The assessment of the actual implementation by Member States of the CC training courses and modules will be based on a template developed by the SGTEE and the results

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<sup>286</sup> Commission Decision 2013/305/EU of 25 June 2013.

<sup>287</sup> EFCA (2013) Minutes of the 19<sup>th</sup> meeting of the Administrative Board, Vigo, 15 October 2013, p. 3.

<sup>288</sup> EFCA (2013) Minutes of the 19<sup>th</sup> meeting of the Administrative Board, Vigo, 15 October 2013, p. 3.

<sup>289</sup> EFCA (2013) Minutes of the 19<sup>th</sup> meeting of the Administrative Board, Vigo, 15 October 2013, p. 3.

transmitted to the Board'.<sup>290</sup> Follow-up on this was discussed at the March 2014 AB meeting, with an EFCA survey indicating: '7 MS already started to use the CC course "Inspection at sea" or will do so in near future, 3 MS still have to decide on the use, and 1 MS expressed that it would not use it'.<sup>291</sup> EFCA's 2015 AR notes that, at a September 2015 SGTEE meeting in Copenhagen, seven of the 12 represented MS were already using core curricula training materials, and the other five were planning to do so in the near future.<sup>292</sup> One of EFCA's performance indicators is 'CC courses implemented: - Number of MS using CC training material'.<sup>293</sup> This is somewhat problematic, as it appears to consist of two different indicators, namely the number of CC courses implemented, and the number of MS using CC training materials.<sup>294</sup> The target for 2015 was '>80% of Coastal MS over three years (i.e. 26,67% per year).' EFCA achieved 30% in 2015 and thus exceeded its target. The indicator implies that 27% or more of coastal MS should be using CC materials each year. It would seem reasonable to expect that the percentage would increase each year, as more MS adopt relevant parts of the CC, and in this regard, EFCA notes that in 2016-2017, the annual objective will increase to 60% (2016) and 80% (2017) of coastal MS. EFCA's indicator provides no information about the extent of use of the CC by the MS that are using them (e.g. which courses, frequency of use, number of inspectors training using them, etc.). Thus, EFCA's target could be achieved with limited utilisation of the CC by relevant MS. EFCA's 2015 annual work programme states that 'The assessment of the actual implementation by Member States of the CC training courses and modules based on a template developed by the SGTEE and the results transmitted to the Board'.<sup>295</sup> The AB was informed of these results during the March 2016 meeting when reviewing the draft Annual Report for 2015. The reference to the template was replaced in the 2016 AWP by "a questionnaire on the needs of support from EFCA in Member State's national training services".<sup>296</sup> Questions 5 and 6 of this questionnaire addressed in particular the CC implementation by MS. In their responses, 14 MS indicated they were already using the CC material and 4 they were planning to do so. This result goes beyond the EFCA performance indicator for 2016 (>60% coastal MS).

Through the SGTEE survey conducted for this evaluation, an attempt has been made to understand the extent to which each of the CC volumes have been or will be incorporated into fisheries inspector training in MS. The responses are shown in Annex 4.9. The majority of the 13 responses indicate that the CC have been or will be fully or partly incorporated into MS training of inspectors.

The survey also looked at the reach of the CC. The question posed is: 'Since 2013, approximately what percentage of the fisheries inspectors in your country listed in the 2016 List of Union Inspectors have received training in subjects covered by the EFCA Core Curricula (CC)? (Note: please include training delivered by national authorities, EFCA, or any other body).' Responses are shown in Annex 4.9.

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<sup>290</sup> EFCA (2013) Minutes of the 19<sup>th</sup> meeting of the Administrative Board, Vigo, 15 October 2013, p. 13.

<sup>291</sup> EFCA (2014) Minutes of the 20<sup>th</sup> Meeting of the Administrative Board, 13 March 2014, p. 3.

<sup>292</sup> EFCA (2015) Annual Report.

<sup>293</sup> EFCA (2015) Annual Report p.65.

<sup>294</sup> In comments on a draft of this report, EFCA notes that the indicator is 'number of MS using core curricula training materials'.

<sup>295</sup> Annual WP 2015.

<sup>296</sup> MWP 2016-2020 and AWP 2016, page 35.

Two sets of data are provided in respect of each of the volumes: the first set of data in each pair indicates the percentage of Union inspectors trained in this subject. The second set of data in each pair indicates the percentage of Union inspectors trained in this subject using EFCA CC materials and methodology. The figure shows that in the 13 MS that responded to the survey, where Union inspectors have been trained in a specific subject since 2013, the training has often used the EFCA CC materials and methodology. For example, eight respondents indicated that more than 75% of Union inspectors have received training (from any source) in inspection at sea, and five of these respondents indicated that more than 75% of Union inspectors have been trained in this subject using the EFCA Volume 1 CC materials and methodology.

Combining survey responses with data in the list of Union inspectors, an estimate can be made of the minimum number of Union inspectors from 13 MS that have been trained since 2013 using the EFCA CC materials and methodology. This calculation indicates that at least 224 have received Volume 1 training, and at least 400 have received Volume 2a training.

Survey responses from three MS indicate that a high proportion of Union inspectors have been trained in all five subjects using the EFCA CC and materials and methodology. Responses from two other MS indicate that a high proportion of Union inspectors have been trained in at least four of the five subjects using CC materials and methodology. The response from one of these two MS implies that the use of the CC has had a positive effect on the quality of inspections carried out by its inspectors. Responses from two other MS with large numbers of Union inspectors indicate that they have been trained in the subjects covered by the CC, but not using the EFCA CC materials and methodology. One reason for this is that some MS are developing training at a faster pace than EFCA, and MS training is therefore considered to be more up to date than the EFCA CC.<sup>297</sup>

On the question whether EFCA provided sufficient support, and of the right type, in launching the CC in your country, four responses from the SGTEE survey indicated that support was not needed. Eight responses indicated that EFCA has provided sufficient support or the right type of support. One response to both questions was 'Not sure', as support is planned (i.e. not yet provided). One response indicates that EFCA is highly proactive in providing relevant advice and contacts when it has questions relating to the CC. In relation to this, in 2012, the effectiveness was discussed in relation to the fact that the CC were only available in English. One MS AB member noted that the country would translate the CC with their own resources.<sup>298</sup>

According to data provided by EFCA, the Agency has since the beginning of 2014, organised or contributed to 21 training events covering subjects related to the CC. These have involved 410 participants, from all 28 MS. The number of individual Union inspectors involved is likely to be less than 410, since some participants may have attended more than one event, and several of the participating MS are not coastal MS.<sup>299</sup>

Concerning the training of trainers, Council Regulation 1224/2009 differentiates between the training of trainers, and the training of Union inspectors. In practice, there does not appear to be such a clear cut distinction in EFCA's training activities. It is understood

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<sup>297</sup> In comments on a draft of this report, EFCA suggests that developing training for the CC is more complicated than developing training to be used in a single MS.

<sup>298</sup> EFCA (2013) Minutes of the 19<sup>th</sup> meeting of the Administrative Board, Vigo, 15 October 2013, p. 3.

<sup>299</sup> AT, CZ, HU, LU, SK.

that, with the exception of one event in 2014, which was focused specifically on trainers (workshop on the implementation of the CC, Vigo), training events have targeted inspectors, some of whom are also trainers. For this reason, it is not possible to indicate with any certainty the number of MS trainers participating in these events.

EFCA documents make some references to the training of trainers. The Agency notes that this is not restricted to the CC, but also covers JDP-related activities. EFCA's 2015 AR refers to the creation and dissemination of 'reference materials for the training of the trainers of the inspectorates and of Union inspectors before their first deployment, the CC [Core Curricula]<sup>300</sup> rather than to the development of a CC of the training trainers.<sup>301</sup> There are no specific performance indicators for the training of trainers or for the utilisation of CC trainer reference materials.

To further assess the effectiveness of the CC activities, the SGTEE survey asked 'Approximately how many fisheries inspector trainers in your country have received training or other support from EFCA regarding implementation of the Core Curricula (CC)?' Two respondents indicated that their trainers have not received any support from EFCA between 2014 and 2016. This is explained by the fact that they provide training covering the areas covered by the CC, but they do not make use of the EFCA CC. Responses from two MS indicate that one trainer from each of the two MS has received EFCA support in each of these years. In two cases, the total number of trainers supported in each year is significantly higher than other MS that responded to the survey. This appears to be relatively high in comparison to the number of Union inspectors that have been trained using the CC (as calculated above).

Concerning the training of Union inspectors before their first deployment, the evaluation indicates that, given that the current list of Union inspectors includes some 2,000 names,<sup>302</sup> it is unrealistic to expect that EFCA can directly train them all before their first deployment. This is reflected in one of EFCA's KPI: 'percentage of EU inspectors concerned trained by EFCA'<sup>303</sup> EFCA's KPI for 2015 was 10%, which it exceeded by 2.3 percentage points.<sup>304</sup>

Finally, to determine the effectiveness of the CC, this evaluation looked at the extent to which MS have been familiarised with the CC through training events, for further dissemination within MS. However, this is somewhat problematic, since it is unclear to what extent corresponding CC materials were available for training activities in 2014 and 2015, either in draft or final versions. A different approach to the same information is to consider the frequency of participation of different MS in these training events. However, the data shows that the landlocked MS have been amongst the more frequent participants, whereas some coastal MS have participated relatively infrequently. This is not a reliable guide to MS application of the CC, since infrequent participation may

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<sup>300</sup> European Fisheries Control Agency, 'Annual Report 2015', p.63.

<sup>301</sup> Council of the European Union, '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', Article 120, 3. (a).

<sup>302</sup> European Commission, 'COMMISSION IMPLEMENTING DECISION (EU) 2016/706 of 3 May 2016 Establishing the List of Union Inspectors Who May Carry out Inspections pursuant to Council Regulation (EC) No 1224/2009'.

<sup>303</sup> European Fisheries Control Agency, 'EFCA's Multiannual Work Programme 2016-2020 and Annual Work Programme 2016', p.35.

<sup>304</sup> European Fisheries Control Agency, 'Annual Report 2015', p.65.



indicate that MS needs are highly specific, or that MS are already implementing inspector training equivalent to, or more advanced than the core curricula.

**Table 12 - Outcome assessment of EFCA training events in 2015 and 2016**

Event	Year	Location	Participants	Outcome (% of good or very good)
IUU Advanced training workshop	2016	Las Palmas (ES)	19	100% good/very good
Participation in Malta National Training (IUU + Inspection)	2016	Valetta (MT)	28	Not available (national event)
MED National Training Fisheries Inspectors	2016	Livorno (IT)	16	Not available (national event)-
IUU Newcomers training workshop	2016	Vigo (ES)	18	100% good/very good
Participation in BE national training	2016	Oostende (BE)	10	Not available (national event)-
BS Basic Training for Fisheries Inspectors (with Unit B)	2015	Klaipeda (LT)	10	100%
Black Sea Training for Romanian Inspectors	2015	Bucharest (RO)	20	95%
Black Sea Training for Bulgarian Inspectors	2015	Burgas (BG)	43	92%
IUU advanced workshop	2015	Aarhus (DK)	28	100%
IUU advanced workshop	2015	Hamburg (DE)	27	100%
IUU Workshop for newcomers	2015	Vigo (ES)	24	100%

**Source:** Based on data provided by EFCA

It is important to note that making the adoption of the CC by MS mandatory would most likely change the situation in terms of effectiveness. Interview feedback from EFCA suggests that the mandatory adherence of the MS to the CC would be a desirable improvement to the Control Regulation. Furthermore, the EP supports the implementation of a uniform European training curriculum for fisheries inspectors based on a common syllabus and standardized rules.<sup>305</sup>

Training is also an essential component of the assistance provided by EFCA in relation to the implementation of the IUU Regulation, including the catch certification scheme. These training events provide guidance on technical issues with regard to the verification of catch certificates, provide a platform for the exchange of experiences and the development of best practices, as well as establish a network of administrative cooperation and exchange of information among the MS. This evaluation finds that the IUU training provided by EFCA is considered effective and has been considered of significant impact by the IUUSG, although measuring its impact at MS level is another matter. This type of training is perceived as having contributed to a high level of awareness and a more uniform and harmonised approach to IUU implementation in the EU. The use of practical exercises, case studies, field visits, etc. appears to be appreciated, as well as the opportunity to exchange experiences and identify best practices.

<sup>305</sup> European Parliament resolution of 25 October 2016 on how to make fisheries controls in Europe uniform (2015/2093(INI)).

There appear to be a limited number of staff that are dedicated exclusively to assistance to the EC in relation to third countries. This involves tasks such as the analysis of catch certificates and processing statements (usually in the thousands), support to missions carried out by the EC to third countries, assistance to third countries by providing training in basic fisheries inspection, which may at times place a significant burden on staff.

## 2.2.8 Impact

### 2.2.8.1 Introduction

In line with the EC Guidelines on Better Regulation this evaluation looks at the impact of EFCA. This section addresses the evaluation question: 'To what extent have intended wider objectives (evidenced by impacts) been achieved?'. The evaluation question was addressed on the basis of desk research, interviews with AB / ADVB members and EFCA staff, and survey feedback.

### 2.2.8.2 Findings on impact

Annex 4.5 shows survey feedback on EFCA activities' contribution to the sustainable exploitation of living aquatic resources and enhanced level playing field between fisheries of the different MS. The presentation of data is organised by fisheries region. For example, data on impact in the MED region draws exclusively on feedback from this region's stakeholders.

In line with the intervention logic presented in this report, the wider objectives are:

(WOB.1) Sustainable exploitation of living aquatic resources

(WOB.2) Enhanced level playing field between fisheries of the different MS

Overall AB survey feedback on impact of EFCA's activities on the sustainable exploitation of living aquatic resources is positive (WOB.1). In the MED, one AB respondent from a large coastal state disagreed with the impact. Concerns are consistent with this AB respondent's negative perception of effectiveness. This AB respondent did not suggest that there was no evidence of more sustainable exploitation of living aquatic resources but challenged the contribution of the Agency to this, considering that the MS play a more important role in this area since they deploy the means to ensure control and inspection and therefore contribute to achieving wider objectives. In fact, AB survey and interview feedback suggested that EFCA plays a more important role in terms of enhancing the level playing field between fisheries of the different MS (WOB.2) rather than the sustainable exploitation of living aquatic resources (WOB.1). However, this evaluation does not identify this as a shortcoming of EFCA's impact but rather relates this finding to the fact that the sustainable exploitation of living aquatic resources is conditioned by a wide variety of external factors over which EFCA has no control. In the BS and NS, AB respondents do note the impact of EFCA on both wider objectives.<sup>306</sup> As with effectiveness, AB respondents show more 'no views' on impact in NAFO and NEAFC.

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<sup>306</sup> Note that the feedback on impact in the Black Sea is not shown in the tables below. The main reason is that only one MS operating in the Black Sea answered. Nevertheless, this AB respondent rated EFCA's impact high on both wider objectives.

This is also consistent with the limited number of control operations carried out in these areas.

In relation to the impact on the sustainable exploitation of living aquatic resources, the role of EFCA is arguably limited within, for example, a larger framework such as the Control Regulation (CR). Attempts could be made to attribute improvements in the situation of specific fish stocks to EFCA. However, even within the wider framework of the CR, other external factors such as climate change or different conservation and management measures as well as fleet reduction could influence fish stocks. Not surprisingly, fish stocks show regional differences with for example NEA showing positive developments while in the MED stocks are increasingly over-fished.<sup>307</sup> The situation in the MED is challenging from a fisheries control perspective due to factors such as the predominance of small-scale fishing vessels and their high numbers and difficulties in monitoring these vessels. This is further compounded by the concentration of fishing effort in coastal waters and that most of the MED are international waters in the areas beyond territorial waters. Most of these small-scale vessels are exempted from the installation of VMS and data collection requirements are generally much more less intensive for this sector. In fact, interview feedback from EFCA suggests that monitoring requirements should be strengthened for these small vessels, considering that cheap satellite technologies are now available for this purpose. Further, involvement of the Agency in the MED is limited to highly migratory species and small pelagic species in the North Adriatic, i.e. no activity on the demersal species or the rest of small pelagic species.

A factor that could be elaborated is EFCA's support to MS on CFP enforcement. As discussed in the effectiveness section, EFCA contributed to more effective and uniform application of the CFP through initiatives such as the Regional Risk Management Strategies. Whether this subsequently led to more sustainable exploitation of living aquatic resources indicated by better fish stock conditions is hard to say. EFCA's 2015 assessment of the NS JDP showed encouraging signs for plaice and sole. However, the stock assessment was less positive for the cod stocks covered by the SCIP. As mentioned by EFCA, longer time scales would be necessary to better address this. For now, it remains difficult to distinguish and quantify the various environmental factors that influence the objective for sustainable exploitation of living aquatic resources. The same can be said about the socio-economic conditions of fisheries as a result of the EFCA activities. Changes over the period under evaluation are noted for the gross value added and the landings income,<sup>308</sup> however, this can only be partly traced back to the effective and uniform application of the CFP. It is noted that external factors influence the economy of the fisheries sector, most importantly the market conditions, fuel prices, and financial interest rates.

As with the impact on sustainable exploitation of living aquatic resources, EFCA's role with regard to the level playing field between fisheries of the different MS is also limited within the larger framework of the Control Regulation. However, the AB survey respondents recognised EFCA's role more clearly. Interview feedback suggests that EFCA plays an important role in ensuring the exchange of information, inter alia, coming from the VMS. The relevance of the VMS data has been discussed earlier in this report in light

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<sup>307</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0388&from=EN>.

<sup>308</sup> CR evaluation report, p. 37.

of the case-study work on inter-agency cooperation between EFCA, EMSA and Frontex. The use of VMS and ERS data across the industry is an area addressed through the CR. Data shows increasing numbers of large vessels equipped with VMS.<sup>309</sup> EFCA makes a strong contribution to the proper use of this data and exchanges between MS. Another important element of the level playing field is the harmonisation of inspection standards. Problems in the area of inspection are clearly still obstructing the level playing field between fisheries of the different MS, in particular, the different application between MS. However, EFCA training activities contribute to the harmonisation of inspection standards and can therefore be considered to contribute to enhancing the level playing field.

To illustrate this, the evaluation looked at the extent to which the CC contributes to a level playing field in the implementation of the CFP. Most SGTEE survey respondents (13) consider the CC to make a lot of difference to the achievement of a level playing field.

This suggests that the CC are at least increasing mutual confidence amongst MS. One response indicates that the CC have had a positive effect on the quality of inspections carried out by inspectors from that MS, suggesting convergence with the approaches and standards implied by the CC. However, two responses introduce an element of doubt. One notes that the CC are not uniformly used in all MS. This implies that positive responses may be based primarily on how respondents perceive the efforts of their own MS to apply the CC, rather than on perceptions of what other MS are doing in practice. If this is the case, there may be a need to develop a mechanism to provide mutual assurance of the uniform application of the CC, or training equivalent to (or more advanced than) the CC. The other cautionary response implies that the slow pace of CC development discussed earlier in this evaluation is perhaps a constraint on the establishment of a level playing field, as it is not always as up to date in reflecting legislative changes as some MS' own training. Thus inspectors trained using the CC may be following some rules that are not as up to date as the rules followed by inspectors from MS that have a faster training updating cycle. EFCA notes that development and adjustment of the CC is more complex than for training in any single MS, as it involves consultation with MS representatives. Moreover, printing undertaken by the Office of Publication (pre-press work, proof reading, etc.) takes several months. EFCA suggests that the process could be accelerated by moving to electronic-only publishing, and it already offers various training resources in electronic format. Finally, EFCA noted that there has been interest in the CC outside the EU, with the implication that it may have some impact beyond the EU. For this reason, the EC specifically asked EFCA to produce a course on sea and port inspections for inspectors from third countries.

Further on training and the impact on the level playing field, this evaluation looked at whether IUU training provided by or given with support of EFCA has made a significant impact in the implementation of the CCS. IUU Steering Group survey respondents generally indicated a significant to very significant impact. This implies that EFCA played a crucial role and this is interpreted as providing the opportunity for officials from MS to discuss key issues, present case studies and identify best practices, thus making a significant impact on creating a level playing field and the uniform/harmonious implementation of the CCS across the EU (see Annex 4.11).

To sum up, determining whether the EFCA wider objective relating to the sustainable exploitation of aquatic resources has been met is difficult to say. The conditions of fish

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<sup>309</sup> CR evaluation report, p. 46.

stocks differ between and within regions, and are affected by conditions external to EFCA's involvement. Nevertheless, this evaluation does point to areas that are of relevance to influence sustainable exploitation such as EFCA's activities to contribute to more effective and uniform application of the CFP. Specific focus would be placed on inter-regional cooperation through initiatives as the Regional Risk Management Strategies, but also activities to ensure the use of vessel monitoring data and electronic catch certification. Concerning the enhancement of the level playing field between fisheries of the different MS, this evaluation identifies the important role of EFCA in harmonising inspection standards. Generally spoken, it is noted that evidence pointing to the achievement of wider objectives is difficult to obtain. However, AB respondents do note that on the MS level there is evidence that may support impact for sustainable exploitation of living aquatic resources or evidence for an enhanced level playing field between fisheries of the different Member States. It is worth noting that AB respondents from the MED point to some evidence of impact in the region. This is surprising considering the data on fish stocks presented earlier. Nevertheless, the evidence of impact is according to interview feedback particularly coming from the BFT JDP in the region.

## 2.2.9 Sustainability

### 2.2.9.1 Introduction

In line with the EC guidelines on Better Regulation the evaluation looks at the sustainability of the EFCA activities: 'Sustainability: How likely are the effects to last after the intervention ends? It is often hoped that the changes caused by an intervention are permanent. It can be important to test this expectation for interventions which have a finite duration, such as particular programmes'.<sup>310</sup> This section addresses the evaluation question: 'To what extent are EFCA outputs and results resilient to a discontinuation of support by EFCA?'. The evaluation question was addressed on the basis of desk research, interviews with AB / ADVB members and EFCA staff, and survey feedback.

### 2.2.9.2 Findings on sustainability

Survey feedback from AB respondents showed that, in particular, EU operational tasks<sup>311</sup> are considered sustainable (58%/45 out of 78 very strong sustainability and strong sustainability), followed by implementation tasks<sup>312</sup> (52%/82 out of 158) and international operations<sup>313</sup> (45%/23 out of 51). However, it is worth noting the high levels of 'no view' for these two tasks (respectively 26%/41 out of 158 and 35%/18 out of 51) indicating that AB respondents struggle with determining whether results are sustainable.

If broken down to individual activities, AB respondents expect that when EFCA terminates JDP activities, the results are sustainable. This is consistent with this evaluation's findings

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<sup>310</sup> EC (2015) Better Regulation Guidelines, p. 57.

<sup>311</sup> EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors; EFCA Fisheries Information System; Joint Deployment Plans.

<sup>312</sup> Implementation Tasks: New technologies for Maritime Surveillance; Common Information Sharing Environment (CISE); Union Inspectors; EFCA Coordination Centre; Compliance Evaluation; Landing Obligation.

<sup>313</sup> International Operations: IUU evaluation missions to Third Countries; Capacity Building for Third Countries.

on the relevance of EFCA and the coherence of JDP activities. The sustainability of international operations is not very clear in the eyes of AB survey respondents. In particular, on these tasks the respondents have high levels of no view. This corresponds with findings of this survey relating to questions on the results of activities conducted by EFCA relating to the international dimension. Concerning the sustainability of implementation tasks, AB respondents consider that EFCA activities on the LO can be considered sustainable in terms of contributing to permanent change. The AB survey respondents considered that EFCA tasks concerning the LO would continue even without further EFCA support. In some regions, however, AB respondents suggested that sustainability is weak. This could relate to the fact that in those areas regional cooperation on the LO is relatively new or weak. It is noticeable that where EFCA started its activities on the LO, namely in the BS, AB respondents did not consider sustainability to be weak.

Interview feedback from EC AB members pointed to the idea that without EFCA, joint-inspection efforts would not be sustainable as MS would implement their own plans. For example, the common standards promoted by EFCA are now reducing discrimination in inspection. This appears to be a contradiction with survey results, where the results of JDPs are considered sustainable even after termination of EFCA activities in this area, which may be due to a confusion between relevance and coherence criteria in the survey. All indicates that there is indeed a need for a continuing role of EFCA in terms of operational coordination and the deployment of JDPs.

Concerning the allocation of resources, this evaluation notes that EFCA's 2015-2019 MWP indicates some reallocation of resources away from CC development: 'Core Curricula: the resources and budget needed until now for the development of new courses will be partially available for other activities'.<sup>314</sup> This indicates a shift in focus to course updating, and the introduction of different delivery mechanisms such as the e-learning platform. This evaluation noted that the majority (85%/11 out of 13) of SGTEE survey respondents supported continuation of work on the CC. None of the respondents indicated that EFCA should stop developing new volumes or modules. EFCA notes that the SGTEE was consulted about this, and it was approved by the AB.

Sustainability is likely to be enhanced by EFCA efforts to reach more people with the CC directly, through the e-learning platform. However, sustainability may be undermined if the CC do not reach a critical level of credibility, for example because they are perceived to be out of date, or because of a lack of mutual assurance about their application. Continued, effective MS engagement in the ongoing development and updating of the CC is important for sustainability. This could be enhanced by making participation in SGTEE meetings more convenient for MS representatives, for example through increased use of high quality video conferencing. This would seem to be in line with EFCA's plans to make increased use of remote collaboration tools.

In relation to the CC, it is important to point out that the EP supports the implementation of a uniform European training curriculum for fisheries inspectors based on a common syllabus and standardised rules.<sup>315</sup> This would entail a much more significant role for the EMFF with a need for amendments to the current legislation and further resources. As

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<sup>314</sup> EFCA, AWP 2015.

<sup>315</sup> European Parliament resolution of 25 October 2016 on how to make fisheries controls in Europe uniform (2015/2093(INI)).

mentioned above, this evaluation notes there is EFCA support for the mandatory adherence of the MS to the CC which could be a desirable improvement to the Control Regulation. This implies that more is needed in terms of achieving a level playing field in the area of inspections across the EU, which points to further efforts before sustainability can be achieved.

## 2.2.10 Gender

### 2.2.10.1 Introduction

This section addresses the evaluation question: 'To what extent has EFCA mainstreamed gender considerations into its activities?'.

### 2.2.10.2 Findings on gender

The EFCA 2015 AR notes 'EFCA promotes a policy of equal treatment and would aim to have an optimal gender balance among its staff. The Agency has an equal treatment statement included in each vacancy notice published'.<sup>316</sup> In 2015, the percentage of female staff members is 36% (71% for staff directly related to the Executive Director, 72% in Unit A, 30% for Unit B and 19% for Unit C). At the end of 2016 the percentage of female staff has increased to 38 % (63% for staff related directly to ED, 61 % in Unit Resources & IT, 21 % in Unit Operations, 21 % in Unit Programmes & Assistance).<sup>317</sup> Comparing this figure with other EU Agencies with a thematic portfolio characterised by a 'traditional' dominance of male staff, we note the percentage of female staff in EMSA as 36% (2014), ERA 38% (2015), CPVO 60% (2015), GNSS 30% (2014), ENISA 40% (2014) (all figures from the respective Agency's latest Annual (Activity) Report). Several other EU Agencies fail to refer to gender policy in their annual reporting, e.g. EASA,<sup>318</sup> EU-LISA.<sup>319</sup>

EFCA interview feedback confirms that it remains difficult to attract suitably qualified female candidates for the operational Unit; recruitment boards respect the gender balance; the evaluators have not identified any specific EC guidance for Agencies on how to address the gender imbalance with regard to Agency staff; there is no specific project on gender (note that EFCA human resources management at times addresses specific issues with dedicated 'projects', e.g. a specific project on harassment).<sup>320</sup>

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<sup>316</sup> EFCA (2016) AR 2015, p. 77.

<sup>317</sup> EFCA feedback based on the draft of the AR for the year 2016.

<sup>318</sup> EASA (2016) Annual Activity Report 2015.

<sup>319</sup> EU-LISA (2016) Annual Activity Report 2015.

<sup>320</sup> Note recent references to the situation of gender in fisheries in the work of the EP's Committee on Fisheries, including an Action Plan on Gender Mainstreaming: 'Commissioned studies should (if relevant) take into account the situation of the rights of women related to the topic, analysing the effective impacts of the proposed policies on gender equality and proposing possible alternative policies to reduce gender inequalities and discriminations. Moreover, an overall study should be promoted on the women's situation and role in the EU fisheries field, in order to get a clearer picture of the current situation.' EP (2016) Minutes, Meeting of 8 September 2016, PECH\_PV(2016)0908\_1.

# 3 Conclusions, recommendations and suggestions

This section presents the conclusions, recommendations and suggestions.

## 3.1 Conclusions

The conclusions are organised in line with the ten evaluation criteria.

### 3.1.1 Follow-up on the last evaluation

EFCA's follow up on the recommendations issued by the last evaluation has been highly satisfactory.

The follow-up was systematic and strategic with regular reviews of the state of implementation of the recommendations and integration in EFCA strategic documents. In some cases, recommendations cannot be considered 'closed', however, in these cases the recommendations were of a continuous nature. This is particularly valid for recommendations relating to the evaluation criteria of effectiveness and impact, but also the working practices of EFCA and its AB.

In the evaluator's view, EFCA needs to continue its efforts with the monitoring of effectiveness, e.g. what is the level of use of the different methodologies on cost effectiveness; is there evidence for EFCA operational coordination contributing to increased MS compliance; what is the actual use of the CC activities and is there evidence for results? Further, this evaluation finds that:

- Whilst the AB rules of procedure allow for the invitation of observers to AB meetings, in practice it appears that not much use is made of this possibility.
- AB members have become more active at the meetings since 2012. However, stakeholders have noted the need for further reflection on how meeting time spent on technical issues can be reduced to allow for more room for strategic issues. Similarly, stakeholders argued for less time to be dedicated to inform AB members on day-to-day EFCA activities. The evaluators understand that it is challenging to find the right balance between informing AB members of necessary technical detail and more strategic discussions. Considering that the AB is in charge of Agency 'oversight', reporting to the AB members on technical details is instrumental.
- Despite efforts to establish indicators for assessing MS cooperation and compliance with regard to CFP requirements and capacity development, existing indicators (e.g. KPIs) require further development to render justice to results achieved, i.e. providing evidence of actual change with regard to CFP compliance and related capacity.
- EFCA adopts a constructive approach towards strengthening MS cooperation and enhancing compliance with the rules of the CFP. Compliance of the MS with the treaties and derived regulation is not EFCA's mandate but a responsibility of the EC. In order to foster trust, this approach would benefit of stronger communication with relevant stakeholders, most notably the EC.

EFCA maintains regular contact with the main scientific bodies (e.g. ICES) and participates in relevant meetings in order to take stock of scientific evidence on the development of fish stocks. At the same time, EFCA's participation in the Expert Group



on Compliance ensures exchanging data on compliance with the CFP requirements, in accordance with MS data ownership requirements. Together these efforts are now an integral part of the EFCA risk assessment and evaluation.

Finally, considering some of the original evaluation questions as phrased in the ToR, the above discussion of 'follow-up' on the recommendations issued by the last evaluations, comprises a series of elements speaking to two of the original questions. Considering the question 'To what extent do EFCA's governance regime and management systems and processes, including monitoring, contribute to the efficiency and effectiveness of its operations? How can they be improved?', the discussion in this section has shown that EFCA is engaged in an ongoing process of 'instrumentalising' governance to maximise efficiency, most notably, via ongoing efforts to enhance working practices. Similarly, the discussion presents a first response to the question 'To what extent are the EFCA's objectives and activities coherent with: 1) the Common Approach of the European Parliament, the Council and the European Commission and the European Commission's Roadmap for raising the effectiveness and improving the governance of the decentralised Agencies; 2) the new CFP and its external dimension?' in terms of providing evidence of EFCA efforts to improve its governance.

### 3.1.2 Relevance

EFCA objectives largely correspond to MS needs and to the level of EU policy, both in the view of AB stakeholders as well as industry representatives.<sup>321</sup>

Stakeholders consider EFCA's mission to correspond slightly more to the EU policy level than the MS policy level. This supports the presence of different MS and EC interests, and, at the same time, a common understanding by 'group members' on EU goals in terms of fisheries control and inspection. This evaluation finds that EFCA plays a facilitating role in ensuring that members of the 'fisheries group' (i.e. MS, EC and industry) harmonise individual interests in order to achieve optimal outcomes of the established common objectives. The way in which EFCA operationalises this role, best described as 'honest broker', is by fostering trust between members of the group, repeated face-to-face interaction (i.e. through AB, SG, TJDG, etc. meetings and ADVB meetings), and the establishment of transparent and inclusive working procedures (i.e. allowing observers to attend meetings and publishing AB meeting minutes and decisions online). Further, this evaluation finds that:

- Stakeholders acknowledge differences in terms of relevance between their own MS and other MS. At the same time, stakeholders consider some mission elements to require an EU approach beyond a national approach.
- MS level governance structures influence the ability of AB members to comment on mission elements that address different policy areas besides fisheries.

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<sup>321</sup> Operational objectives: to coordinate control and inspection by MS relating to the control and inspection obligations of the Union; to coordinate the deployment of the national means of control and inspection pooled by the MS; to assist MS in reporting information on fishing activities and control and inspection activities to the EC and third parties; in the field of its competences, to assist MS to fulfil their tasks and obligations under the rules of the Common Fisheries Policy (CFP); to assist MS and the EC in harmonizing the application of the CFP throughout the Union; to contribute to the work of MS and the EC on research into and development of control and inspection techniques; to contribute to the coordination of inspector training and the exchange of experience between MS; to coordinate the operations to combat Illegal, Unreported and Unregulated (IUU) fishing in conformity with Union rules; to assist in the uniform implementation of the control system of the CFP.

- Stakeholders perceive less change in relevance of EFCA's mission on the national level compared to the EU level. This change is related to the reforms of the CFP.
- EFCA objectives that 'contribute' to MS policy are considered more relevant than objectives that 'coordinate' or 'assist'. This evaluation finds that stakeholders perceive these as 'softer' and therefore less conflictive with the needs of MS compared to the other objectives which increase the weight of the role of EFCA on the national level.
- MS stakeholders consider that EFCA assistance to MS in reporting on fishing activities and control and inspection activities to the EC and third parties is least relevant on both MS and EU policy level. This objective is perceived as supporting rather the interests of the EC than the MS. This falls in line with the findings on the previous section (follow-up on the last evaluation) and points to the constructive approach of EFCA to avoid the perception that the Agency pursues compliance of the MS to the treaties and derived regulation which is not EFCA's mandate but a responsibility of the EC.
- The challenge for EFCA is to bring different elements of the fisheries control and inspection together through the coordination of activities. In this regard, the coordination of control and inspection by MS relating to the control and inspection obligations of the EU and the objective to coordinate the deployment of national means of control and inspection pooled by the MS are considered most relevant. Stakeholders associate this with the work of EFCA in relation to the JDPs.
- Stakeholders consider EU operations<sup>322</sup> of EFCA relevant to needs at the level of EU policy. At the same time, findings indicate that the implementation tasks<sup>323</sup> concerning the landing obligation are considered relevant which points to increased relevance for activities that support MS in the implementation of CFP reforms.
- Coordination by EFCA concerning the operations to combat IUU is considered least relevant to the MS policy level. This view is held predominantly by the AB members from coastal MS, operating in the MED, two of which are important fisheries countries, including with activities in WW and NEA. Importantly, AB respondents from the EC do not share this view, predominantly considering this objective relevant to MS needs.
- EFCA's mission to coordinate the operations to combat IUU fishing is considered relevant but questioned both from the perspective of prioritisation over the mission statements concerning support to MS and the EC in relation to the CFP as well as visibility of what the coordination of IUU operations by EFCA entails.

Finally, reflecting on the original evaluation questions, 'How is EFCA adapting to the changes in the EU CFP?' and on the question 'To what extent do the original objectives assigned to EFCA (still) correspond to the needs within EU policies', this evaluation finds that mission elements as specified in Council Regulations (EC) No 768/2005 and (EC) No 1224/2009 largely correspond to needs of relevant stakeholders. Changes in needs of stakeholders were adequately addressed by EFCA through specific activities such as those relating to the CFP reforms, i.e. implementation of the LO. In addition, the changes

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<sup>322</sup> EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors; EFCA Fisheries Information System; Joint Deployment Plans.

<sup>323</sup> Implementation Tasks: New technologies for Maritime Surveillance; Common Information Sharing Environment (CISE); Union Inspectors; EFCA Coordination Centre; Compliance Evaluation; Landing Obligation.

in the Founding Regulation in 2016 in relation to the mission elements (Article 3(i) and (j)) are considered relevant in light of the current reality in which EFCA operates.

### 3.1.3 Coherence

This evaluation concludes that EFCA activities in relation to EU operations<sup>324</sup> and implementation tasks<sup>325</sup> to a large extent correspond to EFCA's mission as specified in the regulatory framework. EFCA's activities in relation to international operations<sup>326</sup> correspond to a large extent to EFCA's mission, but are affected by different views on prioritisation.

This evaluation finds that EFCA is confronted with a scenario in which despite the perceived relevance of EFCA activities, some are considered less aligned with the mission as specified in the Founding Regulation. This particularly relates to activities associated with international operations. This evaluation finds that from a legal point of view, there is no evidence to argue that international operations do not correspond to the regulatory framework, especially considering Article 30 of the CFP Regulation. However, the views of MS stakeholders in terms of relevance differ, and this presents EFCA with several options on how to align activities relating to the international dimension with MS needs. The main approach identified is the prioritisation of activities in a way to cater to both, the alignment of objectives as well as the relevance of the problems. Whether this is also the case for international operations cannot be confirmed with certainty, partly because of the fact that the debates on this issue have taken place recently (in 2015). Prior to this, the evaluators do not identify a clear strategy in relation to the EFCA activities in the fight against IUU, SFPAs or RFMO related activities. The main reasons identified for this are: 1) suggested lack of resources limits the scope for strengthening international operations; 2) these activities depend on EC requests which arguably places limits on the role of the Agency in this issue; 3) lack of awareness from MS stakeholders on the international operations as well as awareness of third parties on the involvement of EFCA in third countries' capacity building. Further, this evaluation finds that:

- International operations are not always seen by MS stakeholders as in line with the operational objectives, in particular the IUU evaluation missions. The main view identified is that international operations are not always considered a 'core' activity of EFCA and that the main focus of the Agency should be on assisting MS, or developing first activities in EU waters and after that in waters adjacent to EU waters.
- Landlocked countries perceive higher correspondence of international operations in relation to the mission elements/ operational objectives. Such complementarity could be attributed to the issue of importation of fish rather than fisheries itself.
- Stakeholders hold different views on the implementation tasks of EFCA regarding the Union Inspectors. Whilst AB stakeholders consider this to be aligned with the EFCA mission, EFCA feedback points to the limited role of the Agency by mainly providing Union Inspectors with the proper documentation to act as Union Inspector.

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<sup>324</sup> EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors; EFCA Fisheries Information System; Joint Deployment Plans.

<sup>325</sup> Implementation Tasks: New technologies for Maritime Surveillance; Common Information Sharing Environment (CISE); Union Inspectors; EFCA Coordination Centre; Compliance Evaluation; Landing Obligation.

<sup>326</sup> International Operations: IUU evaluation missions to Third Countries; Capacity Building for Third Countries.

EFCA activities and objectives largely complement those by other relevant actors, in particular the MS and the EC, but also international organisations and to a limited extent the private sector. This evaluation finds that EFCA increasingly consults/collects feedback from private sector players, in particular through the ADVB meetings and by attending AC meetings, with the result of perceived complementarity of EFCA activities by the private sector players to their activities. This is contrasted by the views of AB stakeholders that do not necessarily perceive EFCA activities to be complementary to private sector activity. This is mainly explained by the limited understanding of the role and outcome of interaction between EFCA and private sector players. Further, this evaluation finds that:

- EFCA activities are complementary with activities of international organisations (such as RFMOs), in particular in the area of capacity building in third countries. However, this evaluation finds that alignment between activities of international organisations and EFCA can be improved in the eyes of some stakeholders. There are difficulties in terms of singling out the EFCA activities from the EU activities on the international scene. Two elements are important in this context: 1) stakeholders from international organisations do not clearly differentiate between the EC and EFCA due to the required EC mandate for EFCA to operate on the international dimension; 2) the EFCA international dimension covers also activities closely related to EU areas, such as for JDPs and RFMO, which complicates the differentiation.
- EFCA activities are complementary with activities of MS. Arguably an important driver for the alignment of activities is the EFCA-MS-EU interaction which largely take place within the AB governance arrangements.
- EFCA activities are complementary with activities of EU actors, in particular with EU Agencies in light of inter-agency collaboration. Two important drivers for the alignment of activities are the MARSURV initiative which allows other EU Agencies (and also MS) to make use of data, in particular VMS, made available through EFCA. The other driver relates to the development of the European Coast Guard in collaboration with EMSA and Frontex.

Finally, considering the original evaluation questions, on the question 'To what extent where the objectives and operations of EFCA between 2012 and 2016 in line with the needs of the stakeholders?', this evaluation concludes that activities in relation to EU operations and implementation tasks to a large extent correspond to EFCA's mission as specified in the regulatory framework. EFCA's activities in relation to international operations correspond to a large extent to EFCA's mission, but are affected by different views on prioritisation. Partly this issue has been clarified towards the end of 2015 when the international dimension was extensively discussed and clarified in the AB. Concerning the question 'To what extent do the EFCA's objectives and activities complement or duplicate those of other public and private actors, relevant services of the EC, other EU institutions (including EU Delegations)?', this evaluation concludes that EFCA activities and objectives largely complement those by other relevant actors, in particular the MS and the EC, but also international organisations (such as RFMOs and FAO) and to a limited extent the private sector.

### 3.1.4 Utility

EFCA has committed during the period under evaluation to a wide range of training as well as operational activities. In order to determine to what extent the EFCA outputs and

results satisfy the needs at the level of EU policy and the level of the MS, this evaluation has selected two training areas that encompass a large part of the strategy namely the development and utility of the Core Curricula for fisheries inspectors and Union Inspectors as well as the training on the implementation of the IUU regulation. For operational activities, this evaluation has focused in more depth on EFCA assistance in light of the CFP reforms, in particular the LO and inter-regional cooperation.

This evaluation concludes that EFCA outputs and results to a large extent satisfy the needs at the level of EU policy and needs at the level of MS.

Concerning the utility of capacity building activities relating to the CC for fisheries inspectors and Union inspectors, this evaluation finds that EFCA satisfies needs at the MS level as well as EU policy needs. Further, this evaluation finds that:

- EFCA is fulfilling the requirements of Article 7 (a) and (b) of Regulation (EC) no. 768/2005 as modified by Article 120 of Regulation (EC) no. 1224/2009,<sup>327</sup> and the CC are in line with MS expectations.
- EFCA data indicates a high level of participant satisfaction with the training that it organises or contributes to. This confirms satisfactory outputs of the training activities. However, there is limited insight regarding the changes or medium-long term results of the training.
- The pace of CC development is largely positive. However, it has been suggested that the application of the CC by MS could be enhanced if development and updating of the curricula to reflect changes in legislation could be further accelerated. EFCA feedback does note that possible delays in updating are mitigated through 'best practises training sessions' which aim at addressing new legislative/regulatory provisions.
- The perception on role of the CC in contributing to a level playing field is largely positive. However, this evaluation cannot determine the extent to which the CC are used in different MS. This implies that positive responses may be based on how efforts to apply the CC are perceived per MS, rather than on perceptions of what other MS are doing in practice. The development of a sectoral qualification framework may further improve the effectiveness of the CC. One of EFCA's KPI assesses the number of MS using the CC but it does not address aspects such as the extent of its utilisation, which modules, or the number or percentage inspectors exposed to the training.

Concerning the utility of capacity building activities relating to the IUU assistance, this evaluation finds that EFCA has made significant achievements to satisfy needs at the MS level as well as EU policy needs. Training is an essential component of the assistance provided by EFCA in relation to the implementation of the IUU Regulation, including the CCS.

Further, this evaluation finds that:

- The objectives of IUU training events is to provide guidance on technical issues with regard to the verification of catch certificates, provide a platform for the exchange of experiences and the development of best practices, as well as establish a network of

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<sup>327</sup> Council of the European Union of 20 November 2009 Establishing a Community Control System for Ensuring Compliance with the Rules of the Common Fisheries Policy'.

administrative cooperation and exchange of information among the MS. Evaluation feedback shows that the IUU training provided by EFCA is considered useful. This has contributed to a high level of awareness and a more uniform and harmonised approach to IUU implementation in the EU. At the more advanced level, the use of practical exercises, case studies, field visits, etc. appears to be appreciated, as well as the opportunity to exchange experiences and identify best practices.

- On the methodological side, EFCA has developed a common methodology for IUU catch certificate verification and cross-checks which has been well-received and is generally considered relevant and (very) helpful. An identified challenge in utility is that the current system allows catch certificates to be submitted in paper form, and photocopies are allowed (e.g. split consignments), which makes it burdensome to cross-check and verify certificates. This is not the responsibility of EFCA, but evaluation feedback has indicated the importance of EFCA participating in the process of finding solutions, which is in fact taking place.<sup>328</sup>
- This evaluation identified various collaborative initiatives that are under development with the objective of providing methodological tools to facilitate tasks and make the fight against IUU fishing more effective. This includes the MARSURV service, providing support to EFCA and Member States' JDP operations in EU waters and combining various sources of information to serve as a tool for vessel behaviour analysis, risk assessment and classification of possible non-compliance targets.<sup>329</sup> The latter point links up to the development of the harmonised risk analysis across the EU in order to bring about a more cost-effective approach to the control of catch certificates and reduce the administrative burden for MS authorities.<sup>330</sup> EFCA currently is also conducting a pilot project to expand the use of MARSURV to cover the entire world with the aim of providing additional support to the MS in the verification and cross-checks of catch certificates.
- This evaluation notes that there is general agreement on the basis of the IUU SG feedback that the assistance provided to third countries (upon the request of the EC) should continue, or should be increased, depending on the perspective. However, not all MS agree that EFCA should increase this type of activity as this is not part of core responsibilities. On the other hand, it appears natural that the EC would like EFCA to carry out much more in this field, thus taking advantage of the existing expertise.
- Further, this evaluation points out that there appear to be a limited number of staff that are dedicated exclusively to assistance to the EC and to third countries. This, together with requests from the EC on short notice, may at times place a significant burden on staff when support needs to be given to third country missions on EC request, as this involves significant analysis of catch certificates and supporting documents and preparations for training to third country officials.

Concerning the utility of operational activities relating to the assistance in the implementation of the LO for fisheries, this evaluation finds that EFCA is able to address the needs on the level of EU policy as well as MS needs. In addition, EFCA

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<sup>328</sup> Communication from the Commission to the European Parliament and the Council: on the application of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. COM(2015) 480 final. Brussels, 1.10.2015, 11p.

<sup>329</sup> <http://efca.europa.eu/en/content/efca-marsurv-service>.

<sup>330</sup> EUROPEAN COMMISSION (2015). Communication from the Commission to the European Parliament and the Council: on the application of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. COM(2015) 480 final. Brussels, 1.10.2015, 11p.

has also been able to address the needs of regional MS groups (i.e. Baltfish and the Scheveningen group) which is evidenced by the repeated requests for assistance from the Agency. This evaluation further finds that:

- In response to the identification of the LO as an operational priority, EFCA moved ahead with several initiatives, inter alia, facilitating the discussion for a risk strategy matrix, strengthening cooperation with leading regional bodies, assisting in the preparation of guidelines for Union inspectors in the BS, and a dedicated project in the JDP and an awareness campaign.
- EFCA contributed to the development of future joint MS / EFCA methods and procedures for risk analysis in the context of the LO. The 'Last Haul' project is considered instrumental in this aspect and has expanded from the BS area to other regional cooperation arrangements.
- The activities of EFCA relating to the assistance to MS and groups of MS in light of the CFP reforms can be considered a strong indicator of utility to EU policy needs. This is translated into the inclusion of the LO in the MWP of EFCA.
- The repeated requests for assistance to EFCA from regional groups are a strong indicator of utility. It is worth noting that despite the LO being a relatively new area of activity for EFCA, AB respondents overwhelmingly consider this to corresponds to the mission of EFCA as noted in the Founding Regulation.
- The role of the private sector in compliance of the LO is important. EFCA activities have been directed also at the private sector. However, AB respondents do not see a clear alignment of the private sector with the EFCA activities related to the LO.

To sum up, the question 'to what extent does the impact achieved by EFCA intervention correspond to existing needs?'<sup>331</sup>, has been addressed by looking specifically at elements of EFCA capacity building activities and operational coordination. The impact of capacity building activities relating to the IUU assistance and the CC has to a large extent satisfied the needs of the users. For example, training has proven to be an essential component of the assistance provided by EFCA in relation to the implementation of the IUU Regulation. The impact of operational activities relating to the assistance in the implementation of the LO for fisheries has also addressed the existing needs of beneficiaries. For example, EFCA has also been able to address the needs of regional MS groups which reflected in repeated requests for assistance of the Agency.

This evaluation also addressed the question 'to what extent are the services that EFCA makes available fully exploited and made use of by the relevant stakeholders?'. While EFCA performed strong on the KPIs relating to training, and also counts on high levels of participant satisfaction, there is limited insight regarding the changes or medium-long term results of the training. For example, this evaluation cannot determine the extent to which the CC are used in different MS. Also whether the CC is fully exploited and made use of by relevant stakeholder is, in the absence of a qualification framework, difficult to determine when the KPI does not address aspects such as the extent of its utilisation, which modules, or the number or percentage inspectors exposed to the training.

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<sup>331</sup> The section on utility aimed to consider the needs of the stakeholders on the basis of results from EFCA activities while the section on relevance considers alignment of needs with EFCA objectives. This distinction is important considering that an intervention might be well aligned with existing policy (relevance) but can still fail to address actual stakeholder needs (utility).

### 3.1.5 Added value

This evaluation concludes that EFCA adds value to the coordination of fisheries control and related activities as opposed to other actors providing this support. EFCA expertise and know-how are particularly strong for EU operations<sup>332</sup> and implementation tasks.<sup>333</sup> The coordinated approach stands out as a feature of added value for a range of activities among which EFCA's Coordination Centre, JDPs and LO tasks.

This evaluation finds that AB members do not clearly see the role of the private sector in the coordination of fisheries control and related activities. However, the relevance of a change in the attitude of fishermen towards non-compliance with the CFP is acknowledged to better fisheries control. In particular, in the area of the landing obligation, this evaluation identifies the importance for a change in attitude for the industry on discarding of fish. The clear challenges in relation to control of the landing obligation is the difficulty in detecting infringements. The efforts to compare landed fish against estimated levels of by-catch only provides "soft evidence" of non-compliant behaviour that may be used at a risk management level. Arguably, the way to increase success of compliance with the landing obligation lies in ensuring that the private sector self-regulates behaviour in this regard. Self-regulation is a contested approach, in particular a difficult one when speaking of fisheries control. This evaluation notes that the Agency deals with control and that sanctioning remains a MS responsibility. In a scenario of weak enforcement or sanctions it is difficult to break patterns of deviant behaviour due to the absence of identifiable consequences. This is particularly true for repeat offenders for which the self-regulation approach might not work. In other words, this evaluation finds that there is need for better self-regulation of the fisheries sector due to the limited capacity to control compliance with the landing obligation, while at the same time there is need for identifiable consequences to non-compliant behaviour. The latter is an area in which EFCA does not play a role, the former is an area where EFCA can play a role. Further, this evaluation finds that:

- AB members recognise the added value of EFCA compared to the EC directly delivering support. The added-value of the JDPs rates high. AB members confirm that for MS the JDPs are considered EFCA's 'flagship' activity.
- AB members indicate overall that they have no view on the added value of EFCA compared to private sector actors delivering support. The same can be said about the views of AC members in relation to EFCA compared to the EC and MS delivering support. This evaluation finds that stakeholder interaction primarily is between EFCA and AC, as well as EFCA and AB. Three-way interaction is limited.
- AB members highlight expertise and know-how in particular for EU operations and specific implementation tasks such as Union Inspectors, EFCA Coordination Centre, compliance evaluation and the landing obligation. On the more technical implementation tasks such as new technologies for maritime surveillance and the Common Information Sharing Environment, stakeholders show less understanding. The same can be said about international operations<sup>334</sup> which show a majority

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<sup>332</sup> EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors; EFCA Fisheries Information System; Joint Deployment Plans.

<sup>333</sup> Implementation Tasks: New technologies for Maritime Surveillance; Common Information Sharing Environment (CISE); Union Inspectors; EFCA Coordination Centre; Compliance Evaluation; Landing Obligation.

<sup>334</sup> International Operations: IUU evaluation missions to Third Countries; Capacity Building for Third Countries.



acknowledging the EFCA added value in know-how and expertise but also one third of respondents indicating that they have no view.

- AC members see EFCA added-value in the landing obligation activities but are divided over the added value of EFCA compared to MS actors delivering support on the landing obligation. Most perceive this as a strong or very strong while one third rates this, weak or very weak.
- It has to be noted that overall, AC members show high levels of no view on the different added value questions. This can indicate that AC members are not sufficiently familiar with the work of EFCA.

Considering the original evaluation questions, on the question 'What is the overall added value of EFCA?', this evaluation finds that the EFCA expertise and know-how are particularly strong for EU operations and implementation tasks. The coordinated approach stands out as a feature for added value for a range of activities among which EFCA's Coordination Centre, JDPs and landing obligation tasks. On the question 'To what extent does attributing tasks and responsibilities from the EU to the Agency provide added value compared to possible options?', this evaluation finds that EFCA adds value for both the MS as well as the EC. In particular, for EU operations and implementation tasks, evaluation feedback finds that EFCA adds value opposed to MS or EC conducting these activities.

### 3.1.6 Efficiency

This evaluation concludes that EFCA has demonstrated very strong performance with regard to the evaluation criterion of efficiency.

Strong budget performance is indicated by the reduced volume of carry-overs, and stakeholder feedback largely considers the Agency's budget structure and resource allocation to be adequate.

EFCA governance arrangements are considered adequate in terms of contributing to the Agency's efficient operation, with doubts limited to the role of the ADVB (stakeholders indicated limited awareness of the role of the ADVB). In line with the positive views on the governance arrangements, stakeholders were supportive of maintaining current arrangements. Looking in detail at the operation of the AB, data confirms adequate attendance of, and contribution to meetings, however, a small number of MS has not made systematic use of issuing proxies in case of non-attendance. Finally, a number of MS appear to be less active at the AB meetings, in terms of contributing to the discussion on agenda points. Looking at the ADVB, attendance at, and contributions to meetings also appear adequate, with the only question mark relating to the SWWAC that has participated in just over half the meetings.

The evaluation also considers EFCA working practices to be adequate, noting the Agency's efforts to continuously improve practices and accommodate AB member needs. In this context it is worth noting the agenda point 'Ways to further improve the working practices' intensively discussed at most AB meetings throughout 2012-2016. Whilst some issues continue to be raised, e.g. the number of technical meetings and the 'volume' of EFCA information presented to AB members, it is difficult to conceive of any 'solutions' beyond what is already happening, e.g. the increasing use of videoconferencing, the organisation of meetings outside Vigo etc. It is recognised that EFCA faces a challenge in

terms of ensuring the right balance between presenting necessary information to AB members versus discussion on strategic issues.

EFCA has also demonstrated strong performance with regard to systems and processes. EFCA compares well with other EU Agencies of similar size in terms of audit performance (e.g. small number of ECA comments and effective follow-up; effective addressing of Internal Audit Service recommendations). EFCA has enhanced its processes in a proactive way during 2012-2016, with stakeholders only noting the constraint of Agency size, i.e. EFCA needs to comply with the same requirements as substantially larger EU Agencies. Limited opportunity for harnessing 'economies of scale' internally were addressed by maximising cooperation arrangements with the EC, other EU Agencies and external service providers. Finally, EFCA has made good progress on KPIs, in particular with regard to monitoring the performance of internal processes and delivery of outputs.

As already noted above, EFCA has resorted extensively to cooperation arrangements with the EC, other EU Agencies (in particular EMSA) and external service providers, and this is considered to be one of the factors explaining efficiency in the light of challenges deriving from the Common Approach and Interinstitutional Agreement.

Indeed, EFCA has also demonstrated strong performance in terms of complying with the requirements posed by the Common Approach (all relevant actions have been or are being implemented) and Interinstitutional Agreement (5% staff reduction and additional yearly 1% levy complied with). This is explained by a combination of measures, including a reorganisation of functions and related staffing; the use of e-administration; the use of e-communication; systematic cooperation with EC Service, other EU Agencies and recourse to external service providers; and general attention to opportunities for cost savings. In this context it is worth noting that the Common Approach is considered to largely ignore Agency size.<sup>335</sup> The review of EFCA performance only identified one area with opportunities for future additional efficiency gains, namely enhanced systems in the area of budget programming. Finally, in the context of implementing the Common Approach, it is worth noting the very transparent approach adopted by EFCA (roadmaps and actions presented in AR).

Finally, considering some of the original evaluation questions as phrased in the ToR, the above discussion comprises a series of elements speaking to three of the original questions. Considering the question 'Does the EFCA organisational and budgetary structure contribute to the effectiveness and efficiency of its operations? Have there been any modifications following the adoption of its Founding Regulation? If yes, how have these modifications influenced or are expected to influence the efficiency and effectiveness of EFCA's operations?', the discussion in this section confirms the adequacy of the budget structure vis-à-vis the delivery of EFCA activities; modifications were motivated by the need for efficiency gains, and have delivered on expectations as indicated by the Agency's strong performance in the framework of the Common Approach and the Interinstitutional Agreement. Similarly, the discussion presents responses to the question 'Is the size of budget and human resources appropriate and proportional to what the EFCA is expected to achieve? Is it sufficient for reaching a critical mass of impact? Is there good balance between the administrative and operational budget? To

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<sup>335</sup> Busuioc, M. (2013) 'The Theory and Practice of EU Agency Autonomy and Accountability: Early Day Expectations, Today's Realities and Future Perspectives' in Everson, M. Monda, C. and Vos, E. (eds.), *European Agencies in between Institutions and Member States*.

what extent is the use of externalised services appropriate and efficient? Could the same results have been achieved with fewer resources, another way of allocating the resources? How can cost-effectiveness be improved?'. Indeed, the discussion shows that resource allocations are largely adequate. Agency constraints are also identified, most notably in terms of limited opportunities for 'economies of scale', however, EFCA is addressing this via systematic cooperation with relevant EC Services, other EU Agencies and recourse to external service providers. Finally, the discussion provides an answer to the evaluation question 'To what extent do EFCA's governance regime and management systems and processes, including monitoring, contribute to the efficiency and effectiveness of its operations? How can they be improved?' Governance regime, systems and processes and the monitoring system (KPIs) are considered fully adequate, albeit with opportunities for further punctual improvement.

### 3.1.7 Effectiveness

Stakeholders rate EFCA's effectiveness as high in terms of achieving results along the lines of the mission elements<sup>336</sup> specified in the Founding Regulation. In particular, the AB members consider EFCA most effective in coordinating, followed by contributing to the work of the MS and the EC. Consistent with findings on relevance, this evaluation notes lower effectiveness ratings for the coordination of operations to combat IUU and the contribution of EFCA to the research and development of control and inspection techniques.

Concerning the effectiveness of EFCA in achieving specific objectives,<sup>337</sup> this evaluation notes that the Agency contributes to strengthened cooperation between MS authorities, in particular through JDPs and activities in relation to regional cooperation. EFCA facilitated coordination through JDPs resulting in increased inspection activities. Concerning achievements to enhance compliance with the rules of the CFP, EFCA positively contributed to this through facilitating MS exchange and ensuring harmonisation of inspection standards. However, it is noted that JDP activities largely rely on the deployment of national means which places responsibility to enhance compliance with the MS. This evaluation finds that while the JDP inspection effort indicates the effectiveness of EFCA's contribution to strengthen cooperation between MS, the extent to which inspections are effective in preventing infringements is difficult to measure. Concerning the extent to which EFCA achieved the specific objective of more effective and uniform application of the CFP, this evaluation notes that stakeholders generally respond positively. Criticism on the achievement points to MS concerns regarding differences in the application of the CFP. Rather than considering EFCA is not effective in this field, stakeholders argue that further efforts are required, including

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<sup>336</sup> Operational objectives: to coordinate control and inspection by MS relating to the control and inspection obligations of the Union; to coordinate the deployment of the national means of control and inspection pooled by the MS; to assist MS in reporting information on fishing activities and control and inspection activities to the EC and third parties; in the field of its competences, to assist MS to fulfil their tasks and obligations under the rules of the Common Fisheries Policy (CFP); to assist MS and the EC in harmonizing the application of the CFP throughout the Union; to contribute to the work of MS and the EC on research into and development of control and inspection techniques; to contribute to the coordination of inspector training and the exchange of experience between MS; to coordinate the operations to combat Illegal, Unreported and Unregulated (IUU) fishing in conformity with Union rules; to assist in the uniform implementation of the control system of the CFP.

<sup>337</sup> Specific objectives: strengthened cooperation between relevant Member State authorities; enhanced compliance with the rules of the Common Fisheries Policy; more effective and uniform application of the Common Fisheries Policy.

strengthening the resources available. At the same time, EFCA's limited mandate in this area is repeatedly noted.

Determining the effectiveness of operational coordination is challenging. The one recurring area of interest is to look at substantiating compliance. EFCA has repeatedly made efforts to tackle this issue and this has been frequently discussed during AB meetings. Evaluation feedback points to a series of caveats in the context of assessing compliance: the MS have no comparative standards in terms of procedures and enforcement; JDPs can only be considered a 'proxy' since the entire fleet is not covered, nor all species, and each area has different species and gears. Concerning capacity building activities, this evaluation finds that stakeholders generally respond positively about training activities and initiatives. Concerning the CC, stakeholders are largely positive about the role of the material in contributing to a level playing field, suggesting increased confidence between MS. However, concerns are raised that the CC are not uniformly used in all MS. This implies that positive responses may be based primarily on how stakeholders perceive the efforts of their own MS to apply the CC, rather than on perceptions of what other MS are doing in practice. Stakeholder feedback also suggests that the development of a sectoral qualification framework may further improve the effectiveness of the CC. One of EFCA's KPIs assesses the number of MS using the CC, but it does not address aspects such as the extent of its utilisation, which modules, or the number or percentage inspectors exposed to the training.

Looking at the original evaluation questions, concerning the question, 'to what extent have the objectives set out in the MWP / AWP for the years 2012 to 2016 been accomplished?' Have there been any difficulties in the implementation of the work programmes? Which ones, and how can these overcome? Are there any additional outputs/results that were not foreseen initially in the multiannual and annual work programmes?, EFCA has performed strongly with ratios of well over 90% of AWP objectives achieved throughout 2012-2016. This evaluation has not identified any substantial difficulties in the implementation of the AWP / MWP, nor major outputs / results not originally foreseen in the AWP / MWP. Whilst EFCA faced important challenges during 2012-2016, e.g. compliance with the Common Approach and Interinstitutional Agreement that could have constrained performance, the discussion of efficiency has shown that challenges were well addressed. On the question on 'how successful is EFCA in reaching the expected results, in light of the objectives, mandate and functions defined in its Founding Regulation, this evaluation finds first of all that stakeholders overall rate EFCA's effectiveness high in achieving results along the lines of the mission elements as specified in the Founding Regulation. Also, concerning the effectiveness of EFCA in achieving specific objectives, this evaluation notes that the Agency contributes to strengthened cooperation between MS authorities, in particular through JDPs and activities in relation to regional cooperation. Concerning the extent to which EFCA achieved the specific objective of more effective and uniform application of the CFP, this evaluation notes that stakeholders generally respond positive. Criticism on the achievement points to MS concerns regarding differences in the application of the CFP. Rather than considering EFCA is not effective in this field, stakeholders argue that further efforts are required. At the same time, EFCA's limited mandate in this area is repeatedly noted particularly in light of the sanctioning of fisheries infringement which falls outside the scope of EFCA's mandate. Further, as mentioned above this evaluation finds that determining the effectiveness of operational coordination is challenging due to a series of caveats in the context of assessing compliance. Concerning capacity building activities,

this evaluation finds that stakeholders generally respond positive about training activities and initiatives but concerns are raised relating the uniform use in MS of material produced by EFCA.

Finally, concerning the question 'To what extent are EFCA's stakeholders confident of EFCA output', the evaluation of the effectiveness criteria has emphasized the perceived quality of both the operational and capacity building activities. Confidence of stakeholders has also been discussed on the sections on utility and added value. In particular confidence of MS has been confirmed on the basis of the perceived effectiveness of the EFCA activities. This is further confirmed when looking at the activities of EFCA in relation to the MS regional groups. The repeated requests for assistance from EFCA by the MS regional groups can be considered a testimony to the confidence placed in the Agency. Finally, the stakeholder perception of EFCA's added value by bringing expertise and know-how, both from the EC, MS stakeholders and third parties (i.e. ACs and RFMOs) further strengthens the extent to which stakeholder are confident of the Agency's output.

### 3.1.8 Impact

This evaluation concludes that EFCA contributed to achieving wider objectives such as contributing to the sustainable exploitation of living aquatic resources as well as ensuring a level playing field.

The evaluation findings suggest that EFCA plays a more important role in terms of enhancing the level playing field between fisheries of the different MS rather than with regard to contributing to the sustainable exploitation of living aquatic resources. This is not identified as a shortcoming of EFCA's impact but rather relates to the fact that the sustainable exploitation of living aquatic resources is conditioned by a wide variety of external factors over which EFCA has limited control. In particular, the attribution of the socio-economic and environmental conditions of fisheries to EFCA activities is difficult to establish. However, EFCA's contribution to a more effective and uniform application of the CFP and support to MS in the area of CFP enforcement can be considered relevant to further the sustainable exploitation of living aquatic resources. EFCA's role with regard to the level playing field between fisheries of the different MS is limited within the larger framework of the Control Regulation, however this evaluation suggests that the Agency plays an important role in ensuring exchange of information, inter alia, coming from the VMS, but also other data sets such as AIS, ERS and further on EIR (electronic inspection report). The increase in VMS use by vessels due to the CR provides EFCA with a valuable role in ensuring MS data access for control efforts which subsequently contributes to a better level playing field. Another important element of the level playing field is the harmonisation of inspection standards. This evaluation finds that EFCA training activities contribute to this and can therefore be considered to contribute to enhancing the level playing field.

Looking back at the original evaluation questions, concerning the question, 'to what extent did the EFCA activities have an impact on EU CFP policy and practices in MS/third countries / RFMOs / Industry?', this evaluation notes that in particular EFCA contributed to enhancing the level playing field. Complementarity of EFCA to the CFP policy has been especially noted in the assurance of effective use of VMS data through exchange of information between MS as well as EU Agencies.

Concerning the question, 'to what extent has EFCA contributed to the EU CFP policy and other internal and external political and strategic priorities, including through its cooperation/support upon EU request with third countries?', this evaluation notes that EFCA's activities relating to the international dimension are considered relevant in the view of AB members. However, the visibility of the impact of the activities is limited resulting in questions from stakeholders on the validity of EFCA involvement in the international dimension. Feedback on the quality of EFCA activities concerning cooperation/support upon EU request with third countries is considered high, but at the same time this evaluation noted that "external" stakeholders do not always distinguish EFCA from the EC.

### 3.1.9 Sustainability

This evaluation concludes that stakeholders principally consider EFCA EU operational tasks<sup>338</sup> (in particular JDP activities) and implementation tasks<sup>339</sup> (in particular on the landing obligation) sustainable. However, some contradictions in views are identified. On the issue of JDPs, the role of EFCA as a coordinating body for the deployment of control and inspection means is considered essential. This evaluation finds that JDPs, which can be considered the 'flagship initiative' of EFCA is relevant, coherent, efficient, and perceived effective, although the latter is somewhat difficult to measure. Eliminating EFCA's role and activities in this area would likely result in a deterioration of the situation. There is still a need for this to continue and there are calls for increasing the mandate of EFCA from the EP. This shows that there is still room for improvement in the harmonisation of control and inspection standards and procedures, coordination and implementation, and supporting information systems at the EU level.

On the other hand, there are some implementation tasks such as the support given in relation to the LO that are undoubtedly sustainable. This is particularly clear in the focus areas where EFCA has been active. It appears clear that the industry is struggling with the issue of LO and has deployed resources to tackle this issue. However, the support of EFCA is needed during the implementation phase of the LO to cover various areas (and types of fisheries), considering the EU level perspective, the regional approach, and the available expertise in the Agency.

International operations<sup>340</sup> by EFCA are considered less sustainable, and this is attributed to questions from stakeholders on the result of the activities conducted by EFCA relating to the international dimension. As discussed in preceding sections, there is the question of priorities and an apparent lack of understanding by some of the importance of the international dimension of the CFP and the role that EFCA can play in this. There are on the other hand calls for a strengthening of the role that EFCA plays in international and third country waters (i.e. LDAC, PELAC). This would entail amendments to EFCA's mandate on the need for specific legal provisions for the fight against IUU (referring to a consistent relation between the IUU and Control Regulations).

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<sup>338</sup> EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors; EFCA Fisheries Information System; Joint Deployment Plans.

<sup>339</sup> Implementation Tasks: New technologies for Maritime Surveillance; Common Information Sharing Environment (CISE); Union Inspectors; EFCA Coordination Centre; Compliance Evaluation; Landing Obligation.

<sup>340</sup> International Operations: IUU evaluation missions to Third Countries; Capacity Building for Third Countries.

In relation to the CC, EFCA has fulfilled its objectives and related tasks, but there appears to be common agreement that more is needed in order to achieve a level playing field in this area. There are calls for making the adoption of the CC mandatory, including the standardization of control procedures (i.e. EP). Resistance from MS would be expected in this respect, and this is also linked to varying national legal provisions and implementation, but an adoption of standards in this area is needed in order to achieve CFP policy objectives. Considering the current situation, the results cannot be considered sustainable, as there has been only limited formal adoption of the CC in MS and these efforts have to be more systematic and measurable, including the impacts of the training given by EFCA so far. A major caveat is that an amendment of the relevant provisions in the Control Regulation would be necessary for this purpose.

Concerning the original evaluation questions, on the question 'to what extent will the effects achieved by EFCA last in the medium or long-term?', this evaluation finds that effects from EFCA implementation tasks and EU operational tasks are not considered sustainable. This concerns the wide objective of creating a level playing field and concerning operational and implementations tasks in the areas of JDPs and CC. Termination of the EFCA role in these areas will likely lead to a deterioration of the situation or at least, there is room for further improvement. On the other hand, the effects from EFCA activities in support of the implementation of the LO, which is of particular importance at present, are considered sustainable by the MS that were first supported by EFCA. It is noted that the support provided by EFCA on the LO in practice falls under regional cooperation mechanisms such as BALTFISH and the Scheveningen group. Operationalising the support of EFCA under these regional MS groups should allow for more sustainability of effects. In case EFCA would terminate support, the cooperation between MS could continue under the responsibility of the regional groups.

### 3.1.10 Gender

This evaluation concludes that EFCA consciously addresses gender considerations in its activities. EFCA's ratio of female staff is similar to that of other agencies with a similar 'technical' and traditionally male-dominated portfolio. It is worth noting that there is no specific EC guidance on how to address the gender imbalance in Agencies.

Further, this evaluation finds that EFCA deploys conscious efforts to address gender imbalance in recruitment. Notwithstanding, there is no dedicated initiative or project underway to actively promote an enhanced gender balance.

## 3.2 Recommendations

The recommendations are organised in line with the ten evaluation criteria.

### 3.2.1 Follow-up on the last evaluation

It is recommended to maintain the agenda point 'Ways to further improve the working practices' for AB meetings. It is also recommended to consider the selection of a small number of key issues to be followed up on by dedicated working groups, comprising AB members and EFCA staff. AB members should be encouraged to feed into the improvement of working practices by reflecting on relevant experiences in their own administrations; inspiration can also come from other Agencies.



It is also recommended to consider developing the AR reporting on actual results (in terms of enhanced compliance, strengthened cooperation, capacities) and impacts. The ARs already include some useful information, e.g. ratio of suspected infringements by inspection per fisheries area, however there could be more discussion / reflection to render justice to EFCA's actual contribution to specific and wider objectives. In this context, it could also be considered to review MS use of the EFCA methods on cost and compliance evaluation launched in 2013 and report on findings.

### 3.2.2 Relevance

The role of EFCA as 'honest broker' is operationalised through activities that foster trust between members of the 'fisheries group' (MS, EC and industry), such as repeated face-to-face meetings and transparent and inclusive working procedures. A potential weakness in aligning relevance of EFCA's mission and activities with needs of stakeholders lies in linking EFCA to the industry. This is however primarily the responsibility of the ACs that are engaged with EFCA through the ADVB. Nonetheless, within the constraints of EFCA governance mechanisms to directly engage AC members, this could be enhanced by strengthening the interaction between the ADVB and the AB.

The evaluation points to the wish of MS to better understand the outcomes of the activities relating to the international dimension of EFCA. EFCA and the EC have made efforts to further clarify the international dimension of EFCA to the MS AB members. MS AB members have voiced concern over the resource intensity of the international dimension despite the perceived relevance. It is recommended to promote the discussion / reflection to quantify added value of EFCA activities relating to the international dimension.

The Founding Regulation states that AB members are appointed on the basis of their degree of relevant experience and expertise in the field of fisheries control and inspection. MS-level governance structures influence the ability of AB members to comment on EFCA mission elements that address different policy areas besides fisheries. EFCA adequately adopts AB working practices (i.e. by sending documentation well in advance) that allow sufficient time for AB members to prepare for meetings which fosters productivity. However, the essence is that with the increased collaboration between stakeholders and new competences of EFCA in light of the European Coast Guard initiative, the exclusive focus on fisheries control and inspection expertise risks falling short of reality. It is therefore recommended for EFCA to map MS policy structures in relation to maritime affairs in order to adequately anticipate future policy needs.

### 3.2.3 Coherence

The evaluation points to the wish of MS to better understand the outcomes of the activities relating to EFCA's international dimension. It is recommended to continue providing feedback to the AB on activities related to RFMOs, the fight against IUU and SFPA.

The evaluation also points to on-going debates on how to fund activities by EFCA when requested by the EC. It is recommended to assess the required resources for activities relating to the international dimension and explore funding mechanisms.

The evaluation points to a common awareness of the need to ensure that EFCA's activities in EU waters remain a priority. It is important to clarify the need for flexibility in



relation to needs of SFPA partners, continue timely scheduling of missions to third countries in advance and clarify to the AB in which way the activities do not interfere with EFCA daily activities.

### 3.2.4 Utility

The time taken to develop and update CC (printed) materials is likely to deter some MS from utilising the CC material. The absence of some kind of EU sectoral qualification framework for fisheries inspectors is considered a constraint. It is recommendable to initiate debates on the development of an EU sectoral qualification framework for fisheries inspectors and map differences inspection structures and systems, differing training systems, and potentially differing perspectives in MS.

EFCA has produced five courses for the training of inspectors, each of which comprises a trainer manual and a trainee handbook. There is an implicit assumption that trainers using these manuals are already experienced trainers. It is recommended to further update the CC utility for training for trainers, i.e. by limiting the publication to the electronic version.

This evaluation has noted the issue of translation as a potential constraint for less well-resourced MS in the utility of EFCA's training materials and approach. EFCA does not have the resources to translate them into multiple languages, which would also imply a significant ongoing cost relating to the translation of updated materials. Foreign language capacity is less present amongst trainers and inspectors in some MS, and individual MS also lack the resources to do the translation themselves. It is recommended to continue working on the operationalisation of the new e-learning platform in order to mitigate this obstacle. In addition, it is recommended to promote the translation of material by MS, i.e. through funding from the EU Structural and Investment Funds.

This evaluation notes that the assessments available from EFCA on training participants' satisfaction provide a limited picture, in particular addressing 'attendee satisfaction'. It is recommended to adopt a more comprehensive model for assessing EFCA training on the basis of the widely used Kirkpatrick model for the evaluation of training effectiveness. This identifies four levels of training effectiveness: reaction, learning, behaviour, and results. The model would allow EFCA to assess more accurately what actually changes as a result of the training. The effective application of the CC, and ultimately the uniform application of effective inspection practices, may be undermined by factors in the operating environment. It is important to understand where obstacles to change exist, what these obstacles are, and what EFCA might do to help overcome them. This would allow to better understand the extent to which the CC is used in MS. On this basis, EFCA could provide assistance to adapt the CC to MS specific needs.

### 3.2.5 Added value

There is need for better self-regulation of the fisheries sector due to the limited capacity to control compliance with the landing obligation, while at the same time there is need for identifiable consequences to non-compliant behaviour. The latter is an area in which EFCA does not play a role, the former is an area where EFCA can play a role. It is recommended to engage in discussions with the industry through the ACs and promote initiatives on self-regulation with the industry in light of the LO provisions. In addition, further analysis could be considered to outline the added value of EFCA with respect to

LO activities carried out by single MSs and in the context of the various Horizon 2020 projects funded by the EC.

This evaluation finds that stakeholder interaction primarily is between EFCA and AC, as well as EFCA and AB. Three-way interaction is limited. It is recommended to foster repeated interaction between the AB, AC and EFCA.

It has to be noted that 'external stakeholders' (i.e. RFMOs and ACs) engaged with EFCA do not always consider the working arrangement between the Agency from the EC and therefore struggle to identify areas of added value. In addition, stakeholders do not always distinguish between the EC and EFCA. It is recommended to raise awareness of the activities of EFCA and added value to external stakeholders.

### 3.2.6 Efficiency

Some MS did not systematically nominate proxies when not attending AB meetings, and these MS should be encouraged to make systematic use of proxies or attend via videoconferencing. Similarly, considering that some MS, in particular the 'new' MS contribute less to discussions at AB meetings, a possible way of engaging these MS more strongly could be to ask these MS to take on specific preparatory tasks, e.g. in the context of Working Groups reviewing specific issues such as working practices, and report back at the AB meetings. This approach was adopted by other Agencies facing similar issues.<sup>341</sup> The use of 'preparatory tasks' would also ensure that AB meetings remain 'manageable', i.e. if all MS wished to contribute to about a dozen of agenda points it would no longer be feasible to organise the meeting during one single day. This recommendation relates to the strengthening of output legitimacy, i.e. it is considered that the legitimacy of Agency output increases in proportion to the size and variety of the stakeholder basis contributing to the outputs.<sup>342</sup>

During 2012-2016, EFCA promoted the continuous review of working practices, inter alia, with the help of an agenda point at AB meetings, namely 'Ways to further improve the working practices of EFCA. It is recommended to maintain this practice, tasking less active MS representatives with preparing discussions, e.g. by reviewing national practices or other EU Agency practices and reporting on this at AB meetings.

KPIs have improved over the period 2012-2016. There is scope for further improvement, with a specific focus on KPIs in the areas of effectiveness and impact.

### 3.2.7 Effectiveness

A more bottom-up approach involving greater stakeholder participation in fisheries management may also be a way of improving compliance by promoting greater transparency and understanding of the management objectives, changes in behaviour and implementation of best practices. This can be achieved through regional or fishery based workshops involving stakeholders (fisheries, fisherman associations, scientists and

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<sup>341</sup> Busuioc, M. (2008) 'Wielders of Supranational Power? The Administrative Behaviour of the Heads of European Union Agencies', Paper presented at the ECPR Standing Group on Regulatory Governance '(Re)Regulation in the Wake of Neoliberalism. Consequences of three decades of privatization and market liberalization', Utrecht, 5-7 June 2008.

<sup>342</sup> Buess, M. (2014) 'European Union agencies and their management boards: an assessment of accountability and democratic legitimacy' in Journal of European Public Policy.

authorities). An even more extreme approach could be the promotion of results-based management systems for certain fisheries, where the stakeholders are largely responsible for managing their fishery, following the main goals outlined by the authorities. Under this scenario, the burden of proof would fall on the stakeholders (e.g. the fishers would have to provide evidence of compliance with, for example, the LO). Advances in technology (e.g. on board CCTV) are tools that could be used in such results-based scenarios. Results-based management has been implemented in fisheries in countries such as New Zealand, and there has been some research in Europe (e.g. EcoFishMan project; Santiago et al., 2015; Silva et al., 2015).<sup>343</sup>

An alternative to the current "traffic light" approach used in the risk analysis could be that of the "fuzzy logic" approach (e.g. Halliday et al., 2001).<sup>344</sup> The currently used system is essentially the traffic light approach, which is a way of presenting different information clearly and in an easily understandable way. It is a descriptive method used to simplify the decision making process. Each indicator or characteristic is represented by a red, yellow or green light. The limitations of this approach are that the positioning of the cut-off points between green-yellow and yellow-red can be critical. Also while indicators such as mean length or fishing mortality change gradually, the lights change discontinuously so there is a need for a more gradual representation of the significance of changing indicators. The use of fuzzy traffic lights is a way of improving resolution, incorporating uncertainty and weighting of different indicators in the visual representation. Fuzzy traffic lights are continuous, can be used to reflect uncertainty and can be weighted to give more importance to certain indicators. Fuzzy traffic lights provide more information for decision makers.

The effectiveness of EFCA in international and third country waters is limited by its mandate as well as the need for additional resources. Various amendments to legal provisions have been suggested and recommended by stakeholders. This is related to the consultation on the evaluation of the Control Regulation, which identified a number of areas where there is room for improvement, as well as the need to ensure consistencies with the IUU Regulation. This will depend on the course of action taken by the co-legislators but EFCA should call attention to the need for action in these areas.

Evaluation feedback about the pace of CC development is largely positive. However, some feedback indicates that development and updating of the CC is not always fast enough to keep up with changes in legislation. Concern has also been expressed about the efficiency and effectiveness of some SGTEE meetings. Enhancing the efficiency and effectiveness of SGTEE meetings could facilitate more timely development and updating of training materials. It is recommended that EFCA give consideration to making participation in the work of the SGTEE less burdensome and more productive for MS representatives. Possibilities in this regard include continuing the use of high quality video conferencing in place of some face-to-face meetings, and holding fewer meetings in Vigo, as this involves lengthy travel for some MS representatives. These issues may

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<sup>343</sup> Santiago, J.L., M.A. Ballesteros, R. Chapela, C. Silva, K.N.Nielsen, M. Rangel, K. Erzini, L. Wise, A. Campo, M.F.Borges, A. Sala, M.Virgili, J.R.Viðarsson, A. Baudron and P.G.Fernandes. 2015. Is Europe ready for a results-based approach to fisheries management? The voice of stakeholders. *Marine Policy* 56:86-97.

Silva, C., H. Mendes, M. Rangel, L. Wise, K. Erzini, M.F. Borges, M. Ballesteros, J. L. Santiago, A. Campos, J. Viðarsson and K. Nielsen. 2015. Development of a Responsive Fisheries Management System for the Portuguese crustacean bottom trawl fishery: lessons learnt. *Marine Policy*. 52:19-25.

<sup>344</sup> Halliday, R.G., L.P. Fanning, and R.K. Mohn. 2001. Use of the Traffic Light Method in Fishery Management Planning. CSAS Research Document 2001/18.

also have some bearing on the reportedly high rate of MS representative replacement on the SGTEE amongst some MS. While MS representative rotation may well be determined by MS staffing practices, it may be worth consulting amongst MS to understand if adjustments to the organisation and work of the SGTEE might help to reduce rotation.

Evaluation feedback is largely positive about the role of the CC in contributing to a level playing field, suggesting increased confidence between MS. Confidence between MS could be enhanced by the development and implementation of a mechanism to provide mutual assurance of the uniform application of the CC, or training equivalent to (or more advanced than) the CC. Greater clarity would be desirable in the data regarding the numbers of Union inspectors that have been trained in line with the core curricula, or to an equivalent or high level.

### 3.2.8 Impact

EFCA should carry out an assessment of impacts of training provided by EFCA at MS level in order to determine the effectiveness of the training provided, how much of this is being incorporated into MS training, and the implications of developing a common framework at EU level.

### 3.2.9 Sustainability

International operations by EFCA are considered less sustainable, and this is attributed to questions from stakeholders on the result of the activities conducted by EFCA relating to the international dimension, and questions on the role that EFCA can play in this. There are on the other hand calls from stakeholders (i.e. regional advisory councils) for a strengthening of the role that EFCA plays in international and third country waters. This would entail amendments to EFCA's mandate on the need for specific legal provisions for the fight against IUU (referring to a consistent relation between the IUU and Control Regulation). It is recommended to explore how to enhance visibility and ensure that international dimension activities are aligned with needs of third parties.

In relation to the CC, this evaluation finds that EFCA has fulfilled its objectives and related tasks, but there appears to be a common agreement that more is needed in order to achieve a level playing field in this area. There are calls for making the adoption of the CC mandatory, including the standardisation of control procedures (i.e. from EP). It is recommended to engage in dialogue on this issue.

### 3.2.10 Gender

EFCA human resources management is advised to consider the launching of a dedicated initiative to promote an enhanced gender balance. As a first step, EFCA could engage in an exchange with other EU Agencies experiencing similar issues.

## 3.3 Suggestions

During the period 2012 to 2016, various studies / reports have been published on the implementation of key fisheries legislation, most notably the 2014 DG MARE study on the

state of play of the IUU Regulation,<sup>345</sup> the 2017 evaluation of the Control Regulation,<sup>346</sup> and the European Parliament report 'How to make fisheries controls in Europe uniform'.<sup>347</sup>

This evaluation notes that discussions on fisheries control in the three above-noted documents in some instances touch on issues outside the scope of EFCA's mandate. However, as discussed in this evaluation, the effectiveness, impact and sustainability of EFCA's activities do not solely depend on factors under the Agency's control. It is therefore important to consider external factors. It is suggested that EFCA explores how its activities relate to wider policy debates concerning EU fisheries legislation and control. In addition, while in strict terms some areas might fall outside of the scope of the Agency, its activities should / could be reviewed to enhance potential of contributing to specific and wider objectives. The three above-noted documents' recommendations and best practices constitute a relevant point of departure. The following sections discuss two of the reports in further detail.

### 3.3.1 EP report on how to make fisheries controls in Europe uniform

The EP report lists more than 20 points on disincentives for uniformity of fisheries control in Europe and attaches some 50 points on proposals for improvement. The disincentives note the challenging reality in which MS, EC, EFCA and other fisheries stakeholders operate. In concrete terms, the report points to EFCA and:<sup>348</sup>

'17. Recalls that the EFCA ensures the application of common control, inspection and surveillance standards, and facilitates operational cooperation between Member States through joint deployment plans; reiterates the importance of strengthening the EFCA's mandate in order to set up joint fisheries control operations enabling efficient coordinated action by many local, regional and national authorities, and by EU agencies performing coastguard duties at EU level; calls for the EFCA to deploy more resources for this task;

18. Considers that the implementation by the EFCA of a 'core curriculum' for the training of fisheries inspectors is an essential point for the standardisation of training and control procedures and calls for its use by all Member States; notes that Member States do not, unless voluntarily, have the same training standards, which means that the content of qualifications, recruitment and objectives are different;'

Among the proposals for improvement, the EP directly refers to EFCA on various occasions, inter alia, the EP:

'38. Believes that Member States, the European Fisheries Control Agency, and the Commission need to work in closer cooperation and coordination;

39. Calls for the implementation by the EFCA and training institutions in the Member States of a uniform European training curriculum for fisheries inspectors based on a common syllabus and standardised rules, part of the funding for which could come from the EMFF;

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<sup>345</sup> [https://ec.europa.eu/fisheries/sites/fisheries/files/iuu\\_regulation\\_final-report\\_en.pdf](https://ec.europa.eu/fisheries/sites/fisheries/files/iuu_regulation_final-report_en.pdf).

<sup>346</sup> Study conducted by Capgemini Consulting, Framian, F&S Marine and LEI Wageningen (Evaluation of the impact of Council Regulation (EC) No 1224 / 2009 of 20 November 2009 "establishing a Community control system for ensuring compliance with rules of the common fisheries policy", August 2016).

<sup>347</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A8-2016-0234&language=EN>.

<sup>348</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A8-2016-0234&language=EN>.

40. Calls for the EFCA Core Curriculum to be translated and circulated widely, for example by means of application trainings for the national authorities, with the aid of the EMFF; proposes that this manual be supplemented with examples of good practice by inspectors; [...]

43. Suggests that the idea of an EFCA electronic registry (EFCA single desk) be examined, with ready-to-print or electronic models for inspections and for the centralisation of inspection reports; notes that this EFCA electronic registry could also be used for receiving and centralising the capture certificates issued by Member States and third countries; [...]

45. Stresses the necessity to strengthen the role of the EFCA, particularly its budget, competences and human resources; suggests revising the conditions of intervention referred to in Articles 94 and 95 of Council Regulation (EC) No 1224/2009 and, in particular, giving it the right to intervene in respect of fishery resources which are overexploited and those which have not reached the maximum sustainable yield (MSY); [...]

47. Recalls the importance of having the capacity to share data in real time, especially during control operations carried out by the Agency in conjunction with the Member States and coordinated by the Agency through joint deployment plans;

48. Stresses the importance of increasing the presence of the EFCA close to the Member States, including the Outermost Regions;

49. Suggests that at least two representatives of the European Parliament be included on the Management Board of the Agency, on which there are already six representatives from the Commission and one from each Member State, this representation to have parity of composition (equal numbers of women and men) and to be appointed by Parliament's Committee on Fisheries from among its members;'

This evaluation suggests that EFCA reviews the disincentives noted by the EP and the related proposals, and engages in a dialogue with the EC, MS and the EP on the role the Agency can play in further enhancing the uniform control of fisheries in Europe.

### 3.3.2 EC state of play report on the IUU Regulation

The report on the state of play of the application and implementation of the IUU Regulation only refers to EFCA in the context of the Agency's training activities. However, the report concludes with a set of best practices that cut across several categories, including several of relevance to EFCA. For example:

'iii. Conduct regular meetings between Member State national authorities to share practical experience of implementation of the IUU Regulation with other Member States (e.g. DG MARE) [...]

v. Coordinated control of release of goods for importation by customs on basis that catch certificates and CVED have been checked/ verified by respective NCAs (e.g. Spain), preferably at the same time to maximise efficiency (e.g., Netherlands).

vi. The import/export control IT systems used by the respective Member State are populated with the appropriate profiles to ensure that customs do not release the goods prior to the checking of certificates (e.g., Spain, Denmark, Netherlands).

vii. Real time information and monitoring on all vessels active / present within Member State's territorial waters for inspection and control activities, risk based management and

verification and validation processes (e.g., all current Member States). Information such as vessel AIS can be used to monitor third country fishing vessels or containerised vessels in EU waters using a mobile device to increase efficiency and effectiveness of control measures. [...]

ix. Maintaining a record of inspection and control results to update risk management system, reference tool for case histories, and to provide feedback for coordination purposes (e.g. Denmark).

x. An online verification tool for catch certificates (e.g. Norway, Canada), promotes greater efficiency and effectiveness within national authorities. While several third countries have developed online verification checking systems, it would be more efficient to create a single EU tool that third country authorities could populate remotely. A single EU verification tool would simplify procedures and ensure a uniform standard to implement verification procedures. [...]

xii. Develop specific units to provide coordination between national, regional and international authorities to implement IUU Regulation (e.g., Denmark, UK, Germany, Netherlands, Poland, France and Spain). [...]

xv. Develop an IT tool to inform all competent authorities of the status of a consignment of fishery products. Spain has a national scheme to communicate between fisheries with customs authorities to determine the outcome of a control procedure and whether an IUU consignment was destroyed on refusal of import. There would be considerable benefit to extend this system on a regional basis so catch certificates could be monitored more effectively and reduce the risk of catch certificate duplicates from split consignments and increase effectiveness and relevance of transit procedures (e.g., TRACES system used by veterinary authorities). Alternatively, identify and determine the uptake of the quantity recorded in the catch certificate during verification checks to: identify and determine the uptake of the amount recorded in the catch certificate at national level, and to prevent importation of unreported fish associated with a specific catch certificate (e.g., Denmark). [...]

xvii. Information on all vessels active within territorial waters and Member State EEZ to facilitate validation and verification processes (i.e. VMS, AIS), in addition to checking IUU activity and provides intelligence to inform risk based management (e.g. all current Member States).

xviii. A database of all vessel characteristics, including unique vessel identifier (UVI) and hold volume size etc. Information provided is used to inform risk based assessment, which could be shared among all Member States (e.g. Spain). xix. Development of a shared risk assessment and management system for various authorities (e.g. Netherlands – PRISMA) [...]

xx. Increased transparency on outputs of EC missions to third countries for each Member State to provide intelligence for risk based management and targeted monitoring and surveillance. Alternatively, EC could make arrangements to populate a new EU database with results from missions/ audits for use by Member States. This would greatly simplify procedures and allow control over the information shared whilst facilitating increased relevance and efficiency that could be sustainable over the long term.'

This evaluation suggests to further discuss these practices and consider whether EFCA could play a role in terms of strengthening the coordination of operations to combat IUU.

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## 4.2 Rationale behind the evaluation conclusions

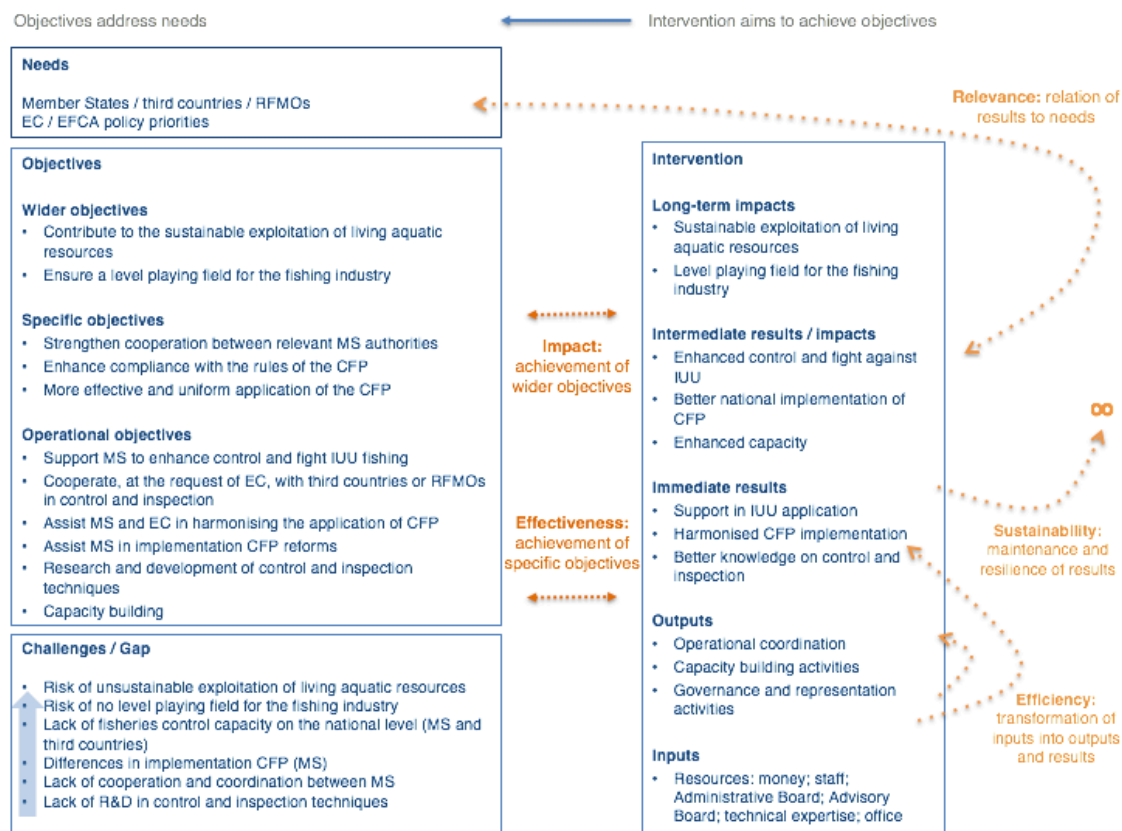
**Table 13 - Conclusions**

Better Regulation Guidelines	Comment
Corroboration: 'corroborate the conclusions of the analysis with stakeholder views and justify any significant differences'	Corroboration was facilitated by frequent exchanges with ESG representatives; moreover, interviews with AB representatives and other stakeholders were used to corroborate initial conclusions derived from desk research and surveys.
Evidence: 'conclusions should be substantiated with evidence' / 'conclusions should rely on available theory and evidence'	The presentation of conclusions throughout the report always include a brief summary of the main findings supporting the conclusion.
Limitations to evidence: 'evaluation should also assess the strength of the evidence obtained, and the implications for the robustness of the conclusions reached' / 'Any limitations to the evidence used and the methodology applied, particularly in terms of their ability to support the conclusions, must be clearly explained'	The presentation of conclusions throughout the report explicitly notes where conclusions are based on limited evidence. This relates, in particular, to conclusions on effectiveness (EFCA's achievement of specific objectives) and impact (EFCA's contribution to wider objectives).
Utility to policy makers: 'The evaluation (...) will communicate the results and conclusions of the evaluation: (i) to policy makers, helping to inform their decision making'	Conclusions have been drafted with a view to presenting 'pragmatic' recommendations, allowing relevant stakeholders to inform decisions and policy concerning EFCA's future

**Source:** Author's own elaboration, drawing on the EC Better Regulation Guidelines

## 4.3 Intervention logic

**Figure 18 - Intervention logic 2016**



**Source:** Author's own elaboration

#### **4.4 Administrative Board Survey**

This annex includes the survey format for the Administrative Board members.

## Introduction to the survey

This survey is conducted in the framework of the Five Year Independent External Evaluation of the EFCA, and aims to allow the members of the EFCA Administrative Board to voice their opinion on EFCA's performance throughout the years 2012 to 2016.

The completion of the survey should not take more than 20 minutes. There are 15 questions organised into seven sections, namely:

- 1) Relevance;
- 2) Coherence;
- 3) Added value;
- 4) Effectiveness and impact;
- 5) Efficiency;
- 6) Sustainability;
- 7) Recommendations.

Survey references to 'Regulation' refer to Council Regulations (EC) No 768/2005 (the 'EFCA Regulation') and (EC) No 1224/2009 (the 'Control Regulation').

If you require any clarification on specific survey questions please contact: Roland Blomeyer, [rblomeyer@blomeyer.eu](mailto:rblomeyer@blomeyer.eu) / +34 650 480 051.

## Relevance (page 1 of 7)

Looking at the evaluation criterion of relevance, we would appreciate your views on the extent to which the original EFCA mission as noted in Council Regulations (EC) No 768/2005 and (EC) No 1224/2009 correspond to:

(a) needs at the level of EU policy,

and (b) needs at the level of the Member States' policies?

1. The relevance of the Regulations' mission is rated

	with regard to needs at the level of EU policy?	with regard to needs at the level of your Member State?
to coordinate control and inspection by Member States relating to the control and inspection obligations of the Community	<input type="text"/>	<input type="text"/>
to coordinate the deployment of the national means of control and inspection pooled by the Member States concerned in accordance with this Regulation	<input type="text"/>	<input type="text"/>
to assist Member States in reporting information on fishing activities and control and inspection activities to the Commission and third parties	<input type="text"/>	<input type="text"/>

	with regard to needs at the level of EU policy?	with regard to needs at the level of your Member State?
in the field of its competences, to assist Member States to fulfil their tasks and obligations under the rules of the common fisheries policy	<input type="text"/>	<input type="text"/>
to assist Member States and the Commission in harmonising the application of the common fisheries policy throughout the Community	<input type="text"/>	<input type="text"/>
to contribute to the work of Member States and the Commission on research into and development of control and inspection techniques	<input type="text"/>	<input type="text"/>
to contribute to the coordination of inspector training and the exchange of experience between Member States	<input type="text"/>	<input type="text"/>
to coordinate the operations to combat illegal, unreported and unregulated fishing in conformity with Community rules	<input type="text"/>	<input type="text"/>
to assist in the uniform implementation of the control system of the common fisheries policy	<input type="text"/>	<input type="text"/>

Please use this box to comment on relevance.

2. Please also note whether the relevance of the mission has changed over the years 2012 to 2016

	with regard to needs at the level of EU policy?	with regard to needs at the level of your Member State?
to coordinate control and inspection by Member States relating to the control and inspection obligations of the Community	<input type="text"/>	<input type="text"/>



	with regard to needs at the level of EU policy?	with regard to needs at the level of your Member State?
to coordinate the deployment of the national means of control and inspection pooled by the Member States concerned in accordance with this Regulation	<input type="text"/>	<input type="text"/>
to assist Member States in reporting information on fishing activities and control and inspection activities to the Commission and third parties	<input type="text"/>	<input type="text"/>
In the field of its competences, to assist Member States to fulfil their tasks and obligations under the rules of the common fisheries policy	<input type="text"/>	<input type="text"/>
to assist Member States and the Commission in harmonising the application of the common fisheries policy throughout the Community	<input type="text"/>	<input type="text"/>
to contribute to the work of Member States and the Commission on research into and development of control and inspection techniques	<input type="text"/>	<input type="text"/>
to contribute to the coordination of inspector training and the exchange of experience between Member States	<input type="text"/>	<input type="text"/>
to coordinate the operations to combat illegal, unreported and unregulated fishing in conformity with Community rules	<input type="text"/>	<input type="text"/>

	with regard to needs at the level of EU policy?	with regard to needs at the level of your Member State?
to assist in the uniform implementation of the control system of the common fisheries policy	<input type="text"/>	<input type="text"/>

Please use this box to comment on changes of relevance.

3. Finally, please rate the relevance of specific areas of EFCA activity

	with regard to needs at the level of EU policy?	with regard to needs at the level of your Member State?
EU Operations: Joint Deployment Plans	<input type="text"/>	<input type="text"/>
EU Operations: EFCA Fisheries Information System	<input type="text"/>	<input type="text"/>
EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors	<input type="text"/>	<input type="text"/>
International Operations: Capacity Building for Third Countries	<input type="text"/>	<input type="text"/>
International Operations: IUU evaluation missions to Third Countries	<input type="text"/>	<input type="text"/>
Implementation Tasks: Landing Obligation	<input type="text"/>	<input type="text"/>
Implementation Tasks: Compliance Evaluation	<input type="text"/>	<input type="text"/>
Implementation Tasks: EFCA Coordination Centre	<input type="text"/>	<input type="text"/>
Implementation Tasks: Union Inspectors	<input type="text"/>	<input type="text"/>
Implementation Tasks: Common Information Sharing Environment - CISE	<input type="text"/>	<input type="text"/>
Implementation Tasks: New technologies for Maritime Surveillance	<input type="text"/>	<input type="text"/>

Please use this box to comment on the relevance of specific areas of EFCA activity.

Please note your views on internal coherence, i.e. to what extent do EFCA areas of activity correspond to the mission as noted in the Regulation?

Please also rate external coherence, i.e. to what extent do EFCA areas of activity complement (i.e. no overlap / duplication) activities developed by other actors?

#### 4. Please note your agreement with the following statements on coherence

	Internal coherence: EFCA activity is aligned with the mission as specified in the Regulations	External coherence: EFCA activity complements Member State activity	External coherence: Activity complements activity by other EU actors (EC, EU Delegations, Agencies)	External coherence: EFCA activity complements activity by private sector actors	External coherence: EFCA activity complements activity by international organisations
EU Operations: Joint Deployment Plans	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
EU Operations: EFCA Fisheries Information System	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
International Operations: Capacity Building for Third Countries	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
International Operations: IUU evaluation missions to Third Countries	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: Landing Obligation	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: Compliance Evaluation	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: EFCA Coordination Centre	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: Union Inspectors	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: Common Information Sharing Environment - CISE	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: New technologies for Maritime Surveillance	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please use this box to comment on the coherence of EFCA activity

Please note your views on the added value of EFCA in terms of delivering support on the coordination of fisheries control and related activities (e.g. as opposed to other actors, such as

**Member State organisations, private sector actors etc. providing this support)?**

**5. Please rate EFCA's added value**

	as compared to Member State actors delivering support?	as compared to the European Commission directly delivering support?	as compared to private sector actors delivering support?
EU Operations: Joint Deployment Plans	<input type="text"/>	<input type="text"/>	<input type="text"/>
EU Operations: EFCA Fisheries Information System	<input type="text"/>	<input type="text"/>	<input type="text"/>
EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors	<input type="text"/>	<input type="text"/>	<input type="text"/>
International Operations: Capacity Building for Third Countries	<input type="text"/>	<input type="text"/>	<input type="text"/>
International Operations: IUU evaluation missions to Third Countries	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: Landing Obligation	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: Compliance Evaluation	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: EFCA Coordination Centre	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: Union Inspectors	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: Common Information Sharing Environment - CISE	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: New technologies for Maritime Surveillance	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please use this box to comment on the added value of EFCA.

**6. Please note your views on specific features of EFCA that explain added value**

	EFCA expertise / know-how explains added value?	Coordinated approach as opposed to individual Member State action explains added value?
EU Operations: Joint Deployment Plans	<input type="text"/>	<input type="text"/>
EU Operations: EFCA Fisheries Information System	<input type="text"/>	<input type="text"/>
EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors	<input type="text"/>	<input type="text"/>
International Operations: Capacity Building for Third Countries	<input type="text"/>	<input type="text"/>
International Operations: IUU evaluation missions to Third Countries	<input type="text"/>	<input type="text"/>
Implementation Tasks: Landing Obligation	<input type="text"/>	<input type="text"/>
Implementation Tasks: Compliance Evaluation	<input type="text"/>	<input type="text"/>
Implementation Tasks: EFCA Coordination Centre	<input type="text"/>	<input type="text"/>
Implementation Tasks: Union Inspectors	<input type="text"/>	<input type="text"/>
Implementation Tasks: Common Information Sharing Environment - CISE	<input type="text"/>	<input type="text"/>
Implementation Tasks: New technologies for Maritime Surveillance	<input type="text"/>	<input type="text"/>

Please use this box to comment on the added value of EFCA.

**Effectiveness and impact (page 4 of 7)**

**We would appreciate your views on the extent to which EFCA is achieving its mission and objectives as listed in the Council Regulation.**

**We would also appreciate your views on the extent to which EFCA is achieving its wider objectives as noted in Council Regulation (EC) No 768/2005: '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'.**

7. EFCA's effectiveness for the different elements of its mission listed below is rated

Please select

to coordinate control and inspection by Member States relating to the control and inspection obligations of the Community

to coordinate the deployment of the national means of control and inspection pooled by the Member States concerned in accordance with this Regulation

to assist Member States in reporting information on fishing activities and control and inspection activities to the Commission and third parties

in the field of its competences, to assist Member States to fulfil their tasks and obligations under the rules of the common fisheries policy

to assist Member States and the Commission in harmonising the application of the common fisheries policy throughout the Community

to contribute to the work of Member States and the Commission on research into and development of control and inspection techniques

to contribute to the coordination of inspector training and the exchange of experience between Member States

to coordinate the operations to combat illegal, unreported and unregulated fishing in conformity with Community rules

to assist in the uniform implementation of the control system of the common fisheries policy

Please use this box to comment on effectiveness.

8. Do you consider that EFCA activity has contributed to

	strengthened cooperation between relevant Member State authorities?	enhanced compliance with the rules of the Common Fisheries Policy?	more effective and uniform application of the Common Fisheries Policy?
in the Mediterranean Sea?			
in the Baltic Sea?			
in the North Sea?			
in the Western Waters?			
in the Black Sea?			
in the North-East Atlantic (NEAFC)?			
in the North-West Atlantic (NAFO)?			

Please use this box to comment on effectiveness.

9. Do you consider that EFCA activity has contributed to

	the sustainable exploitation of living aquatic resources?	an enhanced level playing field between fisheries of the different Member States?
in the Mediterranean Sea?		
in the Baltic Sea?		
in the North Sea?		
in the Western Waters?		
in the Black Sea?		
in the North-East Atlantic (NEAFC)?		
in the North-West Atlantic (NAFO)?		

Please use this box to comment on impact.

10. Are you aware of any evidence supporting impact

	evidence for sustainable exploitation of living aquatic resources?	evidence for an enhanced level playing field between fisheries of the different Member States?
in the Mediterranean Sea?	<input type="text"/>	<input type="text"/>
in the Baltic Sea?	<input type="text"/>	<input type="text"/>
in the North Sea?	<input type="text"/>	<input type="text"/>
in the Western Waters?	<input type="text"/>	<input type="text"/>
in the Black Sea?	<input type="text"/>	<input type="text"/>
in the North-East Atlantic (NEAFC)?	<input type="text"/>	<input type="text"/>
in the North-West Atlantic (NAFO)?	<input type="text"/>	<input type="text"/>

Please use this box to comment on impact.

Efficiency (page 5 of 7)

Turning to efficiency, and considering EFCA's current mandate and objectives, we would appreciate your views on the adequacy of the EFCA budget structure and volume of resources for the three EFCA Units, namely Unit A 'Resources', Unit B 'Capacity Building' and Unit C 'Operational Coordination'. 'Budget structure' relates to the distribution of resources between the different areas of EFCA activity. 'Volume of resources' relates to the actual budget available to EFCA.

Moreover, please note your view of the adequacy of EFCA's governance arrangements, i.e. are current arrangements for the Administrative Board, Advisory Board and Executive Director facilitating the efficient operation of the Agency?

11. Please rate the adequacy of

	Unit A Resources	Unit B Capacity Building	Unit C Operational Coordination
the budget structure?	<input type="text"/>	<input type="text"/>	<input type="text"/>
the volume of resources?	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please use this box to comment on budget structure / volume of resources.

12. Do current governance arrangements contribute to the efficient operation of the Agency?

Please select	
With regard to the Administrative Board?	<input type="text"/>
With regard to the Advisory Board?	<input type="text"/>
With regard to the Executive Director?	<input type="text"/>

Please use this box to comment on governance arrangements.

13. Should current governance arrangements be changed to enhance the efficient operation of the Agency?

Please select	
With regard to the Administrative Board?	<input type="text"/>
With regard to the Advisory Board?	<input type="text"/>
With regard to the Executive Director?	<input type="text"/>

Please use this box to comment on governance arrangements.

Sustainability (page 6 of 7)

This final section concerns your views on the sustainability of the different areas of EFCA activity, i.e. to what extent would activities continue without further EFCA support?

14. Please rate the sustainability of the following areas of EFCA activity.

Please select	
EU Operations: Joint Deployment Plans	<input type="text"/>
EU Operations: EFCA Fisheries Information System	<input type="text"/>
EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors	<input type="text"/>
International Operations: Capacity Building for Third Countries	<input type="text"/>
International Operations: IUU evaluation missions to Third Countries	<input type="text"/>
Implementation Tasks: Landing Obligation	<input type="text"/>
Implementation Tasks: Compliance Evaluation	<input type="text"/>
Implementation Tasks: EFCA Coordination Centre	<input type="text"/>
Implementation Tasks: Union Inspectors	<input type="text"/>
Implementation Tasks: Common Information Sharing Environment - CISE	<input type="text"/>
Implementation Tasks: New technologies for Maritime Surveillance	<input type="text"/>

Please use this box to comment on the sustainability of EFCA areas of activity.

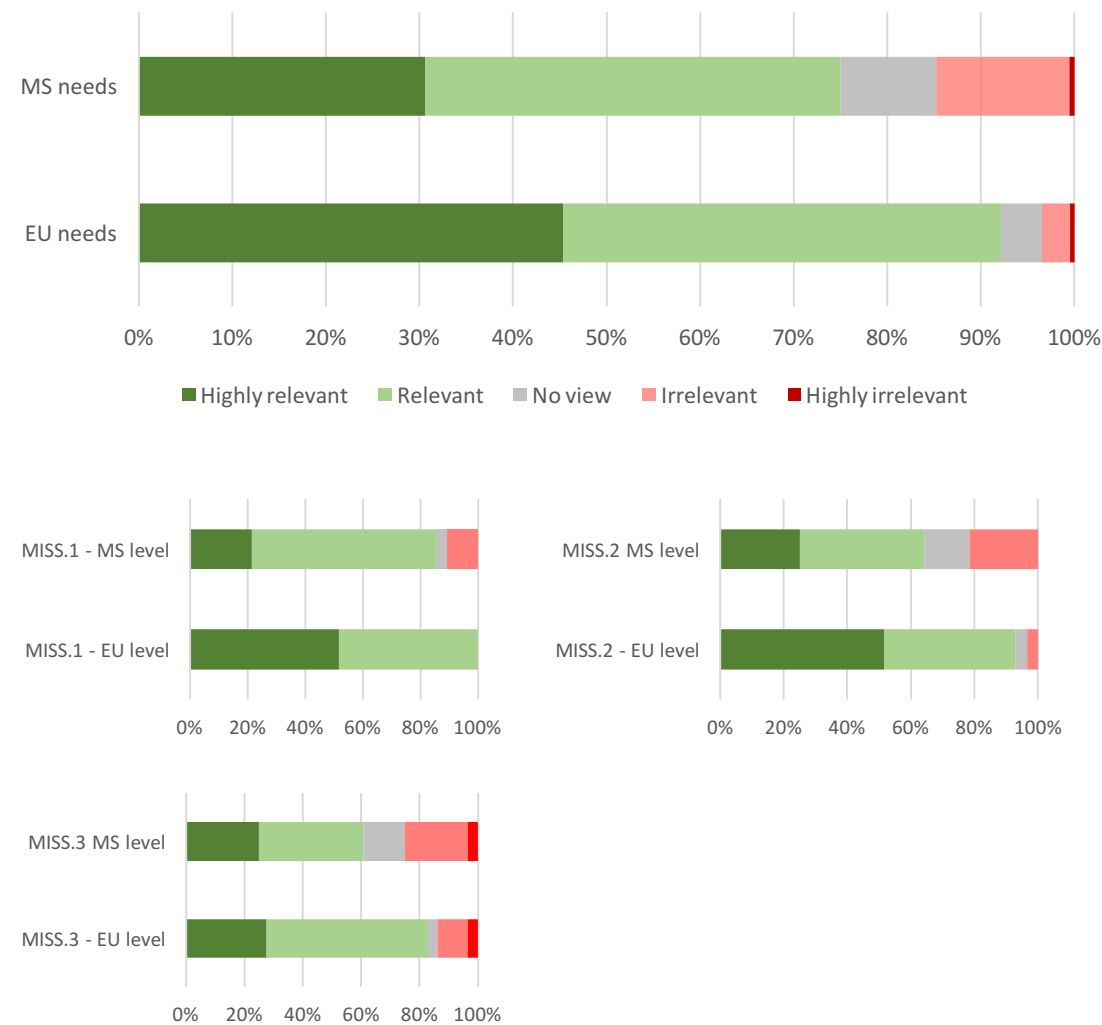
Recommendations (page 7 of 7)

15. Please use the space below to note any recommendations for the future of EFCA

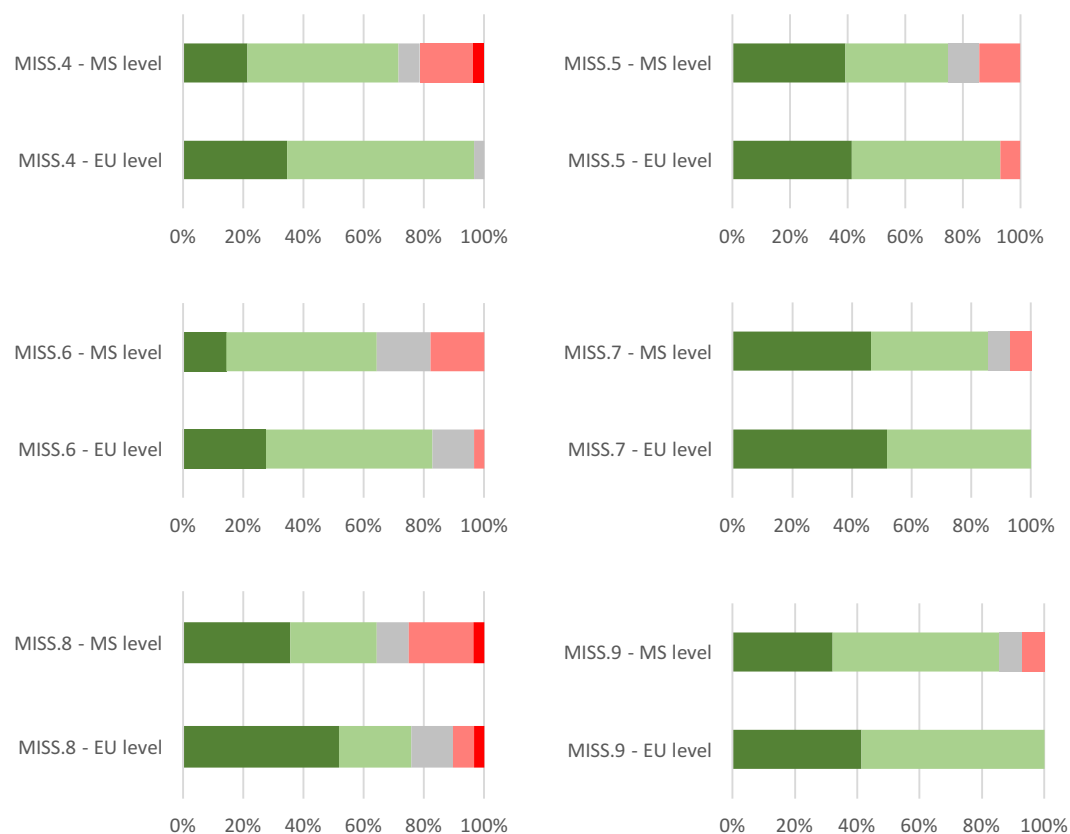
## 4.5 Administrative Board Survey Results

**Figure 19 - Relevance of EFCA objectives**

Q1: To which extent does the EFCA mission<sup>349</sup> correspond to the EU and MS needs?

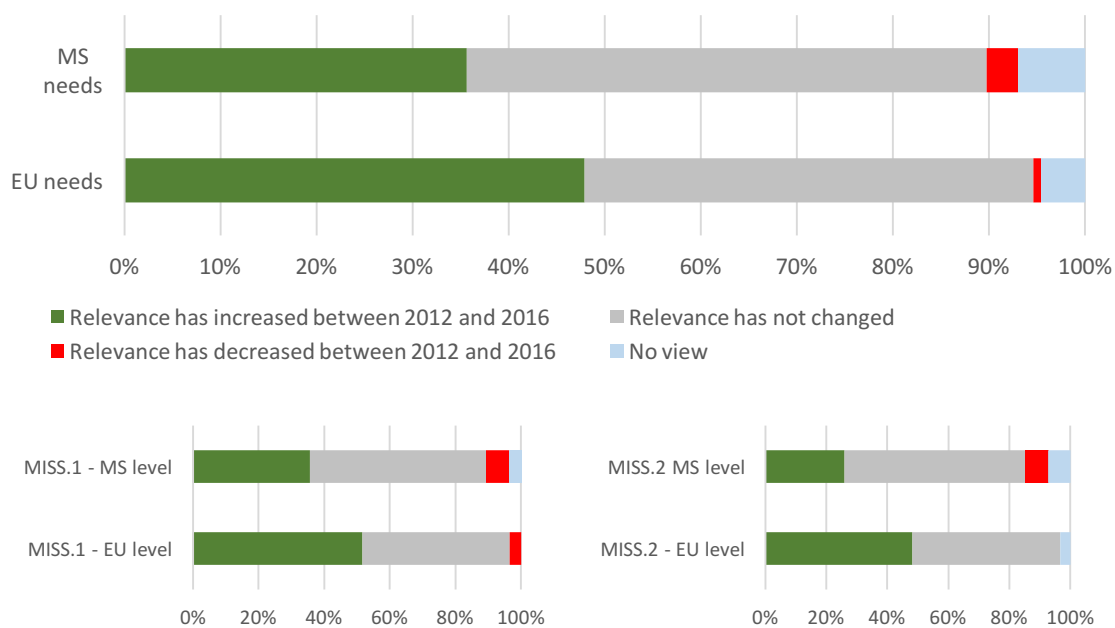


<sup>349</sup> As noted in Council Regulations (EC) No 768/2005, as amended by (EC) No 1224/2009.

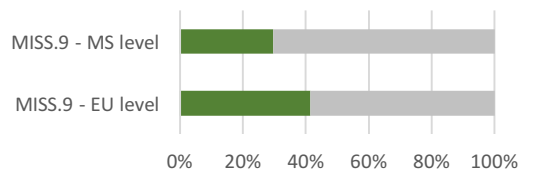
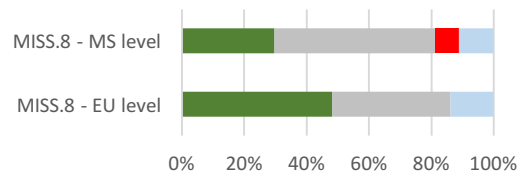
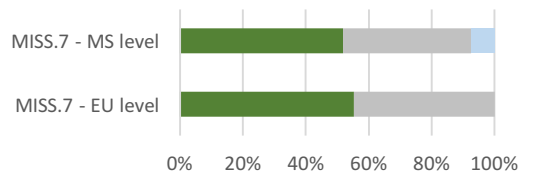
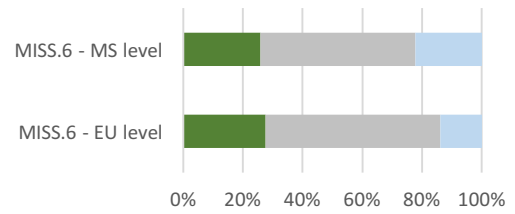
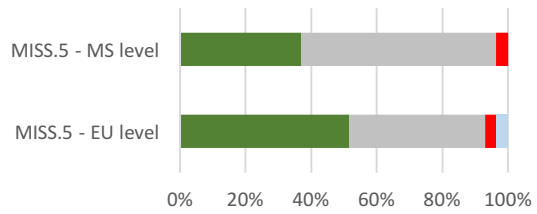
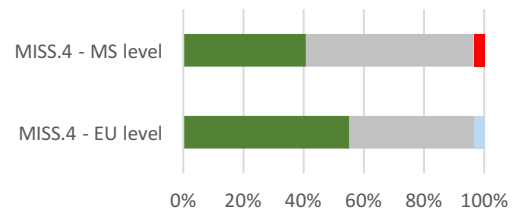
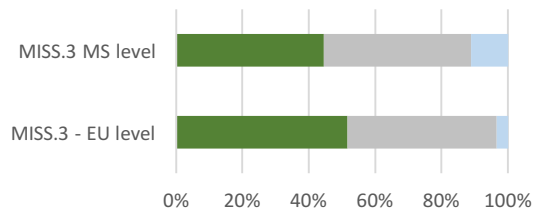


**Figure 20 - Change in relevance of objectives**

Q2: Has the relevance of EFCA's mission changed over the years 2012-2016?

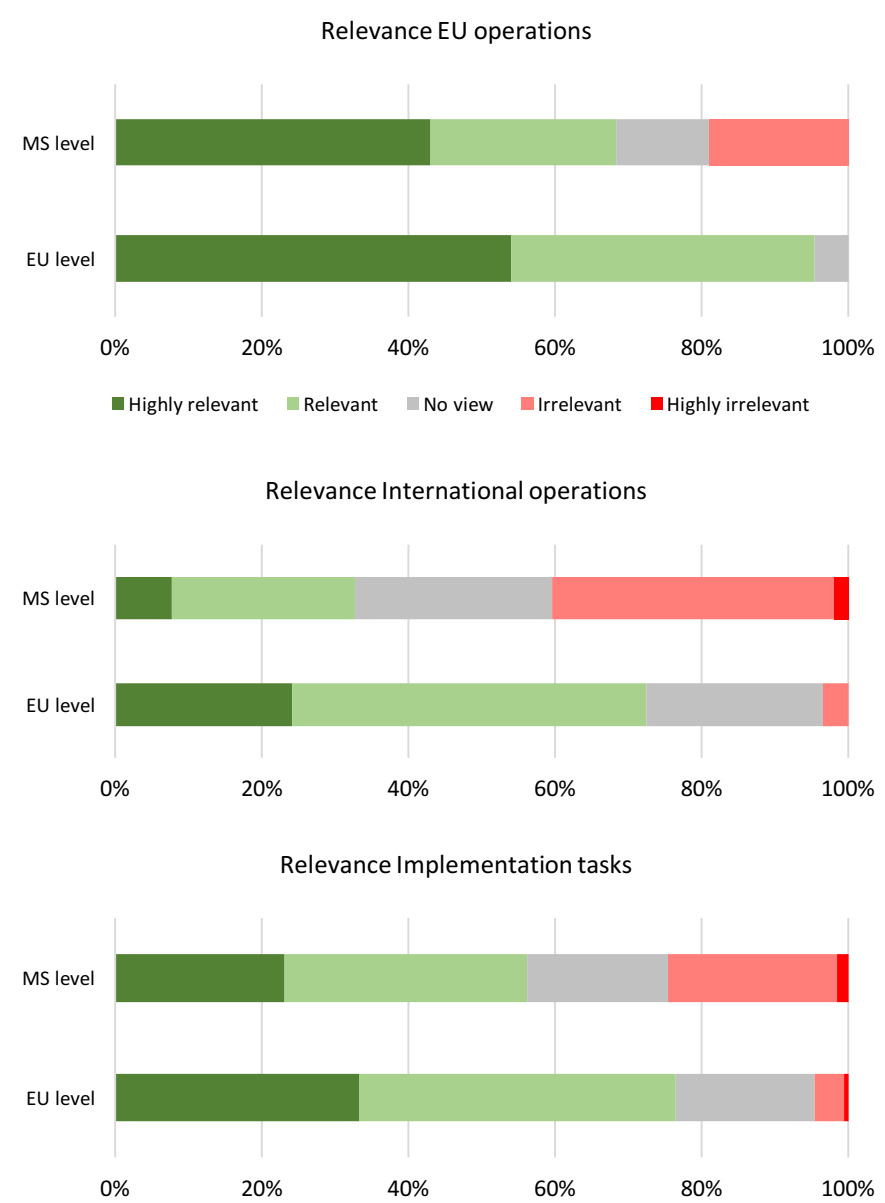






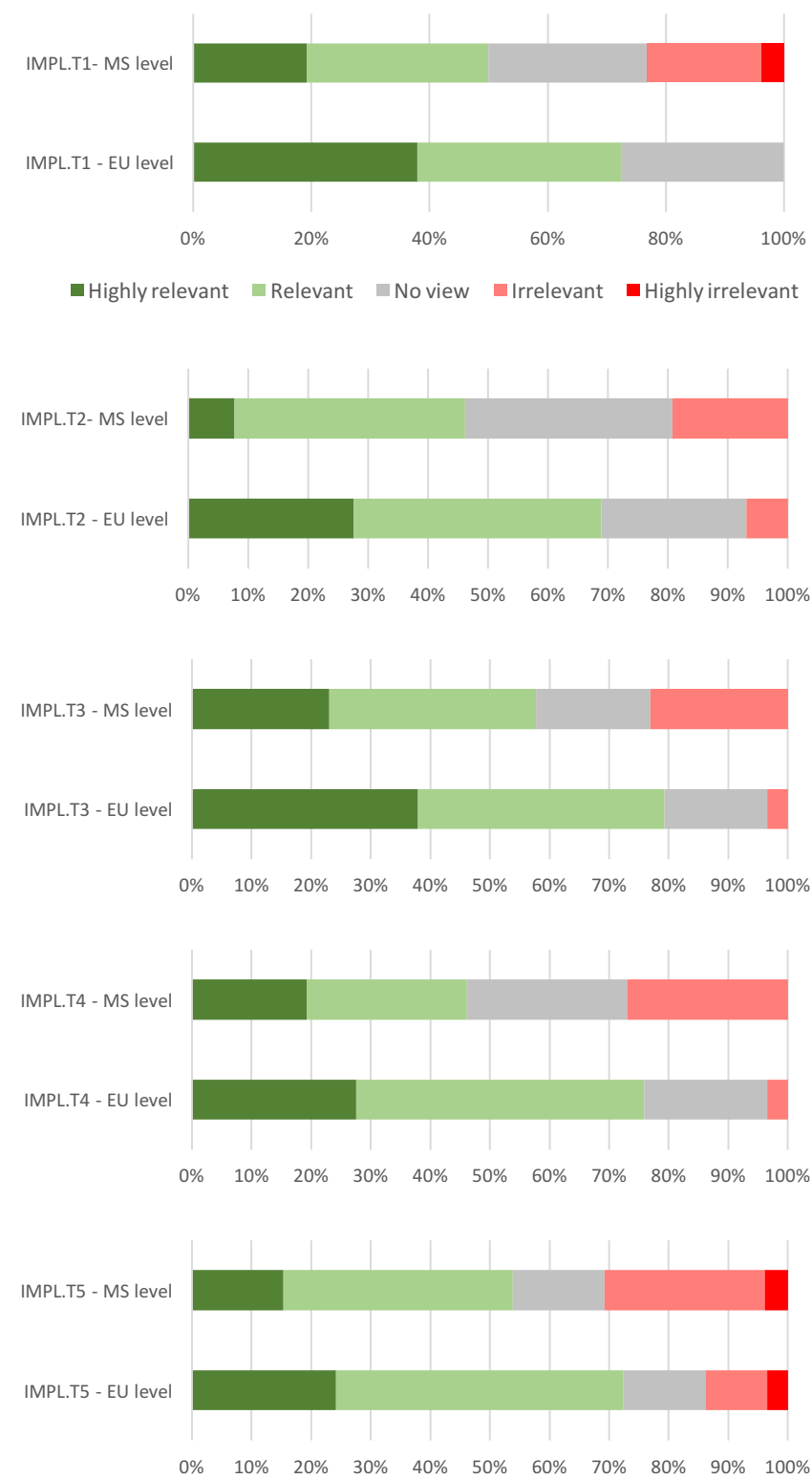
**Figure 21 - Relevance EFCA EU and International operations, Implementation tasks**

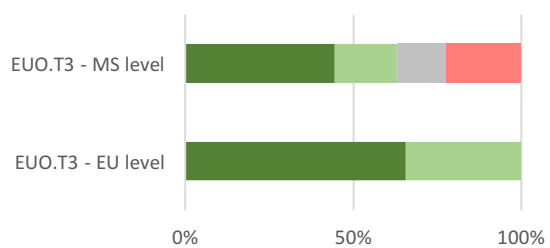
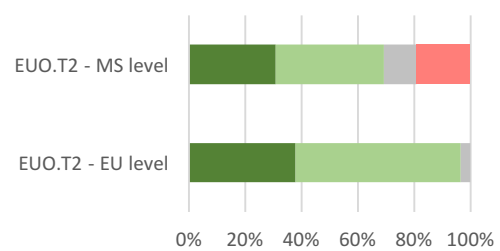
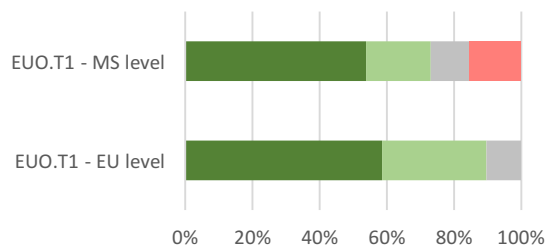
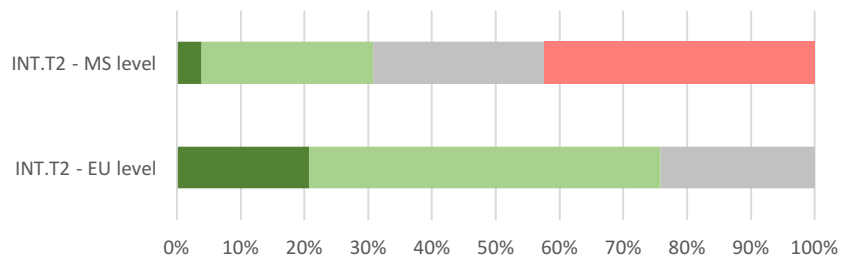
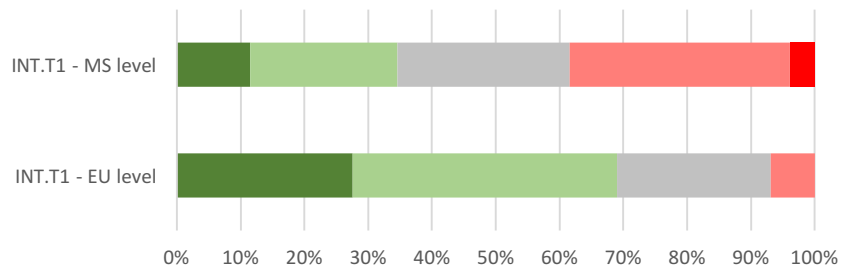
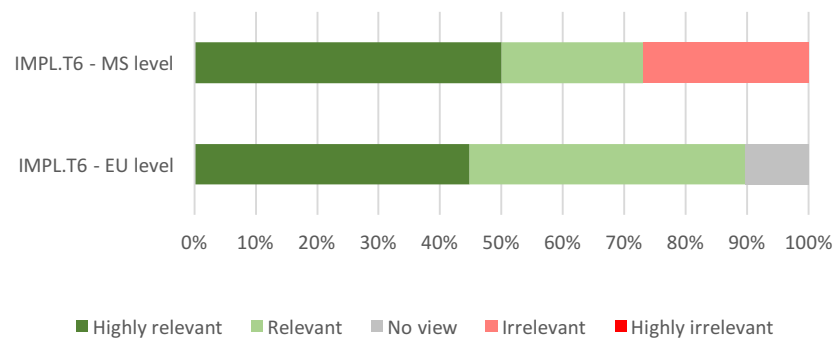
Q3: To which extent do the EFCA activities correspond to the EU and MS needs?



**Figure 22 - Relevance Implementation tasks, International operations, EU operations**

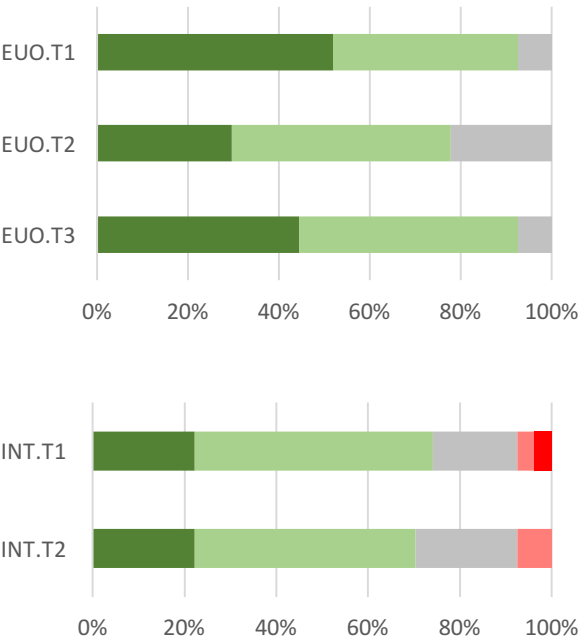
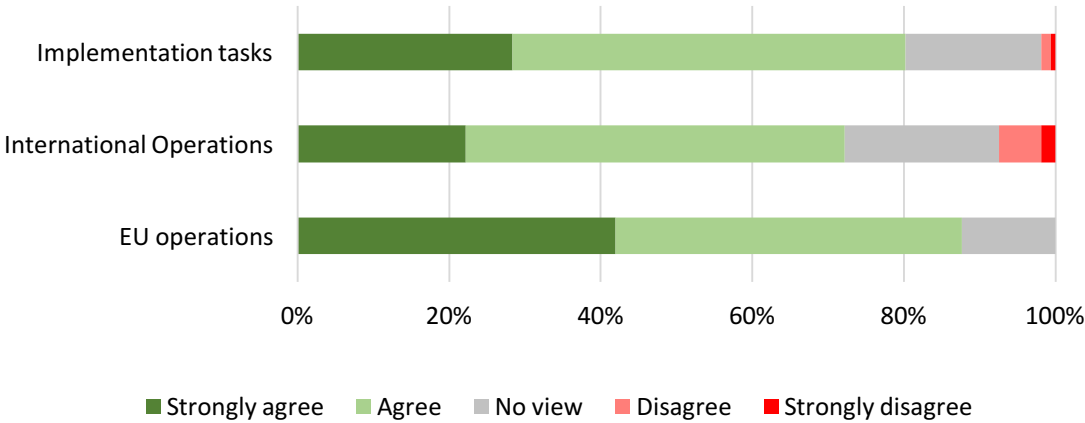
Q3: To which extent do the EFCA activities correspond to the EU and MS needs?





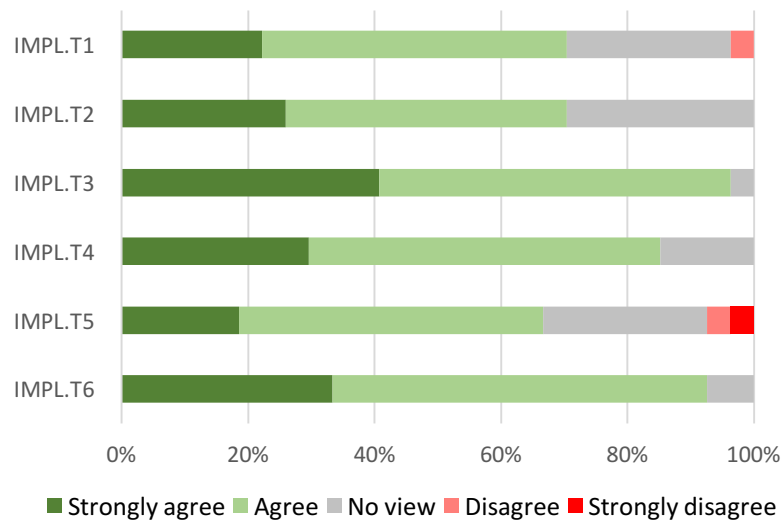
**Figure 23 - Alignment of EFCA activity with the mission as specified in the Regulations**

Q4: Is EFCA activity aligned with the EFCA objectives as specified in the Regulations?



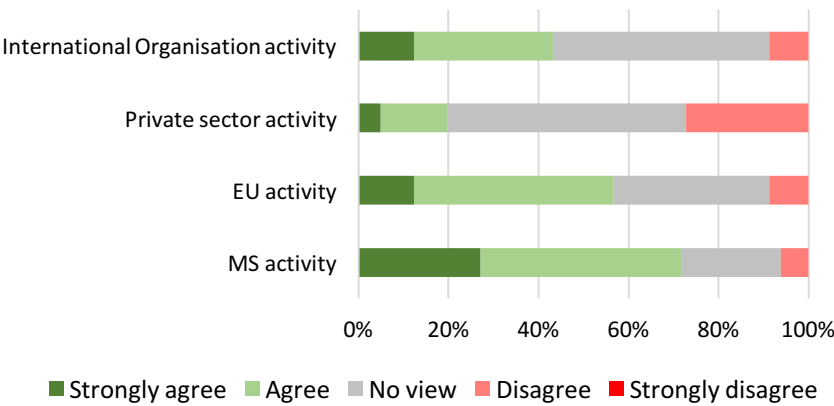
**Figure 24 - Alignment of EFCA Implementation tasks with the mission**

Note: Mission as specified in the Regulations

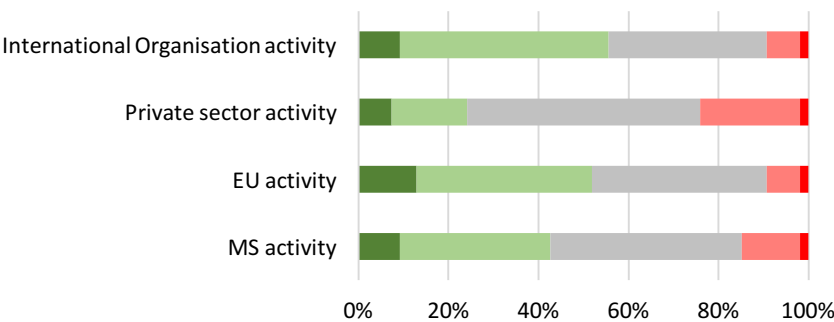


**Figure 25 - Alignment of EFCA activities with Member State activity**

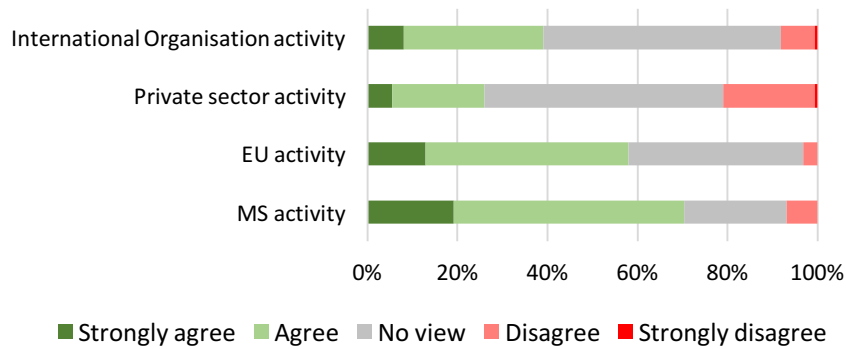
Alignment of EU Operations with:



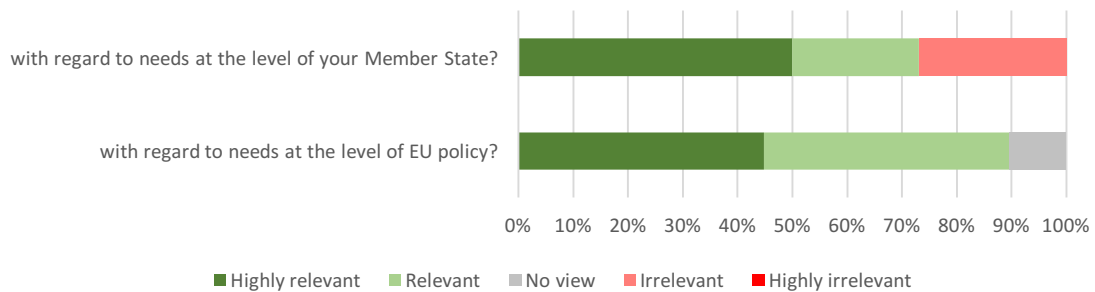
Alignment International Operations with:



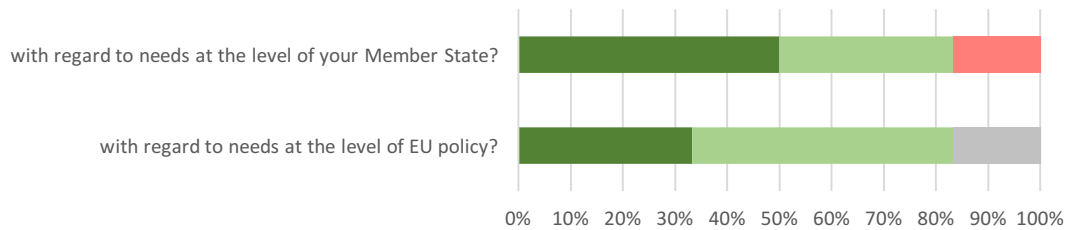
### Alignment Implementation Tasks with:



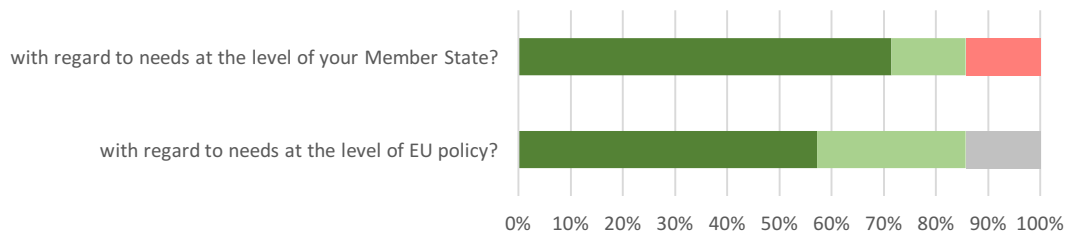
**Figure 26 – Administrative Board survey on utility**

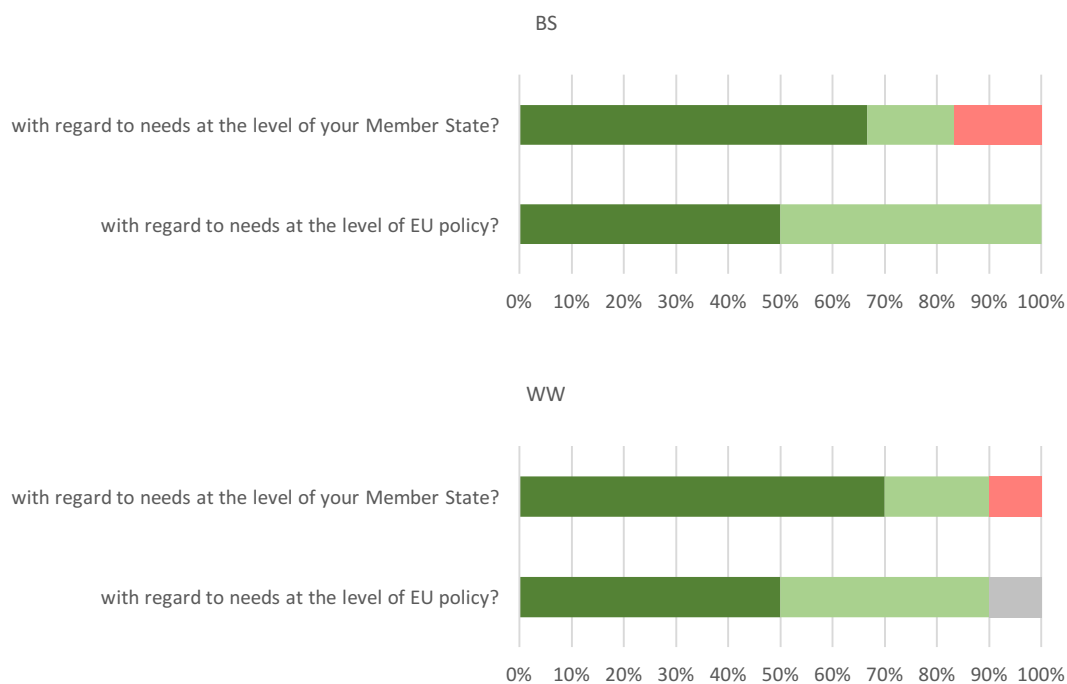


#### MED

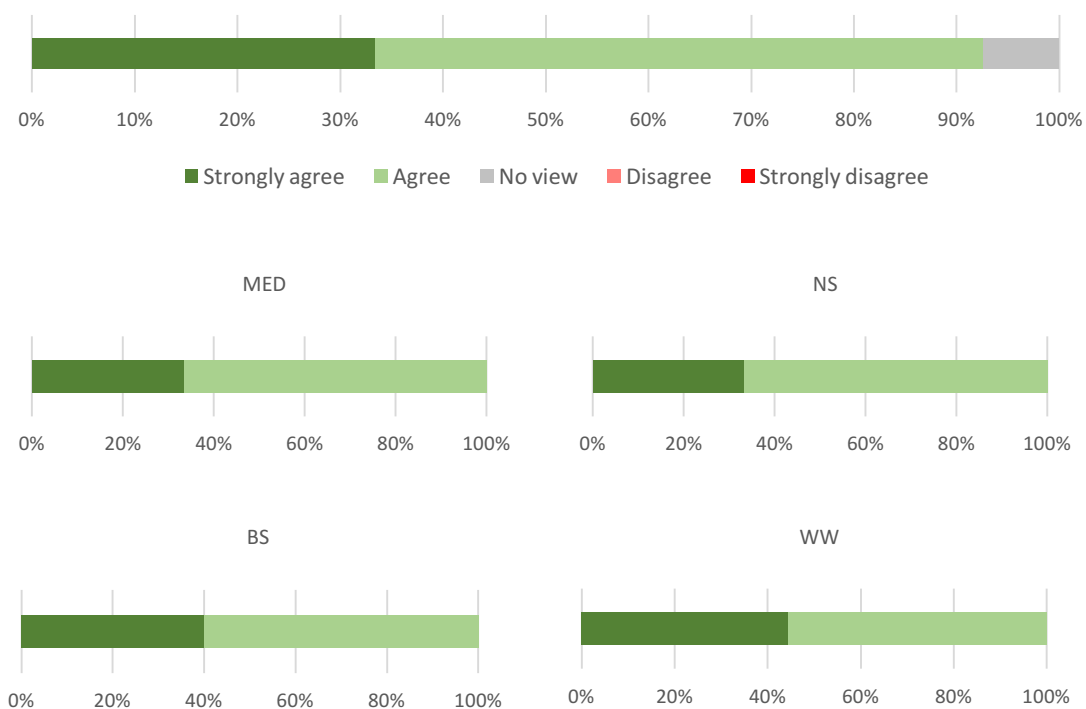


#### NS





**Figure 27 – Administrative Board survey on utility of LO**





**Figure 28 - EFCA’s added value compared to other actors delivering support**

Q5: To what extent does EFCA support add value to the coordination of fisheries control and related activities as opposed to other actors providing this support?

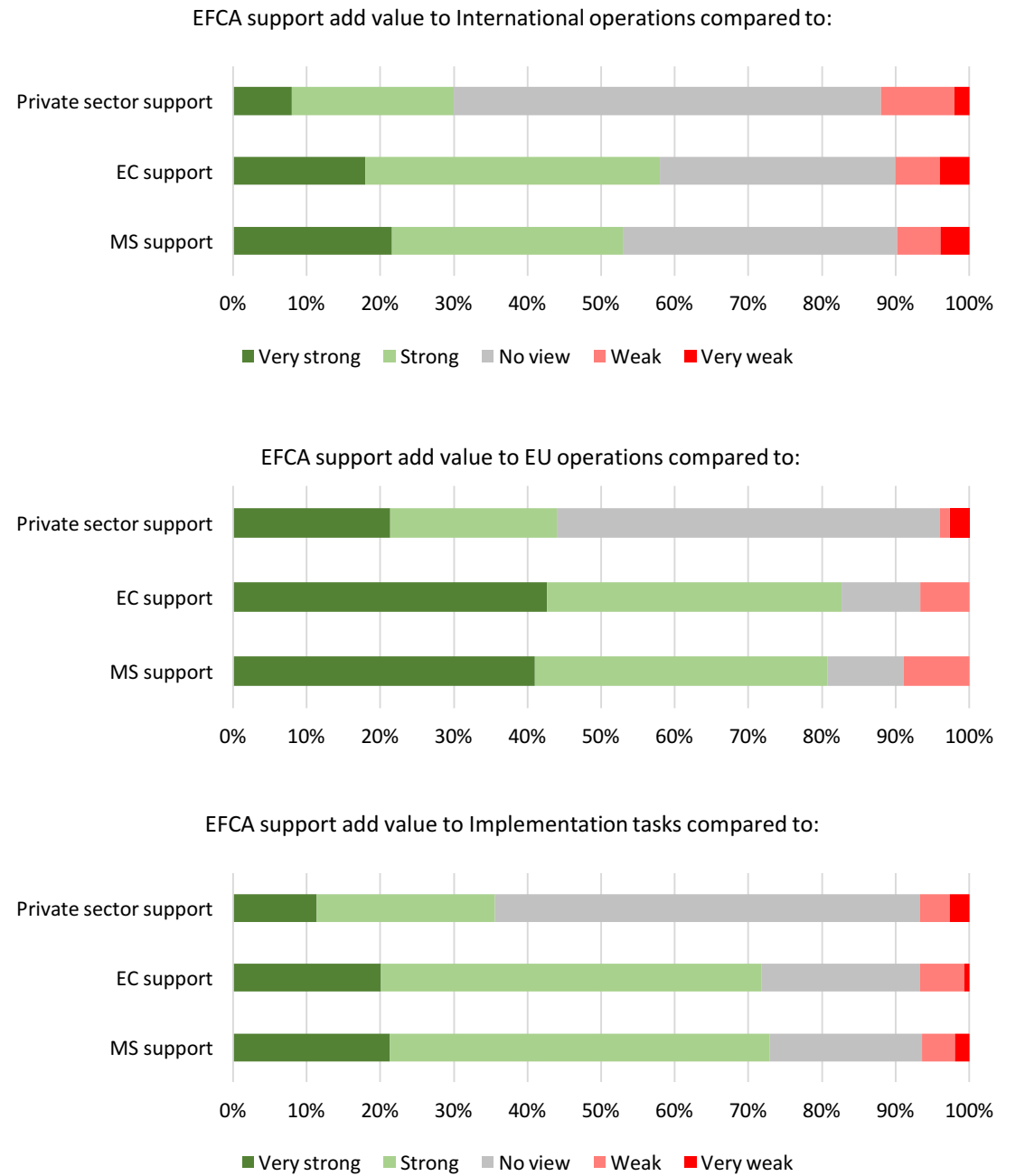


Figure 29 - Factors that explain EFCA added value

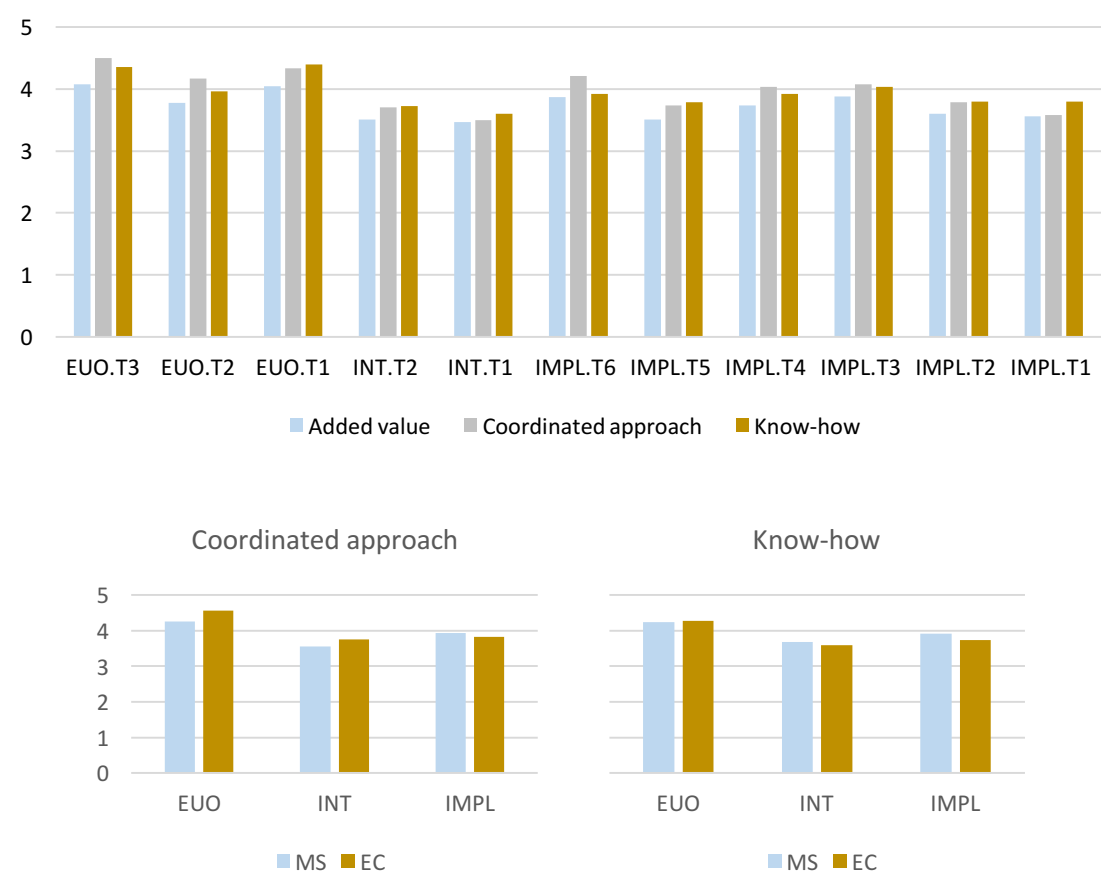
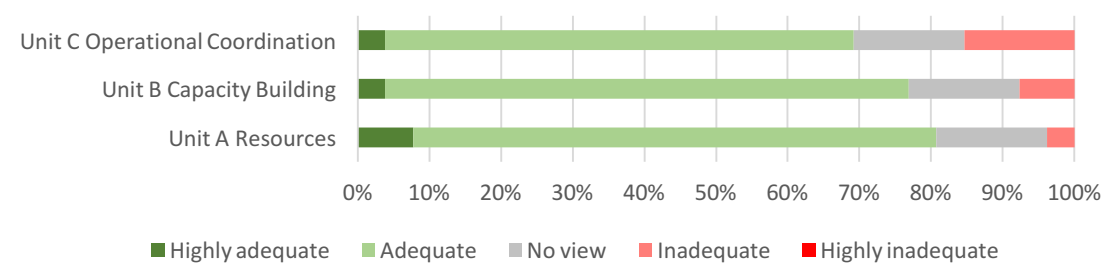


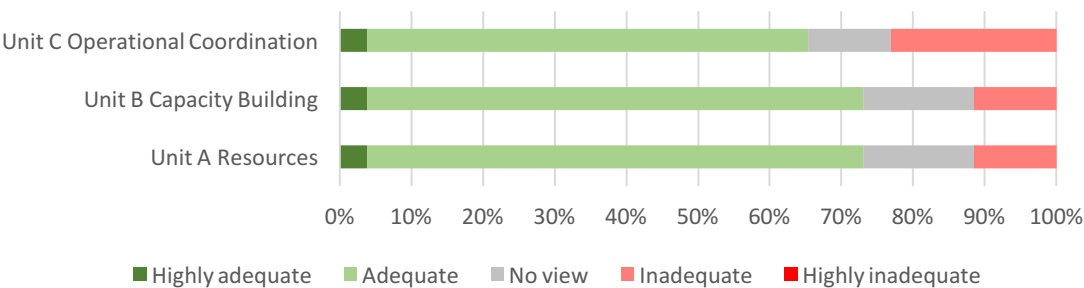
Figure 30 - Adequacy of budget structure

Q11: How does the budget structure of EFCA relate to the distribution of resources



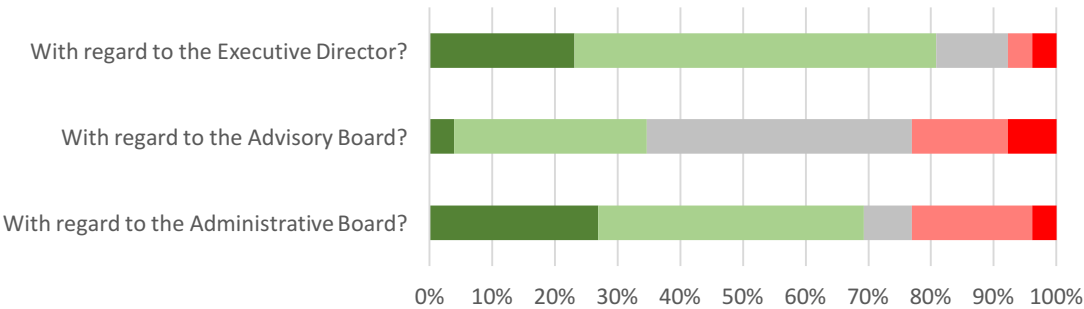
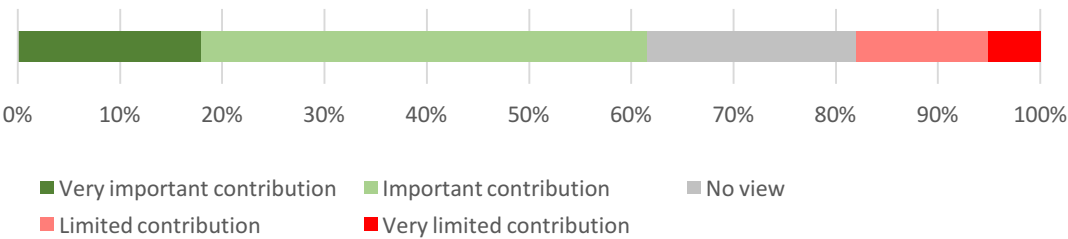
**Figure 31 - Adequacy of resources**

Q11: How does the budget structure of EFCA relate to the distribution of resources



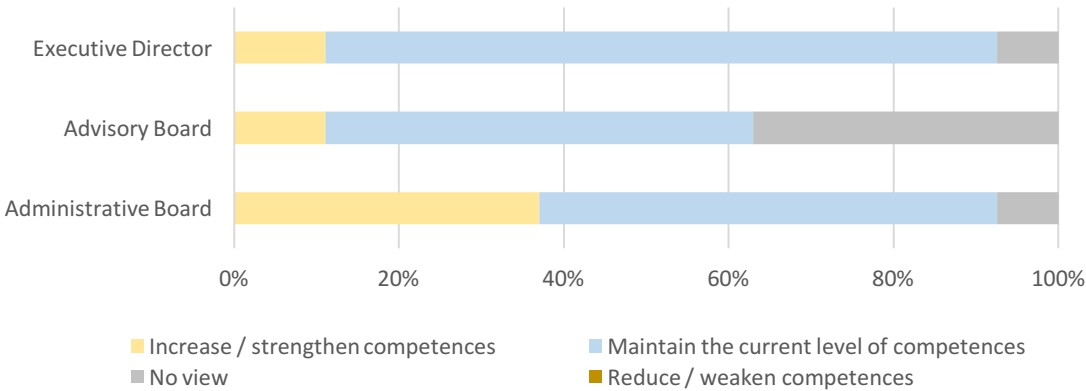
**Figure 32 - Adequacy of governance arrangements**

Q12: Do current governance arrangements contribute to the efficient operation of the Agency?



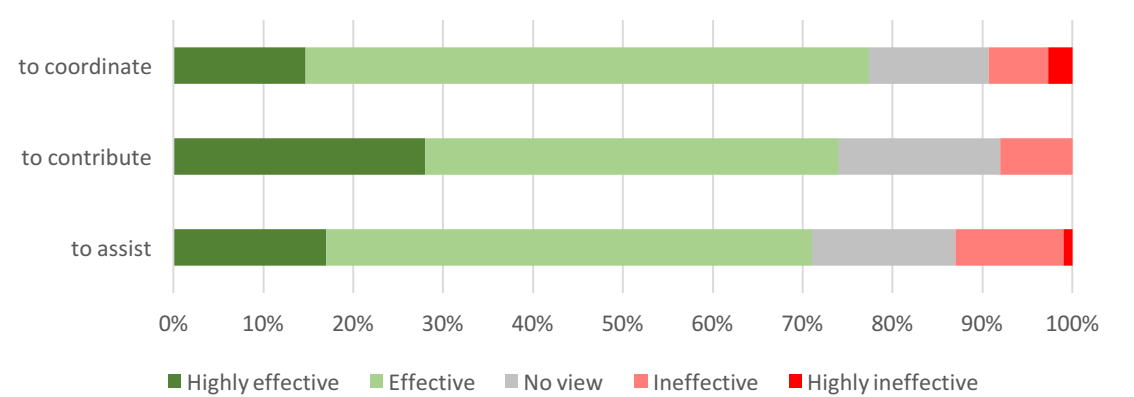
**Figure 33 - Need for change in governance arrangements**

Q13: Should current governance arrangements be changed to enhance the efficient operation of the Agency?



**Figure 34 – EFCA Objectives**

Q7: To which extent is EFCA achieving its objectives as specified in the Regulation?  
350

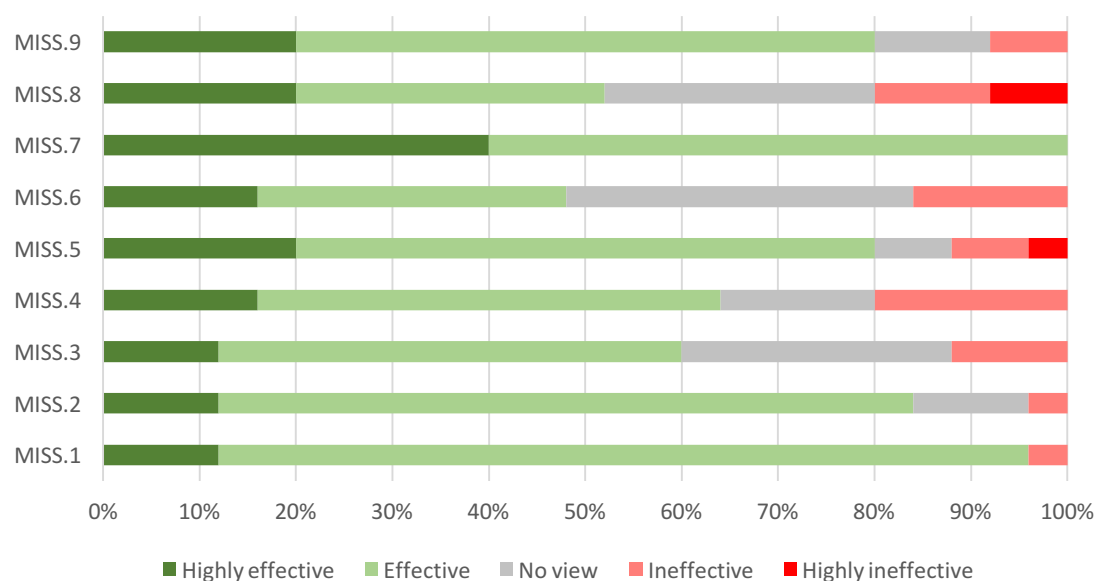


<sup>350</sup> (MISS.1) to coordinate control and inspection by MS relating to the control and inspection obligations of the EU.  
(MISS.2) to coordinate the deployment of the national means of control and inspection pooled by the MS concerned in accordance with this Regulation.  
(MISS.3) to assist MS in reporting information on fishing activities and control and inspection activities to the EC and third parties.  
(MISS.4) in the field of its competences, to assist MS to fulfil their tasks and obligations under the rules of the CFP.  
(MISS.5) to assist MS and the EC in harmonising the application of the CFP throughout the EU.  
(MISS.6) to contribute to the work of MS and the EC on research into and development of control and inspection techniques.  
(MISS.7) to contribute to the coordination of inspector training and the exchange of experience between MS.  
(MISS.8) to coordinate the operations to combat illegal, unreported and unregulated fishing in conformity with EU rules.  
(MISS.9) to assist in the uniform implementation of the control system of the CFP.

**Figure 35 – EFCA's effectiveness in achieving objectives**

Q7: To what extent is EFCA achieving its objectives as specified in the Regulation?

351



<sup>351</sup> (MISS.1) to coordinate control and inspection by MS relating to the control and inspection obligations of the EU.

(MISS.2) to coordinate the deployment of the national means of control and inspection pooled by the MS concerned in accordance with this Regulation.

(MISS.3) to assist MS in reporting information on fishing activities and control and inspection activities to the EC and third parties.

(MISS.4) in the field of its competences, to assist MS to fulfil their tasks and obligations under the rules of the CFP.

(MISS.5) to assist MS and the EC in harmonising the application of the CFP throughout the EU.

(MISS.6) to contribute to the work of MS and the EC on research into and development of control and inspection techniques.

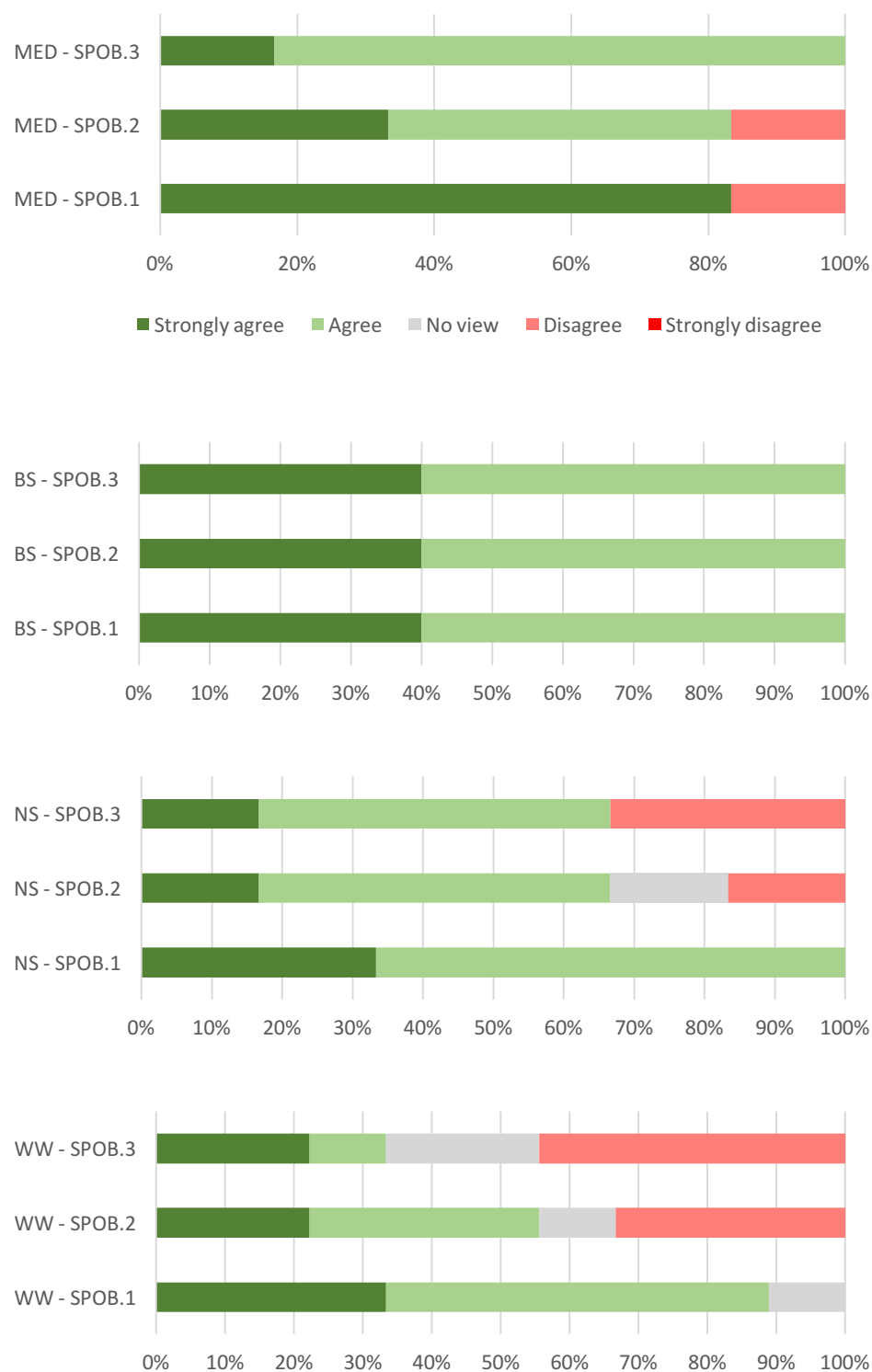
(MISS.7) to contribute to the coordination of inspector training and the exchange of experience between MS.

(MISS.8) to coordinate the operations to combat illegal, unreported and unregulated fishing in conformity with EU rules.

(MISS.9) to assist in the uniform implementation of the control system of the CFP.

**Figure 36 - EFCA's effectiveness per region**

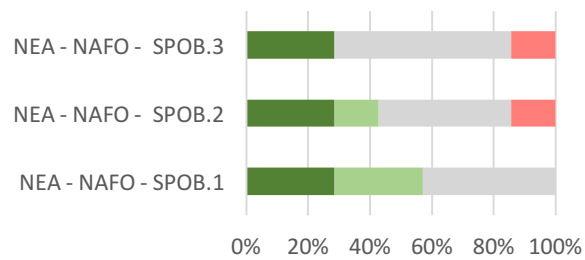
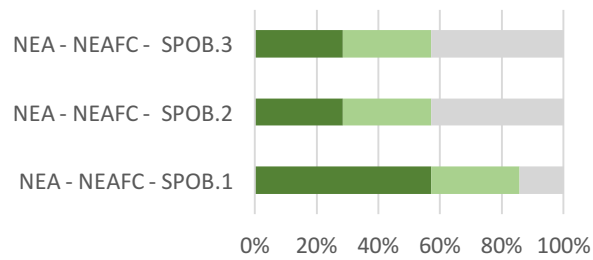
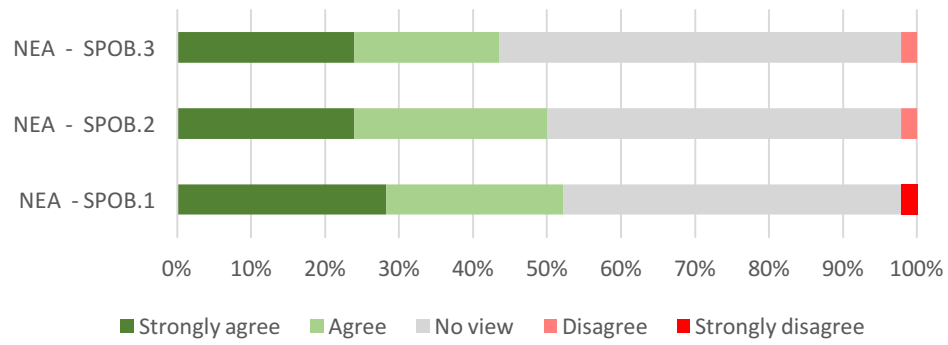
Q8: To which extent is EFCA achieving its specific objectives?<sup>352</sup>



<sup>352</sup> (SPOB.1) strengthened cooperation between relevant MS authorities.

(SPOB.2) enhanced compliance with the rules of the CFP.

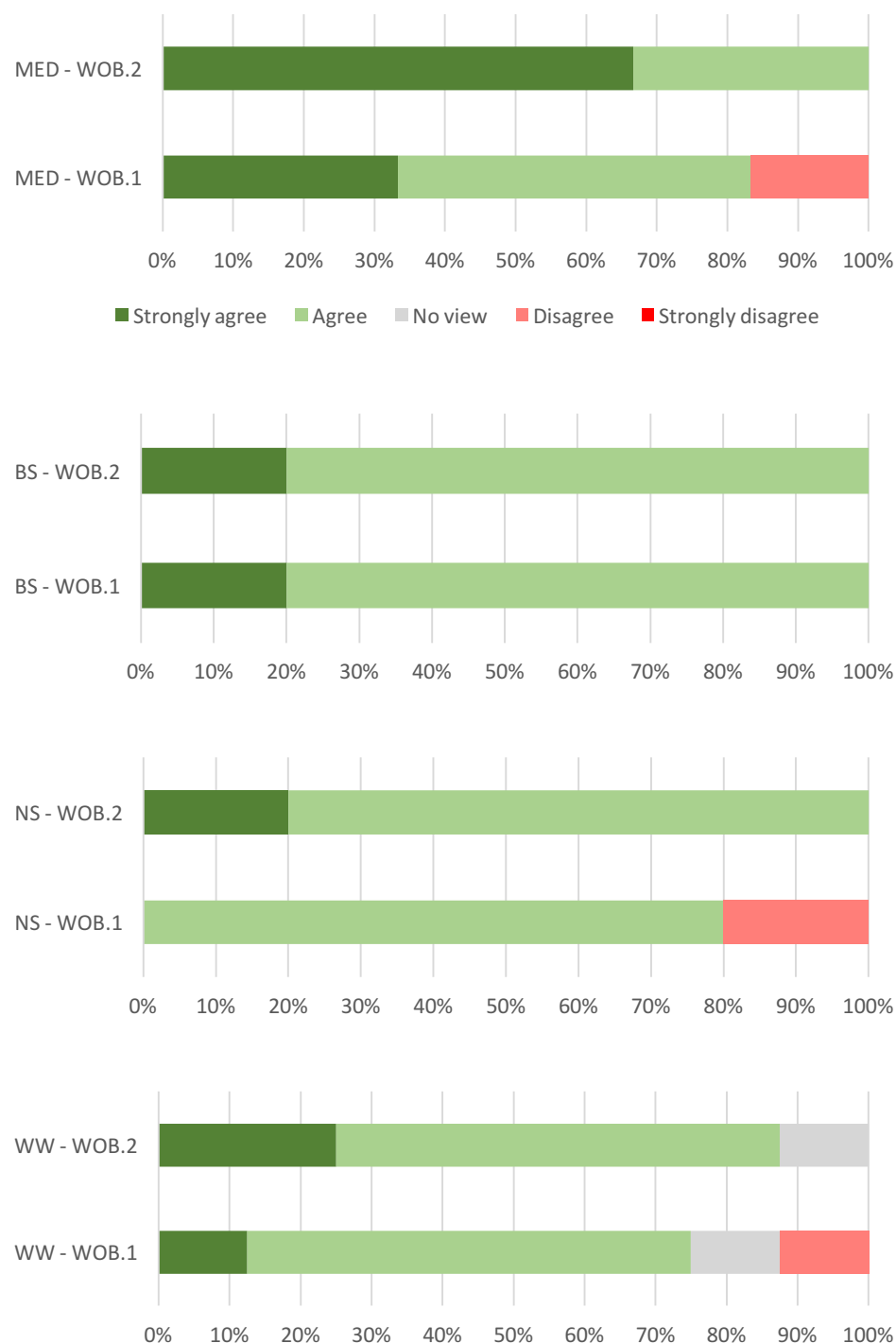
(SPOB.3) more effective and uniform application of the CFP.





**Figure 37 - EFCA's impact per region**

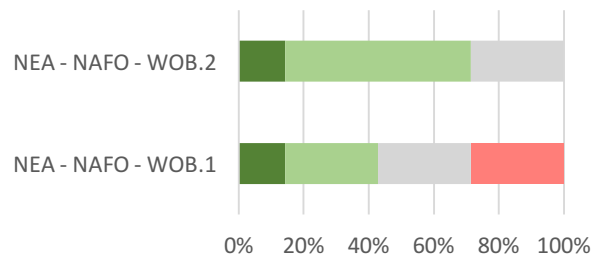
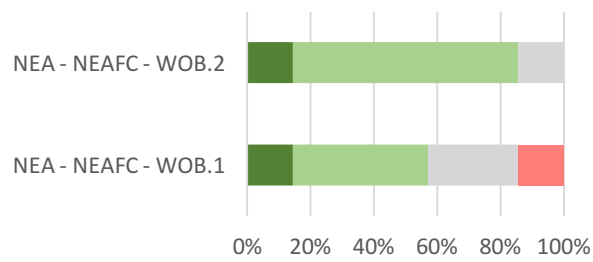
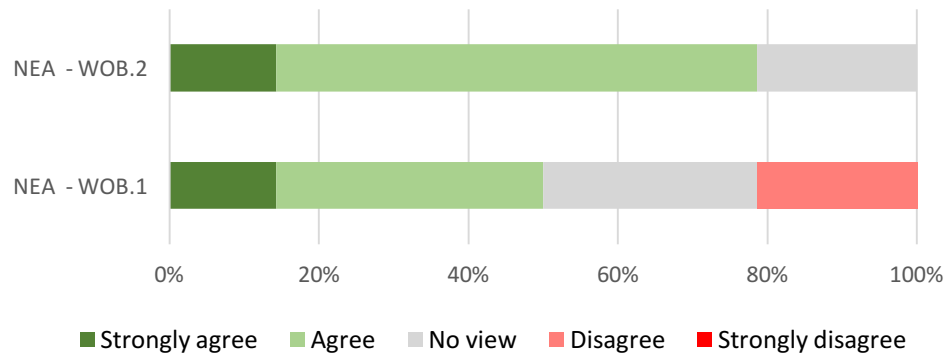
Q9: To which extent is EFCA contributing to achieving wider objectives?<sup>353</sup>



<sup>353</sup> Wider objectives:

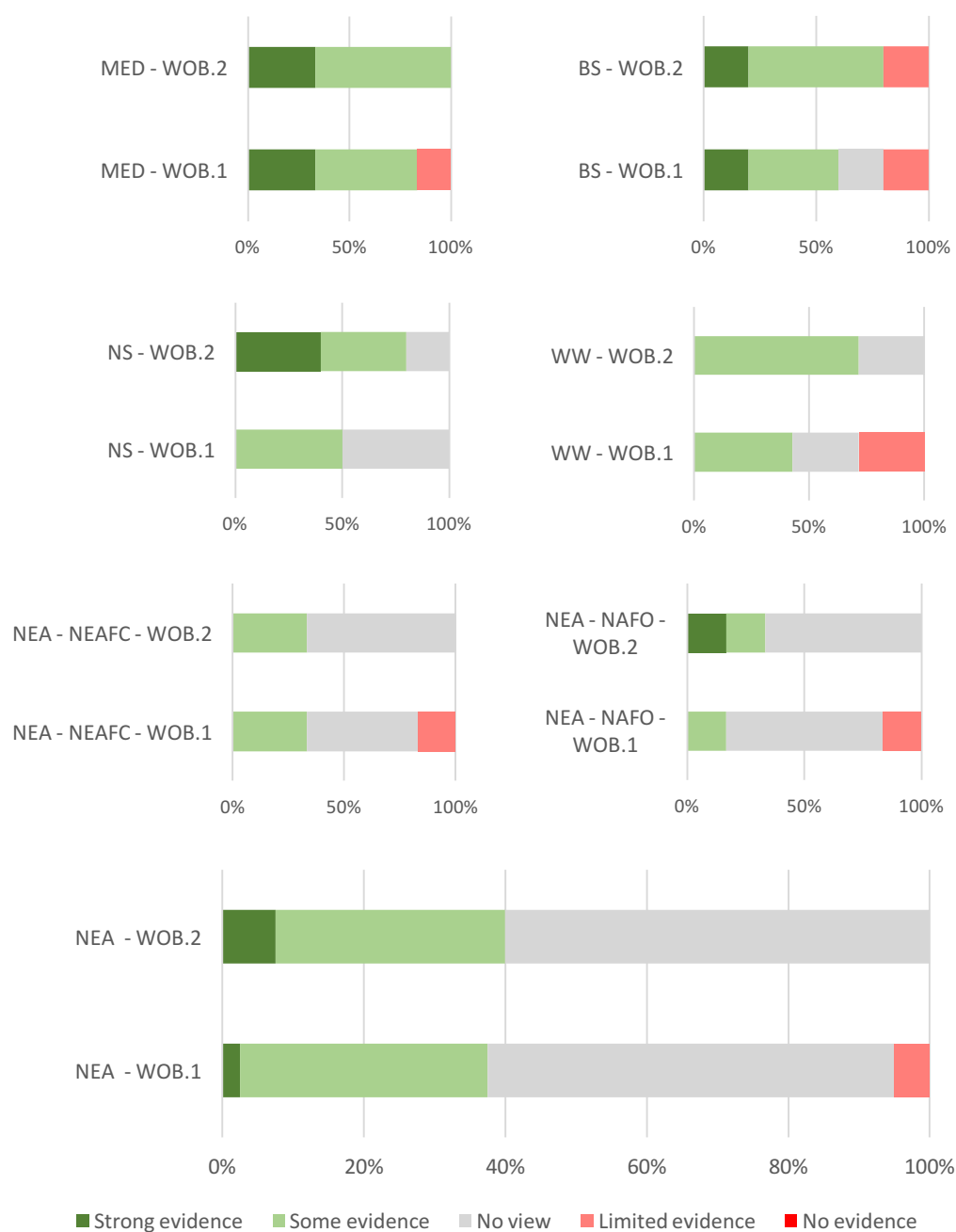
(WOB.1) sustainable exploitation of living aquatic resource.

(WOB.2) enhanced level playing field between fisheries of the different MS.



**Figure 38 - Evidence for EFCA's impact**

Q10: Are you aware of any evidence supporting impact? <sup>354</sup>



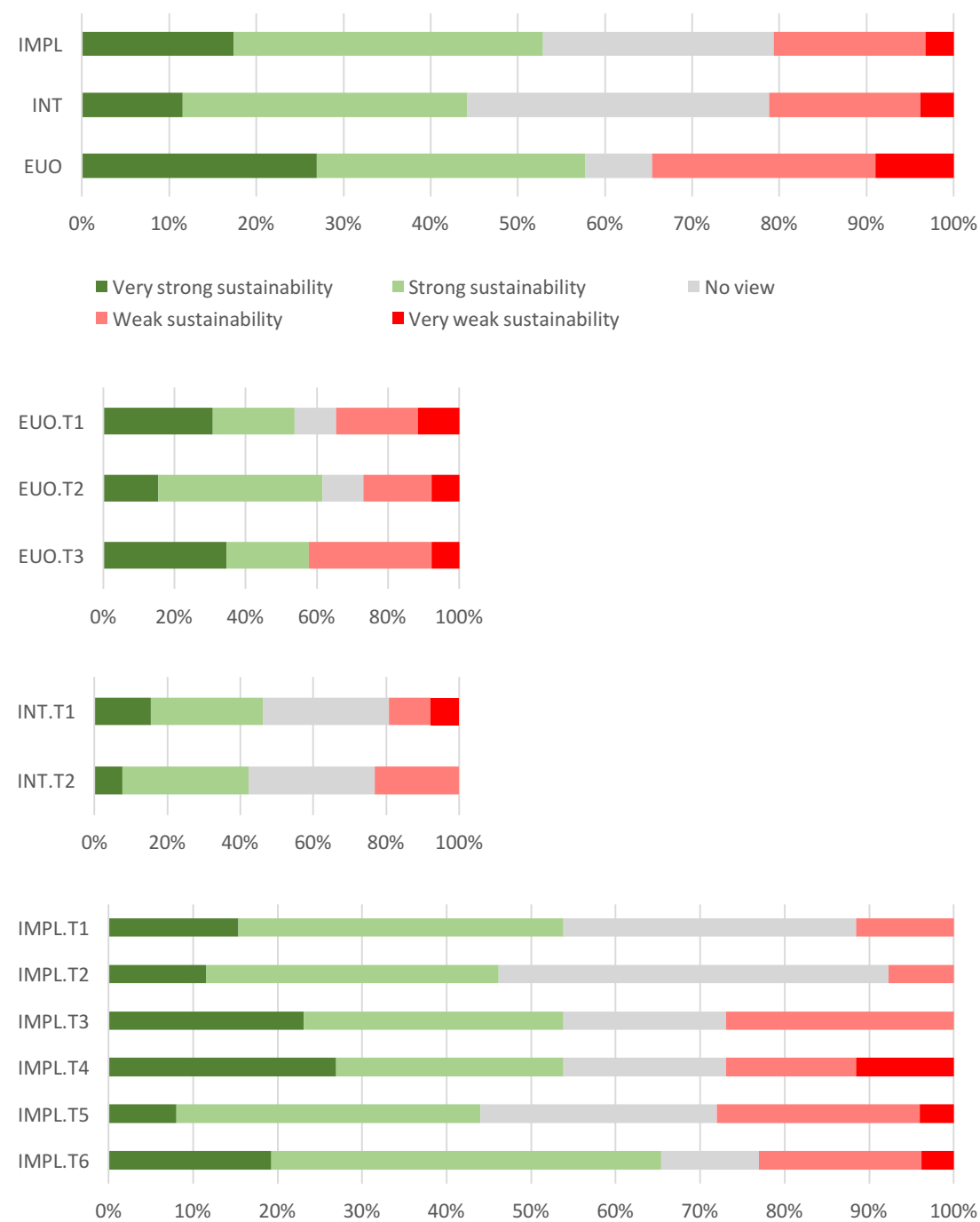
<sup>354</sup> Wider objectives:

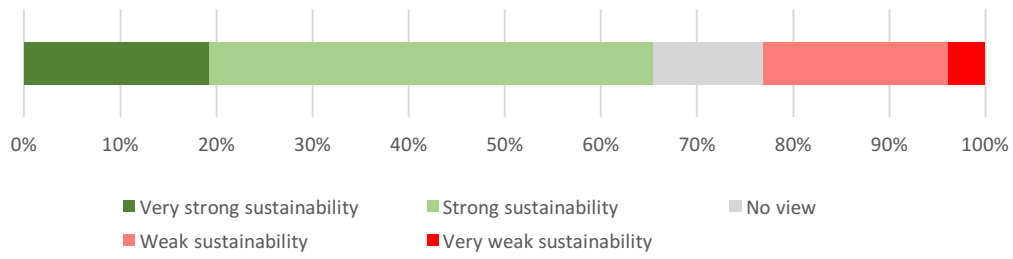
(WOB.1) sustainable exploitation of living aquatic resource.

(WOB.2) enhanced level playing field between fisheries of the different MS.

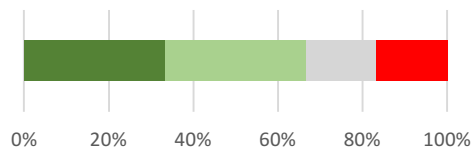
Figure 39 - Sustainability of EFCA activities

Q14: To what extent would activities continue without further EFCA support?

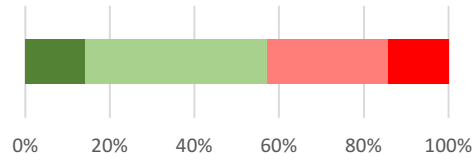




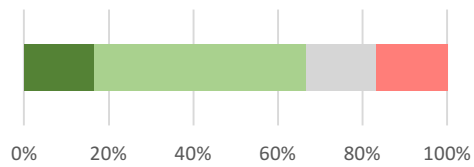
MED



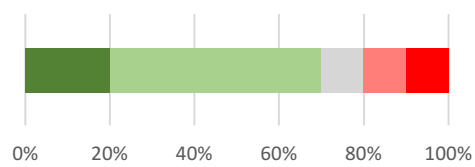
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## **4.6 Advisory Council Survey**

This annex includes the survey format for the Advisory Council members.

## Introduction to the survey

Dear Advisory Council Member,

This survey is conducted in the framework of the Five Year Independent External Evaluation of the European Fisheries Control Agency (EFCA), and aims to allow the members of the Advisory Councils to voice their opinion on EFCA's performance throughout the years 2012 to 2016.

The EFCA has contracted the firm 'Blomeyer & Sanz' to conduct this evaluation. The contact person in EFCA is Ms Rieke Arndt: [rieke.arndt@efca.europa.eu](mailto:rieke.arndt@efca.europa.eu).

The completion of the survey should not take more than some 15 minutes (12 questions organised in five sections).

Please note that your response will only be used in the context of the present evaluation. In application of Article II.9 of the evaluation contract signed with the EFCA, the personal data contained in your response will be treated as confidential within the meaning of Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data.

I would be very grateful if you could complete the survey by Friday, 23 September 2016.

If you require any clarification on specific survey questions please contact: Elsa Perreau, [eperreau@blomeyer.eu](mailto:eperreau@blomeyer.eu) / +34 949 492 505.

With best wishes, Elsa Perreau

1. Please indicate whether you are a member of a Regional Advisory Council or other stakeholder.

- ☐ South Western Waters ☐ North Western Waters ☐ Baltic Sea ☐ Long Distance ☐ Mediterranean ☐ Pelagic
- ☐ North Sea
- ☐ Other (please specify)

2. Please select your type of organisation and Member State from the following drop-down menus.

Type of organisation	Member State / Other
Please select <input type="text"/>	<input type="text"/>

Relevance (page 1 of 5)

Looking at the evaluation criterion of relevance, we would appreciate your views on the extent to which the original EFCA mission as noted in Council Regulations (EC) No 768/2005 and (EC) No 1224/2009 correspond to your needs.

3. The relevance of the Regulations' mission is rated

with regard to your needs?

to coordinate control and inspection by Member States relating to the control and inspection obligations of the Community

to coordinate the deployment of the national means of control and inspection pooled by the Member States concerned in accordance with this Regulation

to assist Member States in reporting information on fishing activities and control and inspection activities to the Commission and third parties

in the field of its competences, to assist Member States to fulfill their tasks and obligations under the rules of the common fisheries policy

to assist Member States and the Commission in harmonising the application of the common fisheries policy throughout the Community

to contribute to the work of Member States and the Commission on research into and development of control and inspection techniques

	with regard to your needs?
to contribute to the coordination of inspector training and the exchange of experience between Member States	<input type="text"/>
to coordinate the operations to combat illegal, unreported and unregulated fishing in conformity with Community rules	<input type="text"/>
to assist in the uniform implementation of the control system of the common fisheries policy	<input type="text"/>
Please use this box to comment on relevance.	
<div></div>	

#### 4. Finally, please rate the relevance of specific areas of EFCA activity

	with regard to your needs?
EU Operations: Joint Deployment Plans	<input type="text"/>
EU Operations: EFCA Fisheries Information System	<input type="text"/>
EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors	<input type="text"/>
International Operations: Capacity Building for Third Countries	<input type="text"/>
International Operations: IUU evaluation missions to Third Countries	<input type="text"/>
Implementation Tasks: Landing Obligation	<input type="text"/>
Implementation Tasks: Compliance Evaluation	<input type="text"/>
Implementation Tasks: EFCA Coordination Centre	<input type="text"/>
Implementation Tasks: Union Inspectors	<input type="text"/>
Implementation Tasks: Common Information Sharing Environment - CISE	<input type="text"/>
Implementation Tasks: New technologies for Maritime Surveillance	<input type="text"/>

Please use this box to comment on the relevance of specific areas of EFCA activity.

Added value (page 2 of 5)

Please note your views on the added value of EFCA in terms of supporting the coordination of fisheries control and related activities (e.g. as opposed to other actors, such as Member State



organisations, private sector actors etc. providing this support)?

5. Please rate EFCA's added value

	as compared to Member State actors delivering support?	as compared to the European Commission providing support?	as compared to private sector actors delivering support?
EU Operations: Joint Deployment Plans	<input type="text"/>	<input type="text"/>	<input type="text"/>
EU Operations: EFCA Fisheries Information System	<input type="text"/>	<input type="text"/>	<input type="text"/>
EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors	<input type="text"/>	<input type="text"/>	<input type="text"/>
International Operations: Capacity Building for Third Countries	<input type="text"/>	<input type="text"/>	<input type="text"/>
International Operations: IUU evaluation missions to Third Countries	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: Landing Obligation	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: Compliance Evaluation	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: EFCA Coordination Centre	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: Union Inspectors	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: Common Information Sharing Environment - CISE	<input type="text"/>	<input type="text"/>	<input type="text"/>
Implementation Tasks: New technologies for Maritime Surveillance	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please use this box to comment on the added value of EFCA.

6. Please note your views on specific features of EFCA that explain added value

	EFCA expertise / know-how explains added value?	Coordinated approach as opposed to individual Member State action explains added value?
EU Operations: Joint Deployment Plans	<input type="text"/>	<input type="text"/>
EU Operations: EFCA Fisheries Information System	<input type="text"/>	<input type="text"/>
EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors	<input type="text"/>	<input type="text"/>
International Operations: Capacity Building for Third Countries	<input type="text"/>	<input type="text"/>
International Operations: IUU evaluation missions to Third Countries	<input type="text"/>	<input type="text"/>
Implementation Tasks: Landing Obligation	<input type="text"/>	<input type="text"/>
Implementation Tasks: Compliance Evaluation	<input type="text"/>	<input type="text"/>
Implementation Tasks: EFCA Coordination Centre	<input type="text"/>	<input type="text"/>
Implementation Tasks: Union Inspectors	<input type="text"/>	<input type="text"/>
Implementation Tasks: Common Information Sharing Environment - CISE	<input type="text"/>	<input type="text"/>
Implementation Tasks: New technologies for Maritime Surveillance	<input type="text"/>	<input type="text"/>

Please use this box to comment on the added value of EFCA.

Effectiveness and impact (page 3 of 5)

We would appreciate your views on the extent to which EFCA is achieving its mission and

objectives as listed in the Council Regulation.

We would also appreciate your views on the extent to which EFCA is achieving its wider objectives as noted in Council Regulation (EC) No 768/2005: *'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'*.

7. EFCA's effectiveness for the different elements of its mission listed below is rated

	Please select
to coordinate control and inspection by Member States relating to the control and inspection obligations of the Community	<input type="text"/>
to coordinate the deployment of the national means of control and inspection pooled by the Member States concerned in accordance with this Regulation	<input type="text"/>
to assist Member States in reporting information on fishing activities and control and inspection activities to the Commission and third parties	<input type="text"/>
in the field of its competences, to assist Member States to fulfill their tasks and obligations under the rules of the common fisheries policy	<input type="text"/>
to assist Member States and the Commission in harmonising the application of the common fisheries policy throughout the Community	<input type="text"/>
to contribute to the work of Member States and the Commission on research into and development of control and inspection techniques	<input type="text"/>

	Please select
to contribute to the coordination of inspector training and the exchange of experience between Member States	<input type="text"/>
to coordinate the operations to combat illegal, unreported and unregulated fishing in conformity with Community rules	<input type="text"/>
to assist in the uniform implementation of the control system of the common fisheries policy	<input type="text"/>

Please use this box to comment on effectiveness.

8. Do you consider that EFCA activity has contributed to

	strengthened cooperation between relevant Member State authorities?	enhanced compliance with the rules of the Common Fisheries Policy?	more effective and uniform application of the Common Fisheries Policy?
in the Mediterranean Sea?	<input type="text"/>	<input type="text"/>	<input type="text"/>
in the Baltic Sea?	<input type="text"/>	<input type="text"/>	<input type="text"/>
in the North Sea?	<input type="text"/>	<input type="text"/>	<input type="text"/>
in the Western Waters?	<input type="text"/>	<input type="text"/>	<input type="text"/>
in the Black Sea?	<input type="text"/>	<input type="text"/>	<input type="text"/>
in the North-East Atlantic (NEAFC)?	<input type="text"/>	<input type="text"/>	<input type="text"/>
in the North-West Atlantic (NAFO)?	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please use this box to comment on effectiveness.

9. Do you consider that EFCA activity has contributed to

	the sustainable exploitation of living aquatic resources?	an enhanced level playing field between fisheries of the different Member States?
in the Mediterranean Sea?	<input type="text"/>	<input type="text"/>
in the Baltic Sea?	<input type="text"/>	<input type="text"/>
in the North Sea?	<input type="text"/>	<input type="text"/>
in the Western Waters?	<input type="text"/>	<input type="text"/>
in the Black Sea?	<input type="text"/>	<input type="text"/>
in the North-East Atlantic (NEAFC)?	<input type="text"/>	<input type="text"/>
in the North-West Atlantic (NAFO)?	<input type="text"/>	<input type="text"/>

Please use this box to comment on impact.

10. Are you aware of any evidence supporting impact

	evidence for sustainable exploitation of living aquatic resources?	evidence for an enhanced level playing field between fisheries of the different Member States?
in the Mediterranean Sea?	<input type="text"/>	<input type="text"/>
in the Baltic Sea?	<input type="text"/>	<input type="text"/>
in the North Sea?	<input type="text"/>	<input type="text"/>
in the Western Waters?	<input type="text"/>	<input type="text"/>
in the Black Sea?	<input type="text"/>	<input type="text"/>
in the North-East Atlantic (NEAFC)?	<input type="text"/>	<input type="text"/>
in the North-West Atlantic (NAFO)?	<input type="text"/>	<input type="text"/>

Please use this box to comment on impact.

Sustainability (page 4 of 5)

**This final section concerns your views on the sustainability of the different areas of EFCA activity, i.e. to what extent would activities continue without further EFCA support?**

11. Please rate the sustainability of the following areas of EFCA activity.

	Please select
EU Operations: Joint Deployment Plans	<input type="text"/>
EU Operations: EFCA Fisheries Information System	<input type="text"/>
EU Operations: EFCA Core Curricula for fisheries inspectors and Union inspectors	<input type="text"/>
International Operations: Capacity Building for Third Countries	<input type="text"/>
International Operations: IUU evaluation missions to Third Countries	<input type="text"/>
Implementation Tasks: Landing Obligation	<input type="text"/>
Implementation Tasks: Compliance Evaluation	<input type="text"/>
Implementation Tasks: EFCA Coordination Centre	<input type="text"/>
Implementation Tasks: Union Inspectors	<input type="text"/>
Implementation Tasks: Common Information Sharing Environment - CISE	<input type="text"/>
Implementation Tasks: New technologies for Maritime Surveillance	<input type="text"/>

Please use this box to comment on the sustainability of EFCA areas of activity.

Recommendations (page 5 of 5)

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12. Please use the space below to note any recommendations for the future of EFCA

### 4.7 Advisory Council Survey Results

Figure 40 - Relevance of EFCA objectives for Advisory Council members

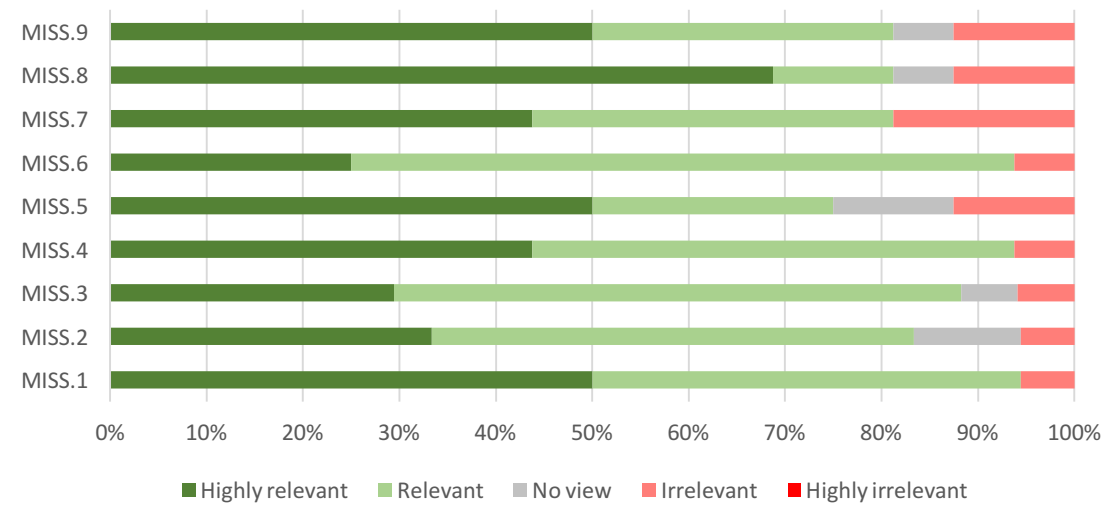
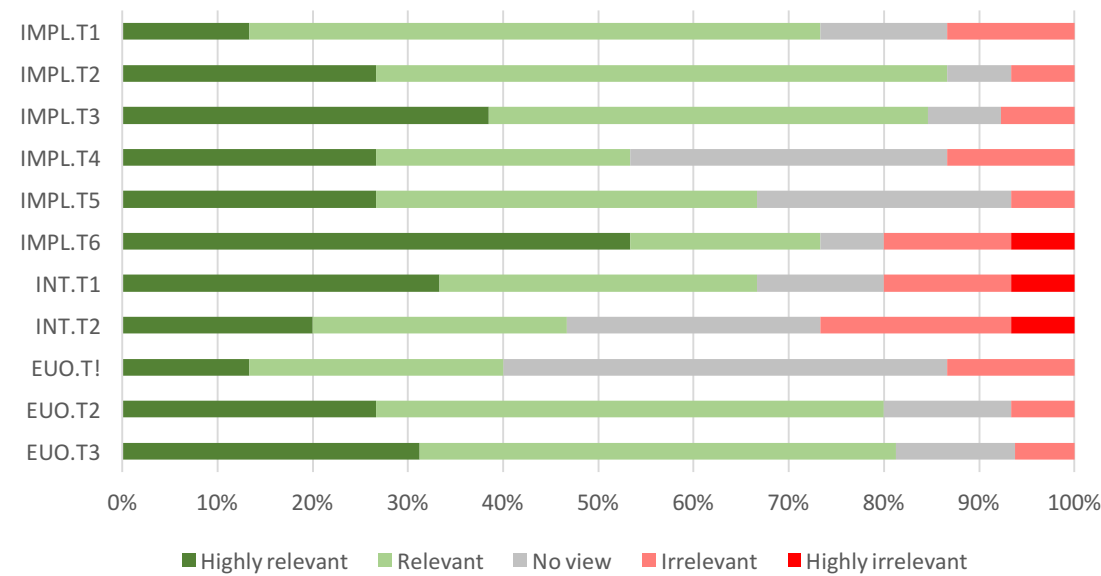


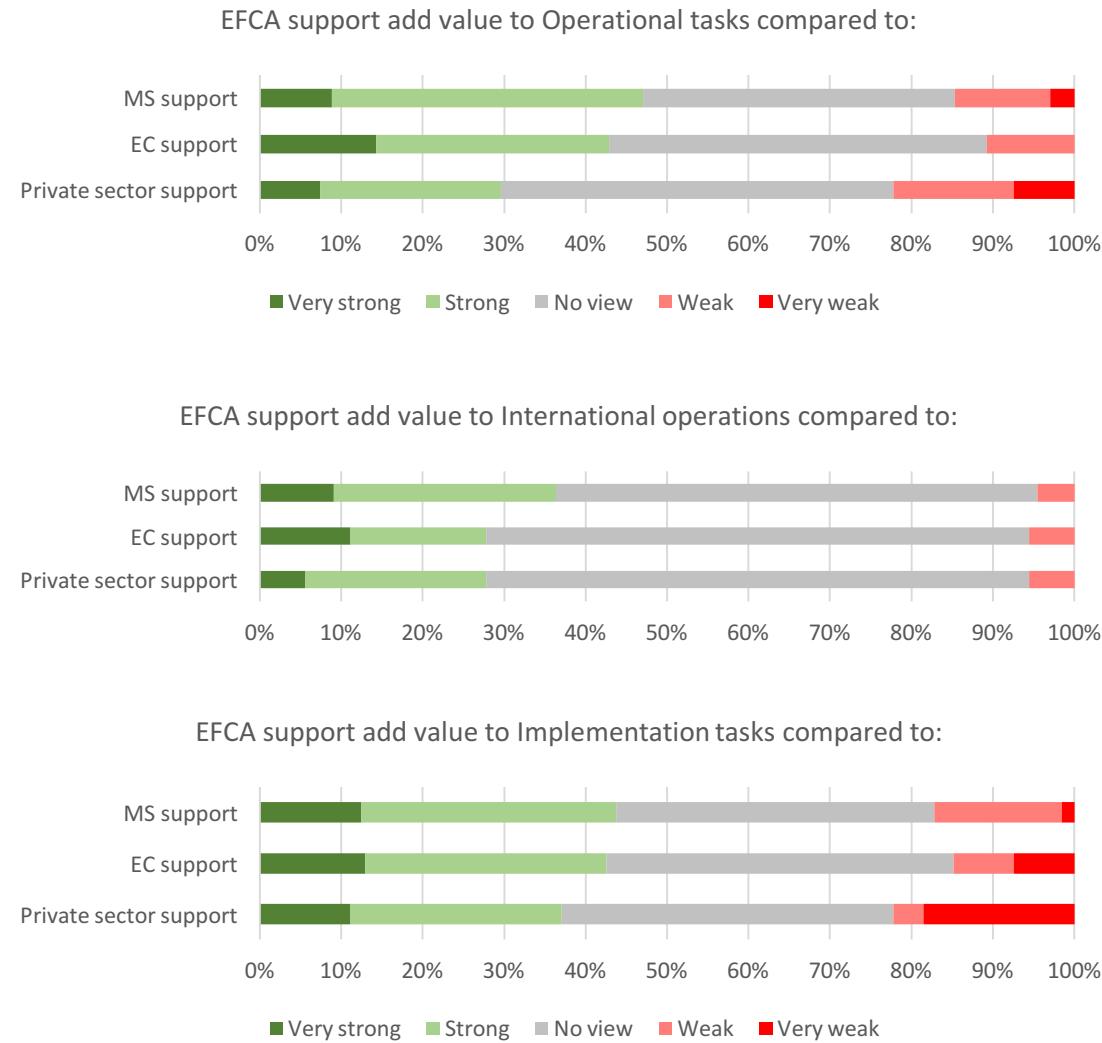
Figure 41 - Relevance of EFCA activities for Advisory Council members



**Figure 42 - EFCA’s added value compared to other actors delivering support**

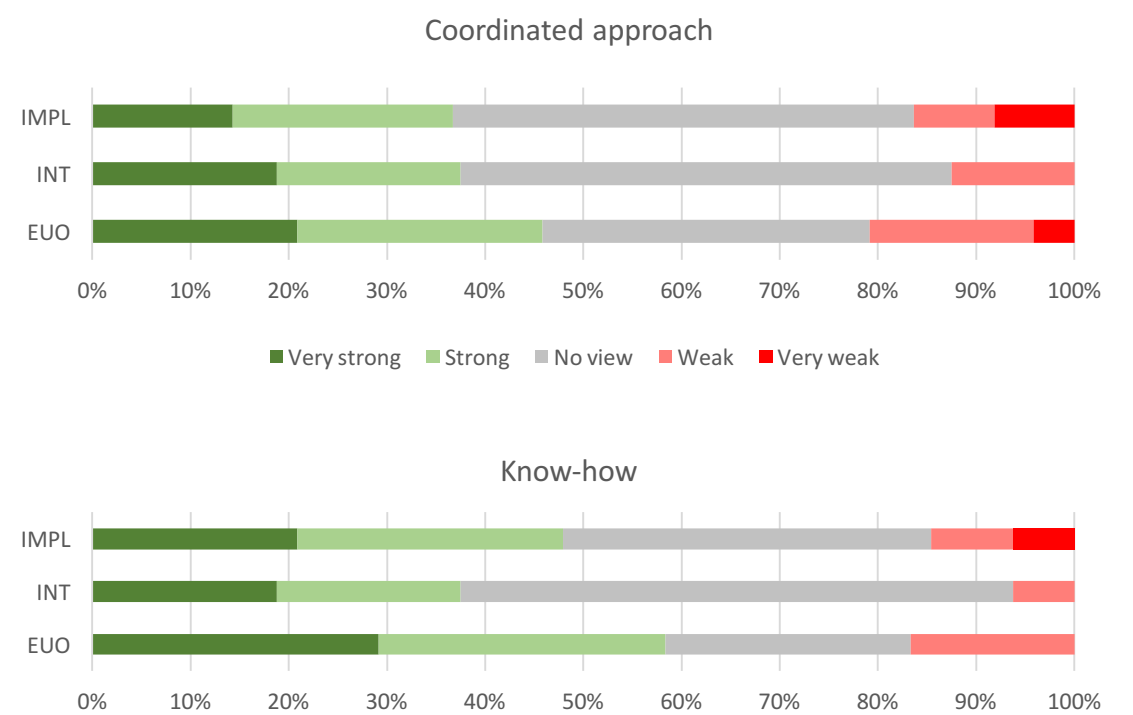
Note: In the view of third parties

Q5: To what extent does EFCA support add value to the coordination of fisheries control and related activities as opposed to other actors providing this support?



**Figure 43 - Factors that explain EFCA added value in the view of third parties**

Q6: What specific features explain EFCA added value?



## **4.8 SGTEE Survey**

This annex includes the survey format for the SGTEE members.



## Introduction

Dear Member State Representative

As you may know, the EFCA has commissioned Blomeyer & Sanz to undertake a five-year evaluation of EFCA.

This survey forms part of a case study on the EFCA Core Curricula.

We would be most grateful if you could complete survey by 26 August.

Please contact me if you have any questions.

Roderick Ackermann

rackermann@blomeyer.eu

www.blomeyer.eu

1. Which of the following descriptions fit best with your understanding of the term 'curriculum'? Please select more than one if relevant.

A set of subjects that have to be studied to fulfil some requirement	<input type="checkbox"/>
A set of subjects that have to be studied in a particular order to fulfil some requirement	<input type="checkbox"/>
A set of subjects that have to be mastered to fulfil some requirement	<input type="checkbox"/>
A set of subjects and the corresponding standards that have to be met to fulfil some requirement	<input type="checkbox"/>
A curriculum determines what will be taught and learned, by whom, when and where. It determines not only the content but also the sequencing of the learning and the overall educational experience.	<input type="checkbox"/>
The inventory of activities implemented to design, organise and plan an education or training action, including the definition of learning objectives, content, methods (including assessment) and material, as well as arrangements for training teachers	<input type="checkbox"/>
A collection of related subjects that do not have to be studied together, or in any sequence	<input type="checkbox"/>

Other (please specify)

2. How would you describe the objective/ purpose of the EFCA Core Curricula (CC)?

3. To what extent do you consider that the EFCA Core Curricula (CC) incorporate a clear and coherent overall framework/ roadmap for the training of fisheries inspectors?

The CC incorporate a clear and coherent overall training framework/ roadmap	The CC incorporate an overall training framework/ roadmap but it could be clearer/ more coherent	The CC do not provide an overall training framework/ roadmap	Not sure
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4. Do the Core Curricula (CC) fill gaps in and/or complement fisheries inspector training in your country in the areas listed here?

	Listed CC volumes fill gaps in (and/or complement) fisheries inspector training in my country	Listed CC volumes duplicate fisheries inspector training already provided in my country	Listed CC volumes have been/ will be incorporated into fisheries inspector training in my country
Volume 1. Inspection at sea (published 2013)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Volume 2. Port inspection 2a. Landing inspection (published 2014)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Volume 2. Port inspection 2b. Transshipment inspection (published 2015)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Volume 3. General principles applicable to fisheries inspection and surveillance (published 2015)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Volume 3. Specific types of fisheries inspection (published 2015)	<input type="text"/>	<input type="text"/>	<input type="text"/>

5. Since 2013, approximately what percentage of the fisheries inspectors in your country listed in the 2016 List of Union Inspectors have received training in subjects covered by the EFCA Core Curricula (CC)? (Note: please include training delivered by national authorities, EFCA, or any other body)

	Percentage of Union Inspectors trained in this subject	Percentage of Union Inspectors trained in this subject using EFCA CC materials and methodology
Volume 1. Inspection at sea (published 2013)	<input type="text"/>	<input type="text"/>
Volume 2. Port inspection 2a. Landing inspection (published 2014)	<input type="text"/>	<input type="text"/>
Volume 2. Port inspection 2b. Transhipment inspection (published 2015)	<input type="text"/>	<input type="text"/>
Volume 3. General principles applicable to fisheries inspection and surveillance (published 2015)	<input type="text"/>	<input type="text"/>
Volume 3. Specific types of fisheries inspection (published 2015)	<input type="text"/>	<input type="text"/>

6. Approximately how many fisheries inspector **trainers** in your country have received training or other support from EFCA regarding implementation of the Core Curricula (CC)?

In 2014	<input type="text"/>
In 2015	<input type="text"/>
In 2016	<input type="text"/>

7. How satisfied are you with the content and quality of the Core Curricula (CC) materials produced by EFCA?

	Very satisfied	Somewhat satisfied	Neither satisfied nor dissatisfied	Somewhat dissatisfied	Very dissatisfied	Not sure
Volume 1. Inspection at sea (published 2013)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 2. Port inspection 2a. Landing inspection (published 2014)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 2. Port inspection 2b. Transhipment inspection (published 2015)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 3. General principles applicable to fisheries inspection and surveillance (published 2015)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 3. Specific types of fisheries inspection (published 2015)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

8. How satisfied are you with the pace of development of the Core Curricula (CC) since 2012?

Very dissatisfied	Somewhat dissatisfied	Neither satisfied nor dissatisfied	Satisfied	Very satisfied	Not sure
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

9. Has EFCA provided sufficient support, and of the right type, in launching the Core Curricula (CC) in your country?

	Yes	No	Not sure	Support not needed
EFCA has provided sufficient support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
EFCA has provided the right type of support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

10. To what extent do you think EFCA's Core Curricula (CC) are contributing to **level playing field** in the implementation of the CFP?

The EFCA CC make little difference	The EFCA CC make some difference	The EFCA CC make a lot of difference	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

What is your assessment based on? What evidence is available to support your assessment?

11. To what extent do you think the effectiveness of EFCA's Core Curricula (CC) are constrained by the absence of some kind of EU qualification framework for fisheries inspectors?

This is a significant constraint to CC effectiveness	This is a slight constraint to CC effectiveness	This is no constraint to CC effectiveness	Not sure
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

12. To what extent is EFCA fulfilling the following objectives (from Council Regulation (EC) No 1224/2009 of 20 November 2009, Title XIV, Article 120, 3. Assistance to the Commission and Member States)

	Fully meeting this objective	Partly meeting this object	Not meeting this objective	Not sure
(a) 'establish and develop a core curriculum for the training of the instructors of the fisheries inspectorate of the Member States...';	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(b) 'establish and develop a core curriculum for the training of Community inspectors before their first deployment...'	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

13. Given existing resource constraints, do you consider that development and updating of the Core Curricula (CC) should continue? Or do you think there are other, more cost-effective ways of contributing to a level playing field in the implementation of the CFP?

EFCA should continue to develop and update the CC	EFCA should continue to develop and update the CC but at a reduced level/ pace	EFCA should continue to update the CC, but it should not develop new volumes or modules	EFCA should discontinue work on the CC altogether	Not sure
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you have indicated that work on the Core Curricula (CC) should be reduced or discontinued, what other activities would be more cost-effective in ensuring a level playing field in the implementation of the CFP?

14. Finally, would you be willing to let us contact you by telephone or Skype to explore some of these issues further?

Yes	No
<input type="radio"/>	<input type="radio"/>

You have reached the end of the survey.

Thank you for your feedback

## 4.9 SGTEE Survey Results

**Table 14 - Understanding of the term 'curriculum'**

Q1: Which of the following descriptions fit best with your understanding of the term 'curriculum'? Please select more than one if relevant.<sup>355</sup>

(a) A set of subjects that have to be studied to fulfil some requirement	4
(b) A set of subjects that have to be studied in a particular order to fulfil some requirement	1
(c) A set of subjects that have to be mastered to fulfil some requirement	1
(d) A set of subjects and the corresponding standards that have to be met to fulfil some requirement	2
(e) A curriculum determines what will be taught and learned, by whom, when and where. It determines not only the content but also the sequencing of the learning and the overall educational experience.	4
(f) The inventory of activities implemented to design, organise and plan an education or training action, including the definition of learning objectives, content, methods (including assessment) and material, as well as arrangements for training teachers	4
(g) A collection of related subjects that do not have to be studied together, or in any sequence	2

**Table 15 - EFCA fulfilment of the Founding Regulation**

Note: Founding Regulation as amended by Council Regulation 1224/2009 Article 120, 3

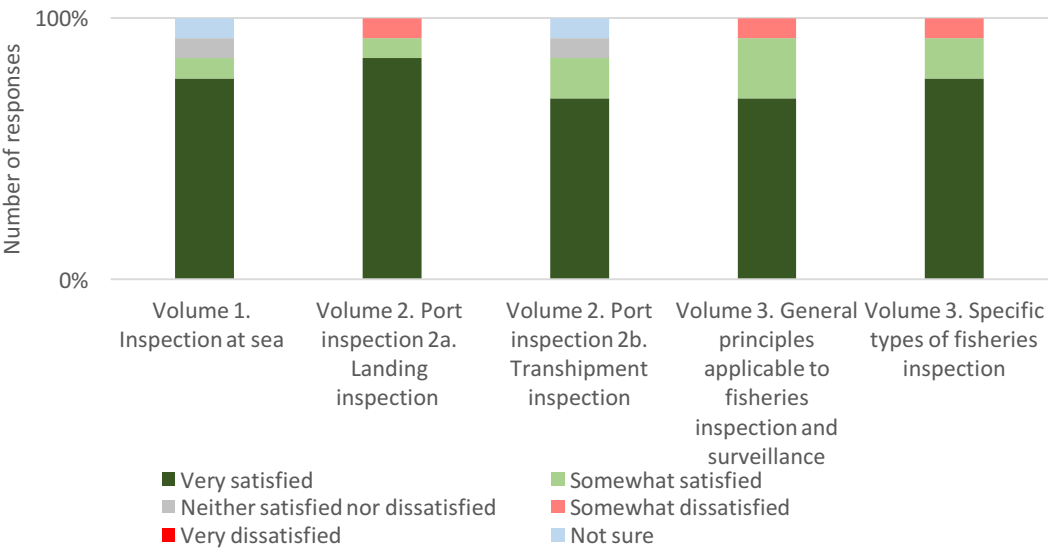
Q12: To what extent is EFCA fulfilling the following objectives (from Council Regulation (EC) No 1224/2009 of 20 November 2009, Title XIV, Article 120, 3. Assistance to the Commission and Member States)

	Fully meeting this objective	Partly meeting this object	Not meeting this objective	Not sure
(a) 'establish and develop a core curriculum for the training of the instructors of the fisheries inspectorate of the Member States...';	69% (9)	23% (3)	0% (0)	8% (1)
(b) 'establish and develop a core curriculum for the training of Community inspectors before their first deployment...'	58% (7)	17% (2)	8% (1)	17% (2)

<sup>355</sup> There were 13 responses to this question.

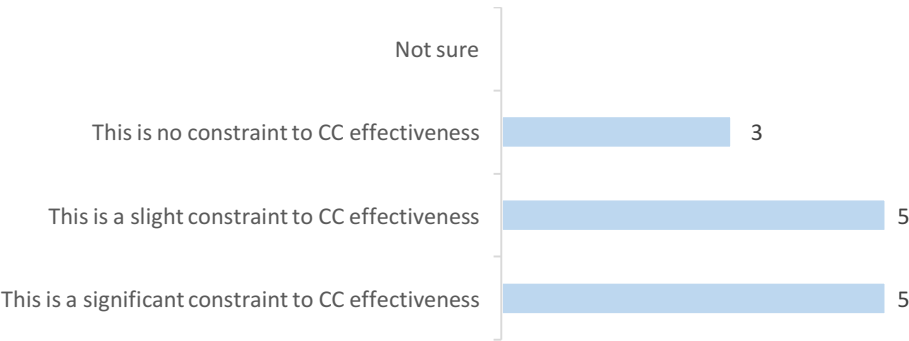
**Figure 44 - Satisfaction with core curricula content and quality**

Q7: How satisfied are you with the content and quality of the Core Curricula (CC) materials produced by EFCA? (% of responses)

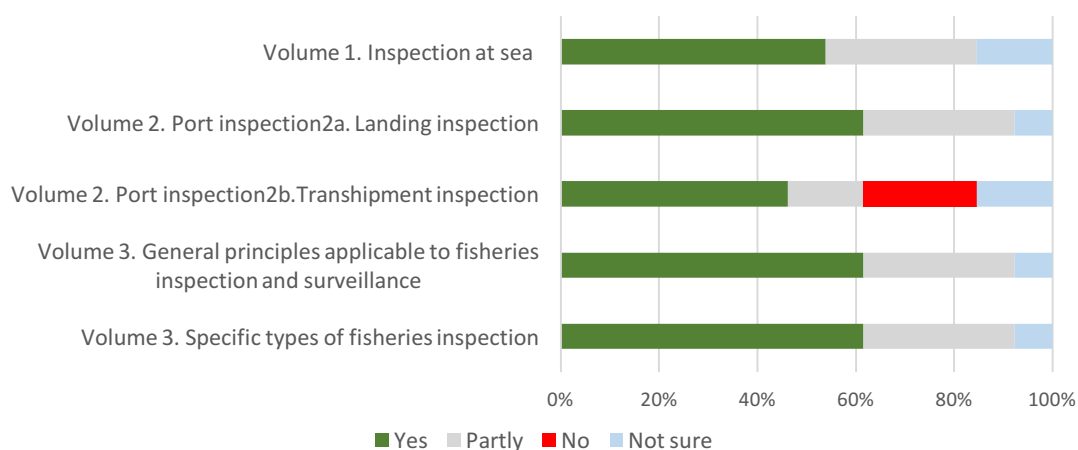


**Figure 45 - Lack of qualification framework as a constraint on core curricula effectiveness**

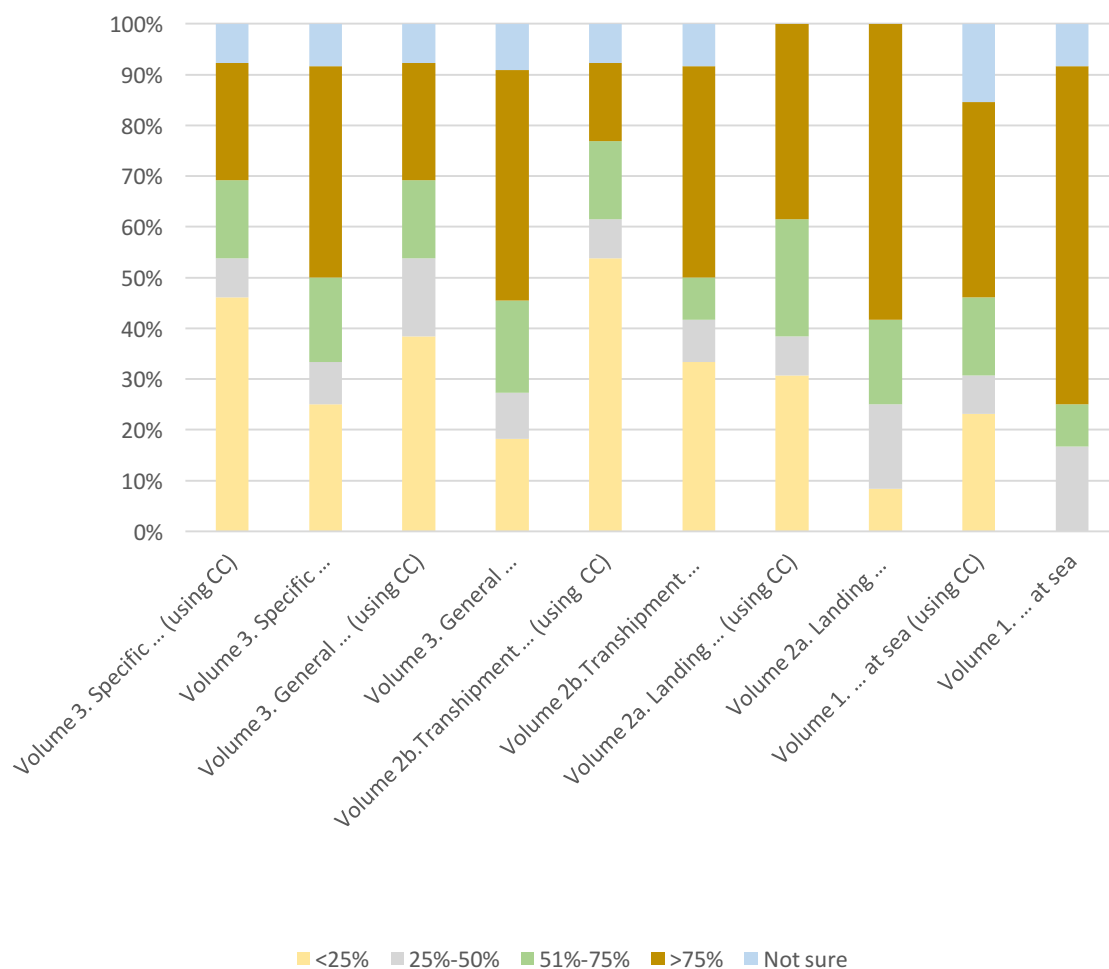
Q11: To what extent do you think the effectiveness of EFCA's Core Curricula (CC) is constrained by the absence of some kind of EU qualification framework for fisheries inspectors? (number of responses)



**Figure 46 - Incorporation of core curricula into MS inspector training**



**Figure 47 - Percentage of MS Union inspectors trained in core curricula subjects<sup>356</sup>**

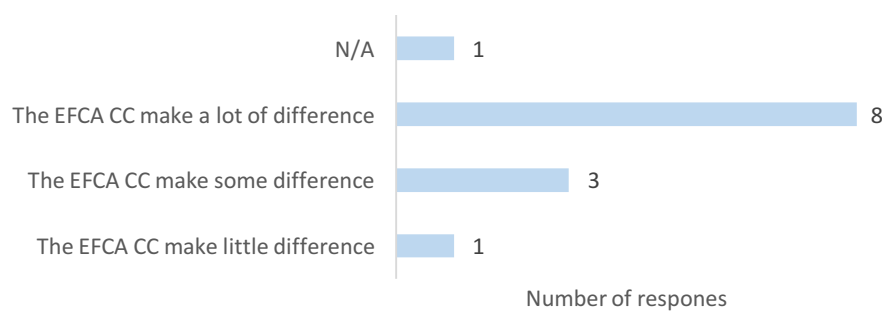


<sup>356</sup> Volume 1. Inspection at sea (published 2013), Volume 2. Port inspection 2a. Landing inspection (published 2014), Volume 2. Port inspection 2b. Transshipment inspection (published 2015), Volume 3. General principles applicable to fisheries inspection and surveillance (published 2015), Volume 3. Specific types of fisheries inspection (published 2015).

**Table 16 - Trainers supported by EFCA in implementing the core curricula**

MS	1	2	3	4	5	6	7	8	9	10	11	12	13	Total
2014			4	14	10	1	1	0	3	0	4	0	2	39
2015		3	4	14	12	1	1	0	3	0	2	0	0	40
2016	0	3	4	14	12	1	1	0	3	0	0	30	0	68

**Figure 48 - Contribution of EFCA core curricula to level playing field**



#### **4.10 Fisheries Inspector Survey**

This annex includes the survey format for the Fisheries Inspectors.



## Introduction

Dear Fisheries Inspector

As you may know, EFCA has commissioned Blomeyer & Sanz to undertake a five-year evaluation of the European Fisheries Control Agency (EFCA).

We would be most grateful if you could complete this online survey, which forms part of a case study on the EFCA Core Curricula for fisheries inspectors and trainers.

This survey consists of 9 questions (all on a single page):

- Questions 1-5 - general questions on the EFCA Core Curricula for fisheries inspectors
- Questions 6-7 - questions for fisheries inspector trainers
- Questions 8-9 - questions asking if we may follow-up this survey with a call

Thank you.

Roderick Ackermann  
rackermann@blomeyer.eu

Blomeyer & Sanz  
www.blomeyer.eu

General questions on the EFCA Core Curricula for fisheries inspectors

1. Have you received training from your national authorities in any of the listed subjects during or since the year indicated? If 'Yes', did the training use EFCA Core Curricula (CC) training materials and/ or methodology?

	Have you received training from your national authorities during or since the indicated year?	Did the training utilise EFCA CC training materials and/ or methodology?
Volume 1. Inspection at sea (published 2013)	<input type="text"/>	<input type="text"/>
Volume 2. Port inspection 2a. Landing inspection (published 2014)	<input type="text"/>	<input type="text"/>
Volume 2. Port inspection 2b. Transhipment inspection (published 2015)	<input type="text"/>	<input type="text"/>
Volume 3. General principles applicable to fisheries inspection and surveillance (published 2015)	<input type="text"/>	<input type="text"/>
Volume 3. Specific types of fisheries inspection (published 2015) MARKET AND PREMISES INSPECTION	<input type="text"/>	<input type="text"/>
Volume 3. Specific types of fisheries inspection (published 2015) TRANSPORT INSPECTIONS	<input type="text"/>	<input type="text"/>
Volume 3. Specific types of fisheries inspection (published 2015) ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING	<input type="text"/>	<input type="text"/>
Volume 3. Specific types of fisheries inspection (published 2015) UNION INSPECTORS	<input type="text"/>	<input type="text"/>

2. Have you received training directly from EFCA on the listed subjects during or since the indicated years? If 'No' to all, please go directly to Question 4.

	Yes	No	Not sure
Volume 1. Inspection at sea (published 2013)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 2. Port inspection 2a. Landing inspection (published 2014)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 2. Port inspection 2b. Transhipment inspection (published 2015)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 3. General principles applicable to fisheries inspection and surveillance (published 2015)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 3. Specific types of fisheries inspection (published 2015) MARKET AND PREMISES INSPECTION	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 3. Specific types of fisheries inspection (published 2015) TRANSPORT INSPECTIONS	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 3. Specific types of fisheries inspection (published 2015) ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 3. Specific types of fisheries inspection (published 2015) UNION INSPECTORS	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. Please answer this question only if you have received training from EFCA in any of the listed subjects during or since the year indicated.

	How satisfied are you with training provided by EFCA on this subject?	Has training provided by EFCA on this subject provided you with new knowledge, skills, approaches?	Has training provided by EFCA on this subject enhanced your performance as a fisheries inspector?
Volume 1. Inspection at sea (published 2013)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Volume 2. Port inspection 2a. Landing inspection (published 2014)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Volume 2. Port inspection 2b. Transshipment inspection (published 2015)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Volume 3. General principles applicable to fisheries inspection and surveillance (published 2015)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Volume 3. Specific types of fisheries inspection (published 2015) MARKET AND PREMISES INSPECTION	<input type="text"/>	<input type="text"/>	<input type="text"/>
Volume 3. Specific types of fisheries inspection (published 2015) TRANSPORT INSPECTIONS	<input type="text"/>	<input type="text"/>	<input type="text"/>
Volume 3. Specific types of fisheries inspection (published 2015) ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING	<input type="text"/>	<input type="text"/>	<input type="text"/>
Volume 3. Specific types of fisheries inspection (published 2015) UNION INSPECTORS	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have indicated that EFCA Core Curricula (CC) training does not meet your expectations, please explain why

4. How useful to you are the Core Curricula (CC) materials (guides/ handbooks) produced by EFCA?

	Very useful	Somewhat useful	Not useful	Not sure/ undecided	I am not familiar with the materials
Volume 1. Inspection at sea (published 2013)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 2. Port inspection 2a. Landing inspection (published 2014)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 2. Port inspection 2b. Transshipment inspection (published 2015)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 3. General principles applicable to fisheries inspection and surveillance (published 2015)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 3. Specific types of fisheries inspection (published 2015)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you have indicated that you do not find EFCA Core Curricula (CC) materials useful, please explain why.

5. Do you undertake training of fisheries inspectors in your Member State? If 'No', please go directly to Question 8.

Yes	No
<input type="radio"/>	<input type="radio"/>

If you train fisheries inspectors in your country, please answer the following two questions. Otherwise please continue directly to the next (final) page.

6. How useful to you in your capacity as a trainer of fisheries inspectors are the Core Curricula (CC) trainer manuals produced by EFCA?

	Very useful	Somewhat useful	Not useful	Not sure/ undecided	Not relevant to me	I am not familiar with the manual
Volume 1. Inspection at sea (published 2013)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 2. Port inspection 2a. Landing inspection (published 2014)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 2. Port inspection 2b. Transshipment inspection (published 2015)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 3. General principles applicable to fisheries inspection and surveillance (published 2015)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volume 3. Specific types of fisheries inspection (published 2015)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 4.11 SGIUU Survey Results

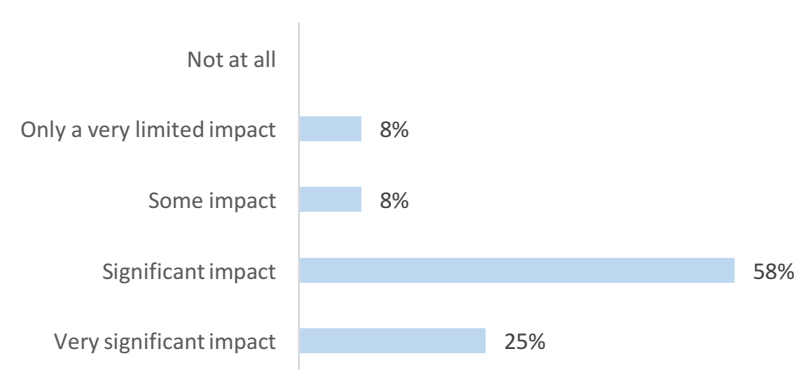
**Figure 49 - SGIUU responses**

Q3 on the characteristics of EFCA training



**Figure 50 - IUUSG responses**

Q4 on the impact of EFCA training in the implementation of the Catch Certification Scheme



## 4.12 Interviews

This annex presents the interview schedule. 54 stakeholders have been interviewed from 29 June to 30 September. The stakeholders interviewed are listed in the first table. Additionally, written answers have been received from 2 stakeholders. The list is available in the second table.

**Table 17 - List of interviewees**

Type of stakeholder	Member State/Organisation	Nr.	Interview	Case study interview
Administrative Board Members	Ireland	1	18-Jul	
	United Kingdom	2	28-Jul	
	Denmark	3	14-Jul	
	Spain	4	13-Sep	
	The Netherlands	5	13-Jul	
	Cyprus	6	20-Jul	
	Sweden	7	23-Aug	
	Portugal	8	13-Jul	
	Germany	9	20-Jul	
	Croatia	10	18-Jul	
Advisory Council	South Western Waters Advisory Council Secretary General	11	11-Jul	
	Baltic Sea Advisory Council Executive Secretary	12	07-Jul	Landing obligation
	Long Distance Advisory Council General Secretary	13	18-Jul	IUU
	Mediterranean Advisory Council Executive Secretary	14	07-Jul	
	Mediterranean Advisory Council, Board member	15	13-Sep	
	Pelagic Advisory Council Executive Secretary	16	07-Jul	
	Pelagic Advisory Council, Board member	17	30-Aug	
	North Sea Advisory Council Executive Secretary	18	13-Jul	
EU institutions / agencies	FRONTEX Joint operations unit	19	29-Aug	Inter-agency collaboration
	FRONTEX Deputy Executive Director	20	26-Jul	Inter-agency collaboration
	EMSA Institutional services, maritime surveillance	21	21-Jul	Inter-agency collaboration

	EMSA Department C	22	18-Jul	Inter-agency collaboration
Other	BALTFISH	23	21-Jul	Landing Obligation
	FAO	24	01-Sep	
RFMOs	Northwest Atlantic Fisheries Organisation	25	14-Jul	
	General Fisheries Commission for the Mediterranean	26	20-Jul	Landing obligation
	International Commission for the Conservation of Atlantic Tunas	27	06-Jul	
European Commission	DG MARE Fisheries control policy	28	19-Jul	Inter-agency collaboration
	EC Administrative board member	29	14-Jul	
	EC Administrative board member	30	22-Sep	
	EC DG MARE	31		CC case study
	EC DG MARE	32		CC case study IUU
EFCA	Executive Director	33	29-Jun	Inter-agency collaboration
		33	13-Sep	
	Officer accountant	34	26-Jul	
	Audit and internal control	35	29-Jun	
	Unit A Resources	36	29-Jun	
	Unit A1 HR	37	30-Jun	
	Unit A2 budget and finance	38	30-Jun	
	Unit A3	39	30-Jun	

	Unit A4 Legal and procurement	40	12-Sep	
	Unit B	41	29-Jun	CC case study
	Unit B	42	30-Jun	Landing obligation
	Unit B2 Training/IUU	43	12-Sep	IUU
	Unit B	44	30-Jun	CC case study
	Unit C Operational Coordination	45	29-Jun	
	Unit C1 Desk programmes, plans and assessment	46	12-Sep	Landing obligation JDP Risk assessment
	Unit C Training and Assistance	47	29-Jun	
	Unit C Training and Assistance	48	29-Jun	CC case study Landing obligation
	Unit B ICT	49	13-Sep	
	Unit C Baltic Sea	50	19-Sep	Landing obligation
	UK	51		CC case study
SGTEE	Sweden	52		CC case study
	Greece	53		CC case study
	Malta	54		CC case study
European Court of Auditors		55	24-Feb	EFCA audit performance

**Table 18 - Written answers interviewees**

Type of stakeholder	Member State/Organisation	Nr.
Advisory Council	Baltic Sea Advisory Council, Board member	56
European institutions/agencies	European Parliament, Committee on Fisheries member	57
European institutions/agencies	European Commission Internal Audit Service	58

## 4.13 EFCA Human Resources

The following table shows EFCA Human Resources 2012-2016.

**Table 19 - EFCA Human Resources 2012-2016 (staff in place)<sup>357</sup>**

	number of TA (CA in brackets)	number of SNE		establishment plan filled	average age of staff	distribution of staff and SNE by nationality	gender distribution - male	gender distribution- female	% of female staff	Dedication of staff			Type of job <sup>358</sup>								
		short term	long term							Governance and representation	Operational coordination	Capacity Building	administrative support and coordination		operational					neutral	
													administrative support	coordination	top level operational coordination	programme management / implementation	evaluation/imp act assessment	general operational	finance/control	linguistics	
2012	50 (5)	3				17				12,9%	53,9%	33,2%									
2013	52 (5)	3				17	35	22		12,6%	58,5%	28,9%	27%	3%	3%	44%	0%	11%	13%	0%	
2014	52 (4)		2	98%	46	19	34	22	38%	10,6%	57%	32,4%	25%	4%	3%	48%	1%	8%	11%	0%	
2015	64 <sup>359</sup>	4	2	100%	46,9	20	40	24	36%	N/A	N/A	N/A	25%	4%	3%	50%	1%	7%	10%	0%	
2016	51 (5)	2	6	100%	46	20	40	24	38%	N/A	N/A	N/A	29%	2	2.5%	45%	2.5%	9%	10%	0%	

<sup>357</sup> Figures for TA and CA from the ECA Annual Accounts.

<sup>358</sup> EFCA feedback (email of 23 May 2017) notes that 'From 2015 the allocation of the ABMS was not any longer Governance and representation, operational coordination and capacity building.'

<sup>359</sup> The ECA figures for 2015 do not differentiate between TA and CA.



#### 4.14 EFCA Follow-up on recommendations

The following table shows the recommendations from the 2012 evaluation and related EFCA follow-up.

**Table 20 - Recommendations 2012 and follow-up**

Recommendation 2012	Administrative Board response	Follow-up	Assessment (✓ = satisfactory, ? = requires follow-up)
(1a) Revise the regulatory framework to clarify objectives and mandate	Too premature; 'Level playing field and coordination and assistance for better compliance are considered as wider objectives of the Agency'	AR 2013 / AR 2014: Wider objectives included in the Agency multiannual and annual work programme under the mission statement and activities section	✓
(1b) Guidance document on the mandate with delimitations between EFCA and EC activities	'guidance document with clear description of responsibilities delimitation between EFCA, EC, and MS is recommended'	AR 2013: EFCA discussions with EC AR 2014: 'Partially addressed through the European Commission's roadmap'	✓ (The wording 'partially addressed' suggests that this recommendation is not closed. EFCA interview feedback suggests that with the new CFP the mandates are clearer. EFCA feedback on the draft version of this report notes that additional clarity on the mandates is also available in the form of working arrangements for international activities. <sup>360</sup> )
(2a) AB to focus more on strategic issues	'Administrative Board to focus on strategic issues'	AR 2013: Considered achieved	✓ In the view of the evaluators, this recommendation can be considered of continuous nature.
(2b) Routine matters to be decided by written procedure or by some form of executive committee with delegated powers	'routine matters to be decided by written procedure'	AR 2013: Rules of procedure amended to extend written procedure. Recommendation closed in 2012	✓ (EFCA interview feedback suggests that the Roadmap implies the introduction of an Executive Committee in the future. Interview feedback from AB members does indicate that in practice more use could be made of written procedures, however, there is no consensus in the AB on this.)

<sup>360</sup> EFCA (2015) Decision No 15-W-1 of the Administrative Board of the European Fisheries Control Agency of 2 February 2015 endorsing the Working Arrangements between DG MARE and the European Fisheries Control Agency, Ref. ARES (2015) 145634 – 14/01/2015.

(2c) More senior-level members at the AB	'Administrative Board participation is a Member State prerogative'	AR 2013 / AR 2014: Attendance levels noted	✓ (EFCA interview feedback suggests that members are more senior-level since 2012)
(2d) AB to include observers from the EP, Relevant EEA / Candidate Countries	'The Board should reflect on the participation of other parties in the Administrative Board'	AR 2013 / AR 2014: Working Group reviewed this; Rules of procedure allow invitation of observers	? (Practice of inviting observers to Administrative Board meetings limited, e.g. March 2012 (3 Observers), 361 October 2013 (1 Observer), 362 June 2016 (1 Observer)).
(2e) Strengthen and define role of the Advisory Board	Not specifically addressed by the AB		
(3a) Relevance: Introduce multi-species / continuous JDPs	Agreement	AR 2013: Introduced for North Sea and Baltic Sea, planned for Mediterranean Sea AR 2014: Implemented for all JDPs. Recommendation closed in 2014	✓
(3b) Relevance: Provide detail on Member State commitments to operational coordination; capacity development for Member States with commitments not commensurate with their fisheries effort	'To examine periodically at which level EFCA involvement in the JDPs provides the best added value, in accordance with the existing legal basis'	AR 2013: Study on JDP cost-effectiveness AR 2014: Method for compliance evaluation endorsed	✓
(3c) Relevance: Enhance needs assessment for development of Core Curriculum	Not specifically addressed by the AB		
(4a) Efficiency: Explore reduced number of meetings, telephone /	'Encourage the Agency to continue synergies between different meetings and use of telephone and video	AR 2013: Reports increased use of video conferencing AR 2014: Fishnet	✓ (Interview feedback from ACs does suggest that this can still be enhanced – from a human resource perspective it is inefficient to attend

<sup>361</sup> EFCA (2012) Minutes of the 16th meeting of the Administrative Board, 15 March 2012.

<sup>362</sup> EFCA (2013) Minutes of the 18th meeting of the Administrative Board, 5 March 2013.

video conferencing, meetings in Brussels to reduce travel costs	conferencing'		meetings in Vigo due to time spent on travel (EFCA feedback indicates that 50% of technical meetings and Steering Groups are now organised outside Vigo); interview feedback from Advisory Councils also suggests that attending meetings in Vigo is not always considered efficient – ACs address this by sending Spanish members (note that one of the two annual AC meetings is organised in Brussels); EFCA feedback notes that some members have attended via videoconferencing.)  In the view of the evaluators, this recommendation can be considered of continuous nature.
(4b) Efficiency: Enhance legal certainty by providing a legal information portal in cooperation with the EC	'EFCA to develop an information portal for fisheries control'	AR 2013: Under implementation via Fishnet AR 2014: Fishnet operational Recommendation closed in 2014	✓
(4c) Efficiency: Improve estimates of Bluefin tuna biomass during transfer to cages	Agreement	AR 2013: Implemented. Recommendation closed in 2013	✓
(4d) Efficiency: Roadmap for the development of the Core Curriculum / revised working methods	Agreement	AR 2013: Implemented. Recommendation closed in 2013	✓
(5a) Effectiveness: Establish indicators for assessing Member State cooperation and compliance (share data with EC), capacity development	'Implement the recently prepared method for assessing the performance of the JDPs after discussion at regional level'	AR 2013: JDP assessment method adopted / Key Performance Indicators for capacity building introduced. Recommendation closed in 2013	? In the view of the evaluators, this recommendation can be considered of continuous nature.

(5b) Effectiveness: Assess cost savings to Member States (from operational coordination)	Agreement	AR 2013: Two projects launched in 2013, i.e. cost evaluation methodology and methodology on compliance evaluation  AR 2014: Methodology for assessment of JDP costs developed; methodology for compliance evaluation endorsed by AB. Recommendation closed in 2014	? (From interview feedback and desk research it is unclear what is the actual application of the two methodologies) In the view of the evaluators, this recommendation can be considered of continuous nature.
(5c) Effectiveness: Enhance transparency of JDP outcomes	Not specifically addressed by the AB		
(5d) Effectiveness: Develop competence standards for national and Union inspectors	Not specifically addressed by the AB		
(5e) Effectiveness: Regional training for national and Union inspectors	Agreement	AR 2013 / AR 2014 : under implementation	✓
(5f) Effectiveness: Develop indicators for assessing effectiveness of Core Curriculum	Agreement		✓
(6a) Impact: Annual stock-taking of scientific evidence on development of fish stocks	Agreement	AR 2013 / AR 2014: 'EFCA maintains regular contact with the main scientific bodies e.g. STECF, ICES, and participates in the relevant meetings.'	✓
(6b) Impact: Information on Member State sanctioning of infringements	'EFCA and the EC to study ways of exchanging data on compliance with the Common Fisheries Policy requirements, in accordance with data ownership requirements of Member States'	AR 2013: Recommendation considered closed in 2013 on basis of EFCA involvement in EC Compliance Committee. Recommendation closed in 2013	✓  (Interview feedback from EC AB member refers to a study conducted on sanctioning by the EC DG Mare in 2015-2016 however findings are not public and at this stage a decision to publish has

			not been taken; interview feedback from EFCA highlights that sanctioning of infringements is a MS issue and falls outside competence)
(7a) Sustainability: Promote formalisation of MS bilateral and multilateral cooperation resulting from the JDPs	Not specifically addressed by the AB		
(7b) Sustainability: Take stock of and disseminate best practices on operational coordination on the EFCA website	'Show-case EFCA best practice on inter-agency and national agencies cooperation, and share EFCA experience on performance indicators for measuring administrative efficiency and effectiveness' / 'Take stock of exchanged best practices and dissemination via the EFCA website'	AR 2013 / AR 2014: Under implementation	? (Exchanges are taking place, but not via use of the EFCA website)
(7c) Sustainability: Exit strategies for JDPs	Not specifically addressed by the AB		
(7d) Sustainability: Ensure maintenance of Core Curriculum / updating	Agreement	AR 2013: Annual update agreed AR 2014: Updating underway	✓
Not included	'Enhancing regular, systematic, and effective communication with other stakeholders, particularly Member States, regarding the development of Agency activities'	AR 2013 / AR 2014: Considered under implementation via the yearly communication plan	✓ (EFCA interview feedback suggests a growing use of social media, i.e. Twitter and Facebook)

**Source:** Author's own elaboration

## 4.15 EFCA IUU Activities

**Figure 51 - Activities of the EFCA in support of MS, the EC, and third countries**

Note: Activities for the implementation of the IUU Regulation, including some activities that concern general fisheries control and inspection.

Year	Major activities	Comment	Satisfaction target	Achievement level
2015	Common methodology for IUU catch certificate verification and cross-checks	presented 5 Nov 2015 to IUU steering group		100%
	Organisation and reports on the IUU steering group meetings	first meeting held 5 Nov 2015, Vigo		100%
	Workshops and seminars for MS IUU competent authorities	4 events (123 participants)	> 80% (good or very good)	100%
	Core curricula (CC) course on IUU			100%
	Analysis of catch certificates and processing statements from 3rd countries	1,873 cert. and 4,580 accompanying documents)		100%
	Assistance to the Commission - IUU analysis and mission support in third countries	analysis concerning 9 third countries; 4 missions - Cape Verde, Kenya, Taiwan, Angola		100%
	Assistance to the Commission - Training for fisheries inspection in SFPAs countries	Guinea Bissau (32), Sao Tome (15), Dakar (18)	> 80% (good or very good)	100%
	International dimension	Organised seminar on fisheries control in the context of EC-US High-level dialogue on fisheries; Participated in ATLAFCO MCS workshop; FAO workshop on Port State Measures		
2014	Initiate a risk methodology project			
	Workshops and seminars for MS IUU competent authorities	5 events (84 participants)	> 75% (good or very good)	90%

Year	Major activities	Comment	Satisfaction target	Achievement level
	Analysis of catch certificates and processing statements from 3rd countries	1,632 cert. (and approx. 10,000 accompanying documents)		100%
	Assistance to the Commission - IUU analysis and mission support in third countries	5 missions; 8 countries (Ecuador, Solomon Islands, Fiji, Tuvalu, Cape Verde, South Korea, Philippines, Thailand)		100%
	Assistance to the Commission - Training for basic fisheries inspection in SFPAs countries and IUU	IUU: Curacao (10); Korea (45) SFPAs: Ivory Coast (23), Gabon (7), Cape Verde (30)	n.a.	100%
2013	Workshops and seminars for MS IUU competent authorities	4 events (85 participants); 3 national events (NL, HR, DK)	> 85% (good or very good)	84%
	Assistance to the Commission - IUU analysis of catch certificates and processing statements from third countries			100%
	Assistance to the Commission - IUU analysis and mission support in third countries	4 missions (Curacao, China, Ghana, Cape Verde)		100%
	Assistance to the Commission - Training on IUU/Port State Control measures	Philippines (approx. 40)	n.a.	100%
2012	Workshops and seminars for MS IUU competent authorities	4 events (87 participants); 2 national events (UK, DE)	> 85% (good or very good)	100%
	Analysis of catch certificates and processing statements from third countries	828 cert. and 466 proc. statements		100%
	Assistance to the Commission - analysis and mission support in third countries	8 missions (Fiji, Vanuatu, Philippines, Taiwan, Ivory Coast, Vietnam, Thailand, PNG)		100%

**Source:** EFCA Annual Reports

## 4.16 Attendance of Administrative Board meetings between 2012 and 2016

**Table 21 - Attendance Administrative Board Meetings 16 to 26**

	Countries																											EC	Country Proxies	EC Proxi es <sup>363</sup>	
	BE	BG	CZ	DK	DE	EE	IE	EL	ES	FR	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE				UK
26	1	1	1	1	1	1	1	0	1	1	0	2	1	1	2	0	1	0	1	1	1	1	0	1	1	1	1	0	7	MT→IT, HR→SI, LU→NL	once
25	1	1	1	1	1	0	1	0	1	1	1	1	0	1	1	0	1	0	1	0	1	1	1	0	1	1	1	1	3	EE→LV, LU→NL, MT→IT, AT→DE, SI→HR	twice
24	1	1	1	1	1	0	1	0	1	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	1	1	4	EE→LV, EL→CY, LU→NL	once	
23	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	1	1	1	1	1	1	0	1	1	1	1	0	5	LU→NL	
22	1	1	1	1	1	1	1	0	1	1	1	1	1	0	1	0	0	1	1	1	1	1	1	0	1	1	1	1	6	LV→EE, LU→NL, HU→AT	
21	1	0	1	1	1	1	1	0	1	1	0	1	1	1	1	0	1	0	1	1	1	1	1	0	1	1	1	1	5	EL→CY, HR→ES, LU→NL, MT→IT	
20	1	0	1	1	1	1	1	0	1	1	1	1	1	0	1	0	0	0	1	0	1	1	0	0	1	1	1	1	4	LU→NL, HU→SK, MT→FR, AT→DE	twice
19	1	0	1	1	1	1	1	0	1	1	1	1	1	1	1	0	0	0	1	0	1	1	0	1	1	1	1	1	5	AT→DE, HU→SK, MT→CY	
18	1	0	1	1	1	1	1	0	1	1	-	1	1	1	1	0	1	0	1	1	1	1	0	1	1	1	1	0	4	EL→CY, LU→NL, MT→ES	twice

<sup>363</sup> AB Members representing the EC are nominated according to the representative functions they exert and (except the Chair) not in person. This table provides the number of proxies given by EC AB Members to EC AB Members.



17	1	0	1	1	1	1	1	0	1	1	-	1	1	0	0	0	1	0	1	1	1	1	0	0	0	1	1	1	2	BG → BE, EL→CY, LU→NL, MT→ES SK→CZ, SI→IT	twice
16	1	0	1	1	1	1	1	0	1	1	-	1	1	1	1	0	1	1	1	1	1	1	0	0	1	1	1	1	5	LU→ NL, SI→IT	once

## 4.17 Contributions to Administrative Board meetings between 2012 and 2016

**Table 22 - Contributions at Administrative Board meetings**<sup>364</sup>

Meeting	Subject	Countries																										EFCA	EC	ADVB	Total		
		BE	BG	CZ	DK	DE	EE	IE	EL	ES	FR	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI					SE	UK
26	Admin					1																							6	2		9	
	Core				2	3		3		2			2	1						3										7	5		28
25	Admin							1												1										2	2		6
	Core				3			5		1						1				4							1			12	5	1	33
24	Admin				1	2														1										3	1	0	8
	Core				3	1		4		1			1	1						2							2			7	6	2	30
23	Admin							1																						4	4	0	9
	Core				4	4		2		5	1		2	2	1					4			1					1	9	10	1	47	
22	Admin					2		1																						5	3	0	11
	Core				5			5		6	2		1	3						4	1	2	4					1	3	8	8	1	54
21	Admin				1																									5	5	0	11
	Core				3	5		6		6			2							6	1	1								5	4	1	40
20	Admin				2			2		1	1		1							1										4	4	0	16
	Core	1			5			8		8	4		3	4						8		3	4						2	12	9	0	71
19	Admin				1			2			1		1			1						1								5	4	0	16
	Core				4	1		7		3	5		5	2		1				7		3	1				3		6	10	8	0	66

<sup>364</sup> For the catch figures see: EUROSTAT Catches in all fishing regions, Tonnes live weight, The total annual catch of fishery products by EU Member States (2014 data with exception for GR 2013).

18	Admin						2		1			2		1				2								1		7	6	0	22		
	Core						1 0		5			2	3	1				4								3		13	9	0	50		
17	Admin				2	1	2		1			1	2					1		1	1					1	1	4	6	0	24		
	Core						4		3			3	3					3		1					1	2	2	4	4	0	30		
16	Admin				1		3		1			1	1	1														8	8	0	24		
	Core				2	1	7		2	1		3	1	1				2		1	4				1	2	1	6	4	1	40		
contributions %		0,2	0,0	0,0	6,0	3,3	0,0	11,6	0,0	7,1	2,3	0,0	4,7	3,6	0,8	0,5	0,0	0,0	0,0	8,2	0,3	2,0	2,3	0,0	0,0	0,0	1,2	1,7	2,3	22,6	18,1	1,1	100,0
total catches %		0,5	0,2		13,8	4,0	1,2	5,1	1,2	20,6	10,1	1,5	3,3	0,0	2,2	2,8			0,0	7,0		3,2	3,3	0,0	0,0		2,9	3,2	14, 0				

## 4.18 Attendance of Advisory Board meetings between 2012 and 2016

**Table 23 - Attendance Advisory Board meetings 2012-2016**

Meeting	Advisory Councils							EFCA	COM	Observers
	MEDAC	LDAC	NWWAC	BSAC	Pelagic AC	SWWAC	NSAC			
Feb-12	3	2	2	2	1	0	3	3	3	0
Jul-12	1	0	1	0	1	1	1	4		H. Villa (ES AB member)
Feb-13	0	1	1	1	1	1	0	4		H. Villa (ES AB member)
Jun-13	1	2	1	1	1	1	1	3		M. O'Mahony and G. O'Keeffe (IE)
Feb-14	1	2	1	1	1	0	1	4		0
Sep-14	1	1	1*	1	1	1*	0	5		0
Sep-14	1	1	1	1	1	1	0	5		0
Feb-15	1	1	1	1	1	1	1	4	1	T. Kazlauskas (LT)
Sep-15	1	2	1	1	1	1	0	4		0
Feb-16	2	2	0	1	2	0	1	4		0
Sep-16	1	2	1	1	1	0	1	6	1	0
Total (number of meetings attended)	10	10	9	10	11	6	7	11	3	

\* The Pelagic AC representative also represented NWWAC and SWWAC

## 4.19 Contributions to Advisory Board meetings between 2012 and 2016

**Table 24 - Contributions at Advisory Board meetings 2012-2016**

Meeting	Advisory Councils							EFCA	Observers
	MEDAC	LDAC	NWWAC	BSAC	PELAC	SWWAC	NSAC		
Feb-12	1	3	2	2	1	0	2	5	
Jul-12	5	0	2	0	2	2	3	7	
Feb-13	0	2	2	2	2	2	0	3	1
Jun-13	2	3	3	2	1	2	2	4	
Feb-14	2	4	2	2	1	0	2	5	
Sep-14	1	2	2	3	2	2	0	4	
Feb-15	2	6	1	3	1	1	3	6	1
Sep-15	1	2	1	1	2	1	0	5	
Feb-16	1	2	abs	1	1	abs	3	6	
Sep-16	2	2	1	2	0	abs	1	5	1
Total contributions	17	26	16	18	13	10	16	50	3
% of total contributions	10%	15%	9%	11%	8%	6%	9%	30%	2%

## 4.20 Ways to further improve the working practices

**Table 25 - Overview of issues discussed under AB Meeting Agenda Point <sup>365</sup>**

Note: AB Meeting Agenda Point 'Ways to further improve the working practices'

	March 2012 (total number of agenda points 11)	October 2012 (total number of agenda points 10)	March 2013 (total number of agenda points 10)	October 2013 (total number of agenda points 12)	March 2014 (total number of agenda points 12)	October 2014 (total number of agenda points 10)	March 2015 (total number of agenda points 11)	October 2015 (total number of agenda points 14)	March 2016 (total number of agenda points 14)
Rules of procedure / use of written procedure	Working group set up to review rules of procedure	Rules of procedure review and best practices adopted (under a separate agenda point 'Review of the rules of procedure of the Administrative Board')					DE proposes change of the rules for vacancy of Chair / Deputy, adopted		Confirms use of written procedure for administrative / technical issues; Statistics: 2010:4, 2011:8, 2012:3, 2013:9, 2014:5, 2015:8

<sup>365</sup> 'Authors' of specific issues are identified where relevant; in cases where no author is identified, there is general consensus on an issue or no author is noted in the minutes. The October 2016 minutes are not included since they did not have a specific agenda point on working practices.

	March 2012 (total number of agenda points 11)	October 2012 (total number of agenda points 10)	March 2013 (total number of agenda points 10)	October 2013 (total number of agenda points 12)	March 2014 (total number of agenda points 12)	October 2014 (total number of agenda points 10)	March 2015 (total number of agenda points 11)	October 2015 (total number of agenda points 14)	March 2016 (total number of agenda points 14)
Organisation of the AB meeting / other meetings	ED notes proposal to split meetings over 2 days, possibility of Videoconferencing, organising meetings in MS control authorities	CY: splitting meetings over 2 days should be reconsidered , Chair: conduct survey	ED notes concern over number of EFCA meetings; IE/ES note appreciation of EFCA work, suggest looking into the issue.	FI suggests more use of video conferencing for EFCA meetings, ED notes availability of Fishnet as of 2014; agreement on EFCA proposal on use of videoconferencing	Suggests reduction of ppt presentations to allow for more discussion, reduction of agenda points to allow discussion	EFCA has reduced number of ppt presentations to allow for more discussion <sup>366</sup>		Confirms adequacy of the meeting room	Board member participation reported to be increasing but no figures provided

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<sup>366</sup> EFCA feedback on an earlier version of this report notes 'Regarding the reduction of ppt presentations to allow for more discussion, reduction of agenda points to allow discussion: This is always taken into consideration when preparing the agenda and the potential ppt'

	March 2012 (total number of agenda points 11)	October 2012 (total number of agenda points 10)	March 2013 (total number of agenda points 10)	October 2013 (total number of agenda points 12)	March 2014 (total number of agenda points 12)	October 2014 (total number of agenda points 10)	March 2015 (total number of agenda points 11)	October 2015 (total number of agenda points 14)	March 2016 (total number of agenda points 14)
Documentation for AB meetings / Document management system / EFCA visibility		IE: facilitate extranet for AB member exchange on documenta_ tion, ED: resource constraints do not allow this in 2012		ED notes availability as of 2014	Documentati on for AB meetings is provided in timely fashion			Discusses need for more visibility of EFCA as 'honest broker' of compliance and level playing field; use of social media to promote EFCA	
Advisory Board						IE asks about information flow between AB and Advisory Board, ED suggests seminar between AB and Advisory Board in 2015 to boost exchange / dialogue			

	March 2012 (total number of agenda points 11)	October 2012 (total number of agenda points 10)	March 2013 (total number of agenda points 10)	October 2013 (total number of agenda points 12)	March 2014 (total number of agenda points 12)	October 2014 (total number of agenda points 10)	March 2015 (total number of agenda points 11)	October 2015 (total number of agenda points 14)	March 2016 (total number of agenda points 14)
Audit / Conflicts of interest				ED presents outcomes of JDP audit, focus on implications for MS, e.g. earlier commitment of means	EFCA presents policy on conflicts of interest <sup>367</sup>				
Content issues related to capacity building / operational coordination		ED asks about MS needs that remain unsatisfied, no reaction	Interest in MS information on compliance, considering EFCA work on FG, benchmarking and consultation			Discussion on possible new activities that EFCA would conduct in 2015 if a budget increase is decided		Future SCIP model discussed	

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<sup>367</sup> EFCA feedback on an earlier version of this report notes 'Even before policy on conflicts of interest, all AB members signed an annual commitment of independence, as part of implementation of art. 28 of R. 768/2005. In March 2016, AB adopted an amended to the CoI policy, making the facilitation and publication of a résumé obligatory.'



## 4.21 ECA audit findings

**Table 26 - ECA audit findings for EFCA and other agencies 2007-2015**

	Issue	EFCA	ENISA	CPVO	CEPOL	FRA	EU-OSHA	EIGE
Legality / Regularity of Transactions	Absence of legal commitment/ financing decision	2007 2008		2011	2006 2007 2012	2006	2006 2011	
	Weaknesses in procurement procedures	2010 2011	2007- 2009	2008 2010	2006 2007 2009	2006 2007 2009 2012	2008	
	Weaknesses in grant controls			2008				
Internal Controls	Weak controls over fixed assets / stock taking		2007 2009 2011 2012	2012	2008			2011
	Weak procedures on staff allowances				2007 2008			
	Internal control procedures	2007 2008 2015	2006 2009		2008 2009	2012		
	Financial reporting in line with Agency Framework Financial Regulation	2010	2007 2011		2006 2007		2011	
Budget Implementation	High carryovers	2010 2012 2013	2009- 2011 2013- 2015	2008 2011 2015	2007-2009 2011-2015	2007 2012- 2015	2008 2009 2012- 2015	2011 - 2015
	High budget transfers	2007	2006		2011 2012	2006 2007 2009		
	High cancellations of previous year carryovers			2008 2011 2013 2015	2007 2009- 2014		2009 2011 2012	
	Late release of funds		2007			2010		
	Budget reporting				2015			
Other	Staff recruitment/retention	2009-2012	2009-	2009 2011	2009 2011-	2006		2012

	Issue	EFCA	ENISA	CPVO	CEPOL	FRA	EU-OSHA	EIGE
comments			2011 2015	2012	2013			
	Miscalculation in staff salaries					2014	2014	
	Implementation of accounting / banking system	2007	2006 2009	2008 2014	2007-2009			
	Treasury management			2007				
	Expiration of Agency's mandate		2007					
	Activity-based management	2008 2009			2006 2008 2010	2008		
	No multi-annual work programme	2008						
	VAT recovery		2008		2007			
	Other			2015				
	headquarters agreement with MS / building issues		2013	2014	2011		2011	

## 4.22 Cooperation with EC Services

**Table 27 - Cooperation with EC services (SLA)**

EC	from	To	Area of cooperation
PMO	1 January 2015	Unlimited	Salaries, entitlements, mission reimbursements (Service Level Agreement)
DG HR	1 January 2012	Unlimited	Training, security, medical service, Sysper 2 (since 2016) (Service Level Agreement)
EPSO	18 February 2011	Unlimited	Selection, recruitment (Service Level Agreement)
EAS	8 February 2011	Unlimited	Training (Service Level Agreement)
DIGIT	23 March 2013	Unlimited	Training (Memorandum of Understanding)
EASA	18 October 2012	Unlimited	Cost of permanent secretariat (Service Level Agreement)
Traineeships Office	3 June 2014	Unlimited	Trainee recruitment (Service Level Agreement)
DIGIT	31 October 2014	Applicable for the duration of the TESTA-ng network	MoU TESTA-ng (Service Level Agreement)
DIGIT	25 August 2014	Unlimited	IT security support by CERT-EU (Service Level Agreement)
DIGIT	15 January 2013	Unlimited	MoU for ICT hosting services for ABAC (Service Level Agreement)
DIGIT	8 January 2016	Unlimited	MoU ICT Procurement Services (Service Level Agreement)
EU Publications Office	10 March 2010	Unlimited	Publishing with OPOCE (Service Level Agreement)

## 4.23 Cooperation with EU agencies

**Table 28 - Cooperation with other EU agencies during 2012-2016**

Agencies	Area of cooperation
EMSA	MARSURV (Service Level Agreement)
EMSA	S-TESTA, business continuity measure (discontinued)
EMSA	Hosting of EFCA website
EMSA, Frontex, ESA	CYRIS, testing the use of Remotely Piloted Aerial Systems
EMSA	Common Information Sharing Environment (CISE)
EMSA	COPERNICUS, maritime surveillance data sharing
EMSA, Frontex	VMS data sharing
EMSA, Frontex	Operational arrangement for training and information sharing (now replaced by the new Coast Guard arrangements)
EMSA	Internal audit capability (Service Level Agreement) (discontinued)
EMCDDA	Data protection (Cooperation arrangement)
Eurofound	Ex-post control
EMCDDA	Independent review of ABAC access rights
EU SATCENT	Bi-annual exchanges of views
EEA	General cooperation considering the conservation dimension of the CFP (pending)
EUIPO	Disaster Recovery Framework

## 4.24 Core Curricula training events

**Table 29 - MS participation in training events related to the core curricula**

		AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK
		5	5	2	2	5	6	8	6	1	8	5	4	6	5	5	8	5	2	5	9	8	8	3	2	6	5	6	6
2016, IUU Advanced training workshop, Las Palmas (ES)	11	0	0	0	0	0	X	X	0	0	X	X	0	0	0	0	0	X	0	X	X	X	X	X	0	0	0	0	X
2016, Participation in Malta National Training (IUU + Inspection), Valetta (MT)	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	X	0	0	0	0	0	0	0	0
2016, MED National Training Fisheries Inspectors, Livorno (IT)	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	X	0	0	0	0	0	0	0	0	0	0	0	0
2016, IUU Newcomers training workshop, Vigo (ES)	11	0	0	0	0	0	X	X	X	0	X	0	0	0	0	X	X	0	0	0	X	X	X	0	X	0	0	X	0
2016, Participation in BE national training, Ostende (BE)	1	0	X	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2015, BS Basic Training	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	X	0	X	0	0	0	0	0	0	0	0	0

[illegible]

[illegible]

workshops (CY) Implementa- tion of the Core Curricula, Nicosia (CY)																														
2014, Implementa- tion of the Core Curricula, VIGO (ES)	13	0	X	0	0	0	X	X	X	0	X	0	X	X	0	0	X	X	0	0	0	X	X	0	0	X	0	0	X	

**Source:** Based on data provided by EFCA. The total column and total row indicate the frequency of MS participation.