EUROPEAN PARLIAMENT

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WORKING PAPER

FINAL VERSION

REGIONALISING THE COMMON FISHERIES POLICY

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FISH-101 EN

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ACKNOWLEDGEMENTS

CONTRIBUTING CONSULTANTS

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Kieran Kelleher, Associate Consultant, Nautilus Consultants
Crick Carleton, Managing Director, Nautilus Consultants

CASE STUDIES

Richard Banks, Nautilus Consultants	Highlands & Islands (UK)
Sophie des Clers, Nautilus Consultants	Cornwall (UK)
Gildas Borel, Cofrepeche	Brittany (FR)
Claudio Serangeli, Global Consulting	Sicily (IT)
Miguel Peña, SERCOPES	Galicia and Pais Vasco (ES)
Richard Banks, Nautilus Consultants	Denmark (DK)

ABBREVIATIONS

ACFM	ICES Advisory Committee on Fishery Management to the Commission
BSFC	Black Sea Fisheries Commission (in formation)
CFP	Common Fisheries Policy
EAGGF	Guidance Section, European Agricultural Guidance and Guarantee Fund
EC	European Commission
EP	European Parliament
EPFC	European Parliament Fisheries Committee
ERDF	European Regional Development Fund
ESF	European Social Fund
EU	European Union
FIFG	Financial Instrument for Fisheries Guidance
GCFM	General Council for Fisheries in the Mediterranean
IBSFC	International Baltic Sea Fishery Commission
ICES	International Council for the Exploration of the Sea
MAGP	Multi-Annual Guidance Programmes (fleet reduction)
NASCO	North Atlantic Salmon Conservation Organisation
NEAFC	North-East Atlantic Fisheries Commission
NUTS	Nomenclature of Units of Territorial Statistics
NUTS 2 regions	(Objective 1 regions usually) regions in France, Italy, groups of counties in the UK
NUTS 3 regions	(Objective 2 areas usually) French départments, Belgian arrondissements, Spanish and Italian Provinces, English and Welsh counties, Scottish regions)
OECD	Organisation for Economic Co-operation & Development
PO	Producer Organisation
STECF	Scientific, Technical and Economic Committee for Fisheries (Advisory to Commission)
t	Metric tonnes
TTWA	Travel to Work Area (≥70% of residents work in area & ≥ 70% of those who work there are resident there).

EXECUTIVE SUMMARY

INTRODUCTION

REGIONALISATION AND THE COMMON FISHERIES POLICY

The Common Fisheries Policy[1] (CFP) is an amalgam of several policy components including – the Conservation Policy (conservation of the fish stocks), the Structural Policy (creation of a viable fishing industry), the Markets Policy (ensuring consumer supplies), and the External Policy (trade and third country agreements).

There is a widely-held view that, by its over-centralised nature, the Common Fisheries Policy:

a) fails to respond to the conservation needs of particular fisheries and the needs of dependent fishing communities; and
b) that further expansion of the Union will render the CFP, as currently formulated, even less responsive.

The forthcoming review of the CFP, scheduled to be completed by the end of 2002, provides the principal window of opportunity for positive change. A report[2] of the European Parliament Fisheries Committee on the regionalisation of the CFP is one of several contributing to the dialogue on the future shape of the CFP after 2002. This report is one of a series commissioned by the Directorate General of Research of the European Parliament to complement the work of the Fisheries Committee

Common principles for responsible fisheries governance are clearly necessary, but common measures may not necessarily be applicable to the wide variety of fisheries found within the European Union. Agenda 2000, a Commission document presenting details of the reform of the EU's Structural Funds, emphasises the importance of a regional approach to community policies, given the anticipated expansion of the EU. Agenda 2000 does not make a specific statement with regard to fisheries.

A regional approach to the CFP may provide the flexibility to accommodate both the common principles and the fishery-specific solutions required to conserve and develop the Communities' fisheries.

AIMS OF THE STUDY

This study explores the options for change to the CFP in response to the twin challenges of European Union expansion and the perceived failure of the CFP to conserve the EU's fish stocks.

This study is a contribution to the debate on the future role, architecture, and operation of the Common Fisheries Policy. As part of the ongoing programme of background papers of the Directorate General of Research of the European Parliament on fisheries management, this study presents the arguments for the regionalisation of the CFP and explores the implications of regionalisation with particular reference to the Conservation Policy, the Structural Policy and the MAGPs.

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[1] See Part II – Background for further information on the context of the CFP.

[2] In January 1999 the EP Fisheries Committee discussed the 'Draft Report on the Regionalisation of the Common Fisheries Policy; PE 227.167 (Rapporteur: Mr. Pat the Cope Gallagher).

The specific aims of the study are:

a) to examine the meaning of regionalisation of the CFP, with particular reference to the Conservation Policy, and
b) in the context of regionalisation, to review the impact on the EU fishing industry of the revised structural policy proposals contained in Agenda 2000.

The study outlines a model for regionalisation of the CFP as a basis for further debate.

METHODS AND ANALYSIS

The study has used several approaches to address the issues raised:

a) examination of EU legislation and the reports prepared by/ for the European Parliament Fisheries Committee (EPFC) and the European Commission, and by Producer Organisations and stakeholder groups (see Bibliography in Part II),
b) preparation of a number of case studies on administration and management of fisheries in fishery-dependent regions, or areas (see Part II - Background),
c) development of a regional conservation policy scenario as a focus for developing supporting arguments,
d) informal interviews with a number of Members of the European Parliament (MEPs) and industry representatives as a means of gaining further insights into the ideas, concepts and political concerns regarding regionalisation of the CFP.

CONTENT OF THE STUDY

The concept of regionalisation as applied to the management of EU fisheries is considered in some detail. Principles which may be used to define 'fisheries regions' are offered for further discussion. A hierarchy of regions and fisheries is developed as a possible basis for regional management.

'Regions' are examined as potential fisheries management units and an attempt is made to identify the boundaries of possible fisheries regions in geographical, biological, and fleet terms.

The consequences of a regional approach are discussed - for conservation, for structural policy, for the future of the fleets, and in relation to the fisheries-dependent regions of the EU. Regionalisation of other CFP policy dimensions such as markets and trade are considered to be subsidiary to the key issue of the regionalisation of the Conservation Policy.

1. CONTEXT

1. This study argues the case **for** regionalisation of the Common Fisheries Policy (CFP). The arguments **against** regionalisation have not been developed.

2. Three ideas underlie the call for regionalisation of the CFP. These ideas are fundamental **working hypotheses** for the study.

a) The Conservation Policy is the cornerstone of the Common Fisheries Policy. The other policy elements of the CFP revolve like planets around the Conservation Policy.
b) The centralised approach to the Conservation Policy has failed to achieve its basic conservation objective, which national interests have compromised through relative stability and related arrangements.
c) One alternative is a regional approach, which should apply the principle of subsidiarity at the level of the primary natural marine and fisheries divisions in Europe.

3. The **challenge** of a regional approach is to find a common political and administrative formula, which marries Europe's fisheries with its political structures and divisions – at the Pan-EU level, at multinational level, at bilateral level, and at the level of discrete regions and fisheries.

4. The study concentrates on the Conservation Policy and aspects of the Structural Policy linked directly to the Conservation Policy. The study explores several aspects of the regional approach: the nature of the fishery management units and management concepts, the implications for jurisdiction and enforcement, and the impacts on fishery economies and fishery-dependent areas.

5. A scenario for regional management has been developed. This is but one possible scenario used as a framework upon which to position the wide range of complex issues and problems linked to a regionalisation process.

6. The conclusions are that as the centralised CFP grows increasingly unwieldy, some form of regionalisation is inevitable. The benefits in terms of fishery conservation, reduced conflict, and more effective targeting of regulations and interventions, will outweigh the difficulties in establishing a regionalised fisheries regime. The initial effort needed to convert to a regionalised CFP is substantial. However, more effective conservation and use of the fish resources and the existing administrative and institutional capacity is likely to result in a broad spectrum of savings and benefits.

2. THE NEED FOR REGIONALISATION

7. The **Conservation Policy is the fundamental pivotal point of the CFP**. The future shape and application of the structural policy and other CFP policy areas must support the aims and targets set through the Conservation Policy. If the Conservation Policy, or its application, is regionalised then elements of the other supporting CFP policy elements will need to be redefined in a regional context.

8. Regionalisation of the CFP Conservation Policy is essential for **effective conservation** of the fish stocks. It will help provide specific solutions for the broad spectrum of different fisheries, be more flexible with regard to the specific needs of each region and fishery, and target specific fish stocks, fleets and fisheries more effectively.

9. Regionalisation will promote effective involvement and **participation** of industry and other key stakeholders in the decision-making process, and help regulatory processes gain acceptance and legitimacy among the fishing communities. It will set a framework for management of the enlarged Community fisheries and will promote operational efficiency and regional sustainability in fisheries.

10. Regionalisation will enhance the **efficiency** and use of human resources and structural funds, and help formulate a coherent and integrated fishery-by-fishery approach across the various policy elements of the CFP (e.g., conservation, environment, MAGPs, markets, and research). Regionalisation will set a framework for management of the enlarged Community fisheries and will promote operational efficiency and regional sustainability in the fisheries.

11. The regionalisation of the CFP is simply a practical application and extension of the established EU principle of **subsidiarity**. It does not conflict with the provisions of the EU treaties. In particular, it does not impede the free movement of people, goods and services. It will facilitate application of Member State jurisdiction and law on an **equitable** basis.

3. DEFINING REGIONS AND FISHERIES

12. Primary fishery regions may be established on the basis of major **natural sea areas** and marine ecosystems. The primary natural sea areas, or 'regional seas' are: the Baltic, the North Sea, the Mediterranean, and the Atlantic Arc (also known as Western Waters).

The Atlantic Arc may be subdivided[3] into several major 'regional seas' such as the Faeroes, Western Waters, Biscay, and Iberian Atlantic. The Black Sea is also a discrete 'regional sea'.

13. Secondary **fishery regions** may be established on the basis of: fish stock and fleet distributions; fishery dependent areas; and the existing relative stability arrangements.

14. The **basic management unit** is the fishery and sets of fisheries may be defined in terms of stocks, fleets and ancillary industries and markets. Responsible management plans are required in respect of each fishery, and not merely in respect of each fish stock.

15. Three **types of fisheries** can be distinguished. Each of these types of fishery requires a different approach to management. The units of policy, control, enforcement, managed fish stocks, fleets and dependent economic areas must be harmonised around the fishery as a basic building block of the Conservation Policy.

a) **Inshore** or coastal fisheries upon which coastal communities are heavily dependent. These fisheries may often be seasonal, generally exhibit a wide variety of species in the catch composition, use multiple gears, and are prosecuted by large numbers of relatively small vessels. The catch is landed locally and vessels are often owner-operated.

[3] These divisions are illustrative. Further detail is provided in Part II – Background.

b) **Offshore** fisheries show a mix of vessel sizes and gears. Vessels from several Member States exploit a shared resource. Vessels remain at sea for extended periods and may land at ports distant from the fishing grounds.

c) **Pan-European,** or International fisheries are generally prosecuted by an international and highly mobile fleet targeting specific species and markets at an industrial, or commodity, scale. Highly mobile vessels are often company owned or financed. The offshore fisheries are highly capital intensive compared to the labour intensive coastal fisheries.

16. Establishment of functional fisheries management units may be a complex and difficult process and is likely to involve **a gradual adjustment to current relative stability arrangements**. Such adjustments could be negotiated bilaterally, multilaterally, and regionally and endorsed at the EU level. Certain fisheries, or fishery regions, can more readily be 'regionalised' and should be allowed to proceed on a 'regional fast track'.

4. PROFILE FOR A REGIONAL MANAGEMENT REGIME

17. Because of the size of Europe, and the variety of Europe's regions, fisheries, species and markets, the term 'regionalisation of the CFP' holds many different meanings. The purpose of this section is to describe one of the many **scenarios for regionalisation** of the Conservation Policy of the CFP.

4.1. OBJECTIVES OF REGIONALISATION

18. The primary objective is identical to that of the Conservation Policy: to ensure the recovery and continued health of the **fish stocks** of the EU.

19. The **social and economic objectives** are to provide improved long-term economic opportunities for the EU fishing industry, with particular emphasis on employment in fishery-dependent regions; and to improve fish supplies to EU consumers. Fleets should retain a mixed profile to balance larger industrial and company interests with the interests of the smaller owner-operator (skipper).

20. Multiple natural resource management objectives tend to conflict. Unless the primacy of conservation objective is assured, social and economic objectives are unlikely to be attained because of conflicting objectives.

21. The strategic objective is to progressively revise, in a structured and phased manner, the resource access and allocation system enshrined in the currently applied **relative stability** arrangements, to ensure that it complements the paramount objective of fish stock conservation, rather than contributing to the crisis facing the stocks. Regionalisation of the Conservation Policy may be seen as a gradual conversion of relative stability into a hierarchical set of managed inshore, offshore, and Pan-European fisheries. In other words, the **strategic objective** of regionalisation is to convert the common pond into a set of manageable fishery units.

4.2. FISHERY MANAGEMENT UNITS AND PLANS

22. For the purposes of management, fishing activities in the EU may be categorised into different fisheries, or **fishery management units** based on:

(a) the target species,
(b) the fleets involved,
(c) the waters fished, and
(d) the economic links with dependent regions, communities, and markets

23. Each fishery, or fishery management unit, would be managed according to an integrated **fishery management plan.** The integrated management plans would include fishery-by-fishery Multi-annual Guidance Programmes[4] (MAGPs), technical measures, structural assistance components, and address the economic links with fishery-dependent areas.

24. It would be the responsibility of the actors or stakeholders in the fishery management unit to negotiate the fishery management plan(s). The initiative would be the responsibility of the fishery ministers working in close cooperation with a **structured stakeholder constituency,** and guided by appropriate scientific, technical and economic advice.

25. Fishery management units will overlap in terms of fish stocks, fleets and fishery economies. New institutional arrangements in the form of 'Regional Fishery Councils', **subsets of the Council of Ministers,** would be tasked with regional coordination of the fishery management plans, integrating such plans with a broad 'large marine ecosystem' approach.

26. More **complex international fisheries** may prove difficult[5] to convert into regional fishery management units, and may be amenable to management at EU level. If certain fisheries prove difficult to categorise, these fisheries may be relegated from a 'fast track' process and solutions gradually negotiated.

4.3. FLEETS AND ACCESS

27. To retain a measure of **integrity for a fisheries management unit**, certain fleets may be restricted to designated fisheries. This does not mean that vessels should be permanently restricted to a particular fishery, but that unregulated movement of fleets between fisheries is incompatible with practical management arrangements. It is also incompatible with the idea of stewardship and good governance, where a long-term interest in the fish stock by the vessel operator is appropriate. Consequently financial, tonnage, or quota barriers to fleet movement are important elements of an ethical, and responsible management regime.

28. Restricted, or limited access to common natural resources must not be confused with barriers to free trade or to **movement of fleet capital**. On the contrary, access regulations are an essential component of an effective natural resource management regime. Bounded fisheries and barriers to entry to fisheries do not mean less efficient fisheries. The profitability of the fishing industry may not be indicative of its economic efficiency, or

[4] See glossary and Part II – Background.
[5] These fisheries could include the pelagic and deep-water fisheries.

capital status of the fishery, as the costs of fishery management, fish stock depletion, and transfers to fishery-dependent areas are not internalised.

29. A change in some of the concepts prevalent within EU fisheries may be timely. In particular the concepts of 'rights' and 'ownership' may be replaced with **'obligations'** and **'stewardship'**. The concepts of free movement of people, goods and services and common EU fish property may be interpreted as equitable access to a specific managed fishery, under a regime which ensures economic and technical efficiency of the fleet, while retaining the financial and economic benefits of enhanced conservation within that particular fishery.

4.4. RELATIVE STABILITY

30. Relative Stability has three components – access to waters, access to resources, and a third, 'unofficial', component, whereby Member State fleets are stabilised in relation to each other through the MAGPs.

31. A regional approach to the management of the fisheries of the EU may gradually replace the inconsistencies of the relative stability arrangements with agreed fishery-by-fishery management plans. This does not imply a change to the balance achieved through relative stability, but establishing a stakeholder consensus mechanism to adapt these historical arrangements to the practical realities of the EU's changing fisheries.

32. Management plans would require **Member States to pool specific waters, quotas and fleets** under a joint management regime, partially isolating these quotas and fleets from the general balance of relative stability.

4.5. DECISION-MAKING

33. A regionalised Conservation Policy may have **three levels** of decision-making: Pan-EU level, Regional level, and Fishery level. Decisions at the lower levels may be in the form of recommendations reflecting stakeholder consensus.

34. At the Pan-EU level the **Council of (fisheries) Ministers** may take due account of consensus recommendations made at the regional level by the Regional Fisheries Council (of Ministers). The Council of Ministers would continue to formulate the broad policy and regulatory framework.

35. The Council of Ministers would approve the management plans and accompanying legislation prepared by the Commission. To insulate the decision-making process from political compromise, the Council of Ministers may stagger decisions on management measures for different regions and fisheries at different times of the year.

36. Through EU legislation, the Council of Ministers may **delegate** appropriate powers and responsibilities to Regional, or Fishery Management Councils, in order to promote fish stock conservation and responsible and sustainable fisheries practices. These Councils would comprise sub-sets of the fisheries ministers of the stakeholder Member States,

37. At the level of the primary 'natural' regions, such as the Baltic and Mediterranean, **Regional Fishery Councils** comprising the relevant fishery ministers may prepare recommendations for the Pan-EU Council, and coordinate fishery management plans prepared at a lower level.

38. Specific, fishery-by-fishery, integrated management plans would be prepared by a broad-based caucus of stakeholders under a **Fishery Management Council.** The plans would include quota and fleet (MAGP) targets, designation of closed areas, or seasons, structural assistance guidelines, technical measures, and effective monitoring and enforcement arrangements.

39. A Fishery Management Council may be national (if the fishery is prosecuted solely within territorial waters), or bilateral when involving two Member States (for example, the Greece and Italy in the Adriatic). Many are likely to be Multilateral (for example, the UK, Ireland, Belgium, Netherlands in the Irish Sea). Others would be co-ordinated at the EU level (e.g., pelagic fisheries).

40. The task of the Regional Council, or Fishery Management Council would be to ensure that:

(a) coastal state legislation gives **non-discriminatory effect** to the management measures, and
(b) that where fisheries are shared between 200-mile zones, the regulations in each coastal state are harmonised in a joint, or common regime.

41. Failure to agree on fisheries management plans suggests that the fishery is a 'delinquent fishery', or fishery in conflict, and that enhanced enforcement of the 'default management regime' (see below) is necessary. Stakeholder **failure** to agree on fishery management plans within a predetermined timeframe implies a curtailment of structural funds for such fisheries.

4.6. JURISDICTION AND LAW

42. To effectively conserve the fishery resources, the management plan and its implementing regulation must be enforceable. The enforcement must be cost-effective and efficient.

43. The Council of Ministers approves EU fisheries legislation, but the Member States implement, or give effect to EU fisheries law. Member States are the only effective agents for **enforcement** of fishing regulations. Member State 200-mile zones (or equivalent jurisdictions[6]) are the most effective geographical zones for enforcement purposes.

44. Member State jurisdiction and competence over **all** fishing activity within its declared fishery zone should be the **'default management regime'**.

This 'default management regime' means that Member States should have the legal competence, timely information, and means to enforce all fishery regulations, **including** quota schemes for all fishing activities prosecuted within their 200-mile zone. This means that **all** vessels fishing within the 200-mile zone of the coastal State should be subject to the fisheries legislation of that State. Any weaker arrangement detracts from the management regime, by discrimination in regulations applying to different flag vessels, by fishery fraud and abuses, and through lack of fisherman confidence in regulatory measures.

45. The default management regime would be replaced, or qualified by the approved fishery management plan. It may be noted that Member State laws (fishery regulations) must approximate to EU law, and must be non-discriminatory in application to fishermen and vessels of other Member States.

[6] The absence of 200-mile zones in the Mediterranean is recognised.

46. This means that the measures approved under the management plan must be effectively identical in all participating Member States. All participants in the fishery must operate on a level playing field in law, in practice, and in execution.

47. Application of full coastal Member State jurisdiction over all fishing activities within its 200-mile zone is not a nationalisation of the CFP. It is a recognition of national efficiency and cost-effectiveness in enforcement. It is an application of the national obligation to responsibly govern and act as steward of the natural resources. It is a recognition that the centralised enforcement will be impractical and ineffective.

5. STRUCTURAL POLICY

48. The full implications of regionalising the CFP with regard to Structural Policy are not clear. Ideally, regionalisation means integrated plans for fisheries and dependent regions, linked to a precise single horizontal structural measure for the fishery sector. Such an instrument can be a key to successful fishery conservation and the social and economic objectives of the sector. However, if TACs, quotas, MAGPs, and regional development policy are devised separately, then both regionalisation and the structural measures are unlikely to be a success.

49. Integrated regional fisheries plans can harmonise and balance the transfers of structural resources to peripheral and fishery-dependent areas. This can be achieved through an extension of the natural marine resource rights of such areas by establishment of restricted fishing zones and no-fishing zones in accordance with the agreed management plan. Integrated regional fisheries plans would also take due account of the 'economic link' between fleets and coastal areas.

50. A single horizontal measure, or financial instrument, appears to be the most appropriate means of implementing a coherent structural policy for the fishery sector. This will be in the form of a separate Community initiative and should be clearly distinguished from the Common Agricultural Policy or indeed any other industrial support framework.

51. Both the integrated fishery plans and a single horizontal measure can be important elements in creating sustainable employment opportunities. Both are necessary for a coherent approach to the question of increasing competition between inshore coastal and the offshore and Pan-EU fleets. The links between fish resources, fleet adjustment and employment are self-evident.

52. In the absence of a single horizontal measure, a method must be found to coordinate, target and funnel the structural funds to meet the goals of the management plans. This question requires further examination.

53. Specific pilot areas may be selected for applied regionalisation, in order to clarify and develop solutions to the numerous issues likely to emerge.

54. The development and approval of fisheries management plans may require the release of fisheries structural funds for vessels, enterprises, and regions participating in the fishery.

Structural funds may be made available to facilitate the development and implementation of fishery management plans.

55. Article 2 of the EU Treaty refers to **'sustainable growth'**, a concept which must be treated with reserve in the case of living natural resources. It is clear that there are limits to growth in physical production of fish, and that some EU marine ecosystems are already experiencing diminishing physical returns.

56. There is a degree of incompatibility between a sustainable CFP and **subsidies** to the industry. This has impact in terms of the pressure on the fish resources, efficiency in the use of capital and labour, the cost of fish supplies in the Community, and the long-term impact on comparative advantage and cohesion.

57. **Enlargement** of the Community means that a greater proportion of budgetary resources will be applied to the new entrants and their fisheries sectors. Care should be taken that displaced EU vessels do not contribute to fleet over-capacity in the candidate States – merely transferring, rather than resolving, the problem.

6. WHAT MUST REMAIN COMMON IN THE CFP?

58. 'Regionalisation' means that a distinction must be made between those fundamental elements of the CFP, and those which can and must be differentiated by region, fishery, or fleet, in order to ensure tailored solutions to the varied range of fishery management problems.

6.1. PRINCIPLES

59. The common backbone of the Conservation Policy should be the basic natural resource conservation principles which are applied and implemented by all, coupled with a set of broad regulations which, without contradiction or ambiguity, set out the political and economic grounds for resource allocation. These regulations would borrow heavily on the following principles:

a) equity and fairness,
b) removal of any barriers intended to discriminate against the free movement of fishing vessels on the basis of nationality,
c) subsidiarity applied at the level of the major natural marine regions, the Member States, and certain fisheries,
d) support for Member State enforcement of fishery regulations within its fishery zone,
e) integrated fishery planning which unifies measures related to fleet overcapacity, regional policy and relative stability, and
f) an economic link between fishery-dependent regions and the fishing activities.

60. Fishery-specific integrated management plans will provide the economic and social dimensions lacking in the current Conservation Policy regime.

6.2. CONTROLS

61. Among the control devices which may be retained at the central level are:

a) a harmonised fleet register,

b) a harmonised logbook system,
c) an inspection service restricted to the supervision of Member State enforcement activities,
d) the consultative process (enhanced),
e) the generation of scientific advice (enhanced), and
f) basic technical measures.

62. Important elements of the CFP which require careful evaluation, review and reconsideration are those elements which were created as an expedient response to immediate problems, or those elements negotiated as compromise solutions to seemingly intractable problems.

63. No major changes are foreseen in the markets, trade, research and environment dimensions of the CFP. As described above, fishery Structural Policy should primarily be an instrument of the regionalised Conservation Policy closely linked to fishery-by-fishery integrated plans. Aquaculture is unlikely to be directly affected by regionalisation of the CFP.

64. The fishing **agreements with third countries** present a special case. The 'northern agreements' generally involve an exchange of fishing possibilities, and a certain stability. The 'southern agreements' on the other hand, must be seen as temporary arrangements as most coastal states subscribe to the long-term objective of full exploitation of their fisheries resources. Long-term reductions in EU distant water fleets is likely to impact on certain EU regions dependent on fishing. An increase or shift in structural support to these areas, linked to a planned evolution of the distant water relationship, the third country agreements, and their funding may offer a regionalised solution.

7. A PATHWAY TO REGIONALISATION

65. Regionalisation implies a decentralisation of power and responsibility. It requires attention to the paths by which technical advice is generated and stakeholder dialogue is structured. It requires consideration of the means by which legislation is proposed and implemented.

66. The 'regionalisation **process**' is already armed with a Fisheries Committee report, which can be integrated into the consultation process initiated by the Commission. In particular it may serve as the basis for discussion in the fisheries committees formally constituted under the CFP (including the ACF and the STECF). The Member State governments may also consider the advantages of a regional approach.

67. Regionalisation raises a wide range of technical and political **issues**. The Commission may consider exploring the implications of different regionalisation formulae. These issue include:

a) the nature of the management units,
b) the generation of scientific advice at regional level,
c) regional stakeholder dialogue
d) the status of management recommendations agreed at regional level
e) resolving deadlocks at regional level concerning intractable fisheries
f) the role of the European Parliament's veto on legislation

g) structuring incentives for conservation, and
h) coordination of regional processes.

68. Regionalisation of the CFP does not necessarily require major additional resources. The existing EU, regional and national institutions already have the technical competence to play the main roles. These include DGXIV and its Divisions and Units, the existing fisheries committees (such as the ACF), ICES and related regional scientific organisations.

69. Research and other projects may be more tightly focused on the fishery and the region, rather than being Pan-EU. The fisheries themselves have potential to generate revenues for their own management. Clear national responsibility and cooperation can result in major savings and greater efficiency in enforcement. A single horizontal measure can make more effective use of structural funds.

MAIN REPORT

1. CONTEXT

The main report presents a more detailed argument for regionalisation of the CFP. The themes and ideas of the main report are enlarged upon and clarified. The arguments are supported with references to a range of documents, public statements and legislation.

Because regionalisation of the CFP can mean different things to different people, a considerable part of the Background is devoted to examining the idea of regionalisation and associated concepts.

Again, because regionalisation can have numerous different architectures, one specific scenario is developed as a theme on which to develop more detailed arguments for regionalisation and explore the implications of the process.

1.1. WHY REGIONALISE THE CFP?

The idea of regionalisation of the CFP is a response to:

- the growing recognition of the failure of the Conservation Policy to conserve fish stocks;
- awareness of the need to involve stakeholders in the decision-making process; and
- concern that the wide variety of EU fisheries cannot effectively be managed under a pan-European harmonised regime.

The CFP evolved from the Common Agricultural Policy (CAP). However, the role of the Common Fisheries Policy (CFP) differs fundamentally from the Common Agricultural Policy. The Community has a deficit in fish unlike the agricultural surplus. A major task of the CFP is the sharing and conservation of the fisheries resources, a task which has no parallel in the agricultural sector.

Fisheries differ substantially form other economic sectors in the EU. The fish stocks are shared between Member States. The fishing activities often take place far from the home base of the fishing vessel. Fishing is an important activity in many peripheral areas which have few alternative economic opportunities and are targets of cohesion efforts.

Attention to the structure of the CFP has grown because of the requirement for the Commission to submit to the European Parliament and the Council a report on the status of the fisheries of the Union 31 December 2001. This report will address a number of important derogations, or exemptions from EU norms, which are due to lapse on the 31 December 2002. Among the most debated of these derogations is the preservation of the territorial seas (6 and 12-mile zones) for the exclusive use of coastal Member State flag vessels. On the basis of the report the Council will decide on any adjustments which need to be made regarding the basic regulation[1] of EU fisheries.

[1] Regulation 3760/92. Article 14(2) refers to the report required, and Articles 6 and 7 refer to the Shetland Box and access to the 6 and 12-mile zones respectively.

The European Parliament has already commented on the common fisheries policy after 2002[2]. The Commission has initiated a dialogue[3] on the same subject with the various actors in the fisheries sector. Amid concern that the CFP was failing to achieve its objectives under a highly centralised regime, the Committee on Fisheries of the European Parliament (EPFC) prepared a report[4] on the regionalisation of the Common Fisheries Policy.

There are numerous links between a regionalisation of the CFP and the Agenda 2000 process. Social and economic cohesion is a high political priority within Agenda 2000, relating directly both to the regional economic disparities and the enlargement process. A number of changes are to be made in instruments[5] created to advance cohesion. Several of these instruments, in particular the FIFG, are essential to the implementation of the CFP and the Conservation Policy. Regionalisation of the CFP has far-reaching implications for the design and application of the Structural Funds and related cohesion instruments. 'Fishery regions' may not correspond to regions designated for the purposes of cohesion.

1.2. QUESTIONS AND ANSWERS - CONTENT OF THE STUDY

A proposed solution to the ills of the CFP is regionalisation. However, regionalisation faces several fundamental questions:

a) what are the regional units to which the CFP can be decentralised?
b) what policy elements, components, or processes can be regionalised?,
c) how is the regionalised CFP to be co-ordinated, or harmonised?
d) what are the costs and benefits to nations and fishing industries?, and
e) by what process can a move towards regionalisation be initiated?

The purpose of the study is to advocate a regionalised CFP. The study does not attempt to answer all of the above questions, but develops some of the arguments for the regional approach as part of an ongoing debate. The contrary arguments are **not** developed in any detail. Some of the principal themes examined are as follows.

1. The focus of the study is on the Conservation Policy[6]. Other CFP elements are essential supports to the Conservation Policy and should in no way undermine the Conservation Policy[7].

2. The centralised command-control orientation of the Conservation Policy[8] has failed to conserve the fish stocks. Some degree of regionalisation of the CFP Conservation Policy is inevitable, for numerous reasons; and in many cases there is no realistic alternative to regionalisation.

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[2] Anon., 1997, The Common fisheries policy after 2002, A4-0298/97 (Fraga report).
[3] See: The Common Fisheries Policy after 2002, Analysis of replies to questionnaire, DG XIV, 1998.
[4] PE 227.167/fin. (Gallagher report).
[5] The instruments are the Structural Funds (ERDF, ESF, EAGGF Guidance Section, and the FIFG), the Cohesion Fund, and the Pre-accession Structural Instrument.
[6] It is not possible to cover in detail all the ramifications of the regionalisation of the CFP in a short report. As the Conservation Policy is central to the CFP, it is taken as the 'backbone' of this report and the other important areas considered as peripheral.
[7] See: European Court of Auditors: Special Report No.3/93, concerning the implementation of measures for restructuring, modernisation and adaptation of the capacities of fishing fleets of the Community. OJ C 2, 4.1.94.
[8] EC Reg No. 170 / 83 deals with allocation of Total Allowable Catches (TAC's) to Member States; EC Reg No. 3094 / 86 is the regulation dealing with technical measures. This has been replaced by EC Reg 894 / 97 which is due to come into force as of 1 January 2000.

3. A major difficulty facing any prospective CFP regionalisation is the basis on which regional and fishery boundaries are established for the purposes of fish stock conservation and effective fishery management. The study proposes a hierarchical classification of regions and fisheries as a basis for further examination of this issue.

4. The study examines the characteristics and nature of fishery regions in terms of a political philosophy of regions, socio-economic issues, law and jurisdictional aspects, and coherency with the underlying natural fisheries resource base.

5. A model, or scenario for regionalisation is developed and a number of principles and criteria are proposed on which regional fisheries management schemes may be based. The implications of this model, or vision of regionalisation, are addressed.

6. The dividing line between 'the common' and 'the regional' in the CFP is addressed. Which are the essential elements of the CFP? Which must remain common to all EU Member States and Regions? Which elements must be diversified to cater for the varied requirements of the regions?

7. The implications of regionalisation of the Conservation Policy for the practical application of the system of MAGPs and for the new Structural Funds arrangements under Agenda 2000 are examined.

8. The question of the institutional resources required for regionalisation is briefly addressed.

1.3. METHODOLOGY

As indicated in the Main Report, the study draws on the following primary sources of information:

- available published material - in particular the EU fisheries legislation, the reports of the EPFC, and a variety of other research reports on the CFP and its application;
- the output of a number of case studies undertaken as part of this study, focusing on fishery-dependent regions;
- interviews with a sample of key actors in the CFP, including with MEPs, POs, government officials, fishery scientists, officials of the EC (DGXIV), and NGOs.

Case studies were selected on the basis of a preliminary overview of Europe's fisheries from a regional perspective. They are considered broadly representative of the different conditions and problems found within the European Union's fishery industries.

The outputs of these studies, together with interviews and published materials, have been used to feed into an analysis of the 'nature of fishery regions', with a view to identifying defining characteristics and the implications for a regionalised Conservation Policy. The analysis embraces:

- the political philosophy of regionalisation and fundamentals of EU policy as applied to fisheries and regions,
- the uniqueness, range and special character of the community's fisheries,
- the specific technical problems which currently apply and which might apply in future,
- the specific structural regulations which currently apply and which might be applied in the future,

- current fisheries management in the EU's various regions, and
- the role of the key professional organisations involved.

The output of this analysis has then been used as the basis for an examination of potential impact of regionalisation with particular attention to the Conservation Policy, MAGPs, the allocation and application of financial support to the sector, and the practical issues of sector management at local, regional, national and EU levels.

Specific reference is made to the generation of scientific advice, the evolution of relative stability in the context of regionalisation, the meaning of 'access' in the context of free movement of fishery capital and fleets, and a devolved, or decentralised, decision-making process. The implications for structural policy; for monitoring, control and enforcement; economic and operational efficiency of fleets and fisheries; and for decision making and participation by the industry are also examined.

The conclusions and recommendations arising from this process are advanced for the purposes of discussion and debate, and in such a broad and complex subject are by no means intended as definitive. They are intended as a basis for progressing and refining the debate on these matters.

2. REGIONS AND POLICIES

This study assumes that the reader has some familiarity with the broad outline of the CFP[9], the Structural Policy, Agenda 2000[10] and the fisheries of the EU.

2.1. EVOLUTION OF THE COMMON FISHERIES POLICY

The CFP is a complex of several policy elements. The policies have undergone several major evolutions as a result of accession to the EU of countries with substantial and diverse fishing interests such as Spain, UK, and Greece. The CFP is not a static instrument, but exists in a state of 'creative tension' swayed by political, resource and economic considerations. The application of each policy element varies across the EU. The main elements impacting on fishery conservation policy are illustrated schematically below.

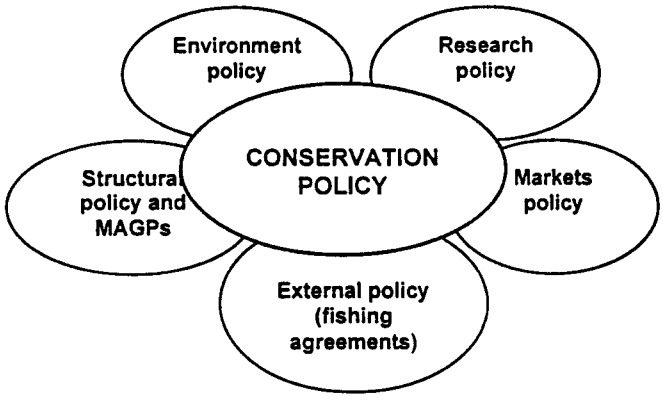

Figure 1. Common Fisheries Policy: core and satellite policies

The Markets and Structures elements formed the original base of the CFP, but the Conservation element has increasingly taken centre stage as the fish stocks of the EU have continued to decline. The Conservation Policy has failed to achieve its principal aim of a balance between the fish stocks and the EU fleet capacity.

There are numerous reasons cited for this failure, among which are:

- there have been fundamental conflicts between policy objectives, for example - limiting exploitation (TAC and effort controls) and yet expanding capacity (fleet re-generation),
- the process of reaching decisions has become highly politicised, and questions of resource allocation tend to gridlock conservation measures,
- management measures rely heavily on output controls (quotas) which function poorly in the absence of a reliable and accurate catch monitoring system,
- quota systems undermine conservation efforts by encouraging discards, specially in multispecies fisheries,

[9] For a comprehensive overview of the CFP see Holden, M., 1994. *The Common Fisheries Policy*, Fishing News Books, 1994.

[10] See: EC, 1997, *Agenda 2000. For a stronger and wider Union*, COM(97) 2000 final. Bull. of the EU Supplement 5/97.

- conservation measures must be implemented through approximated and inconsistent national legislative frameworks (even national fisheries legislation is notoriously difficult to enforce), and are applied differently for different national fleets fishing the same resource,
- there is a lack of information, both scientific and in particular socio-economic, on the effects of policy decisions,
- the policy is insufficiently flexible to cater for problems specific to certain fisheries and regions, and
- implementation lacks a participatory management structure, which has undermined its credibility and its legitimacy.

Under the primary conservation regulation[11] the Commission is obliged to present a comprehensive review of the CFP to the Parliament and the Council by 31 December 2001. On the basis of this review, a number of key decisions must be made by the Council[12]. In particular, the Council must decide on whether to continue the derogation of the 6 and 12-mile coastal exclusion zones, and to retain the Shetland Box. Another key decision will be made with regard to the implementation of the fishing permit scheme.

The proposed enlargement[13] of the Union will also clearly place additional strains on the CFP, which will have to cater for the exceptional circumstances of, *inter alia*, the depleted Black Sea fisheries and a greatly expanded role in the Baltic (including the contracting distant water fleet of the Baltic countries).

The review process comes at a critical point in the evolution of the CFP. Though it may be difficult to bring about substantial reform of the CFP in the key decisions to be made by 1st January 2003, it is possible to lay the foundations of such reform at this point. Regionalisation of the CFP may provide a basis of such reform, and offer an instrument for the practical achievement of the objectives of the Conservation Policy.

Regionalisation of the CFP is an option which responds to several of the current problems. The regional approach may:

- be more flexible with regard to the specific needs of each region and fishery,
- target specific fish stocks, fleets and fisheries more effectively,
- enhance the efficiency and use of human resources and structural funds,
- increase participation of industry and stakeholders,
- facilitate application of Member State jurisdiction and law on an equitable basis, and
- help formulate a coherent and integrated fishery-by-fishery approach across the various policy elements of the CFP (e.g., conservation, environment, MAGPs, markets, and research).

The CFP has always had a regional dimension. Specific conservation regulations apply to the Baltic, and to the Mediterranean. The Irish and Shetland boxes were recognition of the

[11] Article 14(2) of Reg. No. 3760/92 and referenced Articles 6 and 7.

[12] There is some debate as to whether these decisions can be made by a qualified majority in the Council because of the linkage between the Regulation (fishing permit scheme) and the Treaty of Corfu (accession of Austria, Finland and Sweden). It has also been suggested that the relative stability arrangements are a 'derogation' which may have to be renewed (FAL, UK in a letter to Fishing News, 5.2.99)

[13] Poland is a major fishing nation and market for EU fish. Cyprus and Estonia have important fishing industries, while Slovenia has a short Adriatic coast. Romania and Bulgaria (second round countries) have substantial Black Sea fishing interests and have formerly operated distant water fisheries. All the Baltic States (Estonia – first round, and Latvia and Lithuania – second round) have important fish trade links with the former Soviet States.

regional dimension, while the 6 and 12-mile zone provisions recognise the special interests of the fishery-dependent regions and coastal communities. Market support and structural policy elements have also had specific regional character, while external policy has been heavily influenced by regional interests.

2.2. THE NATURE OF FISHERIES AND REGIONS

As noted, the CFP already has a regional dimension. However, the CFP is not formally organised on a regional basis, in other words there is no decentralisation. The CFP, and the Conservation Policy in particular, aims to be a central all-embracing formula for fisheries control. The argument for regionalisation claims, with some justification, that:

- the larger the Union becomes the fewer common principles can be effectively applied to the widening range of diverse natural (fish) resources;
- the broader the principle and regulation the less specific and effective its application – the 'lowest common denominator' argument;
- several effective national and regional fisheries management schemes have already evolved through trial and error and may be more effective than centralised, CFP induced initiatives;
- an effective regional approach allows effective participation of the primary stakeholders, which is needed for credibility and effective implementation of the regulatory apparatus;
- the number of exceptions, or derogations, from the fisheries regulations is greatly diminishing the 'common' nature of the CFP and the layers of regulations are becoming increasingly complex and unworkable.

The proposed solution is to regionalise the CFP. However, regionalisation faces several fundamental questions, only some of which are examined in this study:

a) What are the regional units to which the CFP can be decentralised?
b) What policy elements, components, or processes can be regionalised?, and
c) How is the regionalised CFP to be co-ordinated, or harmonised?
d) What are the costs and benefits to nations and fishing industries?, and
e) By what process can a move towards regionalisation be initiated?

This section addresses the first of these questions - what is meant by a region and a fishery for the purpose of the CFP, and specifically for the purposes of the Conservation Policy?

2.2.1. What is a fishery?

The basic regulation of the CFP Conservation Policy does not define individual fishery management units. What is the fishery management unit within the CFP? Who, or what agency is responsible for managing the individual fisheries? This lack of clarity regarding what precisely is to be managed and controlled, the boundaries of the managed system, and the responsibility for management, is a fundamental practical constraint to the effectiveness of the CFP Conservation Policy.

For the purposes of the following discussion the **fishery** is considered to embrace not only the fish stocks and the fleets, but also the ancillary industries, the relevant coastal zones and dependent communities, and the management institutional structure itself.

Three **types of fisheries** can be clearly distinguished for the purposes of management:

- **Inshore**, or coastal fisheries, upon which coastal communities are heavily dependent. These fisheries may often be seasonal, generally exhibit a wide variety of species in the catch composition, use multiple gears, and are prosecuted by large numbers of relatively small vessels. These vessels remain at sea for limited periods (often for less than 24 hours). The catch is landed locally and vessels are commonly owner-operated. The vast majority of EU fishworkers are employed in the inshore, or coastal fisheries. These fisheries may be prosecuted exclusively by coastal State vessels, or have a limited participation by vessels from other Member States
- **Offshore** fisheries show a mix of vessels sizes and gears. Vessels from several Member States exploit a shared resource. Vessels remain at sea for extended periods and may land at ports distant from the fishing grounds.
- **Pan-European,** or International, fisheries are generally prosecuted by an international fleet targeting specific species and markets at an industrial, or commodity, scale. Highly mobile vessels are often company owned, or financed. The offshore fisheries are highly capital intensive in comparison to the labour intensive coastal fisheries.

Any regionalisation, or segmentation of the Conservation Policy must recognise that each of these types of fishery requires a different approach to management. The units of policy, control, enforcement, fish stocks, fleets and dependent economic areas must be harmonised around the fishery as a basic building block of the Conservation Policy.

Establishing the dimensions and extent of fishery management units in terms of stocks, fleets, and fishery economies is both a political and technical task. While the boundaries and components of many fisheries will change over time as fish stocks, and markets change, a fishery must retain sufficient stability and coherence in the medium-term to constitute a viable management unit.

2.2.2. The mosaic of regions

Within the EU framework a number of existing types of regions, or areas, can be identified. Three[14] primary categories of regions can be identified based on:

a) political and administrative criteria,
b) 'cohesion' targets, and
c) fishery and natural marine areas.

The categories clearly overlap (see Table 1 below), e.g., peripheral fishery-dependent areas will generally qualify for new Objective 1 or 2 status. The different types of regions are functionally different within the national and EU frameworks, and within the CFP itself. For example, access to the fish resources is allocated by Member State and by sea area, while parts of the Structural Funds are allocated by 'cohesion' target regions, which may be specific administrative regions within Member States. As a result coherence and synergy is frequently lacking with respect to specific fisheries and dependent fishing communities.

The analysis in this section focuses on the characteristics and nature of the 'fishery regions' to determine the possibilities for managing the EU's fisheries, while retaining a measure of coherence between fishery areas and existing administrative divisions and cohesion targets.

[14] EU fisheries and fishery regions can also be classified in two broad groups: Intra-State fisheries and Inter-State fisheries. See PE 227.167 (Gallagher report)

The ICES Divisions

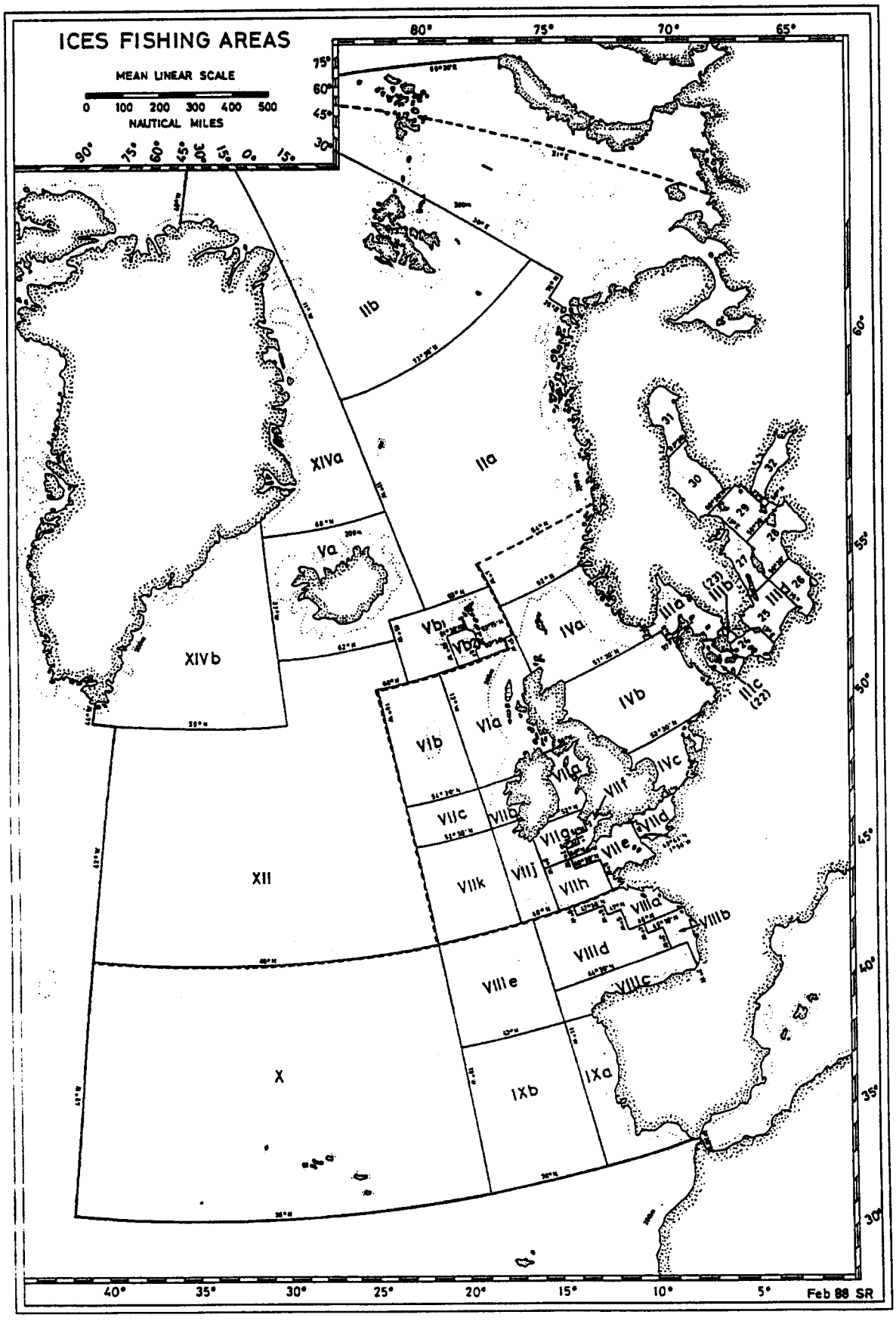

Table 1. A general listing of the Types of Regions and divisions

Commonly recognised regions, or areas	
Administrative/ political regions within Member States	Historically, or culturally distinct, often a common economic interest, or minority language, inhabitants may identify strongly with the region. Examples: Brittany, Scotland, the Basque country.
Distinct geographical regions within Member States	Separated by mountain, river, or sea barriers, may also be separate administrative regions. Examples: Corsica, Azores, Sicily, Canaries.
Peripheral regions	Disadvantaged by location – includes may of the above.
Fishery-dependent areas[15]	Fishing and ancillary industries represent a large percentage of the economic activity in the area; few other economic alternatives available. Examples: West of Ireland, Cornwall, Galicia.
Cohesion target regions (EU defined)	
Objective 1 regions	Regions with GDP per head < 75% EC average (as before). Examples: West of Ireland, Greek Islands, new EU entrant countries.
Objective 2 regions	Regions experiencing economic and structural difficulties - focus on integrated strategy for economic diversification (new objective definition). Examples: depressed urban areas and fishery-dependent areas.
Objective 3 regions	Horizontal rather than regional; targeted by Member States Employment Actions Plans in regions outside those covered by Objectives 1 & 2. (new objective definition).
Fisheries and fishery areas / regions (see following table)	
'Natural' sea areas	Distinguished by a shared water mass, currents and ecosystem. The main 'natural regions' are: the North Sea, the Baltic, the Mediterranean, and the Atlantic Arc.
Discrete international fisheries, or 'regional' fisheries	A number of EU fisheries are exploited by a limited number of national fleets. These fisheries and/or fishing areas can be 'isolated' as specific fishery management areas. Examples include the restricted sea areas such as: the Irish Sea, the Belts, the Adriatic.
Local inshore fishing areas / fishery regions (Intra-State regions)	Many inshore fisheries are exploited exclusively by the coastal Member State fishermen and can be managed on a local basis with little, or no, input required from 'Brussels'. Examples include: oyster fisheries, inshore crustacea.
International Pan-European fisheries	Not specific geographical regions. but characterised by internationally shared fish stocks and highly mobile industrial fleets. E.g.: pelagic fisheries (e.g., mackerel) and highly migratory stocks (e.g., tunas).
The Boxes	E.g., the Shetland Box, the Irish Box, the Norway pout box. Fishing is/was restricted to certain fleet segments / fleets within these boxes. These Boxes were created to protect local fisheries. The Irish Box restriction has expired.
The 6 & 12-mile 'regions', or zones	Established as derogations as a result of the accession of the UK, Denmark and Ireland.

[15] A definition has been framed by the EP Fisheries Committee (*inter alia*).

2.2.3. Defining fishery regions

As part of this typology of regions, Table 2 identifies the primary 'natural' fishery regions within the EU, and those shared with other coastal States. This table indicates a potential preliminary regional decentralisation of the conservation element of the CFP and the regions identified in this table are used as a working hypothesis for further discussion on regionalisation of the Conservation Policy.

The 'natural[16]' regions are identified on the basis of a number of general criteria listed below. In some instances these criteria are not strictly applicable to certain stocks and fisheries, requiring some liberties to be taken in their application. The criteria are:

a) definable sea areas, or basins,
b) relatively discrete ecosystem, or part of a large marine ecosystem,
c) the geographical range of key fish stocks[17],
d) a limited number of coastal Member States, and
e) identifiable fleets, or fleet segments.

The primary 'natural' regions are considered to be the following (Table 2).

Table 2. The Primary, or 'natural' regions

1.	Baltic
2.	North Sea
3.	Atlantic Arc (Western Waters)
4.	Mediterranean
5.	Black Sea (upon enlargement)
6.	High seas

The primary 'natural regions' can be broken down into secondary regions, or divisions in accordance with the fishery resources and fleets (see Table 3). Ideally, each region and sub-region may require specific solutions tailored to the requirements of the region's species mix, fleets, ancillary industries, and dependent fishing communities.

Table 3 gives an indication of the number of distinct regional arrangements which may be required to devolve the CFP Conservation Policy to a regional level. These regional arrangements can be considered as fishery management plans[18].

Table 3 also provides an overview of the magnitude of the harmonisation task facing a centralised and overly common approach to the Conservation Policy.

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[16] NFFO defines several UK regions as 'natural fishery units'. These include: Area VII - Western Approaches, Irish Sea, English Channel; North Sea and West of Scotland; External Waters (NFFO, 1996. *Coastal State management: Alternative to the CFP*).

[17] The numerous ICES reports describe the geographical extent of different stocks.

[18] Zonal plans for small-scale fisheries prepared in 1991 had the specific objective of reducing fleet capacity and had little direct bearing on fishery management and conservation plans (*Working paper zonal plans for small-scale fisheries*. DGXIV/398/91).

Table 3. Indicative primary 'natural' fishery regions and sub-regions in the EU and indicative summary characteristics (page 1 of 3)

Primary 'natural' fishery regions[1]	Coastal States	Main fishing nations[2]	Sub regions[3]	*Quota* / key species[3]	Fishery units[3]	Management	Specific EU regulation
BALTIC							
Baltic – Area IIId	Denmark, Sweden, Germany, Finland, Estonia(1), Poland(1), Latvia(2), Lithuania(2) *Russia*	Denmark, Sweden, Germany, Finland, Estonia(1), Poland(1), Latvia(2), Lithuania(2) *Russia*	IBSFC designated sub-regions based on ICES classification	*Cod, herring, sprat, salmon,* flounder (?)	Trawl fishery, pelagic fishery (industrial and human consumption) salmon, coastal	IBSFC	Several
The Belts	Denmark, Sweden, Germany, *Norway*	Denmark, Sweden, Germany, Poland (1)(?), *Norway*	IBSFC designated sub-regions based on ICES classification	*Cod, herring, sprat, salmon*	Coastal, industrial for small pelagics	IBSFC	Several
NORTH SEA							
North Sea[4]	UK, France, Denmark, Belgium, the Netherlands, Germany, *Norway*	Denmark, Sweden, Germany, France, the Netherlands, Belgium, *Norway*	ICES areas and specific fishing grounds, Shetland Box[19]	Sandeel, *herring,* Norway pout, *mackerel, cod,* haddock, *whiting, sole, plaice* and other flatfish *saithe, nephrops* and others.	Complex mixed benthic, bottom and pelagic trawl fisheries, gill netting	CFP and EU / Norwegian Bilateral agreements	Contained within EU Regulation 3094 / 86 or the Basic TAC regulations
English Channel	UK, France, Belgium, Holland	UK, France, Belgium, the Netherlands	ICES Areas VII d&e	*Cod, plaice, sole, herring* and non quota species (eg. Bass and sea bream)	Complex mixed, benthic, gill net	CFP	Contained within EU Regulation 3094 / 86 or the Basic TAC regulations

[19] Art 7 Reg 3760/92 & Annex II – restricts fishing operations to vessels of less than 26 meters unless specifically stated on a restrictive list.

Table 3. Indicative primary 'natural' fishery regions in the EU and indicative summary characteristics (page 2 of 3)

Primary 'natural' fishery regions[1]	Coastal States	Main fishing nations[2]	Sub regions[3]	*Quota* / key species[3]	Fishery units[3]	Management	Specific EU regulation
ATLANTIC ARC	**(Western Waters)**						
'Faroes' (North Atlantic Arc)	UK, *Iceland, Norway, Faroes, Greenland*	UK, France, the Netherlands, Denmark, Germany, Ireland, Estonia (1), Poland (1), *Russia, Iceland, Norway, Faroes, Greenland*	ICES Area Vb	*Cod*, haddock, *saithe, herring*	Complex mixed bottom and pelagic trawl	CFP / Bilateral agreements	Contained within EU Regulation 3094 / 86 or the Basic TAC regulations
West of Scotland	UK, Ireland	UK, Ireland, France, Spain and the Netherlands	ICES Area VI a, VI b	*Cod*, haddock, *saithe, hake, monkfish, megrim, Nephrops, herring & mackerel*	Complex mixed bottom and pelagic trawl Long line and gill net	CFP	Contained within EU Regulation 3094 / 86 or the Basic TAC regulations
Celtic Sea/ Atlantic arc	Ireland, UK, France	Ireland, UK, France, Spain, and the Netherlands	ICES Area VII g, h, k, j	*Herring, mackerel*, Demersal whitefish, *Nephrops*	Complex mixed bottom and pelagic trawl and gill net	CFP	Within EU Regulation 3094 / 86 or the Basic TAC regulations
Irish Sea	UK, Ireland	UK, Ireland, Belgium, the Netherlands	ICES VII a	*Nephrops, cod, whiting, plaice, sole, herring*	Complex mixed bottom and pelagic trawl, benthic trawl	CFP	Within EU Regulation 3094 / 86 or the Basic TAC regulations
Biscay	France, Spain	France, Spain	ICES Area VIII	Anchovies, *hake, whiting, megrim, nephrops, monkfish*	Complex mixed trawl and pelagic trawl (tuna & horse mackerel), gill net, pole & line, long line	CFP	Contained within EU Regulation 3094 / 86 or the Basic TAC regulations
Iberia	Spain, Portugal	Spain, Portugal	ICES Areas IX & X, Canaries, Azores, CECAF	*Cod, monk, hake, megrim, mackerel, blue whiting*, sardines, squid	Complex mixed trawl and pelagic trawl, gill net, pole & line, long line	CFP, Third country agreements	Within EU Regulation 3094 / 86 or the Basic TAC regulations

Table 3. Indicative primary 'natural' fishery regions in the EU and indicative summary characteristics (page 3 of 3)

Primary 'natural' fishery regions[1]	Coastal States	Main fishing nations[2]	Sub regions[3]	*Quota* / key species[3]	Fishery units[3]	Management	Specific EU regulation
MEDITERRANEAN / BLACK SEA							
Mediterranean (5 sub regions)	All Mediterranean countries	All Mediterranean countries, *Japan, Korea*	5 GFCM sub-regions	No quotas, technical measures exist	Multispecies coastal, trawl fisheries, tuna	CFP, GCFM	Yes
Black Sea (upon enlargement)	Romania, Bulgaria, *Turkey, Ukraine, Georgia, Russia*	Romania, Bulgaria, *Turkey, Ukraine, Georgia, Russia*	Coastal and pelagic regions/ fisheries	No quotas	Sprat, small-scale coastal fisheries.	BSFC (in formation)	No
MULTI-REGION[5] FISHERIES							
HMS – highly migratory species	ICCAT members		Atlantic, Mediterranean	ICCAT (not EU) quotas			?
Salmon			Greenland, N.E. Atlantic			NASCO	?
Mid-Atlantic/ High seas	Multinational fleet		1?	Deep sea species – scabbard, Orange roughy Toothfish		NEAFC CCAMLR (Antartic)	?
TOTAL[6]	15 primary regions		Approx. 30				

Notes:

1. Preliminary indicative listing. The table should be taken as a guide rather than a definitive listing.
2. Within the CFP the access to waters and fish stocks is not designated in accordance with this listing, but by ICES area(s).
3. Indicative only.
4. The North Sea Conference consider that the English Channel is included in the North Sea.
5. Third country fisheries / fishing agreements are excluded.
6. Azores, Canaries, French Overseas Territories and Departments, and UK dependencies (Falklands, Tristan, Ascencion, BIOT, Caribbean islands and others may constitute separate 'regions'. Other anomalies are not addressed (e.g., Isle of Man, Channel Islands).

2.2.4. A hierarchy of regions and fisheries

Table 3 sets out a hierarchy of regions and fisheries. The hierarchy is one of natural regions and sub-regions at the primary level, and of individual fisheries, or groups of fisheries, at the secondary level. The following diagram illustrates the three main dimensions of the hierarchical scheme: the fishery regions, the types of fisheries, and the stakeholders.

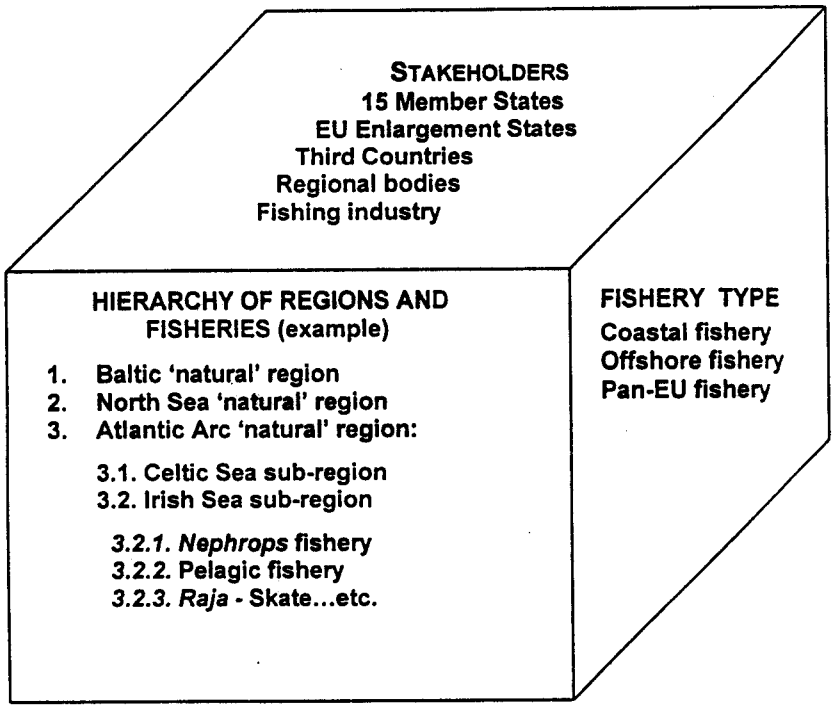

Figure 2. Schematic matrix of hierarchy of regions and fisheries

Crosscutting dimensions of the hierarchy are the existence of different types of fisheries – coastal, offshore, and Pan-European; and the number of stakeholders, in particular the Member States or third countries, involved in the fisheries.

If certain fishery management tasks are to be regionalised then, based on this hierarchy and the crosscutting dimensions, several levels of management can be identified in terms of management competence.

The basic tenet of subsidiarity is that that which can be executed at the level of the Member State should not be elevated to Community level. The table attempts to demonstrate a graduated scale of applied subsidiarity with respect to the regional management of EU fisheries.

Table 4. Levels of fishery management competence showing a gradation in the level of complexity

Management competence	Management regime / fishery type	Examples
National: Local fishermen's organisations/ Coastal Member State	Discrete coastal fisheries, the biological, human and institutional dimensions of which are entirely within the coastal Member State	Inshore mollusc[20] and crustacean fisheries
National: 'Regional' management committee / Coastal Member State	Complexes of coastal fisheries where vessels move between ports and target different species and stocks during the year.	Coastal scallop fisheries in the UK and France, sprat fisheries in the UK and Ireland.
Bilateral: Formal arrangement between the two Member States	Fish stock, fishing area, and fleets shared between two Member States.	Spanish / Portuguese sardine and anchovy fisheries. Irish Sea whitefish and nephrops fisheries
Multilateral: Regional (single species) fisheries management council (possible sub-set of the EU Council of Fisheries Ministers)	Management of a specific fishery, species, or species complex within a defined region involving coastal and international fleets	Discrete plaice and sole fisheries, Celtic Sea herring fishery Bay of Biscay Tuna fishery
Multilateral: Regional (multi species) fisheries management council (possible sub-set of the EU Council of Fisheries Ministers)	Management of complex multispecies fisheries involving coastal and international fleets over numerous 'natural' regions	Hake, monkfish and megrim in Western waters and North Sea demersal trawl fisheries;
Multilateral: Pan-EU level	Management of mobile industrial fleets targeting numerous spatially separate stocks and landing to dispersed international ports	Pelagic fleet. Deepwater fisheries, redfish
Third country involvement. International Commissions and fishery agreements	Multinational fisheries involving third countries, possibly extending to the high seas.	tuna in the Mediterranean, Atlanto-Scandian herring.

2.2.5. The confusion of units

There is a confusion of incompatible units used in management of EU fisheries. These include: 200-mile zones, ICES Areas, fleet tonnages and horsepower, quotas, and fishing permits.

The fish resources, or access to resources and waters, are allocated between Member States on the basis of the ICES areas, or multiple ICES areas. Member State jurisdiction and power of enforcement extends throughout their respective 200-mile zone, yet is strictly limited in its application with respect to vessels of other Member States.

Fishing permits[21], or licences, are issued by flag States and the operations of their fishing vessels are primarily subject to flag State regulations irrespective of the fishing area of operation.

These units lack the necessary coherency, harmony, and jurisdictional connections for effective resource management. The units make little concession to the definition of a fishery for management purposes. No EU fishery has a specific management plan described in terms

[20] See for example: Meltzoff, S.K., 1995,. *Marisquadoras of the Shellfish Revolution. The Rise of Women in Co-management on Illa de Arousa, Galicia*, Journal of Political Ecology, Vol. 2, 1995.

[21] The EU fishing permit scheme may circumvent this (See Reg. 3760/92).

of its objectives and action plan throughout the complete fishery dimensions of fish stocks, fleets, and economic and commercial future. The historical evolution of these units has been paralleled by the confused nature of the rights of access to the fisheries, and the associated concept of free access to the resources.

Further divisions and units already used for fishery management purposes are the 6 and 12-mile zones and the various 'boxes' - Irish, Shetland, Norway Pout, Plaice, Mackerel, Irish Sea Herring.

2.3. POLICY CONFLICTS IN THE REGIONAL APPROACH TO THE CONSERVATION POLICY

The previous section has explored the types of natural regions (based principally on physical marine characteristics), has provided a working definition of a fishery, identified different types of fisheries and levels of fisheries management competence.

However, a functional regionalisation of the CFP must effectively marry, or harmonise, fishery characteristics with a range of political, commercial and structural concerns. This section explores several potential policy conflicts in this regard:

- centralism versus regionalism,
- common principles for diverse fisheries,
- equity and access - the free movement of goods and services and free access to waters and resources,
- access and resource conservation, and
- legal issues and sovereignty.

2.3.1. Centralism versus regionalism

A permanent feature of Europe's political landscape is the ongoing debate between the role of the Members States and the role of the Union. The ambivalence of some Member States (e.g., towards monetary union) is a prime example. There are a variety of European unity models such as the 'hard core', 'concentric circles', which can trace long histories[22] even to before Bismark, and Napoleon. The visions of a united Europe may find a role for a form of regional subsidiarity explored in this study. The fishery sector may well require to break new institutional ground to construct a framework for management of trans-boundary natural resources[23]. However within the EU, regions have a weak institutional status and both the Union and the Member States are likely to resist the creation of strong intermediate institutional structures, which may detract both from the role of the Member State and the central EU authorities.

The centrist versus nationalist ('Brussels' versus Member State) positions are likely to be the source of a continuing debate in Europe. However, it is already clear that the CFP Conservation Policy lacks the democratic mandate among its primary constituency - the fishing communities of Europe[24]. A regional framework can offer the stakeholder participation required to build a democratic mandate, particularly for the management of those fisheries which have an international dimension.

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[22] For a critical review and historical description of the evolution of the European idea see Laughland J., '*The Tainted Source*'. Publ. Warner, London 1998.

[23] Some parallels may be found in the area of environmental management (e.g., air pollution, international rivers).

[24] See the replies to the Questionnaire circulated to fishery organisations by the EC in 1998.

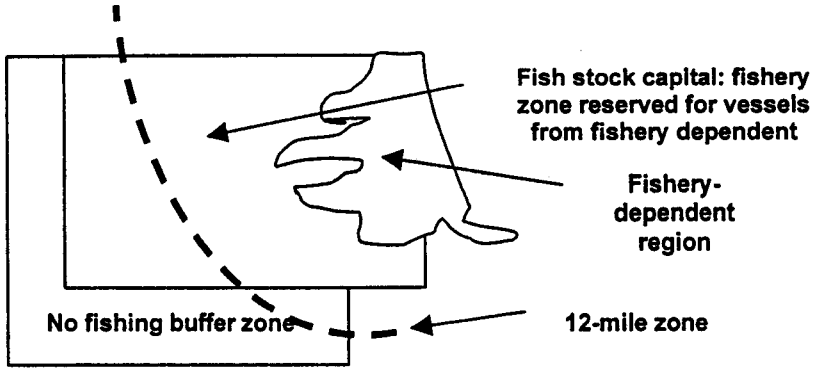
It can be argued that the existing structural assistance to peripheral and fishery-dependent coastal communities is a circuitous payoff for loss of a renewable resource. The long bureaucratic circuit of these programmes, through Brussels and Member State administrations, is costly, inefficient, often ill-targeted, and may lead to dependency rather than regional self reliance.

The alternative is to reserve certain fishery areas for fisheries dependent regions and communities. This may avoid the increasing encroachment by larger vessels on inshore fishing grounds and reduce costly travel by smaller vessels to distant grounds. However, measures to protect small-scale inshore fisheries may encounter legal difficulties. Based on European Court of Justice rulings, '... a measure which is objectively formulated [may] lead to discriminatory treatment by reason of nationality, and is therefore discriminatory'[25]. Protecting small-scale inshore fishing, which is the mainstay of many fishery-dependent regions, is likely to be discriminatory as foreign vessels operating from distant bases are likely to be larger. The apparent solution would be for the stakeholders, through a Fisheries Council (or other formal means), to agree that the measure was 'conservatory' and not 'discriminatory'.

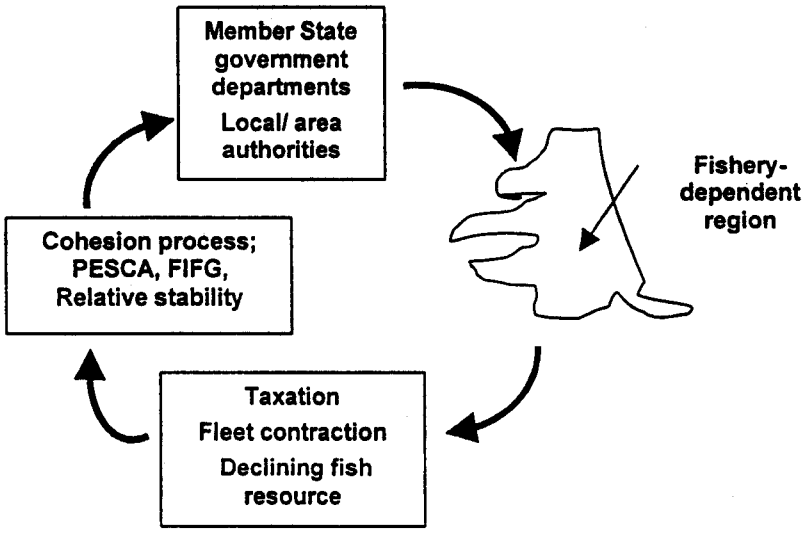
A contrary argument holds that regional protectionism for fisheries leads to inefficient resource utilisation. However this factor must be weighted against the hidden costs and operational constraints to managing more economically open fishery systems.

The following diagrams provide a simplified schematic representation of these two alternative models: attaching the natural resource heritage to the fishery-dependent region; or effectively 'subsidising' the region through transfers via the structural funds. A balance of these two mechanisms may foster both conservation and cohesion objectives.

[25] Churchill, R.R., 1987, EEC Fisheries Law. N. Nijhoff Publ, Netherlands.



REGIONAL RESOURCE CAPITAL MODEL



STRUCTURAL FUNDS CIRCUIT MODEL

Figure 1. Schematic representation of regional support alternatives

2.3.2. Diverse regions, common principles

The diversity of the fisheries of the EU demands different management solutions for different regions and fisheries. As noted the Conservation Policy already recognises this important regional dimension in separate legislation for the Mediterranean[26] and other regions. What core components of the Conservation Policy must remain common to the Union, and what must be regionalised, or granted subsidiarity, in the interests of efficient, responsible and participatory fishery management?

[26] Second Diplomatic Conference On Fisheries Management In The Mediterranean. Opening Speech By Mrs Bonino, Member Of The Commission, Venice, 27-29 November 1996

The following table outlines subsidiarity in the context of regional and national fisheries management under the categories of principles, legal competence (or jurisdictional issues) and practical application.

Table 5. Subsidiarity in principles, jurisdiction and application

Level	Principles	Legal competence	Application
EU level	Four main principles common to all levels: • Free movement • Fish stock conservation • Access rules • Responsible management	Not fishery specific, generic, cumbersome, compromise solutions	• Practical application weak, or direct enforcement virtually non-existent • General application impacts on all fisheries • Specific rules for highly mobile international fleets
Regional institutional arrangements	• Subsidiarity applied at a regional, rather than national level. • International fishery management plans required	• No legal competence • Recommendations only – IBSFC, GCFM, North Sea Min. Conf. (ICCAT?) • Requires EU law	• Currently informal • Regional framework absent • Major initiative required if a regional scheme is to be prepared • Enhanced national enforcement can be a major element in a regional scheme.
National fisheries	Full national competence and discretion subject to EU law	• Major national fisheries prosecuted substantially within national territorial waters, • Limited to EU laws with respect to non-flag vessels	Co-management between national authorities and national fishermen's / industry organisations
Local area fishery[27]	Full national competence and discretion subject to EU law	Local inshore fisheries	Co-management between national authorities and local stakeholders

A Conservation Policy[28] became necessary as a result of the accession of Denmark, Ireland and the UK to the Community. It became necessary in the first instance because of the need to share the fish resources, and in the second instance to conserve the fish stocks.

In order to identify the core values and policy components of the Conservation Policy a clear distinction must be made between two closely interwoven objectives of the policy – fish stock conservation, and control of access to resources considered to be 'national' assets despite clauses to the contrary in the treaties of accession (or related texts of 'primary' legal status). Separate consideration of these intertwined natural resource management and political principles may help distinguish the key values.

2.3.3. Access and equity

Access is a fundamental dimension of the Conservation Policy and a major source of confusion and conflict. Within EU law[29] two forms of access are recognised: access to fish resources and access to waters. Three types of waters are recognised: ICES divisions, 6 and 12-mile zones, and various special reserved boxes (e.g., Shetland Box). Ten principal fish resources, the quota species, are recognised in Atlantic[30] waters. Access is considered to be a

[27] It is assumed that the 6 and 12-mile zones will be retained.
[28] Prior to this only the structural and markets policy had existed as complementary to the CAP.
[29] Ref. the initial conservation regulation No. 170/83.
[30] Additional species such as sprat and salmon are under quota management in the Baltic.

property right of the Member States and allocated in accordance with the relative stability[31] formulae in the case of Atlantic waters. The transfer of these access rights from Member State to the fishing vessels (or vessel owners) varies from one Member State to the next. There is no pan-European equivalence of fishing access rights at the level of the fishing vessels. The introduction of a Community fishing permit scheme may alter this.

The principle of free movement of goods, persons, services and capital is set out in Article 3(c) of the Treaty establishing the European Community. This basic concept does **not** mean open access to the fish resources. It means that fishing vessels, companies and fishermen from all Member States are treated equally, or that access to the fisheries is equitable. The rights associated with relative stability are the rights of the Member State to allocate its access among its fleet(s) and enterprises in an equitable manner of its choosing.

2.3.4. Conservation and access

In the interests of effective management, different fisheries will have different rules and management regulations. Further, absolutely free movement of fishing capital (vessels) is not in the interests of resource conservation, as any benefits resulting from improved fish stocks will be undermined by additional entrants to the fishery, who are attracted by such improvements. Thus limits and constraints are required to the entry of fishing vessels into fisheries – limited access. A limited access regime should be seen as an effective fishery management option and in no way contrary to the practice, or intent, of Article 3(c) of the EU Treaty. Access limitations can employ both legal and economic barriers to entry, but must be equitable (non-discriminatory) with respect to all Member States, their vessels, fishermen and fishing enterprises.

This means that two forms of barriers to entry to fisheries exist in the EU: those created through relative stability to protect national property rights, and those which can exist purely as conservation devices. Most of the zones, such as the 6 & 12-mile zones and the Boxes have been created primarily to protect national interests. The TACs allocated by ICES area and Member State unsuccessfully attempt to satisfy both the 'property' and 'conservation' dimensions of access. A change of rationale is required if these zones are to be legitimately retained for conservation purposes and to ensure viable coastal and inshore fisheries. If the inshore fisheries are to be effectively protected, a change in judicial interpretation of the notion of 'discrimination' may also be required. This means that measures for the protection of the natural marine resource heritage of coastal communities is not considered discrimination in favour of the coastal Member State.

Access is allocated to Member States by ICES area and quota species, but not by specific fishery, or by jurisdiction (i.e., the extended fisheries zones, or EEZs). The fishing access rights are allocated to vessels, or vessel operators, by different means in the different Member States. As a result, many 'offshore' and 'Pan-European' fisheries in the EU are governed by several sets of discordant regulations and jurisdictions. This is a major constraint to the formulation of fishery-wide enforceable management plans for international fisheries.

The management regime is not the 'level playing field' envisaged to exist as a result of removal of the 'obstacles to the free movement of goods, persons, services and capital', but discordant sets of national regulations. Again a clear distinction must be made between 'free movement of capital' (fishing vessels) and 'barriers to entry' (which are an essential component of a fishery managed by a limited access regime).

[31] The conflict between 'relative stability' and 'free movement' of fish capital has been amply documented in the European Court of Justice rulings in the Factortame case and the complex issues involved are not repeated here.

Three different approaches to resolving this problem[32] have emerged:

- The Pan-European solution would create a common set of harmonised fisheries conservation regulations. This study argues that the centralised solution is simplistic and cannot cater for the specific requirements of individual fisheries, and does not provide for effective stakeholder participation. This is borne out by the plethora of derogations and exceptions which exist and the increasingly complex layers of regulations. In practice, this solution only becomes effective if a truly Pan European fishery exists (such as some of the pelagic fisheries).
- Devolve fishery management to the level of the Member States. Whilst there is an argument for control by the Member State of all fishing operations within its 200-mile EEZ (or other extended fishing areas in the Mediterranean), there ultimately remains the position of sovereignty over the participating vessels. In addition, there is the matter of the disproportionate costs of enforcement between Member States.
- Regional management through Regional Councils, where the concept of a level playing field is achieved within prescribed fisheries, by not only conforming to the common principles laid down at EU level, but by effective and identical implementation of transparent and agreed rules at national level. This means that at a regional level a proposal for a fishery-specific EU law would be prepared with the assistance of the Commission.

2.3.5. The economics of access

Within the fish production chain (the vessels, processing, marketing), the fishing activities are by their nature more economically unstable and risk-prone due to variations in fish stocks, weather and markets. Thus, under-conditions of over-exploitation and/or natural resource volatility, it is the larger fish merchants and processors that are able to absorb and spread the fishing risk which smaller operators cannot sustain. It is argued that as a consequence of increasing volatility in the fishery sector over the last decade there is a growing move towards vertical integration.

Tradable fishing rights such as ITQs have tended to further facilitate such vertical integration, or the replacement of the owner-operator by the corporate vessel[33]. Whilst this is often considered a reasonable shift towards improved economic efficiency, it fails to reflect largely hidden costs associated with environmental, social and socio-economic degradation and disruption.

Tradable rights (ITQs, or similar) also reduce the scope for action by the regional or national authorities in support of regions dependent on fishing. The trend towards the creation of tradable fishing rights has hidden social and economic costs, which are often not considered in the measure of the efficiency which tradable rights purport to create. Small-scale fishing can become ever more dependent on movement of capital and corporate fish supply requirements, rather than concerns over communities dependent on fishing. Tradable rights also accelerates turnover in fleet composition, both by facilitating exit of unprofitable fishing units and attracting more economically viable, or efficient units. This may be desirable at a Member State or EU level, but not necessarily so at a local or coastal community level.

[32] These issues primarily relate to the Atlantic, but the arguments have wider application.
[33] This point is the subject of an ongoing debate in many countries.

These two aspects may undermine the employment objective of the new Structural Policy and displace capital from peripheral regions to more central locations. To counter such trends there have been moves by fishing communities[34] to purchase quota.

Whilst there are advantages, particularly in respect to inshore fisheries, for not advocating ITQs, a policy of ITQs in large scale offshore fisheries could achieve major reductions in capacity (but not necessarily effort). Such a facility will also provide a mechanism for market forces to compensate for any short term losses as a result of changes to the TACs. A further advantage is that a concentrated industry can facilitate joint management initiatives.

Thus nature of the tradable rights and their accompanying obligations need to be carefully formulated to promote stable fisheries and fishery economies, particularly in fishery-dependent regions – the removing or tempering of induced volatility. For example, consideration may need to be given to incorporating one or more protection mechanisms (on the basis of geography, scale, gear or fishery) into tradable fishing rights systems pertaining to areas of accepted vulnerability.

2.3.6. Fishing rights, or obligations?

The conflict between the principles of relative stability and free movement of fishing capital has already been noted. Relative stability has been described as a set of national fish property rights. The nature of these rights is based on the idea of historical rights of nations and dependent populations to their natural resource heritage – the fish stocks in contiguous waters. Article 3(c) of the EU Treaty should not be interpreted as undermining this principle of natural law, as there is little to be gained (except conflict) by, for example, permitting Finnish-flag vessels to fish in the Mediterranean, or Greek-flag vessels to fish in the Baltic. On the other hand, the rights of Finns to purchase Greek vessels and operate them in the Mediterranean has already been upheld[35].

While the underlying principle of relative stability can be upheld, aspects of its application and legal base may remain unwieldy. This means that the 'access to waters' component of the relative stability may remain, though the waters and resources may be described in more appropriate regional fishery management units. The fundamental units are the natural regions, such as the Baltic, Mediterranean and North Sea. According to this argument Spanish-flag vessels would not have access to the North Sea[36] as they lack the historical rights, but Spanish-owned (non-Spanish-flag) vessels could fish in the North Sea.

Because of the historical difficulty in reaching the political compromise represented by relative stability, any tinkering, or alteration, of the basic allocation keys and formulas is fraught with danger[37]. However, if the Conservation Policy is regionalised, then the access rights will need to be reallocated, or redistributed, to a regional level. For instance, approximately 30,000 tons of the EU hake quota is assigned[38] between six countries over five major ICES areas stretching from Greenland to the English Channel. If discrete regional fisheries management units are to be established in the Irish Sea, or in the English Channel, then a quota part needs to be allocated to that fishery, or region. Such an allocation is necessary for effective management, even though hake may not be an important component of the catch in such fishery / region, and may be considered a single biological stock covering

[34] The Shetland Council is purchasing quota and retaining it as a public asset. (see: *Fishing News*, 16 October 1998).
[35] Factortame case.
[36] Subject of a current debate.
[37] Referred to by the late Mike Holden as the 'house of cards' because of its fragility.
[38] Ireland, Belgium, France, Holland, UK and Spain in ICES areas Vb, VI, VII, XII, XIV.

the five ICES areas. In other words, effective allocation of resources (access and relative stability) must facilitate, rather than complicate, compliance control. In principle, current fishing log book records[39] identify the relative dependence of any vessel on specific areas, allowing for interpretation of relative stability at a regional level.

For the establishment of a more permanent regional structure, one solution may be for participating Member States to contribute quota to regional fisheries, or to fishery management plans for specified waters and resources.

A further aspect of relative stability is that access incurs a responsibility with respect to the resource. The coastal Member State has an obligation under international law[40] to conserve the fish resources, although this obligation has apparently been transferred to the Union. In the application of the Conservation Policy, the idea of resource conservation responsibility has been overcome by the language of regulation. There is a pressing need to re-instate the concepts of responsibility and 'obligation'. This is likely to come, in time, through increased public interest in the concepts of stewardship and sustainability, and their recognition in the market-place. This may be hastened, however, by some judicious changes in the language of fisheries management, for example, by replacing the terms fishing 'permits' or 'licenses' by the term fishing 'obligations'.

2.3.7. Directives, laws and jurisdiction

While some EU law is considered to be directly applicable in Member States, the legal processes which pertain to moral and juridical EU persons (e.g., fishing vessels owners, fishermen, and fishing companies) are the laws of the Member States which approximate and give effect to EU law.

Member State jurisdiction over fishing activities extends along two axes: control over fishing vessels of the Member State (flag-State control); and control over fishing activities in the EEZs[41] and territorial seas (extended jurisdiction). There is a conflict between these two legal axes with regard to the fishing activities of one Member State within the waters of other Member States.

In the case of 'third country fishing agreements' the norm is that the distant water fishing vessel operates subject to the laws and fishery regulations of the coastal State. However, within the EU waters the contrary applies and the vessel operates subject only to the laws of the flag State and certain harmonised EU regulations[42].

Much of EU law must be 'given effect' in Member State legislation through a diversity of national regimes and approximations. This inevitably results in different regulations (e.g., quota, or days at sea regulations) applying to fleets of different Member States targeting the same resource. The 'level playing field' no longer applies.

This approach, which derives from the 'common pond' concept of EU waters, tends to undermine coastal Member State ability to enforce fisheries regulations as fishermen point out that foreign vessels have an advantage (whether apparent, or real). More stringent Member State conservation rules remain un-rewarded as these discriminate against its own fleet[43] and are not applied to all participants in a fishery, or to all fishing in a specified region

[39] This information will become more accurate and comprehensive with the introduction of the satellite VMS.
[40] E.g., under Article 61 of the Law of the Sea.
[41] 200-mile EEZs have not been established in the Mediterranean.
[42] E.g., certain regions have a standard minimum trawl cod-end mesh size.
[43] Such regulatory practices have been unsuccessfully challenged in the European Court (Van Dam case).

or fishing ground. It is unrealistic to assume that all technical regulations can be functionally harmonised either at EU or at a primary regional level (e.g., for the whole of the North Sea).

The question of boundaries to fisheries is a fundamental issue in the framing of a regionalised Conservation Policy. The more well defined the boundaries to the fishery, the more effective can be the management. The boundaries need to be established as a complex of functional regulations governing:

- geographically defined marine areas
- species, species groups and by-catches
- fleets and the rights and obligations of fleets attached to particular fisheries
- permissible gears
- the movement of vessels between fisheries
- fleet modernisation and its relationship to pressures for the increase in effort in the fishery
- the entry of fishing units into the fishery
- jurisdiction and compliance control in the fishery
- the nature of economic links with the coastal regions, or coastal Member State

2.4. THE CHARACTERISTICS OF A SUSTAINABLE FISHERY

As previously noted, the term **fishery** is considered to embrace, not only the fish stocks and the fleets, but also the ancillary industries, the relevant coastal zones and dependent communities, and the management structure itself.

To be sustainable the fish stocks, and the dependent fishing communities and their associated, economies must have a measure of stability to build the notion of stewardship, or resource husbandry. This stewardship must be rewarded through improvements, or stability, in the fish stocks and resulting economic opportunities.

Stewardship and good governance of a fishery requires that the fishery have clearly demarcated boundaries[44] in terms of species, stocks (or part of stocks), fleets, ancillary industries and coastal economies (where relevant). It requires a limited and well-defined number of stakeholders, or stakeholder groups, who have clear responsibility as partners in resource husbandry.

2.5. BOUNDARIES AND BARRIERS

If individual fisheries within the regional hierarchy are effectively managed, this will contribute to the overall health of the fish stocks and the economic health of the fishery sector[45]. Fisheries which are effectively managed, and where there is this investment in fish capital (conserved fish stocks), should be rewarded with increased benefits. These benefits may be seen as incentives to conserve stocks – the benefits of which can only be realised in the medium/ long-term. In EU capture fisheries there is little, or no incentive to invest in fish capital. Protecting such benefits requires the creation of fishery boundaries to protect the accumulated fishery capital from mobile external interests seeking to expand fleet capacity.

The barriers must not unduly compromise the efficiency of the fishery by protecting inefficient producers from competition, but efficiency must not be judged merely on profits,

[44] Acheson, J. 1972. Territories of the Lobstermen. Good ocean boundaries make good neighbours... and vice versa Natural History. April 1972

[45] 'If you take care of the pennies, the pounds will take care of themselves' – olde saying.

or financial costs, of production. The hidden costs of fishery management, fish stock capitalisation, and costs of maintaining settlement structure and economic activity in fishery-dependent peripheral regions must also be included in the evaluation of the efficiency of the fishery and the type of producer. Thus the sustainable fishery is compliant and has a socio-economic efficiency which may not be evident in vessel cost and earnings studies, or fishing company balance sheets.

The barriers to entry must be equitable and cannot discriminate against fishermen or enterprises, from other Member States. This does not mean that regions should not protect their natural marine resource heritage and the notion of an economic link[46] is an important building block of stable regional fisheries. Weak barriers and links will destabilise the fishery through speculative investment and over-fishing. There are significant legal difficulties in establishing non-discriminatory barriers to entry[47].

The regulatory authority(ies) should have a clear mandate through stakeholder involvement and support for regulations recognised as just and equitable by the fishermen. If stakeholder agreement on a fisheries management plan is not forthcoming in the medium term, the fishery may be broken into more manageable sub-units. In addition to the rules on entry and exit to the fishery, the regulatory authority will have the ability to design technical measures (e.g., on discarding, high-grading, and fishing gear) and establish buffer areas and reserves (no-fishing areas).

A clear link between the fishery management objectives (for example, employment, food supply, economic efficiency) and the design of the management regime[48] should be evident. Some degree of specialisation by fleets and fishermen is also likely to be in the long-term interests of conservation. The idea of a fish resource 'cache', implemented through marine protected areas (MPAs), or 'no-fishing' zones, may provide both a conservation device and an element of economic[49] protection for fishery-dependent areas. It may also be considered as part of the natural resource heritage of a peripheral region.

An ecosystem approach is basic to management of the larger 'natural fishery regions' with particular regard to the impact of fishing and pollution on marine flora and fauna, predator prey relationships and species composition[50]. The Code of Conduct for Responsible Fisheries, including the precautionary approach, provides basic guidelines which can be used for building sustainable fisheries. Current precautionary measures are applied with respect to fish stocks and Member State fleets. To be effective such precautionary devices must apply to specific fisheries and have the support and understanding of the fishing industry.

[46] From mid-1998 all UK-flag vessels over 10m fishing quota species must demonstrate an 'economic link' with the UK. The link can be expressed as: 50% of quota species landed in the UK, or 50% of the crew resident in the UK, or incurring substantial operating expenditure in UK.

[47] See for example: *Commission v. Ireland* (Case 61/77) and *Commission v. UK.*

[48] Subsidised capital for fishing vessels may undermine employment on board more labour-intensive vessels. Structural assistance for fish processing may have a similar side effect.

[49] Recent studies on the MPAs (outside the EU) shows considerable economic benefits can accrue.

[50] The Black Sea provides an exemplary lesson as the fish biomass has fallen to 10% of its former levels, and has been replaced by a species of ctenophore, or sea gooseberry, which has no economic value.

3. A REGIONAL MODEL FOR THE CONSERVATION POLICY

This section describes a scenario as a basis for the discussion of several questions:

- What are the regional units to which the CFP can be decentralised?
- What policy elements, components, or processes can be regionalised?, and
- How is the regionalised CFP to be co-ordinated, or harmonised?
- What are the costs and benefits to nations and fishing industries?, and
- By what process can a move towards regionalisation be initiated?

3.1. THE OBJECTIVE OF REGIONALISATION

In this study, regionalisation of the CFP has been interpreted narrowly as the regionalisation of the Conservation Policy. However, regionalisation of the Conservation Policy impacts on the Structural Policy and in particular on the MAGPs.

There are two objectives for a regionalised Conservation Policy:

a) The primary objective is to ensure the recovery and stability of the fish stocks of the EU, and to maintaining the health of the stocks. Healthy fish stocks will provide stable and improved economic opportunities to the EU fishing industry and improved fish supplies to EU consumers.

b) The second, or strategic objective is to progressively revise, in a structured and phased manner, the resource access and allocation system enshrined in the relative stability. This is necessary to ensure that it complements the primary objective of fish stock conservation, rather than further contributing to the crisis currently facing the stocks.

Regionalisation of the Conservation Policy may be seen as a gradual conversion of relative stability into a hierarchical set of managed inshore, offshore, and Pan-European fisheries. The strategic objective of regionalisation is to convert the amorphous mass of the common pond into a set of manageable fishery units.

Where fisheries are under pressure conservation of fish stocks will always conflict[51] with social and economic goals. The paramount position of the conservation objective must be clearly established, as otherwise the social and economic goals will also be compromised through the political responses to pressure.

While the objective of protecting fishery-dependent areas is unequivocal and widely distributed in the Community texts, the legal base for such protection appears adrift in uncharted waters between the national territorial seas, the EU objectives and European Court decisions. This needs clarification.

[51] Holden, citing Pope. 1992, states that 'the primary objective of so-called fishery management is to achieve "the minimum sustainable whinge", that is politicians adopting the course that creates the fewest political problems'. Holden suggests that the managers are two faced, on one hand stating they are 'constrained by biological advice', and on the other hand stating that the biological 'advice must be ignored for social and economic reasons'. (Holden, M.J., 1993. *Clausewitz's first principle and fisheries management: First decide the objectives*. Managing marine fisheries: A case study of the Irish Sea. Joint Seminar report, 1993).

3.2. STEPS TOWARDS REGIONALISATION OF THE CFP CONSERVATION POLICY

The following sequence of steps presents an approach to regionalisation of the Conservation Policy. Clearly there are a number of variations on the general themes proposed in this scenario, which is presented for discussion purposes. The steps include:

- defining the regions and fisheries,
- providing appropriate fishery management advice,
- building precautionary management devices,
- creating regional fisheries institutions and dialogue,
- clarifying enforcement and jurisdiction, and
- considering the role of the Commission.

3.2.1. Defining the regions and fisheries

The first step is to **formally accept the need for an initial decentralisation of the Conservation Policy to the primary natural regions.** These are: the Baltic, the North Sea, the Atlantic Arc[52] (the EU's Western Waters) and the Mediterranean. This concept means that only the actors, or stakeholders participating in the fisheries of the region will play an active role in the preparation and implementation of management plans and measures.

The actors, or stakeholders, at the primary level are the coastal Member States, or those Member States which have fleets actively fishing in the region. The regional fishery management plans and measures agreed by the concerned regional Member States would need to be endorsed at the European level, i.e., by the Council of Ministers.

The second step is to **identify specific, or discrete fishery units**. Some of these units will be entirely within the regions. Some may span two, or more regions. Those fisheries which readily form discrete management units can be segregated from the more complex international fisheries. The 'discrete' fisheries will have few Member States involved in the management of the fishery / sea area, and quota will continue to be allocated in compliance with established relative stability. The segregation involves the assignment of a quota to the fishery, or sea area, concerned and the establishment of clear boundaries to the fishery and a clear identity to the fleets exploiting the stocks and areas concerned. Quotas can then be allocated on such basis as is established within the management plan. Resolution of initial allocation conflicts will need to be resolved using such compensation mechanisms for loss of access or quota as are deemed appropriate and practical (using market mechanisms, as in quota trading, or systems of negotiated settlement).

As in the case of the primary natural regions only the actors, or stakeholders participating in the 'discrete' regional fisheries, will play an active role in the **preparation and implementation** of management plans and measures. The fishery management plans and measures agreed by the concerned regional Member States would be endorsed firstly at the primary natural regional level, and subsequently at the European level through appropriate legislation prepared by the Commission.

This second step can be a phased process. In theory, the removal of the more manageable fishery units will simplify the management of the more complex international fisheries. The idea of 'fixing' fleets to fisheries does not mean a loss of the right to transfer from one fishery to another, but simply recognises that such flexibility has a high cost in terms of resource

[52] The Atlantic Arc may need to be subdivided.

management. Operators of vessels wishing to retain a high degree of mobility between fisheries should pay for such a right.

Several suggestions have been made to establish 'experimental' fisheries regimes in discrete areas, having a limited number of actors or fleets[53]. This would be a positive step towards identifying in more detail the issues and conflicts which can only be resolved through practical application of regionalisation.

3.2.2. Management advice and stakeholder dialogue

There are three forms of technical advice required for the preparation of balanced recommendations on fisheries management:

- scientific advice on the state of the fish stocks and the level of exploitation that such stocks can support
- the nature of the technical and other measures (e.g., effort limitation) which are needed for sustainable exploitation, and
- an appreciation of the economic impact of the proposed measures on the fishing industry and fishing communities.

The essential character of the advice is that it should be technically sound, be devoid of bias, and allow for a graduated response in relation to the political possibilities. In order to be devoid of bias the institutions charged with the preparation of the advice must be financially and scientifically independent. ICES qualifies for providing such advice on the biological dimensions of the fishery, but there is no equivalent independent organisation providing advice on the likely economic impact of fisheries decisions. More particularly, there is no equivalent independent organisation providing advice on effective and equitable means of mitigating the adverse economic effects of fisheries management decisions. The GCFM has a substantially similar role to ICES with respect to the Mediterranean[54].

ICES provides advice of the highest scientific quality. However, there are substantial technical, political and operational gaps between this advice and its application at the level of the individual regions and fisheries. The example given above is the hake TAC, which is spread over numerous ICES areas for several Member State fleets. While it is acknowledged that such 'aggregated' advice may reflect the existence of a widespread stock, a further breakdown would facilitate regional management.

In effect, a regional management regime will require an accompanying scientific advisory service and, if possible, additional independent technical economic advice. This may be accomplished through accredited Member State institutions and regional institutional networks. The accompanying figure provides a generalised interpretation of the contrast between the centralised and regionalised advisory schemes.

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[53] See for example. Hillis, et al., 1994. Overall profit optimisation in the Irish Sea fisheries: a management, economic, socio-economic and biological study. BIM, ESRI, Dept. of the Marine, SEAFISH.
The suggestions include the possible payment of skippers / vessels to desist from fishing to institute an experimental management regime to counter the decline in catch per unit effort (from 1.17 tonnes per kw/hr in 1971 to 0.16 tonnes per kw/hr in 1994). This approach parallels aspects of the common agricultural policy (CAP).

[54] A PHARE project has recently been approved for the purposes of supporting a fisheries advisory unit in the Black Sea. It will be associated with the Black Sea Environmental Programme (and the Black Sea Fisheries Commission when operational).

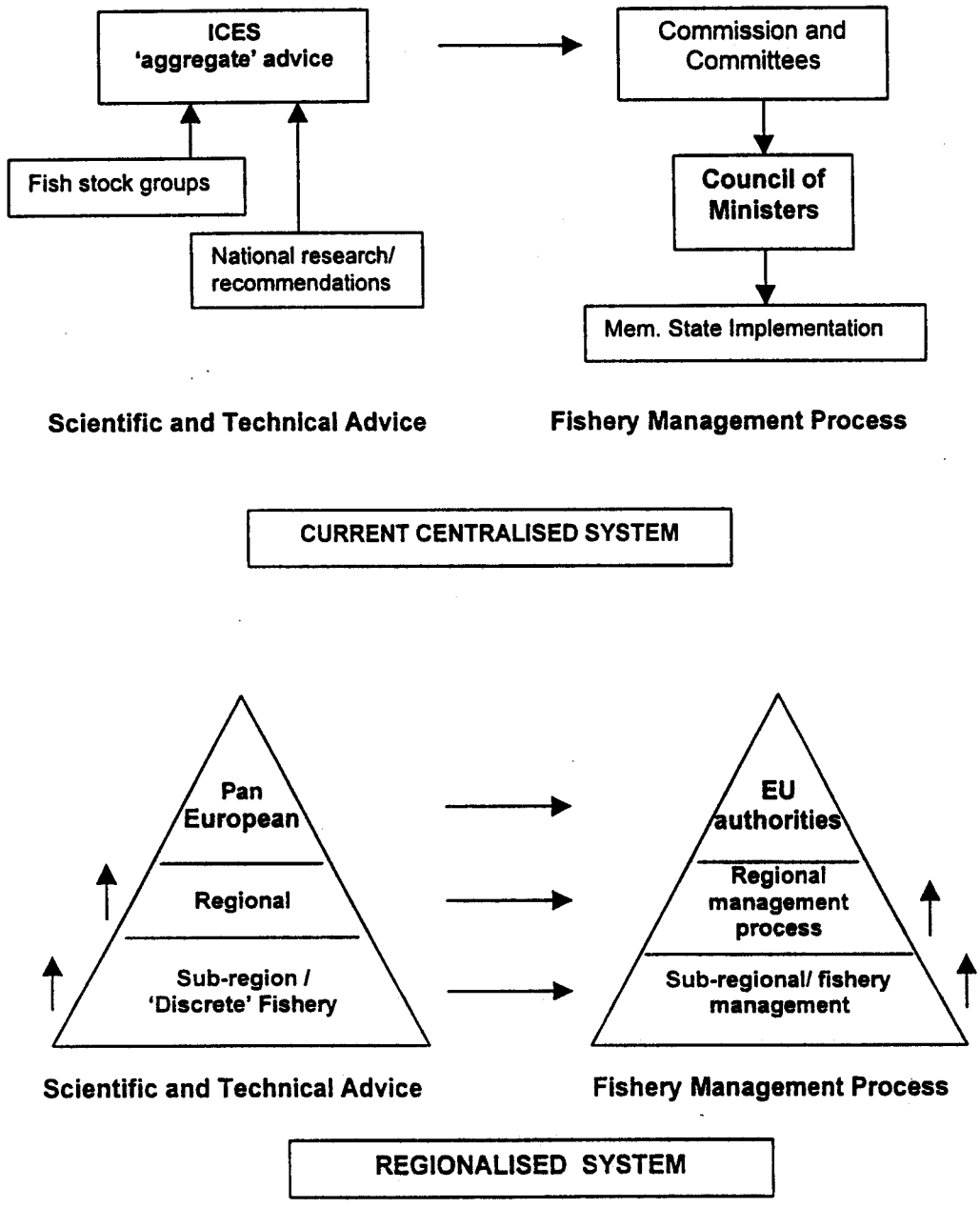

Figure 3. Schematic representation of existing centralised system and possible regionalised system for generation of scientific /technical advice

ICES remains the principal independent scientific advisory body, but the advice should be complemented with further independent advice on the economic impact of management measures.

The ICES Areas, or Sub-Areas, may be the basic unit of management for determining TACs, as these are the building blocks of the current relative stability arrangements. The larger ICES

trans-area quotas[55] may be sub-divided by regional management unit, or fishery, so that effective management and enforcement can be applied. The ICES advice may be provided directly to any regional fishery institutions created to conserve and manage the fisheries. The Commission's *Ad Hoc* regional consultative meetings may be a useful starting point at the technical level. These include meetings already held on North Sea flatfish, North Atlantic pelagics, Celtic Sea demersals, external water fisheries, Baltic Sea cod, and Atlantic tuna.

This means that the Advisory Committee on Fisheries may have regional sub-committees, or working groups, formally constituted to co-ordinate advice to (Regional) Fishery Councils. This implies some additional costs for the consultation and advisory process. The Commission has already reviewed the process of consultation with the professional organisations in the sector. The study[56] showed considerable support for a tightly focused stakeholder consultation process directed at specific fisheries. The stakeholder consultation process is envisaged as having the same pyramidal structure of fisheries, regions, and EU level as illustrated in the preceding figure.

3.2.3. Building precautionary management devices

To give operational effect to sustainable fisheries initiatives, the fisheries should, in principle, be managed in accordance with best scientific advice, suitably interpreted in relation to the economic and operational constraints facing the fishery, through a broad-based political process.

In the formulation of regional, or fishery, management plans, conflict and delay[57] is inevitable. In the absence of management plans agreed among the stakeholders, the precautionary principle suggests that the management regime should not deviate from the 'best scientific advice'. Thus, in the absence of an agreed fishery management plan the **default regime** should give effect to the 'best scientific advice'.

The question of what constitutes 'best scientific advice' is a complex issue open to several interpretations, which are not addressed in this study. However, pursuing the 'best scientific advice' approach assumes that the health of the fish stock is of primary importance to the long-term economic benefit of the fishery (and that the advice is the correct prescription for the fishery). The short and medium-term negative impacts of applying 'best scientific advice' involve important political issues of equity and 'compensation', which also require balanced technical advice. The Structural Funds provide an essential means of mitigating the effects of fleet and effort adjustment. .

Further precautionary devices may be based on the 'best scientific advice', which again is taken as representing the default management regime. Thus, deviations from the 'best scientific advice' may be obliged to show 'due cause' and justification for such deviation. Another precautionary device may be a requirement to refer major deviation from 'best scientific advice' to a higher level for approval. Such devices may place pressure on stakeholders in 'regional fisheries' to reach agreement on management plans.

A third default precautionary measure is to introduce a blanket no-discard rule throughout the EU. Any discarding would then require a specific derogation based on clear rationale. Such a

[55] For example the single largest portion of the hake TAC remains undistributed among 5 major ICES areas (Vb, VI, VII, XII and XIV).

[56] Nautilus Consultants, et al., Survey of professional organisations in the fisheries sector in the Community. Prepared for DGXIV. October, 1998.

[57] The original Conservation Policy and accompanying relative stability arrangements took 7 years. Delay and conflict should be anticipated in any changes to the political balance reached through relative stability.

precautionary measure would need to be accompanied by increased applied research on selectivity.

Where the effectiveness of one region's fishery negatively impacts on another, there may need to be a means by which the management authority of one can hold the other to its obligations of responsible management. A device already suggested is to hold certain intractable fisheries 'delinquent' and curtail access to structural funds for such fisheries.

3.2.4. Creation of regional fisheries institutions

In parallel with the hierarchy[58] of regions developed above and applying the principle of subsidiarity, a hierarchy of fisheries management institutions, each with an appropriate level of responsibility can be envisaged. The following table illustrates the hierarchy.

Table 6. A hierarchy of regional fisheries institutions

Authority	Composition	Responsibilities
Council of Ministers	Fishery Ministers of the 15 (increasing upon enlargement of the Union)	• Examination and approval of regional plans and associated legislation. • Ensure equity between regions • Consider third country agreements and other pan-European issues
Regional Fishery Councils. Possibly 5-11 Councils: • Baltic, • North Sea • Black Sea, • Mediterranean, and • Atlantic Arc: ▪ Faeroes ▪ West of Scotland ▪ Irish Sea ▪ English Channel ▪ West of Ireland ▪ Bay of Biscay ▪ Iberia	• Fishery Ministers of the Coastal Member States of the primary 'natural' regions and of those Member States actively fishing in the region. • Appropriate advisory committees to assist. • Possible participation in the discussions by Fisheries Committee MEPs from the concerned participating Member States	• Creation of Regional Management Committees • Preparation of regional fishery management plans • Coordination/ integration of Sub-regional & Fishery management plans • Attention to the transfer of fleets and fish stocks between the primary regions.
Sub-regional & Fishery Management Councils	• Approximately 30 management arrangements including those for tuna, deep-water stocks, and high seas fishing activities. • A variety of participation formulas can exist at ministerial and industry/ fishery administration levels	• Prepare specific fishery-by fishery management and development plans.
Local Co-management arrangements within Member States	Producer Organisations[59], or industry associations working with national authorities.	• Effective dialogue between industry and government • preparation and implementation of local fishery management plans

[58] Partly based on EPFC Reports, EP Research Reports, NFFO/ SFF joint paper and ISWFO papers.

[59] The primary function of POs as constituted is market intervention, so some adjustments may be required to harmonise the roles of POs and industry associations with regard to the Conservation Policy.

The Member States and their democratically elected representatives (i.e., the fisheries ministers) are the primary stakeholders in any regional fishery institutions. The key players interacting with the fisheries ministers are the Member State government agencies, the POs, fishermen's organisations, the 'fisheries MEPs', and the Commission.

A 'Regional Fishery Council', or 'Sub-regional Fishery Council', comprising the fisheries ministers of concerned Member States would prepare the fishery management proposals in the form of comprehensive fisheries management plans for stocks and fisheries. To resolve possible deadlock in voting on management recommendations for a particular fishery management recommendation at this level, those Member States holding a minimal, or token, percentage of the TAC allocation key in that particular fishery have their voting rights suspended in the event of repeated voting rounds.

These plans would be endorsed by the Council of Ministers in accordance with normal practice (qualified majority voting). The agreed fishery-by-fishery management plans would progressively replace the relative stability arrangements, supported by appropriate EU law.

The 'Regional (or Sub-regional) Fishery Councils' would be advised by ICES and the appropriate technical sub-committees. Integrated with the technical advice, a formal stakeholder dialogue would be established on fishery management plans. This would include dissemination of the technical advice, discussion of fishery controls on a per-fishery basis, specific technical measures, rules on discards, by-catch, marine mammals, seabirds, benthos, fishing gear specification, and marine protected areas (including no-fishing areas).

The advent of the European Parliament veto over legislation means that the EP Fisheries Committee will have a more powerful role to play in the process of preparing legislation.

The involvement of all Member States in the decision making process is a fundamental EU principle. Non-fishing countries can play, what may be judged an inequitable role in fisheries decisions. For example, Austria has little direct interest in the Baltic fisheries, while Finland is unlikely to have a direct interest in the Mediterranean fisheries. Yet both Member States will vote on all fisheries matters which arise in the Council of Ministers. This aspect of the decision-making process is recognised to be cumbersome, inefficient, and at times undermines the Conservation Policy through ill-advised political compromise. However, it could also be argued that those Member States which do not have a direct interest in the fishery, may equally err on the side of objective judgement and precautionary principles[60] in the face of potential conflict situations.

A regional approach may overcome such drawbacks by ensuring that proposals, which come before the Council of Ministers originate[61] from the regional and sub-regional fishery levels. In this manner, the proposals which are tabled at the Council of Ministers will already contain a more workable compromise already formulated and endorsed by the principal stakeholders.

[60] A useful precautionary initiative would be to 'persuade' the fisheries ministers of non-fishing EU Member States to pursue fisheries decision-making which is essentially precautionary in nature.

[61] It is not intended to undermine the role of the Commission in the preparation of regulations. Rather that a structured dialogue would be administered by the Commission and in turn the Commission would benefit from stakeholder consensus in the preparation of relevant legislation. It is important that the Member State authorities be involved in the framing of the regulations. This can help avoid inconsistencies in national law and incompatibilities between the regulations applied in each Member State involved in the fishery.

3.2.5. Jurisdiction and enforcement

To be efficient, responsive, and cost effective, enforcement has to be linked to jurisdiction. Due legal process is an integral and essential part of enforcement. Two alternatives exist. The first is for the Member States to hand over jurisdiction to an alternative management body. Under this suggestion, the responsibility for each fishery would fall upon a Regional Fishery Council having executive (enforcement) powers backed with a form of judicial process. This requires substantial institutional investment and may duplicate existing Member State capability.

The second alternative is for each Member State to exercise complete jurisdiction to 200 miles and for all concerned coastal Member States to harmonise regulations specific to that fishery. Harmonised substantially identical fishery-by-fishery regulations based on an agreed management plan can restore the 'level playing field'. All quota regulations and technical measures must be fully applicable and enforceable by the Member State[62] throughout its 200-mile zone, irrespective of the flag of the vessel. Any weaker arrangement detracts from the management regimes and allows abuses, discrimination, and lack of confidence in regulatory measures.

Effective enforcement means enforcement by Member States. To be effective all fishing activities within a 200-mile EEZ of any Member State must be prosecuted under the laws of that Member State. The fishing permit, or licence is the main legal instrument of fishing activity. Consequently any fishing activity within the 200-mile EEZs of a Member State can only be exercised subject to a valid permit issued by that State, or on behalf of the State. Otherwise compliance control and enforcement may be inoperable both on legal and operational (monitoring and inspection) grounds. Where a vessel operates in the waters of two or more Member States, the vessel must possess either: a permit from each State, or a permit issued jointly by the concerned States. The joint permit is a matter for joint subsidiarity in accordance with the agreed management plan. The Community fishing permit[63] scheme facilitates this process.

As part of the seagoing enforcement dimension of the management plan 'Community surveillance patrols[64]' can be established whereby a Member State patrol vessel flying the EU flag and boarding authorised inspectors from several EU Member States can more effectively police all national fleets involved in the fishery.

Effective enforcement and management incurs costs. If a fishery is clearly defined, these costs can be attributed to the fishery and collected through direct taxation (such as fishing licence fees and fines). Again, this implies a harmonised fee structure across the fishery. If a proportion of such revenue is allocated to the Fishery Council to be expended in accordance with stakeholder priorities, the Councils will have funds to execute meaningful tasks with respect to that fishery.

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[62] NFFO '... advocate that the UK Government, as a matter of urgency, take steps to secure legal authority to introduce remedial conservation measures which would apply to all vessels operating in UK waters, irrespective of nationality.' NFFO, 1977. *Coastal State management: A stock recovery programme.* A policy statement issued by the National Federation of Fishermen's Organisations. July 1977.

[63] Regulation 1627/94.

[64] Such arrangements already exist in the South Pacific.

3.2.6. Role of the Commission

An effective participatory approach to regionalisation of the Conservation Policy implies an enhanced role for the Commission as a facilitator of the regional dialogue, and as secretariat for regional fisheries institutions.

The Commission would have the following expanded roles[65]:

- facilitating proposals for regulations initiated on the basis of fisheries plans approved by the regional entities,
- as broker, mediating and encouraging mutually beneficial measures and approaches and coordinating the interlocking management regimes,
- providing the technical administrative support needed by Regional Fisheries Councils,
- assessing and providing an independent review of fishery management plans, and
- harmonising the use of structural funds in support of fishery management plans.

The existing roles in the conservation area must continue, including co-ordinating TACs and quotas, administering and negotiating third country agreements, and monitoring coastal State conservation measures.

The Commission may also wish to address the complex issue of barriers to entry to fisheries by devising a formulae which:

- seeks a balance between stable resource stewardship over the longer term, and efficient market orientated fleets,
- weighs the social and economic value of the owner operator vessel against corporate fish supply plans,
- creates incentives to invest in the fish stocks,
- develops concepts and policies which link fleets to specific resources and promoting the governance responsibilities which are an integral part of the access rights, and
- modulates the pace of fleet change to stabilise the fleet / resource partnership in bounded fisheries, allowing fleets to benefit from improved resource management and increasing fish capital.

[65] It is acknowledged that, in addition to many other roles, the Commission has (through the Treaties) the function of initiating and elaborating the legislative instruments. This competence is not to be undermined, but rather, that the content of specific legislation is moulded at the regional level.

4. STRUCTURAL POLICY AND THE IMPACT OF REGIONALISATION

This study is focused on the regionalisation of the Conservation Policy. Prior to examining the impacts, it is necessary to address the implications of regionalisation of the Conservation Policy throughout the other policy dimensions of the CFP. As the MAGP[66] component of the Structural Policy is a major instrument of the Conservation Policy, some changes to the MAGPs and other complementary elements of the Financial Instrument for Fisheries Guidance (FIFG) are likely to be necessary.

Extensive regionalisation of other CFP policy elements - markets, external, environment, and research - does not appear warranted, although minor changes can be anticipated. Market support for fish species/ stocks under pressure could be adjusted regionally. Research and environmental initiatives may be targeted by fishery management unit. Trade flows may be liberalised to render fishing of overexploited stocks unprofitable. The linkages between certain fishery-dependent areas and third country agreements may be formalised, making support for agreements to fish in historical grounds a 'right' of these areas (examples would be Brittany for tuna seining, or Galicia for the CECAF area).

The impacts considered are therefore those which are directly related to a regionalisation of the Conservation Policy. Additional impacts, which may occur as a result of enlargement, are also briefly mentioned. The impacts are considered under several broad headings:

- a short background on the changing nature of EU Structural Policy[67];
- the FIFG and the MAGPs;
- the targeting of the Structural Funds and their impacts on fisheries and fishery-dependent areas;
- enlargement of the EU.

The matter of regional units is relevant again. The Structural Policy of the EU is based on socio-economic and human geographical divisions. Ideally, the Conservation Policy would be regionalised in accordance with the distribution of the natural resources and fleets, i.e., by fishery, or other practical management unit. Both relative stability and the MAGPs are currently applied at a Member State level. The CFP and the Conservation Policy are pan-European, while the application of the Structural Funds is essentially regional. This conflict of dimensions is a potential source of confusion. This complexity is illustrated in the following table (Table 7).

The relationship between the Conservation Policy and the proposed new Structural Policy, and in particular its twin track means of funds administration through both the FIFG and the European Agricultural Guarantee and Guidance Fund (EAGGF), is likely to lead to even more inconsistency.

[66] The reader is reminded that the MAGPs are the pluriannual programmes for fleet / effort reduction. Each Member State has specific targets for fleet tonnage and horsepower reduction.

[67] Key regulations are 3699/93 establishing the FIFG; 2080/93 implementing the FIFG; and 2719/95, the PESCA regulation. See also Proposal COM(97)723 of 7/01/98 on the criteria and arrangements for the fisheries sector structural funds.

A regional approach, linked to the proposed Community initiatives, catering specifically for fisheries initiatives may facilitate targeted development. A re-appraisal of supports which currently cause excessive overcapitalisation, namely fleet renewal and modernisation is also desirable.

Table 7. Linkages between Structural Funds and the fishery sector

Sub-sector	Objectives 1: Regions GDP>75% EU average	Objective 2: Includes fishery-dependent areas	Objective 3: Human resources, training, employment	Community Initiatives[68]
Resources	No relationship	No relationship	No relationship	Potentially useful
Fleets (MAGPs)	Relationship unclear	Relationship unclear	Unclear	Potentially useful
Fishery dependent areas	Basic infrastructure	Specific application	Not applicable	Potentially useful
Employment	Relationship unclear	Relationship unclear	Specific application	Potentially useful

4.1. COHESION INSTRUMENTS AND THE REGIONS

4.1.1. The new structural policy

Economic and social cohesion is a high political priority in the Union and one of the three 'pillars of European construction' along with EMU and the single market. A number of instruments are used to promote cohesion and advance Agenda 2000. These are:

- The Structural Funds, which include: the European Regional Development Fund (ERDF), European Social Fund (ESF), European Agricultural Guidance and Guarantee Fund, and the Fisheries Instrument for Financial Guidance
- The Cohesion Fund, and
- The Pre-accession Structural Instrument which assists the accession candidates[69].

A number of other complementary instruments exist: e.g., the Fifth Framework includes a fisheries and marine research component, and can involve not only the candidates for enlargement, but also other non-European partners[70].

The seven previous objectives have been consolidated into three new objectives (see Box 1). The most remote regions, such as the Azores and French Overseas Territories, have Objective 1 status. Upon enlargement, all the Eastern European accession candidate countries (including Cyprus) will also be included under Objective 1.

[68] The Commission is proposing three Community Initiatives: trans-national, cross-border and inter-regional cooperation to stimulate regional economic development and encourage harmonious and balanced regional planning, rural development and new trans-national cooperation to fight all sorts of discrimination and inequality preventing access to employment.

[69] A number of PHARE projects have been/ are assisting fisheries institution-building in the Baltic and the Black Sea.

[70] This is of relevance for third country agreements and North Africa.

Box 1. The Structural Funds

The Three Structural Funds Priority Objectives

Objective 1 - Regions whose development is lagging behind, defined as GDP per head < 75% Community average

Objective 2 – Areas undergoing economic and social conversion experiencing economic and priorities structural difficulties, focus on integrated strategy for economic diversification (new objective). This support specifically designates fisheries-dependent areas facing structural and socio-economic problems.

Objective 3 – regions other than 1 and 2, targeted by Member States Employment Actions Plans – focus of ESF activities (new objective)

Three Community Initiatives

- trans-national, cross-border and inter-regional cooperation to 'stimulate regional economic development and encourage a balance of regional planning'
- rural development, and
- A new initiative on trans-national cooperation to fight discrimination and inequality preventing access to employment.

The structural policy is based on four principles of concentration, partnership, programming and additionality, to which a fifth principle of efficiency is now being added. Several cross-cutting criteria apply to the new Structural Policy. These include more precise targeting and greater cost-effectiveness of the interventions. The activities must stimulate competitive, environmentally sustainable development; lasting growth, which creates employment; promote technological innovation, develop a flexible labour force, and ensure the removal of inequalities.

4.1.2. Administration of the Structural Funds

The administration of the Structural Funds is already cumbersome and complex, involving national, regional and local bodies. Decision-making is lethargic and effective monitoring is often lacking. Under the proposed new management of Structural Funds there is an increasing trend towards greater accountability in structural funds programmes. Programmes must have more effective targeting including quantifiable objectives capable of effective monitoring. Programmes will have to demonstrate a strategic approach, integrating sector and regional objectives, and ensuring a coherent synergy of expenditures. Member States may forfeit funds which are unused[71].

This implies a resolution of policy conflicts between inshore / coastal and offshore fishing, and a clarification of the issue of the 'economic link' between fisheries and Member States, in particular with respect to fishery-dependent coastal regions. The regionalisation of the Conservation Policy can provide a coherent approach to the application of the Structural Funds.

In fact, without effective regional fishery planning, the Structural Funds may merely contribute to local overexploitation of fish stocks, or the creation of excess processing capacity. There can be significant capital transfers from one region to another within a Member State. This can result in an excessive build up in capacity in one region because of subsidies and preferential treatment. The EPFC has suggested the inclusion of a small scale

[71] DOC_EN\DT\357\357527 - PE 227.867 (EPFC, McCartney)

fisheries 'special' support within the structural fund as the development of small scale fisheries are being overlooked.

4.1.3. Structural policy targets

The Structural Policy targets both regions and human resources. In 47 of the 77 EU maritime regions[72] fishing and/or aquaculture makes a significant economic contribution. Many of these regions are cohesion targets, characterised by their peripheral nature, dependence on fisheries, high unemployment[73], remoteness, weak infrastructure, and limited economic opportunity. The following Box illustrates the characteristics and constraints of a peripheral Objective 1 region. Upon enlargement marine pollution (e.g., in the Black Sea, Eastern Mediterranean) will have a higher profile.

Box 2. Characteristics of a peripheral region: The Highlands and Islands Region of Scotland

Characteristics of the Highlands and Islands Region[74]

- peripheral location
- physical geography constraints to communication, transport, labour mobility (islands)
- mountainous topography and poor land quality
- harsh climate
- sparse and dispersed population means community structures are fragile
- outward migration (often of younger and more dynamic labour

Constraints facing the Highlands and Islands Region

- limited access to services (capital, legal, market intelligence, infrastructure, communications, public services, specialist services)
- narrow economic base with high dependence on agriculture, fisheries, tourism
- predominance of SMEs and low levels of linkage between SMEs, larger firms, educational and research institutions
- high transport prices makes products uncompetitive
- lack of human resource skills and 'occupational pluralism' (individuals have several jobs), many are underemployed
- low incomes and relatively higher costs of goods compared to the rest of the country

The basic planning rationale is that 'peripheral' locations require public sector support to maintain settlement structure and economic activity. The strategic priorities for this region are: infrastructure, support for businesses, human resource development, and environment and heritage. There is also a case to be made for enhanced protection and exclusive use of the natural resource heritage, such as fisheries resources, for the benefit of the peripheral region.

4.1.4. Fishery dependent areas

Fishery dependent areas are designated as Objective 2 targets. The Funds are to be made available for 'areas dependent on fisheries which are undergoing economic and social restructuring' and are to embrace fleet restructuring, economic and social diversification

[72] CEASM, COFREPECHE, 1998. Etude. *Le role da la peche, de l'aquaculture et des cultures marines en tant que facteurs de developpement des regions maritimes de l'Union Europeenne.* Parlement Europeen. Direction Generale des Etudes.

[73] E.g., In the South and West of Ireland the dependency ratio (reflecting the number of people not working and the overall economic activity in an area) in the two major fishing port districts is 3.78 in Castletownbere and 3.03 in Dingle compared to the Irish average of 2.24 and the EU (12) average of 1.34. (O'Mahony, P. 1994. *A socio-economic study of the impact of the fishing industry in the South-West of Ireland.* Unpubl. report UCC.)

[74] Highlands and Islands. *Single Programming Document 1994-1999.*

(replacing the PESCA Community Initiative), and other industry assistance (including aquaculture, processing and marketing).

The EPFC notes[75] that, although proposed amendments to Objective 2 in the proposed Council Regulation[76] apparently focus on unemployment there are no specific provisions for defining unemployment as a criterion in selecting eligible areas, or formulating actions. Article 4(8) of the proposal presents 'excessively vague' definition of fisheries-dependent areas. The EPFC proposes the following definition:

> 'The areas dependent on fisheries ... shall mean areas in which fisheries-related activities in the fishing sector, the aquaculture sector, or the sector covering the processing, supply, and marketing of fisheries products, or activities related to the services in running these sectors, have a significant bearing on the total population of these areas, their employment levels, or their GDP, or areas in which the demise of the said activities risk triggering a decline in their wealth, employment levels, or population levels'.[77]

Additional to the poor definitions is the use of NUTS 3[78] as opposed to NUTS 4 areas to define the relative dependencies. Many inshore fishing areas lie within close proximity to urban locations. An example is the fishermen from Pais Vasco (The Basque country) where close proximity to Bilbao presupposes that the dependence on fisheries is not as significant in NUTS 3 terms as it is in NUTS 4.

4.2. MAGPs: FLEETS AND FUNDS

The tasks[79] of structural assistance to the fishing industry are:

- helping to achieve a sustainable balance between fish resources and exploitation capacity,
- reinforcing competitiveness and developing commercially viable fishing businesses;
- improving market supply and ensuring value added in fishery and aquaculture products, and
- helping to regenerate areas dependent on fishing.

A large part of the fishery sector structural assistance has to date been administered through the horizontal FIFG. In the 2000-2006 programming period, the administration of the key MAGP component is to be channelled through **both** the FIFG and the EAGGF. Current available documentation does not allow for a clear assessment of the impact of the adjusted system of administration. Essentially, the FIFG will address the Objective 1 regions, while the EAGGF will cater for the Objective 2 and other regions.

[75] Opinion PE227.869/fin 1 Oct 1998 (Fraga).
[76] See COM(98)0131 final, for a description.
[77] EPFC Opinion (Fraga) PE227.869/fin 1 Oct 1998.
[78] See glossary for definition of the NUTS areas.
[79] Commission Information Note 18 March 1998.

Table 8 – Administration* of Structural Funds in relation to Regions and MAGPs

Region	FIFG		EAGGF	
	Fleet adjust-ment	Accompanying measures	Fleet adjust-ment	Accompanying measures
Objective 1 – Disadvantaged	✓	✓	X	X
Objective 2 – Fishery-dependant	✓	X	X	✓
Outside Objectives 1 & 2	X	X	✓	✓

* This table may have to be adjusted as changes are under discussion.

There is concern that the FIFG may lose its balanced horizontal approach and may considerably complicate the use of fisheries sector structural funds. Differences between FIFG and EAGGF programming may also lead to discrimination between fishing ports and regions attracting vessels, and investment to more favoured ports purely because of the EU-generated financial incentives. This could be mitigated through fishery-by-fishery structural planning.

4.2.1. The Fleets

The MAGPs are **not** an instrument of cohesion. They are an instrument of the Conservation Policy and have an entirely different character and function from other Structural Funds components. Consequently there is a fundamental difficulty in harmonising regional development policy with the MAGPs, as the MAGPs are meant to detract from total national physical productive fleet capacity, while the Structural Policy aims to enhance economic opportunities on a regional basis.

It appears that the MAGPs will continue to be applied at the level of the Member State for the foreseeable future. However, under regional, sub-regional, and fishery management plans, agreed fishery-by-fishery fleet targets would be ideal. Attaching exclusive sea areas to fishery dependent regions and 'fixing' a strictly limited fleet capacity to such regions may be one approach to bridging the gap between MAGPs and Structural Policy (Objective 1 & 2 areas). The recent 'economic link' proposals being implemented by the UK may be applied to a region, or fishery. In the same way that Member States may contribute quota to a regional fishery management plan, fishing fleet tonnage. horsepower, or other measures of fleet capacity may be attached to the fishery and its management plan.

Decommissioning will have to remain an important means of facilitating capacity reduction in regions and fisheries which are continually associated with overexploitation. Most current national schemes fail to make this differentiation. There is also a danger that decommissioning may also lead to capital regeneration[80].

To mitigate the effects of the MAGP fleet reductions, complementary activities, such as retraining, value added shore processing, technologically advanced marketing, aquaculture, early retirement schemes, and similar initiatives are required in all areas affected by the adjustments to the fishing fleets and fishing effort. Current funding facilitates fleet expansion through capital subsidy, thereby adding to the overexploitation problems, as opposed to introducing policies which mitigate the impact of fleet reduction or which address the need to both preserve the fishery and enhance the socio-economic benefits for the region.

[80] Nautilus Consultants, 1997, *An Economic Evaluation of the UK decommissioning scheme*, MAFF.

Several EU fleets are aged and undeniably require replacement[81]. Incentives for fleet investment are often directed to the larger vessels in the fleets. To improve employment opportunities in the peripheral and fishery-dependent regions, some redirection of fleet investment could be directed to the small inshore fleet segment, which provides the greater employment. Inshore fleets have historically operated in a sustainable manner[82] and to advocate a policy of fleet renewal or any other means of capital subsidy could undermine the sustainable nature of these fisheries. Therefore, it might be more appropriate to consider environmental incentive schemes supported by enterprise development schemes. It may be argued, that a shift to support for extended inshore fisheries at a cost to the offshore fisheries might be a primary thrust of regionalised MAGPs.

Financial incentives might also seek to encourage environmental benefits. Environmental and economic considerations combined with improving fishing technologies may move Atlantic and Mediterranean fleets to more passive gears. Some fleet segmentation based on fishing gear may be possible, with certain areas reserved for particular gears. This suggests the need for ongoing evaluation of the relative economic and environmental efficiency of specialised and multipurpose vessels. Compensation for creation of MPAs may also be considered, while the need for continued applied research on gear selectivity and by-catch reduction is clear.

The matter of inter-regional transfers will also need to be addressed. The speculative movement of tonnage between fisheries and fleets may be discouraged by imposing a transfer cost payable in loss of capacity or quota. The UK uses a comparable system for aggregating licenses, in this case payable in loss of capacity. A transfer of capacity [83](changing from one vessel to the next) costs 10% of capacity entitlement; capacity / licence aggregation from two vessels costs 20%; and 30% for aggregation from more than two vessels. The UK does not penalise inter-regional transfers as is done in Norway. A vessel which transfers from one region to the next (on a permanent basis) suffers quota penalties. These penalties are severe when seeking to transfer from what is deemed a fishery dependent area (North Norway) to a non-fishery-dependent area. However, when seeking to transfer from a non fishery dependent area to a fishery dependent area, the vessel's quota is enhanced.

There are major differences in fleet structure between the Atlantic and the Mediterranean, the Mediterranean having relatively fewer trawlers. The MAGPs are designed to manage active gear such as trawl gear and not static gear as extensively used in the Mediterranean. Consequently MAGP application is of limited value in the Mediterranean[84]. Support for a range measures alternative to MAGPs may be appropriate. These may include gear selectivity, vessel specialisation by gear, or species, fishermen associations which specialise in particular fisheries, compensation for creation of MPAs (no-fishing areas), and co-management efforts may be particularly relevant.

[81] The analysis of the replies to the Questionnaire sent out by the Commission in 1998 shows almost 'unanimous' support for continued assistance for fleet renewal and modernisation (Section Aid 6.1).

[82] *Economics & the Common Fisheries Policy* - Workshop on Overcapacity, Overcapitalisation and Subsidies in European Fisheries, 28-30 Oct 1998

[83] Fishing vessel capacity is directly applied to the licence in terms of vessel capacity units (VCUs). These are defined by the formula: overall length (meters) X breadth (metres) + 0.45 Kw

[84] See: Commission Working Document, *Socio-economic report on the preparation of the fourth MAGPs* (SEC(96)1537, 13 Aug. 1996).

4.2.2. A horizontal fisheries sector structural device

The call by the EPFC for the creation of a new fisheries objective has considerable merit, as has the alternative proposal for the creation of a single horizontal structural regulation[85] for the fisheries sector. The three Community Initiatives of trans-national, cross border and inter-regional cooperation also have particular utility with regard to the regionalisation of the CFP. The fishery sector requires unique treatment for a number of reasons. These include:

- the common property nature of the fish resources,
- the national and international mobility of the fleets which may not 'fix' them to a particular port, or region,
- the chronic overexploitation of the resources, which even a specific fisheries objective, or new horizontal measure, may not resolve,
- the fact that the MAGPs bear little direct relation to cohesion objectives
- the lack of correspondence between the regions defined by the Structural Policy Objectives 1,2, & 3, and the 'natural' fishery regions,
- the fact that the fisheries sector has a mixed rural / urban base unlike much of the rural agricultural sector,
- the need to achieve a balance between fishery regions to ensure a 'level playing field' in the sector – particularly in fleet decommissioning, or renewal, and
- the net Community deficit in fish compared to the surpluses in agricultural production denoting a fundamental difference between the CAP[86] and the CFP.

A regional structural objective for the fisheries sector, which bridges the MAGPs and the cohesion objectives, has considerable merit. Its focus may be the regional restructuring of relative stability for the purposes of conservation. It also means that a regionalised conservation objective must take precedence over other development objectives and that the accompanying measures will be directly applicable to alleviating social and economic problems caused by minor adjustments to relative stability.

A possible solution is to concentrate **all** fishery related structural assistance under Objective 2 as a single horizontal measure applied both to Objective 1 fisheries areas and all other fishery areas. The socio-economic studies presently being undertaken by the Commission would be a basis for definition of these areas. In effect the entire FIFG would reside in Objective 2.

All fisheries structural funding should be multi-annual and have clear regional and fishery targeting. This should allow both the Commission and the Member States to direct funds to respond to the effects of a regionalised Conservation Policy according to the predefined criteria and fishery management plans. The adjusted table of fisheries structural funds support would have the following character.

[85] Draft Report on the proposal for a Council Regulation on structural measures in the fisheries sector (COM(98)0131. PE 227.175 Rapporteur: Miguel Arias Cañete.

[86] E.g., The original 'Proposal for a Council Regulation on support for rural development by the EAGGF (98/0102)' was entirely orientated to the agricultural sector. Yet it is proposed that the EAGGF support important fisheries (MAGP) activities.

Table 9 - Proposed administration of Structural Funds as a unified horizontal measure under Objective 2 with outline criteria*

Region	FIFG	
	Fleet adjustment	Accompanying measures
Objective 2 - Areas experiencing structural difficulties		
Objective 2 (a) Fishery-dependant areas**	✓	✓
1. Fishery dependent areas	Criteria: Rural and depressed urban areas associated with national and local fisheries	
2. Overexploited fisheries	Criteria: Bilateral and Multilateral fisheries and dependent communities and ports	
3. Distant-water fisheries	Criteria: Distant water fishing ports and areas dependent on the activities of EU multinational fleets	

* indicative criteria only; **see definition given above.

In addition to the two primary measures (i.e. fleet reduction and accompanying measures), specific measures may be established for small-scale fisheries and for the support of regional fisheries management institutional arrangements and means. As numerous tenuous assumptions would be necessary, no attempt has been made to assess the budgetary implications. However, changing the emphasis from capital regeneration to other directions will provide additional funding. The prospect of complementary industry funding, facilitated by fishing licence fees charged on a zone by zone/ fishery by fishery basis, would also increase the levels of funding available.

4.3. SOCIAL AND ECONOMIC IMPLICATIONS

The current state of many fisheries is poor. Will the regionalisation of the CFP, and the Conservation Policy in particular, result in an economically improved EU fisheries sector?

The answer essentially revolves around the success of the Conservation Policy. The rationale for regionalisation is that smaller, more manageable, fishery units may succeed in conservation efforts, yielding more economically viable fisheries based on improved fish stocks. This success will be a function of the political process at regional level, balancing and adjusting fishing opportunities on a regional basis, mitigating the effects of fleet reduction and change, and allocating clear and functional responsibility for enforcement.

Will the new Structural Policy succeed in fleet adjustment and equitable execution of the associated complementary measures? No clear answer can be made as the administration and impact of the new Structural Policy in the fishery sector remains unclear. Some of the generic impacts of a regionalisation of the Conservation Policy are described below.

4.3.1. Production

The EU fishing industry is relatively efficient. However high subsidies continue for vessels and for the purchase of fishing opportunities in third countries. While the fleet and processing industry must maintain a competitive edge, subsidies are not compatible with the fleet reduction programme. A key relationship between production (catches) and regionalisation is the control of fleet mobility, or fleet transfers between regions, fisheries, or management units. Fleet turnover must be such as to ensure an efficient and competitive fleet, but not such that it will undermine stability of the fishery management unit and capture fish stock gains made through past sacrifices by the fleet.

4.3.2. Labour

Approximately 1% of the EU population is active in the fisheries sector. As a general observation, the current and historical application of structural funds has tended to subsidise capital at the expense of labour and employment. High labour costs and advancing technology make movement in this direction inevitable but the adverse impacts of a high rate and extent of this change remain problematic. Application of structural funds will have to balance capital and employment incentives.

In order to increase employment and fish stocks concurrently, it may be appropriate to re-adjust the policy environment in favour of inshore coastal fleets, and to encourage incentives to more sustainable fishing practices throughout the fleet[87]. To ensure viable economic returns to the coastal fleets, exclusive coastal fishing zones may need protection from offshore fleets.

While the other employment and labour initiatives (early retirement, retraining) have an important role, resolution of the inshore / offshore issue poses a major test for any regionalised Conservation Policy.

4.3.3. Supplies

EU consumers continue to seek higher quality fish supplies at lower prices. Regionalisation of production may be accompanied by more effective regional marketing networks, including electronic auctions and fish box return schemes. Projections of landings and quality certification schemes are likely to be pan-EU. Long term gains from conservation measures are less certain than the short-term costs of fleet reduction. Typically reduction in TACs, or landings, result in a short-term rise in prices as demand increases. This is followed by reduced demand in the medium term as consumers switch to cheaper alternatives, which is in turn followed by falling prices as processors switch to cheaper imports.

4.3.4. Net costs and benefits

The inshore fisheries may not be as financially rewarding as the offshore fisheries, but if carefully managed, neither should they experience the 'boom and bust' cycles of major industrial fisheries. This often leads to a transfer of vessel capital[88] from the owner operator to the 'corporate fisherman', and profit taking upstream in the less volatile processing and marketing sub-sectors.

A fair assessment of the economic costs and benefits of the fishery must internalise the social and environmental costs, the costs of management and regulation, and consider subsidies and other transfers of structural funds. This assessment, and the assessment of the impact of the structural funds on the regions, has inherent measurement problems. The sector's complexity makes significant relationships between resources, fishing effort, and landings difficult to establish. The difficulties result not only from the multispecies nature of many of the fisheries, but also from highgrading and by-catches, technical progress of the fleets, changing fishermen behaviour, and evolving fishing company strategies. Available regional socio-

[87] Continuation of the trend away from catch volume and in favour of catch quality, in combination with consumer recognition of more sustainable practices, will tend to encourage additional investment in labour as well as in technology.

[88] A similar point has been made in numerous other reports. See, e.g., CEASM & COFREPECHE, 1998. Le role da la peche ...*op.cit.*. Etude EP IV/97/40.

economic data rarely correspond to fishery-dependent regions and evaluation of the impact of projects and programmes suffers from an inability to establish direct causal relationships.

4.4. THE IMPACT OF ENLARGEMENT

Enlargement is a further argument for regionalisation of the Conservation Policy. In the Baltic the TAC key has been fixed for some time and the EU arrangements on fishing possibilities can readily be integrated into the relative stability arrangements. In the Black Sea, no such keys exist, nor is there any institutional equivalent to the IBSFC.

All the candidate countries will require major assistance in restructuring their fishing industries. Most of the distant-water fleets have been rationalised, though Poland still maintains a significant distant-water presence. Further fleet rationalisation is likely prior to accession, unless older vessels are replaced by second-hand EU vessels and joint fishing arrangements. The processing industries and associated health and sanitary standards will require major improvements and the human resources to comply with the obligations of the *acquis* are deficient, particularly in the smaller countries.

Significant structural funds will need to be applied to the fishing industries of the enlargement candidates. Further adjustments may also be required with respect to the significant imports of small pelagics from non-EU States by Baltic countries. Considering the likely cap, or limit, on Structural Funds and populations targeted under the Structural Funds, a reduction in resources available to the fishing industries of the EU 15 is likely. The scale and impact of this reduction is difficult to project. It is arguable, however, that the new entrants will command a higher proportionate level of EU funding than elsewhere. Hence the need for alternative funding initiatives, e.g. charging for access rights, and more auto-sufficiency in fisheries control.

5. THE CASE FROM THE FIELD

Case studies were selected on the basis of a preliminary overview of Europe's fisheries from a regional perspective. They are considered broadly representative of the different conditions and problems found within the European Union's fishery industries.

The outputs of these studies, together with interviews and published materials, have been used to feed into an analysis of the 'nature of fishery regions', with a view to identifying defining characteristics and the implications for a regionalised Conservation Policy. The analysis embraces:

- the political philosophy of regionalisation and fundamentals of EU policy as applied to fisheries and regions,
- the uniqueness, range and special character of the community's fisheries,
- the specific technical problems which currently apply and which might apply in future,
- the specific structural regulations which currently apply and which might be applied in the future,
- current fisheries management in the EU's various regions, and
- the role of the key professional organisations involved.

The output of this analysis has then been used as the basis for an examination of potential impact of regionalisation with particular attention to the Conservation Policy, MAGPs, the allocation and application of financial support to the sector, and the practical issues of sector management at local, regional, national and EU levels.

Specific reference is made to the generation of scientific advice, the evolution of relative stability in the context of regionalisation, the meaning of 'access' in the context of free movement of fishery capital and fleets, and a devolved, or decentralised, decision-making process. The implications for structural policy; for monitoring, control and enforcement; economic and operational efficiency of fleets and fisheries; and for decision making and participation by the industry are also examined.

The conclusions and recommendations arising from this process are advanced for the purposes of discussion and debate, and in such a broad and complex subject are by no means intended as definitive. They are intended as a basis for progressing and refining the debate on these matters.

5.1. SUMMARY OF CASE STUDIES

Development of the basic tenets of regionalisation and its practical application relies heavily on the experiences drawn from a number of case studies. These studies, annexed to this report, examine a number of fishing regions (Brittany, Cornwall, the Highlands & Islands of Scotland, Jutland and Bornholm, Sicily, Galicia and the Basque country) and two fishing zones (The Mediterranean and the Baltic). They demonstrate that the various categorisations of the fishing fleets of Europe at a regional level can be equated to the different levels of management competence described in the text. It is evident that there are varying degrees of support for the concept of regionalisation are apparent – broadly based on the level of likely benefits deriving to the relevant fleet component from such a shift. Yet the case studies also

demonstrate that there is little in the fundamental make-up and operation of the fleets that would necessarily stand in the way of regional management.

The case studies demonstrate that the following management structures are broadly feasible:

• National – local management	local fishermen's organisations / coastal Member State
• National – regional management	'regional' management committee / coastal Member State
• Bilateral – regional	formal arrangement between the two Member States
• Multilateral: single species	(single species) fisheries management council (possibly a sub-set of the EU Council of Fisheries Ministers)
• Multilateral: multi-species	(multi species) fisheries management council (possible sub set of the EU Council of Fisheries Ministers)
• Multilateral: large area	EU level
• Third-country involvement.	International Commissions and fishery agreements

Fleets operating in third country waters are excluded from this analysis.

The fisheries in each case study have been examined relative to a number of key characteristics:

- Fleet activity
- Area of activity
- Type of region
- Species dependency
- Main fishing methods employed
- Socio economic dependency
- National interactions
- International interactions
- Current input controls
- Current output controls
- Administrative structure
- Ease of facilitating participatory initiatives
- Industry conservation initiatives
- Support for regionalisation

These summary tabulations for each case study area are shown below.

5.2. CONCLUSIONS ARISING FROM CASE STUDIES

The key conclusions that can be drawn from the studies are:

1. Within each region there are a number of discrete sectors.

2. These sectors are very distinct in terms of the fisheries prosecuted.

3. All sectors have to conform to existing CFP regulations.

4. The only common link that these sectors have is their location.

5. Some sectors are heavily reliant on local fisheries whilst others have traditionally prosecuted shared fisheries a considerable distance from their base port.

6. There is a degree of inter-linkage between fisheries; this is reflected in long standing historic rights.

7. Most local fisheries are exclusive to local or regional interests, though historic access rights exist for vessels to prosecute local fisheries between the 6 and 12 mile limit of other EU Member States – mainly applying along the UK, Irish, French and Danish and German coasts.

8. Most fisheries have some form of input regulation; this is usually in the form of national prohibitions on access (fleet licensing), unilateral conservation measures or EU days at sea controls.

9. Most fisheries are associated with output controls in the form of quota restrictions; the exceptions to this rule tend to be certain local national fisheries where limited exploitation of pressure stocks is involved.

10. The CFP is the overriding policy tool for fisheries management, though local fisheries appear to be more capable of initiating simultaneous conservation measures (complementing EC regulations), usually through some form of participatory management regime.

11. There is little evidence of participatory management initiatives arising in offshore fisheries; even where they do exist (as between the UK and Denmark), these originate at the Member State level and are specific to the national interests that formulated the proposals (other participants in these fisheries remain exempt).

12. Recent inter-state initiatives have managed to achieve bilateral consensus on specific measures which do not need ratification by the Council of Ministers (UK & Denmark).

13. Initiatives at local level have been fairly limited, though there is growing evidence that more initiatives arise when the structures have been created to accommodate collective dialogue – e.g. the French Local and Regional Committees, the UK Sea Fishery Committees, the initiatives being facilitated through changes to the Inshore Fishing (Scotland) Act, the Salt Water Fisheries Act (Denmark) and the special powers afforded to the Italian regions.

14. The use of local measures can still prove problematic; in many cases initiatives may become extremely difficult to implement, leading to long delays before coming to fruition - such has been the experience with the UK Sea Fishery Committees and the Danish Salt Water Fisheries Act.

15. There appears to be strong support within the fisheries sector for the regionalisation of fisheries management.

16. This support is strongest among artisanal fisheries groups, and weakest amongst those fishing offshore waters.

17. The offshore group fears the prospect of losing their traditional fishing rights.

18. There is strong support among the sectors prosecuting shared fisheries that decisions relating to those fisheries should only be made by Member States directly involved in prosecuting them.

5.3. 'NATURAL' AND ADMINISTRATIVE REGIONS

This table shows the different types of administrative regions throughout the EU. Fisheries administration may be delegated to these regional administrations. Structural Funds may also be handled by these administrations which are often responsible for regional planning.

Member State	Administrative divisions
Austria	-n.a.
Belgium	Wallonia and Flanders
Denmark	Amtskommuner
Finland	Maakunnat
France	Régions and Départments
Germany	Länder
Greece	Periferes and nomi
Holland	Provinces
Ireland	Counties
Italy	Regioni and provinces
Luxembourg	-n.a.
Portugal	Regiões
Spain	Comunidades autonomas, and provincias
Sweden	Län
UK	4 'nations' and the counties

6. IS REGIONALISATION WORTH IT?

Below a brief outline of the main strengths and weaknesses of regionalisation is presented, based on the preceding arguments. Set against the backdrop of rather poor performance to date, an examination of the opportunities and threats presented by regional fishery management suggests that a regional approach offers both great opportunities and major challenges. Whilst it would be naive to suggest that regionalisation would be risk free, an overview of the impact of regionalisation suggests that there are few fundamental impediments, given the will to embrace change.

Table 10. Summary SWOT Analysis of the Regionalisation of the Conservation Policy

Strengths	Opportunities
• Functional precision in management of specific fisheries, rather than management by 'common denominator' and multiple derogation • Fewer derogations and exceptions, simplified legislation • Greater stakeholder participation • Greater resource knowledge at regional level • More rapid response to changing fishery circumstances • Overcomes the difficulties in achieving pan-European harmonisation	• Opportunity to gradually resolve problems created by the relative stability arrangements • Opportunity to significantly improve health of stocks and, by association, health of the underlying marine ecosystems • Create greater economic stability within the fleets and fishery industries of the European Union • Reduce the incentives to over-capitalisation of the fleets of the European Union • Provide positive support and stability to sustainability of coastal communities • Realise the under-lying objectives of EU fishery conservation policy
Weaknesses	**Threats**
• Requires institutional change (to which fishery and non-fishery institutions are likely to be resistant) • Structural policy not harmonised with Conservation Policy on a regional basis (though trans-boundary initiatives may offer partial way round this) • Higher administrative costs (but can be offset by the economic gains deriving from improved fishery management, and direct and indirect charges for resource access and for services rendered) • Incompatible regulations in different regional fisheries may complicate fleet operations (though the benefits of secure resource access will reduce the need for high mobility in many elements of the European fleet)	• Risks reopening relative stability arguments • Institutional resistance to establishing new and unique funding mechanisms • Possible legal problems • Intractable fisheries problems

Regionalisation will require human, institutional and financial resources. It will require an empirical assessment of the costs and benefits. These questions are beyond the scope of this study.

However, it is likely that the existing national, regional and EU institutions can be readily adapted to a regionalised CFP – largely because of the existing regional dimension. The Structural Policy presents a more difficult problem because of its linkages to the broader national economies. Nevertheless the question of how to bend the structural policy to more effectively serve conservation objectives will remain whether, or not there is regionalisation.

ANNEX

CASE STUDIES

FRANCE – BRITTANY

Brittany is the most significant fishing region in France accounting for more than 50 per cent of French production in tonnes (45 per cent by value) and a third of total number of fishermen in France.

The Regional economy and the significance of fisheries

Brittany is a western region of France, situated between the Atlantic Ocean (Gulf of Biscay) and the English Channel. Brittany is one of the 22 regions of France (classified as NUTS 2) which include four "départements" (classified as NUTS 3) : "Finistère", "Côtes d'Armor", "Morbihan" and "Ille et Vilaine".

The total population of 2,850 000 is inhabitants concentrated all over the periphery with two agglomeration between 200-250 000 inhabitants (Rennes and Brest), two between 100,000-150,000 (Lorient and St-Brieuc) and three between 50-70,00050,000 and 70,000 (Quimper, Vannes and St-Malo)

Brittany is the most important region in France for agriculture, fishing and agro-industry. Agriculture and agro-industry constitute the main economic activities and include military port and shipbuilding (Brest, Lorient), car making industry (Rennes, St-Malo), electronic-phone industry (Rennes, Lannion, Brest, Quimper), packaging industry (Quimper). The region is also important for research in marine (mainly Brest) and high-level research for computer industry (Rennes).

Ille-et-Vilaine "département" (where Rennes and St-Malo are located), the eastern coastal areas of Morbihan (Vannes area) and the Quimper area not adjacent to the coast are not eligible for structural funds.

The South Western coastal areas of Brittany (Pays Bigouden, Concarneau area) and the area to the north of Finistére "département" are vulnerable rural zones eligible for objective 5b funding.

The Brest and Lorient areas, the western coastal region of "Côtes d'Armor" "département" are declining industrial areas eligible for objective 2 funding.

There are 6,100 fishermen located in Brittany together with a further 4,000 associated with aquaculture (1997). The area has a fleet of 1,911 vessels, producing 143,600 tonnes worth *euro* 300 M. The breakdown of landings is as follows:

- 101,605 t of marine finfish
- 15,464 t of crustaceans
- 16,507 t of molluscs

The structure of fisheries in Brittany

South Brittany is the main fishing area, accounting for approximately 70 per cent of landings, excluding tropical tuna. Concarneau is the main port associated with the French distant-water tropical tuna fishing fleet. This fleet operates in Western African waters and the Indian Ocean. The large purse- purse-seiners land most of their catch in the African ports of Dakar (Senegal) or Abidjan (Ivory Coast) or in Mahé (Seychelles) and other ports.

There is also a high sea industrial trawl fleet based in Lorient. This operates in north west Scotland. In addition, there is also a semi-industrial trawl fleet based in Lorient and Concarneau which fishes both western Scotland and off the west and south west coast of Ireland including the Celtic Sea. These fleets target demersal fish (saithe, cod, whiting, hake, and grenadier).

The largest section of the Breton fleet is that made up of artisanal trawlers (20-25 m long). These vessels are based in Lorient, Concarneau, Guilvinec, Loctudy and Penmac'h. They mainly fish in the Celtic Sea and the Bay of Biscay. The vessels target a mixed fishery of monkfish, Norway lobster (*Nephrops*), megrim, whiting, hake, and ray. There are also some gill netters and pelagic trawlers who catch horse-mackerel, tuna and sea-bass.

There is a small-scale fishing fleet of trawlers, gill netters and polyvalent vessels that remain in coastal waters. These vessels (mostly less than 16 m) target Norway lobster, megrim, sole, monkfish, pollock and hake.

The **North Brittany** fisheries are less important but more diversified.

The industrial fishing fleet has declined. It now consists of only two large trawlers based in St-Malo and Atlantic, that operate in the Northern Atlantic and north-west of Scotland).

The artisanal high sea fishing fleet is made up of trawlers that catch demersal fish (ray, pout, gurnard, whiting, pollock, squid), or potters (for crabs and sea-spider). The latter vessels fish in the western English Channel, sometimes relatively close to the south-west of the UK.

The artisanal coastal fleet includes both trawlers and gill netters that catch demersal fish (ray, gurnard, monkfish, pout), and potters. There is also a significant scallop dredging fleet operating from local ports. These vessels fish the Gulf of St. Brieuc and the Gulf of Morlaix.

As in South Brittany, there is also a small-scale fishing fleet of trawlers and polyvalent vessels which remain in coastal waters. These vessels are less than 12 m and use bottom lines to catch pollock or sea-bass.

Shared fisheries

Brittany is involved in various share fisheries with fleets from other French or European regions. These include vessels from:

- vessels from Basse-Normandie (France) operating in local waters;

- vessels (largely trawlers, gill netters and Devon, potters) from Devon and Cornwall, Jersey and Guernsey in the western English Channel(largely trawlers, gill netters and ;
- beam trawlers from South West England, Belgium and the Netherlands;
- vessels (trawl, gill net and long liners) from the UK, Ireland, and Spain in the Celtic Sea(trawl, gill net and long liners);
- Spanish trawlers, netters, longliners and canners along with Belgian and Dutch trawlers in the Bay of Biscay

The Fisheries management regimes

All fisheries are responsive to the over-riding principles of the CFP. However, the impact of the CFP is strongest for those vessels operating in offshore fisheries, notably the western English Channel, the Bay of Biscay and the west coast of Scotland and Ireland. The only offshore sector largely exempt from the CFP is the potters.

As a result of the CFP, these vessels are subject to TACs and the basic conservation measures outlined in EC Reg 3094 / 86 (soon to be amended). These vessels are operating extensively in Western waters, which theoretically makes them subject to additional limits as defined by GT days (EC Reg 685 / 95). In addition, all French vessels are required to have a licence (Permis de Mise en Exploitation). However, whilst this licence is a restriction to new entrants, it does not prohibit the movement from one fishery to the another even when there has been no historic activity in the alternate fishery.

Issues of national importance, which affect changes to the CFP regimes are referred to the National Committee (*Comité National des Pêches*).

There are also several regional and local fisheries committees. All fishermen are, in theory, allowed membership of these committees. The local committees are based in St-Malo, Bay of St-Brieuc, "Finistère Nord", Bigouden country (Guilvinec), Concarneau, Lorient, Quiberon, and Vannes. These committees can establish initiatives at local level, but such initiatives are must be referred to the Regional Committee. If supported, the 'Préfet de Région' formulates regulations after consultation at national level. The regional committee has extended powers for fisheries management within territorial waters (but only applicable to national interests). These are:

- to organise the fishery (date of opening or closing a fishery, definition of closed areas, gear rules)
- to regulate fishing effort (issuing licences and standardising fishing gears)
- to regulate catches (establishing quotas and distributing them between vessels)
- to organise the harvest and culture of marine seaweed
- to manage the interactions between seaweed and the environment

Examples of specific restrictions include minimum landing size restrictions for crab and spider crab established before the EU initiated such controls, the establishment of a special licensing scheme for crustacean fishermen and a pot limitation scheme (Permis Pêche Special de Crustacé), and controls on the activities of scallop fishermen. Under the licensing scheme for crustacean fishermen, there is an annual licence charge (*euro* 45). The latter involvesextra controls for scallop fishermen involve the allocation of quotas and days of activity, closed seasons and limited entry (Permis & plus Permis de Pêche Special).

Local committees also have the power to regulate catches, as do the fish producer organisations (POs).

At present, local fisheries management is only conducted on a region to region basis. Attempts are often made to reconcile any significant differences between regions, where appropriate. Discussions may also take place with other Member State national authorities. In this respect, there are frequent discussions relating to regional fisheries with the Jersey Sea Fisheries Committee.

Perceived strengths and weaknesses of the CFP

Based on a series of interviews, the key problem areas of the CFP in the Breton region was found to be that fishermen tend to supported core policies such as minimum landing sizes but gave little credence to issues such as quota management. Quota management only becomes a relevant issue if there is a perceived danger of over exploitation (the scallop fishery). Effort controls are also only seen to be applicable if there is an increase in effort e.g. in the crustacean fisheries, which lead to the pot limitation scheme. The CFP is seen as being incapable of responding to such issues with sufficient speed.

There is also considerable concern that the EU's conservation policy is too global and fails to recognise the regional / specific fisheries operating within the CFP framework. Much criticism has been directed at the restrictions created by the MAGP framework. They are not seen as relevant to the region, and if anything stifle investment. Furthermore, the 'Objective' definitions to establish financial assistance are also seen as being linked to definitions that distort the impact of fisheries within fishing ports. For example, ports in economically healthy NUTs areas are not eligible for financial assistance but vessels operating from those ports participate in the same fisheries as vessels from ports that are eligible for assistance. This is seen as distorting competition.

Views on regionalisation

Regionalisation of the CFP is a concept that commands very different views in Brittany. The National Administration is of the view that the status quo should prevail. This is based on the premise that undoing the existing structure could undermine the principle of relative stability and access within the 12 mile limit. The views of the industry vary depending on the sector.

Regionalisation can be seen in a positive light if it will improve the health of a fishery that is of importance to the region. It is, therefore, true to say that arguments for the regionalisation of the CFP are strongest in coastal small-scale coastal fisheries (dredging for scallops, longlining for conger, bottom lining fisheries for sea-bass or pollock, harvesting of seaweed, potting, and coastal netting for groundfish).

In contrast, the concept can also be seen in a negative light if it is viewed from the perspective of fisheries such as the trawling sectors of South Brittany ("Pays Bigouden" fishing ports, Concarneau, Lorient) or Roscoff based potters that rely heavily on offshore grounds. These groups would feel threatened by regionalisation because most of their fishing lay close to Scottish, Irish or South West UK shores. Regionalisation would mean they could only operate in waters close to the shores of Brittany.

The fisheries of Brittany vary by so many factors (species targeted, fishing zone, boat size, location: either north or south), that it will be always difficult for fishermen in the region to express a single opinion about any concept, including regionalisation.

Fleet	Area of activity	Regional dimension	Species / fishery dependency	Main methods	Soc-ec dependency	National interacts.	Internat. interacts.	Current input controls	Current output controls	Admin. Structure	Facilitating participat. initiatives	Industry conservation initiatives	Support for regionalisation
FRANCE													
South Brittany													
Third country fishing vessels	Senegal, Ivory Coast, Senagal	Third country involvement	Tropical tuna	Purse seine	Low	None	Third country	Permis de Mise en Exploitation	Qouta	Bilateral agreements	None	None	n.a
High seas industrial fleet	NW Scotland, W Ireland, Celtic Sea	Multi-lateral Regional	Saithe, cod, whiting, hake, greanadier	Trawl	High	None	UK, Ireland, Spain	Permis + GT days (as yet not applied)	Quota	CFP	Limited	None	Worried about the discrimination against mobile vessels
Artisanal trawlers (20-25 m)	Celtic Sea. Bay of Biscay	Bilateral	Monkfish, nephrops, hake, megrim, whiting, ray, tuna and bass	Trawl / gill net	High	Limited	UK, Ireland (including inside UK 12 miles)	Permis de Mise en Exploitation	Quota	CFP	Limited	Increases in trawl mesh sizes	Worried about the discrimination against mobile vessels
Small scale coastal	Coastal fishing	National - local	Nephrops, megrim, sole, monkfish, pollock, hake	Trawl, net and polyval.	High	Breton coast	None	Permis de Mise en Exploitation	Limited	Regional / Local committees	Strong through POs and local professional unions	Proposals to limit the number of non local French vessels	Strong support
North Brittany													
High seas industrial fleet	NW Scotland, W Ireland, Celtic Sea	Multilateral Regional	Saithe, cod, whiting, hake, greanadier	Trawl	High	None	UK, Ireland, Spain	Permis + GT days (as yet not applied)	Quota	CFP	Limited	None	Worried about the discrimination against mobile vessels
Artisanal high seas fleet	Western English Channel	Bilateral	Ray, pout, gurnard, whiting, pollock, squid, bass, crabs and spider crabs	Trawl, gill net and potters	Medium	Basse Normandie	UK (inside 12 mile limits)	Permis de Mise en Exploitation	Limited quota constraints but mostly prosecuting non quota species	CFP	Some bilateral discussions with the UK (potting zone, white fish conservation initiatives through POs and professional unions	Restrictions to pots, Minimum landing sizes	Some support but worried about threats to traditional access rights in UK wares
Artisanal coastal fleet	Coastal waters	National - regional	Ray, gurnard, monkfish, crabs & scallops	Trawl / gill net and potters	High	Breton coast	None	Permis & plus Permis de Pêche Special (scallops) and limited periods of activity	Limited quota constraints but mostly prosecuting non quota species	CFP and local management initiatives	Strong through local professional unions	Influential in input restrictions (Scallop fisheries in the bay of St-Brieuc and Morelaix)	Strong support
Small-scale coastal waters	Coastal waters	National - local	Pollock & sea bass	Trawl, lines and polyval		Other Breton coastal vessels	None	Permis de Mise en Exploitation	Limited	Local management	Strong through local professional unions		Strong support

THE UK – CORNWALL

The Regional economy and the significance of fisheries

Cornwall is the western-most English county (NUTS 3) of the South West Region and the western-most English county (NUTS 3) on the Channel and Celtic Sea coasts. It is located in the South West region (NUTS2), which also includes the counties of Devon, Dorset, Somerset and Gloucestershire and the Scilly Isles. The South West region, with a population of 4.8 million in 1996 (8.2 per cent of UK total) is mostly rural. It includes a few important urban centres such as Bristol and Plymouth. The South West is also the most tourism-dominated region of the UK (7 per cent of GDP and 10 per cent employment). The whole of Cornwall is classified as a vulnerable rural area (Objective 5b), and the ports of Falmouth, Newlyn, and Padstow and the associated Travel To Work Areas (TTWA) are classified under its Fisheries equivalent. The western edge of the Plymouth conurbation, which includes the port of Looe, spreads from Devon across the border into Cornwall and is classified as a declining industrial area under Objective 2a. This is mainly due to the contraction of the defence industry. While the area is currently eligible for 5b funding, the region is likely to be redefined as an Objective 1 area since the regional GDP has fallen and unemployment risen.

In 1997, 29,500 tonnes of fish and shellfish were landed into Cornwall, with a total value of *euro* 46.3M. Landings are a mixture of flatfish (brill, lemon sole, megrim, sole and turbot), other demersal fish (including hake, monk or anglerfish, ling), mackerel, cuttlefish, scallops and crab. Most of these species are very high value. The average value of all landings was *euro* 2.69 / kg in comparison with the UK average of *euro* 1/kg.

The range of species landed in the area (34 in Newlyn in 1997 and between 40 and 50 species landed on a regular basis) is due to the region's location on two coasts (the Channel and the Celtic Sea). Of these species, 12 are under quota management. Approximately 55 per cent (by weight) of the fish and shellfish landed are subject to CFP quota management restrictions. Some of the stocks, such as angler, megrim, haddock, saithe, pollock, hake, mackerel and nephrops, are managed for the whole of ICES area VII. Others, such as cod and whiting have separate quotas for Area VIIa (the Irish Sea) and Areas VII b – k. Plaice, herring and sole have separate quotas for Areas VIId (eastern Channel), VIIe (western (VIIhjk).Channel), VIIfg (the Celtic Sea) and VIIh,j,k (the Western Approaches).

Most of these stocks are fully exploited and some, such as sole and plaice in the western English Channel and cod in the Celtic Sea, are considered to be below minimum biological safe levels[1] by ICES.

The structure of fisheries in Cornwall

The fleet is made up of four distinct sectors:

1. the beam trawl segment which fishes in the English Channel (VII e), the Bristol Channel (VII f) and the Western Approaches (VII h,j & k). These vessels target plaice, megrim, monkfish and sole.
2. the artisanal gill net and trawl fleet (between 15 and 20 m) fishing the same areas as the beam trawl segment. These vessels target cod, hake and pollock along with a number of non TAC species.

[1] ICES Cooperative Research Report No.214, 1996. Report of the ICES Advisory Committee on Fishery Management, 1995 Parts 1 and 2.

3. the inshore fleet fishing of trawlers, gill netters, scallop dredgers and potters, targeting mostly, but not exclusively non TAC; species up to 20 miles offshore.
4. the coastal fleet, comprising mainly vessels under 10 m and fishing from small fishing villages or coves.

The separate groups overlap in terms of vessel sizes. However, within the size continuum the combination of operational range and gear used produces three separate fleet segments, active at three distinct geographical scales:

- Local scale: day boats less than 12 m, fishing inshore within 12 miles of the Cornish coast;
- Regional scale: days boats between 12m-20m in length, fishing within 20 to 40 miles of the coast of the South West region; and
- Multi-regional scale: vessels longer than 20m, mostly beam trawlers, fishing away for several days at a time in the whole of Area VII and the North Sea.

Shared fisheries

The Cornish fleet is involved in various share fisheries with fleets from other UK or European regions. These include vessels from:

- the Isle of Man and Scotland fishing for scallops operating in local waters
- France operating in the English Channel and west towards the Scilly Isles.
- Isles (mainly trawlers, gill netters and potters)
- Isles.
- Belgium, Ireland and the Netherlands; Netherlands (beam trawlers)
- the UK, Ireland, and Spain in the Celtic Sea and Western Approaches (trawlers, gill netters and long liners).

The Fisheries management regimes

All fisheries are responsive in some form or another to the overriding principles of the CFP. However, the impact of the CFP is strongest for those vessels operating in the offshore fisheries – notably the Western Approaches, and the English Channel.

As a result these vessels are subject to TACs and the basic conservation measures as outlined in EC Reg 3094 / 86 (soon to be amended). These vessels are also operating extensively in Western waters which theoretically subjects them to additional limits on effort as defined by GT days (EC Reg 685). In addition, all British vessels are required to be in possession of a pressure stock licence. These licences vary according to identified target species. In Cornwall the following restrictive licences apply:

- Category A beam trawl licence (allowing only those vessels with such a licence to use beam trawls)
- Category A standard whitefish licence (allowing vessels to target quota species throughout UK waters, subject to historic quota availability)
- Category B licence (limited pressure stock licence permitting the catching specific species
- Category C licence (limited to fishing for specifically non quota species).

These licences are transferable and may be aggregated. The transfers are directly linked to the vessel capacity units (VCUs) as applied to the donor vessel. Transferring from a higher grade (Category A to C) licence will result in a downgrading of the licence. Therefore most

transfers relate to exchanging or aggregating licences of the same type. When transferring licences an aggregation penalty of 10 per cent applies. If aggregating 2 licences, the penalty increases to 20 per cent, and 3 or more licences, 30 per cent.

In addition to licensing, the beam trawl fleet is subject to a days-at-sea regime. This is a reflection of the UK's policy commitment of reducing capacity in overexploited fisheries (EC Reg 2080 / 93). All vessels fishing for pressure stocks are subject to the UK's sectoral quota management. There are two fish Producers' Organisations (FPOs) in the South West region (Cornish FPO and South West FPO), who administer the allocated quota on behalf of their member vessels. Under the current system all under 10m vessels and a few >10m vessels using the non-sector quota allocation option obtain their quota directly from MAFF in London.

Within the six miles of territorial waters, all vessels are subject to regulatory constraints devised locally by the Cornish Sea Fisheries Committee (see below). Inshore vessels under 10m are exempt from some European regulations, e.g they do not have to record their activity, or their landings of quota species, (estimated to represent around 1per cent of the total quota). In Cornwall, the number of inshore vessels makes up more than 60 per cent of the registered fleet. The inshore zone is not for the sole use of the inshore fleet, as larger gill netters, trawlers and beam trawlers can fish between three and six miles from the shore, and do so regularly. The smaller vessels operate a combination of gear, allowing them to compete with the more powerful but more specialised and expensive beam trawlers. Another advantage of the inshore fleet is their relative flexibility in choosing when and where to go out fishing when weather conditions are uncertain.

At the local level, the institutional framework for England and Wales is slightly different than that of Scotland and Northern Ireland that do not have Sea Fisheries Committees (SFCs). In the South West region, there is one SFC in Cornwall, and one in Devon. SFCs were created by central government in 1888, to devolve management duties for inshore fisheries at the Sea Fisheries District level. The role and powers of SFCs were redefined in the Sea Fisheries (Regulation) Act 1966, and were increased to include some broad environmental responsibility, by the Environment Act 1995. SFCs have a statutory responsibility for fisheries within territorial waters. In Cornwall, territorial waters are those within six nautical miles of set baselines. This excludes rivers and estuaries which come under the authority of the Environment Agency (previously the National River Authority).

SFCs have the power to legislate locally, using bylaws as well as Several and Regulating Orders for mollusc fisheries. Their powers span all aspects of resource conservation, from gear restrictions or total ban. to minimum landing sizes and restricting access of larger vessels. Bylaws currently in force in Cornwall include: prohibitions to trawling inside specified areas, the banning of specific vessels in excess of certain sizes (trawlers greater than 60 ft and shellfish vessels in excess of 50 ft are prohibited from operating within the three mile limit), special permits for fishing for crustaceans, and minimum landing sizes for lobster, crayfish, spider crabs and crabs. Finally, the introduction of fishing permits is now bringing SFCs close to an overall management of some inshore fisheries, putting in place pseudo Territorial Resource Use Rights.

SFCs are also responsible for enforcement and have their own fisheries inspectors who are able to impose fines and bring cases before the Civil Courts. However, SFCs rarely have their own scientists to provide management advice, and their finances are limited by local governmental budget constraints unless they are able to levy fishing permit fees.

The important role played by SFCs is constrained further by other factors. First, from a practical point of view, bylaws are very slow to come into force. This is largely because they have to be confirmed at a national level by the Minister of Agriculture, Fisheries and Food. The whole process takes at least two years, mostly due to administrative inefficiencies. These delays greatly restrict the effectiveness and timeliness of bylaws as local conservation measures.

Second, the entire Sea Fishery Committee is appointed. At least half of the members are from local government (county council or borough council), with one person or more from the Environment Agency (one for each ex-river authority having jurisdiction in the council area). A number of additional members are appointed by the Minister, from 'persons acquainted with the needs and opinion of the fishing interests of that district'. "Fishing interests" includes 'all persons interested in fisheries, either as owners of fisheries or interests therein, fishermen, fishing-boat owners, fish curers, fish merchants or otherwise.'

Out of a total of 30 members, only four fishermen sit on the Cornish SFC. The catching sector is under-represented in all SFCs and their non-elective nature undermines the basis from which to develop a form of co-management, with the industry taking the initiative on conservation and management[2]. The lack of adequate representation of the catching sector limits the role and legitimacy of SFCs in terms of local and regional development of the fisheries sector. Furthermore, the effective role of the SFCs in fisheries conservation and management is undermined by the limit of their jurisdiction, which has been set nationally at up to six miles, cutting right through the middle of the inshore fishing grounds which are considered locally to extend to 12 miles.

Perceived strengths and weaknesses of the CFP or Local Fisheries Management Capacity

The CFP does not currently provide for the needs of a region like the south west of England. Most fisheries stocks are allegedly assessed on the wrong geographical scale and on the wrong (single-stock) basis. The lack of co-ordination at a meaningful fishing area level (local, regional and multi-regional), and the lack of industry participation in management means that vessel owners do not have access to the information they need to properly assess and plan for a sustainable future.

Vessel owners complain of a lack of relevance of European-based regulations. Therefore, the pledge of the Commission to encourage more local and regional based governance, and to shift its role to a more advisory capacity is welcomed by the fishing industry, although with some scepticism. The European Commission's assumption of management capacity at regional level may cause initial problems. The level of governance assumed by European policy makers is not always present and many regions in England and Wales do not have the capacity to take on new policy objectives for the fisheries sector at short notice. This was clearly illustrated in Cornwall by the teething problems experienced in the implementation of the PESCA initiative. PESCA would have experienced even more difficulties in the south west if it had not been able to use some of PESCA's ERDF funds to develop the necessary project management capacity.

Outside Objective 1 areas, FIFG is centrally managed. There is no pre-determined regional split under any of the separate programme headings. The application for FIFG funds has to

2 Symes, D. and Philipson J. (1998), *Fishing within limits: inshore fisheries and the concept of local preference.*, Property Rights and Regulatory Systems in Fisherie, Oxford, Fishing News Books, 201-215.

go through the regional Government Office, which considers them on an individual basis. The presence of the regional Government Office, which relays structural funding applications for all sectors, including fisheries, possibly explains why county councils have been slow to develop their own capacity for the fisheries sector.

FIFG's fleet measures have a regional dimension to the extent that fleet segments are not randomly registered along the entire UK coastline. In the UK, inshore vessels cannot apply for FIFG grants. This tallies with the fact that the bulk of the Cornish fleet >12m is landing most of the species under quota management. However, one could argue that most of the European effort to enhance cohesion under ERDF and ESF should be directed at the small-scale sector with the greatest employment potential.

Vessels <20m have a strong regional link. They mainly land to their home port because of the physical difficulty and relatively high cost of reaching distant grounds. Some of the larger vessels at the regional scale (between 15m and 20m), may travel to distant fishing grounds for some time during year, but generally remain within the South West.

Vessels > 20m usually fish distant grounds for several days at a time, and may land their catch in ports other than their home port, outside the region. Similarly, in the multi-regional group, vessels from outside the region and from other Member States fish and land their quota catches in the south west. MAFF central office appears convinced that the higher mobility of quota holding vessels would result in fleet relocation to the most advantageous region if fiscal incentives (taxes or subsidies) were allowed to vary regionally.

There are strong constraints to inter-regional capital and labour mobility in the fishing sector. They are made up of a combination of informal resource use rights, local and regional knowledge of fishing grounds and seasonal abundance variations, marketing networks and cultural differences. These constraints could be alleviated by regional fisheries management and participation by the fishing industry.

The lack of a clear regional planning base for the FIFG supported structural policy outside Objective 1 areas in the UK leaves the programme open to potential incoherence both in space and time. New port or processing facilities may be funded, while a decrease in the number of local vessels over the following two to three years may threaten the very survival of shore based activities. There is no doubt that fleet reduction programmes will create hardship in coastal communities, particularly in the short-term, and there are currently no provisions to promote a harmonious development (or contraction) of the sector.

Another source of incoherence could arise in Area VII as a result of different levels of fleet and fishing activity reduction from the different local community and regions involved. The concept of relative stability enshrined in the CFP greatly reduces the flexibility of policy measures. It could result in those waiting until the last hour to reduce their fishing activities being left with the largest entitlement. Similarly, as the effects of fishing effort reduction become noticeable, licence values increase, and publicly funded decommissioning programmes become less attractive. Most of these and similar problems would be solved through some form of collaboration with the industry at the regional and multi-regional levels.

Obviously, fishermen are the first beneficiaries of fleet adjustment, which are designed to achieve sustainable resource use. However, in the context of shared, multi-species, multi-

gear seasonal fisheries, local signals do not relate to the overall state of the stocks in a simple way.

An important feature of the lack of regional policy and delegation in decision making lies in the fact that all applications for decommissioning grants are made on an individual vessel basis. There is no procedure to include the industry in setting regional, within or between fisheries priorities from individual applications. In effect, within specific fleet segments, the criterion that prevails is one of value for money at national level, where individual applicants put in bids, and MAFF selects the lowest bids for comparable track records. At no stage in the process do social costs and the effect of these on regional development come into account.

In the UK, Structural Funds are managed at national level, making it difficult to evaluate their role and impact at regional level. However, most regional applications are channelled through MAFF's Southwest Government office, and therefore a measure of regional uptake can be devised.

The south west region has the second largest (*euro* 3.37M) PESCA allocation in the UK. The regional PESCA programme experienced some initial problems. The fishing industry was disappointed when its implementation was delayed, and it became apparent that most of the funding was to diversify away from fishing, and not to enhance the sector. As a result, only 23 per cent of the allocated budget were committed at the beginning of 1998. It now appears increasingly likely that the whole PESCA allocation to the South West Region may not be committed by the end of the programming period.

An interesting aspect of the PESCA Initiative in the region has been the solution put together for the regionally based delivery of the programme through an independent company, South West PESCA Ltd. The company has a dedicated staff resource (one-person full time, and some part-time administrative support). The perception of independence from government departments, and the strong links it was able to develop with representative organisations through information campaigns and meetings turned a bad start into more of a success story. In effect, the type of information network, the increase in public awareness, and the level of co-ordination developed by South West PESCA Ltd was very much needed in the region and has been greatly appreciated by the industry.

Views on regionalisation

The national administration is strongly in favour of encouraging a more regionalised approach to the CFP. However, it also recognises the need for a wider forum that addresses the global importance of conservation issues and ensures that all areas are managed equitably. Little fisheries management is currently devolved to the regional level, apart from the role of Sea Fisheries Committees within six miles of the coast.

At all levels (European, national, regional and local), the design of policy instruments that link conservation and structures is complicated by the following factors:

- the multi-species and multi-gear character of most fisheries prosecuted by Cornish vessels, at local, regional and multi-regional level, while resource assessment and decommissioning priorities are set at a multi-regional stock level;
- multi-regional vessel mobility between main target species and seasons; and
- multi-regional vessels fishing outside regions and non-local vessels landing catches inside the region.

It is important to note that constraints to a coherent development of the fisheries sector, matching structures and resources arise mostly at the multi-regional level, as they are perceived from the national and European levels.

On a regional level, co-ordination with other regions is perceived as a necessary step to sustainable management and also as a natural solution by the fishing sector. Fleet mobility is deeply entrenched in fishermen's culture, and ties with seemingly distant regions (if one had to travel by land) have existed for centuries. This is true for the catching and the processing sector. Many in the industry interpret the lack of regional fisheries management as the result of a policy of centralisation by government at a national and European level.

In the Southwest, the fishing industry, despite a natural tendency to fiercely defend individual differences, is starting to take the initiative at regional level. A wider participation is also organised from the local level e.g, guidelines have been developed by long line fishermen and the environmental non-governmental organisation (NGO) Royal Society for the Protection of Birds (RSPB) in order to reduce incidental catches of marine birds feeding on baited lines.

Sea Fisheries Committees are locally, rather than regionally based institutions. In order for SFCs to play a key support role for inshore and local fishermen in a forthcoming regional partnership, they will need to be reformed on several aspects:

- Representation rules will need to be changed, with elected representatives of the catching sector forming the majority of Committee members. This would allow fishermen to develop a stronger participation in the management of inshore resources.
- additional sources of funding, independent from the influence of local tax payers, will need to be secured.
- local fisheries biology, economics and sociology expertise will need to be developed, either in house or through contracts to local universities, colleges and consultants.
- A Code of Practice for the sustainable management of renewable resources will need to be developed, as well as audit procedures, and procedures to tackle the problem of conflicting uses.

Beyond the SFC level, progress will only be achieved if institutions can be developed from the bottom up, which encourage best practice through a participatory approach, and some degree of co-management with an important degree of industry responsibility.

For the different resources, details of the optimal level of management can only be identified in collaboration with the industry as a whole, which readily knows the geographical level of resource constraints, the seasonal patterns of exploitation and the social and economic costs and benefits associated with fishing activities.

In terms of resource assessment and management relevant to Cornwall, in addition to the local level up to 12 miles (currently up to 6 miles), some regional capacity will need to be developed for the South West's fisheries. Given the shared nature of the stocks, this will require the input from the other Member States (specifically France for the English Channel, and France and Ireland for the Western Approaches).

Fleet	Area of activity	Regional dimen-sion	Species/fishery dependency	Main methods	Soc-ec depen-dency	National interacts.	Internat. interacts.	Current input controls	Current output controls	Admin. structure	Facilitating participat. Initiatives	Industry conservation initiatives	Support for regionalisation
UK													
Cornwall													
High seas beam trawl fishery	Western Waters & English Channel	Multilateral Regional	Plaice, megrim, monkfish, sole	Trawl	High	Other UK trawlers & gill net	France, Spain, Ireland, Belgium	UK restrictive access pressure stock licence & days at sea restrictions	PO quota restrictions	CFP	Limited representations through POs	Proposed closed areas, minimum landing sizes	Strong support
Artisanal gill net & trawl	Western Waters & English Channel including coastal waters	Multilateral Regional	Cod, hake, pollock and non quopta species	Trawl & gil net	High	Other UK trawlers & gill net	France, Ireland, Spain	Standard UK pressure stock licensing interchangeable with other fisheries)	PO quota restrictions	CFP	Limited representations through POs	Proposed closed areas, minimum landing sizes	Strong support
Inshore mobile	English and Bristol Channels	National regional	Cod, pollock, scallop, crab and non quota species	Trawl, gill net, and potting	High	Other local vessels	France (historic rights access inside 12 miles)	Standard UK pressure stock licensing interchangeable with other fisheries or under 10 m licences) plus local by laws	Some PO quota restrictions	CFP & local	Representation through Sea Fishery Committee	Propose restrictions on gear use, minimum sizes, and prohibit certain vessel sizes and methods	Strong support
Inshore coastal	Coastal waters	National local	Cod, pollock, crab, lobster, mackerel and bass	Trawl, gill net, and potting	High	Other local vessels		Under 10 m licensing & local by-laws	Target predominantly non quota species with the exception of mackerel	Local & CFP	Representation through Sea Fishery Committee	Propose restrictions on gear use, minimum sizes, and prohibit certain vessel sizes and methods	Strong support

THE UK - HIGHLANDS & ISLANDS OF SCOTLAND

The Regional economy and the significance of fisheries

The Highlands & Islands region of Scotland is the most northerly of UK regions comprising the northern parts of Scotland, the Hebrides, Orkney and Shetland. It is classified as an Objective 1 area although this status may be changed following changes to the regions GDP and unemployment

The ports with the highest levels of job dependency on fisheries are Lerwick and Scalloway, both 12.5 per cent and Stornoway and Mallaig, 10.5 and 6.5 per cent respectively. Other significant ports in the region include Scrabster, Kinlochbervie, Ullapool and Lochinver. However, these ports are largely the base for a non indigenous fleet operating from ports in the North East of Scotland. There are 3,300 locally based full time fishermen. The fleet comprises 545 vessels over 10 m and 1,586 under 10 m.

Landings into the region account for 73,842 t whitefish, 148,272 t pelagic and 37,414 t shellfish species. However, a significant proportion of this catch is derived from the stranger vessels operating from the area. The combined value of landings by indigenous vessels is estimated at *euro* 45M.

The structure of fisheries in the Highlands & Islands

The fleet comprises six distinct sectors:

1. The pelagic fleet is composed of a dozen midwater trawl and purse seine vessels operating from Lerwick in Shetland and one Orkney based pelagic freezer trawler. These vessels fish in Western waters from the North Atlantic to the English Channel and in the North Sea. The vessels target small pelagics (herring, mackerel, horse mackerel and blue whiting) and generally follow the migratory shoals throughout the year. The vessels are capital intensive, highly profitable and extremely mobile.
2. The deep water fleet fishing in the North Sea and off the Scottish west coast. This group of vessels represents a new type of vessel that targets both gadoids (haddock, cod, saithe and whiting) as well as the deeper water monkfish, grenadier and other deep water stocks. These vessels are all in excess of 25 m.
3. The under 24 m whitefish trawl fleet operating in both the North Sea and West coast of Scotland ground. These vessels work in the offshore grounds to the east and west of the Shetland Isles, and off the west coast of Scotland. They are based largely out of Lerwick in Shetland, Stromness in Orkney and Mallaig on the mainland. These vessels prosecute the mixed fishery of haddock, cod, whiting and saithe.
4. The inshore fleet composed largely, but not exclusively, of nephrops vessels in excess of 15 m. These vessels are mainly day boats and fish up to 50 miles offshore off the west coast of Scotland and in the Minches, an area between the Hebrides and the Scottish mainland.
5. Coastal vessels which prosecute non TAC species. These vessels include potters, scallop dredgers, gill net and long line boats that fish no more than 20 miles offshore.

6. Inshore vessels incorporating small creel (potters) vessels and suction dredgers, fishing exclusively inside 3 miles. These vessels target lobster, *Nephrops* spider crab and razor shells.

Shared fisheries

The indigenous fleet is involved in various share fisheries with fleets from other UK or European regions. These include vessels from:

- the East coast of Scotland which still retain the right to fish in inshore waters subject to the rules of the Inshore Fishing (Scotland) Act 1984 as amended in 1994.
- the South West of England and the Channel Isles largely fishing in the offshore areas (Potters)
- France and Spain fishing offshore and deep water grounds off the west coast of Scotland (deep water trawlers, gill netters and long liners)
- other parts of the UK, Denmark and France fishing in the North Sea, including in the Shetland Box.
- other parts of the UK, Ireland, France, the Netherlands, Germany, Norway, Iceland and the Faroes (pelagic vessels from)

The Fisheries management regimes

All fisheries are responsive in some form or another to the principles of the CFP. However, the impact of the CFP is strongest for those vessels operating in the offshore fisheries – notably the North Sea and off the West coast of Scotland. The additional issue facing those vessels operating in the North Sea is link to the bilateral discussions with Norway which substantially influence the formulation of TACs. The groups most affected by these negotiations include the pelagic fleet and the whitefish trawl fleet. The latter is allowed access into Norwegian waters but are required to comply with Norwegian conservation regulations. The specific departure from EU legislation is the ban on discarding in the Norwegian sector.

With the exception of the inshore / coastal vessels, the other four groups are subject to TACs and the basic conservation measures as outlined in EC Reg 3094 / 86 (soon to be amended). These vessels are also operating extensively in Western waters, which theoretically subjects them to additional limits on effort as defined by GT days (EC Reg 685 / 95). In addition, the pelagic fleet is also required to comply with days at sea restrictions as part of the UK's commitment to reducing fishing effort in the sector. As stated earlier in the Cornish example, British vessels are required to be in possession of a pressure stock licence. The only significant difference is that as with the beam trawl sector in the South West, the pelagic sector is subject to a specific limited licensing regime. In respect to the H&I region the following restrictions apply:

- Category A pelagic licences
- Category A standard pressure stock licences
- Category A limited pressure stock licences (as applied specifically to specialist vessels targeting *Nephrops*
- Category B licences
- Category C licences

A significant feature of both the pelagic and whitefish fleet is that they have been increasing capacity through licence acquisitions and aggregations. The Shetland fleet especially has purchased a lot of capacity.

Vessels are subject to quota. Individual quota limits are set by the POs. Most vessels are members of one of three Producer Organisations: The Shetland Fish Producers Organisation, the Scottish Fishermen's Organisation (SFO) and the North West Fish Producers Organisation. Vessels operating in the pelagic sector operate a quasi ITQ system.

Unlike England, there are no SFC's and local management measures may only be advanced through the Scottish Office. The Inshore Fisheries (Scotland) Act 1985 has allowed for the advancement of regulations inside territorial limits. Examples of specific restrictions include the prohibitions to trawling in specific areas and the banning of specific fishing methods. This Act was extended to allow the Secretary of State the ability to grant regulatory orders which protect specific areas on behalf of groups of fishermen, for example shellfish potting zones, scallop or razor shell beds. These orders may also be extended to become several orders which allows for specific individual access / ownership rights.

The dialogue creating initiatives is started by active lobbying of the Scottish Office to establish specific measures. A process of consultation follows the dialogue. The main weakness of this process is that local initiatives have often been stifled by sectoral influences from outside the area e.g. the inability to ban trawling inside 3 or 6 miles. It may be that regulatory orders specifically seek to address such issues, but on a more localised scale, thus showing positive conservation benefits for the greater good of a significant sector of the local population.

Perceived strengths and weaknesses of the CFP

Support for the CFP varies between the sectors. The pelagic sector operates in an internationalised fishery. There is a inherent recognition of the need to work together with the other participants in the fishery, principally Denmark, the Netherlands, Ireland and Norway. The fishery has now reached the stage where strategic linkages, through partnership or joint venture ownership, transcend national boundaries. Given time, it is likely that the linkages within this sector will make the concept of relative stability redundant.

The whitefish sector broadly supports the CFP at present. This is due to two reasons. The first is that the CFP has evolved extensively with the problems of the North Sea in mind and most of the policy changes have been of direct relevance to this sector. The second is that the CFP, through the recognition of the Shetland Box, has formally recognised the concept of some form of regionalism. While both the policy makers and the sector acknowledge this as a 'political box', it has established the principal that access limitations may occur provided that there is no form of discrimination on the grounds of nationality. The Shetland Box limits access by larger vessels (> 30 m) to a nominated list. These vessels may operate freely within this area provided that they are named on the list.

The weakness of the CFP is that its impact is often diminished by the fact that it is highly politicised and as such often seeks to pacify least interest groups. The Highlands and Islands fleet is well known for its positive stance on conservation issues such as the use of more selective gear. There is, therefore, some resentment that the improvements in conservation policy are not forthcoming because of resistance from non-local (including other Scottish) interests. This has led to the indigenous fleet seeking to actively advocate the advancement of national unilateral measures such as the use of square mesh panels, weekend fishing bans and prohibitions in the use of twin rig gear.

A further weakness is seen as the national nature of MAGPs. For example sectors operating from the west coast of Scotland which have already witnessed levels of decline, resent a national policy which seeks to encourage further reductions in the segment to which they belong.

Views on regionalisation

The CFP is believed to have accommodated some of the needs of the local industry. There is widespread support from most groups (the exception being the pelagic fleet) for the ability to increase the level of influence on policy issues. It is accepted that those groups with historic rights in each of the fishing areas should form part of the dialogue.

A major issue is that regionalisation should be the caveat for enhancing both conservation and structural measures. However, advances in these issues can only be forthcoming if formal management committees are established thus facilitating participatory management initiatives. All local interests in the Highlands and Islands actively support the establishment of SFCs in Scotland.

Fleet	Area of activity	Regional dimension	Species/ fishery dependency	Main methods	Soc-ec depen-dency	National interacts.	Internat. interacts.	Current input controls	Current output controls	Admin. structure	Facilitating participat. initiatives	Industry conservation initiatives	Support for regionalisation
UK – SCOTLAND													
Highlands & Islands													
Pelagic high seas fishery	North Sea, W.Scotland W Ireland and English Channel	Multi-lateral EU level	Herring, mackerel, horse mackerel, blue whiting	Trawl & purse seine	High	Other Scottish and UK registered vessels	Denmark, Netherlands Ireland, France, Germany, Norway, Faroes, Iceland	Limited entry licensing & days at sea	ITQs	CFP / Bilateral negotiations	Limited through national and local associations, no participatory management initiatives	Limited exchanges (eg banning the use of pelagic grading machines)	Recognition of the internalisation of the fishery
High seas industrial fleet	NW Scotland. W Ireland	Multi-lateral Regional	Cod, haddock, megrim, monkfish, grenadier, black halibut, redfish	Trawl	High	Other UK	France, Spain	Standard UK pressure stock licensing interchangeable with other fisheries) plus potential GT day restrictions	Some quota restrictions	CFP	Limited through national and local associations, no participatory management initiatives	Limited	Strong support for limiting dialogue to North Sea / est of Scotland interests only
Whitefish high seas trawl	North Sea & West of Scotland	Multi-lateral – Regional	Cod, haddock, whiting, saithe	Trawl	High	Other UK	Denmark, Netherlands, Ireland, Germany, France, Norway, Faroes, Iceland	Standard UK pressure stock licensing interchangeable with other fisheries) plus potential GT day restrictions	PO quota restrictions	CFP	Limited through national and local associations, no participatory management initiatives	Support for unilateral conservation measures (square mesh netting, increases in mesh sizes)	Strong support for limiting dialogue to North Sea /West of Scotland interests only
West of Scotland nephrops > 15 m	West of Scotland	National – Regional	Nephrops, with cod and haddock by catch	Trawl	High	Other UK	None	Standard UK pressure stock licensing interchangeable with other fisheries)	PO quota restrictions	CFP	Limited through national and local associations, no participatory management initiatives	Support for regional management measures (banning weekend fishing or the use of twi rigged trawl gear)	Strong support for regional initiatives
Medium scale coastal 10-15 m	West of Scotland and North Sea	National – Regional	Scallops, gill net & line	Trawl, dredge, lines & nets	Medium	Other UK	None	General standard or lower grade pressure stock licences	Generally unrestricted	National - Regional	Limited through national and local associations, some encouragement of participatory management initiatives	Representation through direct discussions on changes to the Inshore Fishing (scotland) Act	Strong support for regional initiatives
Small scale local	Coastal < 12 m	National – Local	Nephrops creel, crab & lobster, razor shells	Creels and other	High	Other UK	None	Lower grade (Category C) licences and some unilateral controls (national measures on shellfish management)	Unrestricted	National - Regional but evolving to local management measures (eg regulatory and several orders)	Limited through national and local associations, some encouragement of participatory management initiatives	Increases participatory involvement through the promotion of regulatory and several orders	Strong support for regional initiatives

DENMARK

The Regional economy and the significance of fisheries

The fishing industry in Denmark is extremely important to a number of regions. The three most significant areas are the coastal municipalities of North Jutland, West Jutland and the island of Bornholm. These three zones account for 95 per cent of all landings by Danish vessels. They are characterised by a job dependency in the fishing industry of between 6.7 and 10.4 per cent. The dependency in economic terms is estimated to be in the order of 8 to 11 per cent[3].

In terms of volume, landings of industrial fish account for the largest share of all species (around 76 per cent in 1993). However, landings of species for human consumption account for more than 80 per cent of total income. Cod is the most important species in value terms. Mackerel and herring landings also form a significant part of the total catch (18 per cent in total). 75 per cent of all Danish catches are caught in the North Sea and around 5 per cent in the Baltic (45 and 15 per cent in value terms respectively)

The structure of fisheries in Denmark

Jutland

The fisheries sector in Jutland covers 5 distinct groups.

1. **demersal trawlers, gill netters and Danish / anchor seiners** are the principal vessels operating from the main ports of Hantsholm, Skagen and Hirtshals. These vessels fish in the North Sea, the Skaggarak and Kattegat. Danish seiners and gill-netters also work from Esbjerg, Hvide Sande and Thybørøn; the most important fishing ports in West Jutland.
2. **Industrial fishing** is important in North Jutland. Esbjerg is one of the principal industrial fishing ports.
3. **Danish purse seining** vessels (11) are all based in Hirtshals (North Jutland).
4. **Shrimp trawlers** represent the most significant element of the Jutland inshore fleet.
5. **small scale coastal fleet**. This sector is composed of small vessels (< 10 m) and groups of fishermen operating shoreline static nets.

Bornholm

The island of Bornholm is situated in the middle of the Baltic. The fishing fleet is composed of mainly small, labour-intensive vessels. There are two groups of fishing vessel operating from the island. Most of the vessels are gill netters and trawlers targeting cod. The largest of these fish in both the Baltic (from December to April) as well as moving to the North Sea for the remaining part of the year. Other vessels, largely gill netters, confine their activities to the coastal zone.

Shared fisheries

There is a significant degree of mobility in Danish fisheries. With the exception of inshore and coastal vessels, all the other groups operate freely, subject to specific licensing

3 Regional, socio-economic study in the fisheries sector, Commission of the European Communities

restrictions, in the Baltic, Skaggerak, Kattegat and the North Sea. As such, industrial vessels based in Jutland frequently participate in the Baltic fisheries. Baltic / Bornholm based trawlers also move to the North Sea fisheries.

Denmark shares its North Sea fisheries largely with Dutch or British (but Dutch owned) beam trawlers, as well as German and Dutch shrimp vessels. This latter group is allowed access to Danish territorial waters.

The Danish pelagic sector operates outside Danish territorial waters. As with the Shetland fleet, it fishes alongside British, Dutch, German, Norwegian, Faroese and Icelandic vessels.

Swedish vessels commonly operate in Danish waters (Skaggerak, Kattegat and the Baltic). The Baltic is also common to vessels fishing from Poland, Germany and to a lesser degree Estonia. All these vessels frequently land into Danish ports.

The fisheries management regimes

The regulation of fishing operations at sea is primarily the responsibility of the EC. This includes the specific regulations in the North Sea, Skaggerak and Kattegat as well as the Baltic. The regulations for the Baltic are decided by the Baltic Sea Fisheries Commission and sanctioned as a matter of course by the Council of Ministers. The Commission, and not the specific Member States (in this case Denmark and Germany) undertakes responsibility for the negotiation of changes to the regulations. Member States can only make specific recommendations through the Commission and not directly to the BSFC.

Bilateral negotiations also take place with respect to annual changes to the TACs for the North Sea, Kattegat and Skaggerak. These negotiations are also co-ordinated by the Commission. The Danish fishing industry participates in a number of different fisheries in the Norwegian sector. Specific regulatory differences, such as no discarding and bycatch limits can cause significant problems if moving from one area to the next.

Denmark has extensive arrangements for managing the quotas that are allocated each year under the Common Fisheries Policy. The main legislative arrangement is the annual set of Regulations for Certain Fisheries, made under the 1996 law concerning Salt Water Fisheries and the 1979 law concerning the Regulation of Fisheries. The latter of these gives the Minister the power to take measures to regulate fishing for those resources available to Denmark (Article 4).

The way quotas are managed varies from stock to stock, but typically the procedure is to divide the year into periods and specify how much of the Danish quota may be caught during each period. Vessel size groups and catches over the last three years are also taken into account. In addition, a ceiling is placed on how much fish an individual vessel can catch during a two-month period and for some vessels an individual quota is set for the whole year as part of the conditions of the licence that many vessels require.

A licence is required for most fisheries. Danish legislation distinguishes between a basic fishing licence and a restricted licence. The latter is applied to fisheries under pressure - historically the Baltic, industrial fishing and the purse seine fishery. The former is applied to fisheries where quotas have historically been under caught - North Sea cod, saithe and sole. Where a licence contains an individual vessel quota, the licence must be returned once the quota is taken.

It is possible for individual Member States to adopt legislation for their waters applicable to their fishermen only. In Denmark Article 27 of the Law concerning Salt Water Fisheries gives the Minister the power to adopt a variety of conservation measures in addition to those

of the EC. The Minister has used this power on a number of occasions. Many of the regulations adopted are of very local application but some are broader, such as the annual Regulations for Certain Fisheries. These contain, in addition to the arrangements for quota management described above, various conservation measures (see Articles 12 and 13 of the Regulations for 1997), as well as some additional control measures. The last are also found in licence conditions.

Changes to any fisheries policy is also referred to a management committee prior to its implementation. The committee comprises the following membership:

2 appointed by the Minister
4 from the Danish Fishermen's Federation (Danmarks Fiskeriforening)
1 from a Danish Producer Organisation
3 from the Danish fishing industry
1 from the main trade union (Specialarbejderforbundet i Danmark)
1 from the fishmeal and oil industry and
2 from other government departments

There are three fish producer organisations in Denmark - The Danish Fish Producers Organisation, the Skagen PO and the Purse seiners PO. None of these organisations undertake responsibility for managing quotas and are presently only involved in managing EC market regulations.

Perceived strengths and weaknesses of the CFP

The CFP is subject to considerable criticism in Denmark. The only sector with some support for a common management policy is the purse seine sector that operates in an internationalised environment. This sector feels constrained by internal Danish regulations that prohibit the allocation and transfer of individual vessel quotas.

Much of the concern in the Danish industry is linked to the lack of direct involvement in policy decision making. An example of this exclusion is the fact that it is the Commission that makes representations to the IBSFC and not the industry or the Member State. The result is that many of the decisions, even the context of the Baltic, retain some of the overall policy faults of the CFP and do not sufficiently address regional issues.

Views on regionalisation

The Danish sector is a strong advocate of the regional approach to the CFP. It feels that the CFP is remote to the problems of specific fisheries. Participatory initiatives are seen as achieving a more appropriate policy.

However, concern is raised about the implications for discrimination. Most Danish fishermen rely on mobility between the North Sea and the Baltic. There is a belief that regionalisation could be the forerunner to discrimination between the sectors. This concern is specifically in relation to the activities of the industrial trawl sector in the Baltic cod fishery where local gill net fishermen strongly resented their presence.

It is felt that there is a strong degree of homogeneity between the fleets of participatory countries, more specifically Germany, the UK and the Netherlands in the North Sea. As such it is believed that these Member States would be more able to address conservation / management issues in the North Sea as opposed to the wider forum of the Council of Ministers.

Fleet	Area of activity	Regional dimension	Species/ fishery dependency	Main methods	Soc-ec dependency	National interacts.	Internat. interacts.	Current input controls	Current output controls	Admin. structure	Facilitating participat. initiatives	Industry conservation initiatives	Support for regionalisation
DENMARK													
Bornholm													
Baltic vessels	Fishing in the Baltic Sea, North Sea, Katt & Skagg	Multi-lateral Regional	Cod, herring, salmon	Trawl and gill net	High	Jutland trawlers, gill netters and industrial vessels	Germany, Poland	Up to 17 limited entry licences	Fortnightly or monthly quotas		Representation through the Industry Council Committee	Dialogue on BSFC / EC initiatives and subsequent promotion of stricter unilateral measures, notably, high minimum landing sizes.	Strong support
Inshore coastal	Fishing exclusively in coastal waters	National local	Cod	Gill net	High	Other local vessels		Up to 30 limited entry licences	Fortnightly or monthly quotas	BSFC	Direct initiatives subsequently adopted by the Salt Water Fisheries Act.	Prohibitions to the use of specific gear, changes to minimum landing and mesh sizes	Strong support
Jutland													
Pelagic high seas fishery	Fishing in the North Sea, North Atlantic, Skagg & Katt,	Multi-lateral EU level	Herring, mackerel, capelin and blue whiting	Purse seine	Low	Danish industrial trawlers	UK, Netherlands, Ireland, Germany, France, Norway, Faroes, Iceland	Limited entry licensing	Quota	CFP	Representation through the Industry Council Committee	Limited dialogue	Recognition of the internalisation of the fishery
Industrial (fish meal) fishery	Fishing in the North Sea, English Channel, Skagg, Katt and the Baltic	Multi-lateral Regional	Sandeels, herring, Norway pout and capelin	Industrial trawl	High	Purse seiners, trawlers and gill netters	UK, Netherlands, Ireland, Germany, France, Belgium, Norway, Faroes,	Limited entry licensing	Quota and by catch restrictions	CFP	Representation through the Industry Council Committee	Dialogue on BSFC/EC initiatives & subsequent promotion of stricter unilateral measures, notably, higher minimum landing sizes.	Perceives regionalisation as a direct threat to industrial fishing
Mobile whitefish vessels	Fishing in the North Sea, Skaggerak, Kattegat and the Baltic	Multi-lateral Regional/ Bilateral (Norwegian sector)		Trawl, gill net and anchor seine	High	Other local trawlers and gill netters	UK, Netherlands, Ireland, Germany, France, Belgium, Norway, Faroes,	Limited entry licensing & days at sea		CFP	Representation through the Industry Council Committee	Dialogue on BSFC/EC initiatives & subsequent promotion of stricter unilateral measures, notably, higher minimum landing sizes.	Strong support for limiting dialogue to North Sea / Baltic interests only. No confidence in the CFP
Inshore vessels	Fishing in the North Sea	National – regional	Cod, plaice, sole, shrimps	Inshore trawl, gill net and shrimp trawl	Medium	Mobile inshore trawlers	None	Limited entry licensing	Quota	CFP / Salt Water Fisheries	Representation through the Industry Council Committee	Prohibitions to the use of specific gear, changes to minimum landing and mesh sizes	Strong support and lack of confidence in EC
Coastal fishermen	Coastal waters	National - local	Cod, plaice, sole, eels	Gill net and traps	Low	None	None	Limited entry licensing	Quota	CFP / Salt Water Fisheries	Direct initiatives subsequently adopted by the Salt Water Fisheries Act.	Prohibitions to the use of specific gear, changes to minimum landing and mesh sizes	Strong support and lack of confidence in EC

ITALY – SICILY

The Regional economy and the significance of fisheries

Sicily is one of the five Italian regions with a special statute, together with Sardinia, Friuli Venice Julia, Trentino Alto Adige and Valley of Aosta. Regions with a Special Statute were established mainly for ethnic / cultural and economic reasons. They are defined as "Special" in order to manage the particular local circumstances within the national union more effectively. For geographical reasons, Sardinia and Sicily are the two regions with a special statute mainly concerned with the fishing industry. The table below shows the respective importance of the two regions in fisheries.

1993 Data

Fishing method	Vessels			% of the national fleet	
	Sicily	Sardinia	Italy	Sicily	Sardinia
Trawling	684	177	3,724	18.37	14.75
Pelagic pair trawling	0	0	144	0	0
Purse seine	169	0	388	43.56	0
Small scale Fishery	1,083	523	6,220	17.41	8.41
Dredges, hydraulic	0	0	835	0	0
Multipurpose	2,023	446	6,264	32.61	7.19
TOTAL	**3,959**	**1,146**	**17,575**	**22.58**	**6.54**

1993 Data

Fishing method	GMT			% of the national fleet	
	Sicily	Sardinia	Italy	Sicily	Sardinia
Trawling	41,084	14,885	122,165	33.63	4.00
Pelagic pair trawling	0	0	7,467	0	0
Purse seine	3,383	0	10,906	31.02	0
Small scale Fishery	3,835	2,075	21,844	17.56	9.50
Dredges, hydraulic	0	0	8,757	0	0
Multipurpose	24,960	3,050	55,980	44.59	5.45
TOTAL	**73,262**	**10,010**	**272,119**	**32.25**	**4.40**

The Sicilian fleet has a higher regional fishing capacity than all the other Italian regions. It consists of about 4,000 vessels representing 22.6 per cent of all Italian vessels. Tonnage (GMT) exceeds 73,000 GMT, over 32 per cent of the whole Italian tonnage. There are, however, no hydraulic dredgers located in either Sicily or Sardinia. Fishing for clams with dredgers is important in other areas of Italy, in the Adriatic, and Tyrrhenian Seas.

The structure of fisheries in Sicily

The Sicilian coast is divided into eight maritime departments: Messina, Catania, Augusta, Siracusa, Poto Empedocle, Mazara del Vallo, Trapani and Palermo.

In the last Regional Socio-Economic Study in the Fishery Sector, requested by the Commission and dating back to 1992 (a new study is currently underway), it was stated that "in the area (there do not) exist *geographical zones highly dependent on fisheries* which go beyond the confines of the local administrative unit[4] (Comune) in which fishing is carried out, with the exception of the province of Trapani (Mazara del Vallo).

[4] NUTS 3

Mazara del Vallo is the only true concentration of fishing vessels in Italy. The majority of the Italian fishing fleet (over 80 per cent) is scattered over a large number of landing sites (more than 800) that often cannot be described as harbours and includes many beaches. This scattering of landing sites also holds true in Sicily, with Mazara being the exception to the rule. Mazara is located about 50 Km from the chief town of the province, Trapani. The harbour has many docks and was built as if it were a continuation of the Mazara River. There are over 700 fishing vessels based at Mazara and it is the main Italian fishing port in terms of tonnage registered at the Register of Shipping (over 35,000 GMT, equal to 14 per cent of the national fleet).

Vessels within the Italian fishing fleet are distinguished by the distance from the coast they are allowed to fish and by the methods they use. This system of classification is based on navigational safety rather than fishery management. There are four categories of vessel defined by distance from the coast:

1. Ocean fishing vessel. Fishing beyond the straits. Equipped with safety, freezing and processing gear.
2. Mediterranean / open sea fishing vessel. Fishing > 20 miles from shore. Equipped with safety and freezing gear.
3. Coastal fishing vessels. Fishing within 20 miles of the coast. Equipped with safety gear.
4. Local / coastal fishing vessels. Fishing between six and 20 miles of the coast. Equipped with safety gear.

There are also four categories of vessel defined by fishing gear / method:

1. Trawl fishing. Used by ocean fishing vessels over 100 GMT and by Mediterranean fishing vessels over 300 GMT. Trawling vessels are permitted to cast their nets at depths of over 50 m or at distances greater than three miles from the coast. There are no restrictions placed on trawling vessels. A 400 GMT trawler is permitted, therefore, to fish in the same areas as a six GMT trawler. Trawling yields a variety of species including rays, eels, bream, anglers, flatfish, gurnards and small pelagics such as anchovy and pilchard. Nearer the coast (from three to six miles), molluscs and shellfish are also hauled. In Sicily, pilchard fingerlings (Bianchetto) are also caught by trawlers.
2. Purse Seining. This method is used to target large pelagic species such as tuna, smaller pelagic species such as anchovy and pilchard and, near the coast, valuable species such as bream and perch.
3. Multi-purpose fishing. These vessels use a number of different fishing gear and method depending on the time of year and type of ground on which they are fishing. Trawling, purse seining, gill netting and lining are all used by this group of vessels and they therefore catch a wide range of species. Trawling and purse seining yields a large mix of species, as mentioned above, whilst long-lining and harpooning targets tuna and swordfish.
4. Small-scale fishing. This fleet is composed of long liners and artisanal fishermen using a variety of fishing methods.

Most (99 per cent) of Mazara's fleet are trawlers, operating inshore (within 6 nautical miles), in coastal waters (within 20 miles), and in Mediterranean waters (over 20 nautical miles from shore). Some of the few Italian pelagic vessels are registered at the Register of Shipping in

Mazara. The Italian pelagic fleet consists of only ten to twenty vessels fishing mainly in Africa (Guinea Bissau and Madagascar) and South America (Argentina).

The Sicilian region has the most significant multipurpose fleet in Italy composed of over 32 per cent of the total number of vessels and over 44 per cent of the total tonnage of the sector. There are more than 2,000 multipurpose vessels. The small-scale fishery fleet of Sicily consists of over 1,000 vessels using a variety of different gear types and fishing method.

Shared fisheries

High seas fishing is shared with a number of countries. The most significant of which are Morocco and Portugal. Other participants in the fishery include the other non EC Mediterranean States, foreign vessels (largely from Korea and Japan) and re-flagged joint venture vessels (i.e. owned by EC citizens but operated from elsewhere.

Only sovereign states are permitted to fish within Italian waters (12 miles from the shore). Foreign vessels may only fish within 12 miles of the shore in the Aegean Sea, where exclusive fishing rights only extend six miles from the coast.

The Fisheries management regimes

Sicily commands a unique status in that it may adopt its own fishery management regulations. The introduction of special regulations for Sicily is a result of the historic need to pacify separatism. The regional authorities can make laws regarding trade and industry, handicraft, agriculture, fisheries and hunting, public works, etc, without being subject to the restrictions of State laws. Restrictions are only applicable when limits are set by the Constitution. These include general law principles, constitutional laws, major economic and social reform regulations, and laws originating from the international and Community obligations of Italy.

The Autonomous Region of Sicily has exclusive authority over maritime fishing, relevant rules and regulations, police and every other aspect of fisheries, including fish markets and vocational schools[5]. Sicily often adopts its own unilateral management measures that are at variance with national and Community policy. The region has its own specific conservation measures that extend out to its territorial limits (12 miles). These largely relate to prohibitions to trawl and closed seasons.. The latter is facilitated by recently established self-managed consortiums acting at sea department level. Such organisations are also quick to respond to problems with diseases.

The most common management method adopted in the region is to apply temporary bans. This is supported with compensation payments. It is arguable that these schemes are more a form of social subsidy than being specifically orientated for safeguarding the stocks.

Perceived strengths and weaknesses of the CFP

The CFP is perceived as being highly geared towards the North Atlantic Fisheries and fails to take into consideration the very strong socio-economic dependencies in Mediterranean fisheries.

5 DPR dated 12 November 1975, No. 913[5] Submission from ARVI to the European Parliament

The legal and biological peculiarities of the Mediterranean Sea make it unique within the framework of the European Union fisheries. Consequently, it is perceived that the management of resources and the resultant political, economic and social problems tend to be more complicated in the Mediterranean.

From a legal perspective, special consideration should be given to territorial waters, limited to 12 nautical miles, and international waters open to the fleets of any country, including extra-Mediterranean countries. When considering the management of resources, regard should be given to international forums (ICCAT and CGPM), EU, and individual countries.

The only way of managing the Mediterranean pelagic stocks (owing to the present legal status of the Mediterranean area) is via an International Convention such as ICCAT. However, the EU negotiating exclusivity is resented. In this respect, it is perceived that negotiations at international level take on political connotations other than those dealing specifically with quota shares and conservation measures. i.e. fisheries are used as a political pawn.

There is widespread resentment that despite the existence of the CGPM, the EU tends to establish specific restrictions that EU Member States must comply with, but which are not seen elsewhere. This proportionality argument is particularly strong with regards to the EU policy of banning drift nets, a measure that is not seen elsewhere in the Mediterranean, and the requirements to reduce capacity, when the other Mediterranean States are increasing theirs.

Views on regionalisation

The common view expressed by the sector and administration is that centralised management of fisheries leads to a lack of direction in the regulations, especially with regard to the control of semi-industrial fishing activity. This is detrimental to the artisanal fishery. Similarly, a regionalised fisheries policy is more capable of adopting appropriate conservation measures that are in turn facilitated through participatory management. The recently established self-managed consortiums acting at sea department level have a much higher self-adjustment capacity (shares and harvesting licences) and are more able to react quickly to changing circumstances (murrains, diseases, etc.) than central administration.

It is acknowledged that the CGPM should also seek more manageable zones (Thirrhenian, Adriatic, Aegean etc) which can more readily address local issues and can ultimately ensure compliance by all the fisheries participants'.

Fleet	Area of activity	Regional dimension	Species/ fishery dependency	Main methods	Soc-ec dependency	National interacts.	Internat. interacts.	Current input controls	Current output controls	Admin. structure	Facilitating participat. initiatives	Industry conservation initiatives
ITALY												
Guinea Bissau, Madagascar, Argentina	Third country involvement	?	Trawl	Low	None	Third Countries	License of exploitation		Bilateral Agreements	None	None	N.A.
Mediterranean waters with the limit of territorial waters and 3 miles and -50 m depth for trawlers,	International waters	Multi--specific demersal stocks, highly migrant stocks, monospecific demersal stocks	Trawl, purse seine, long line	High	Other EU & Mediterranean countries	Other EC and Mediterranean countries, reflagged vessels, other international vessels	License	Minimum size of some species, quota for bluefin tuna fishery	National / Regional administration/ ICCAT for tuna fishery	Represent-ation through the National Fishery Associations	Biological stop	Some support but highly worried about the role of EU (and the strength of the other EU countries in the decision forum as ICCAT and CGPM)
Up to 20 miles offshore with the limit of 3 miles and -50 m depth for trawlers,	International waters / National regional (up to 12 miles)	Multi--specific demersal stocks, highly migrant stocks, mono-specific demersal stocks	Multipurpose, trawl, purse seine, long line,	High	Other EU and Mediterranean countries	Other EC and Mediterranean countries, reflagged vessels, other international vessels	License	Minimum size of some species, quota for bluefin tuna fishery	National / Regional administration	Representation through the National Fishery Associations	Biological stop	Some support but highly worried about the future role of EU in the decision fora as CGPM
Inside 6 miles	National Local	Multi--specific demersal stocks	Some 30 different kinds of gears	High	Other local vessels	None	License	Minimum size of some species, quota for bluefin tuna fishery	National / Regional Administration	Representation through the National Fishery Associations	Proposed closed areas, proposed a fixed number of fishermen	Strong support
Along the coast	Local	Bluefin tuna	Fixed coastal plants along the tuna migration paths	Medium	None	None	License	Quota	ICCAT			N.A.

SPAIN – GALICIA AND PAIS VASCO

The Regional economy and the significance of fisheries

Galicia is highly dependent on fisheries. For the region as a whole, around 12 per cent of the working population (around 100,000 people) are involved in the fisheries sector. In some regions (NUTS 4), Fisterra, Ribeira, Malpica, Carino, Cancas, De Morrazo, Camarinas and A Guarda, up to 30 per cent of the local population is involved in the fisheries sector. Galicia is an Objective 1 funded area.

The Basque country is classified as an Objective 2 region. The dependence on fisheries (12,000) averages 4.4 per cent of the workforce. This is due to the close proximity to Bilbao. The relative dependencies in the Ondarroa regions are significantly higher (57 and 28 per cent respectively)

The structure of fisheries in Galicia and Pais Vasco

The Spanish fleet contains 18,000 vessels (1996) or 600,000 GRT accounting for one third of the EU's total. Of these 18,000 vessels, more than 75 per cent are under 10m. This < 10m group accounts for 4 per cent of the total tonnage landed.

Galicia's fishing fleet consists of 7,000 fishing vessels (270,600 GRT). This is greater than the UK fleet (260,000 GRT), the Italian fleet (240,000), and the French fleet (240,000). The Galician fleet can be divided into 7 distinct groups (Table 1). Many of these vessels, either fish in third country waters or operate form ports outside the region (Las Palmas, Cadiz, Huelva, Malaga) for most of the year.

Type of vessel	Number	GRT	Employment
Large scale freezers	95	82,690	3,360
Community fleet	125	22,800	1,750
Moroccan fleet	150	28,200	2,000
Longliners	178	35,000	2,700
Tuna boats	60	4,100	800
Cod trawlers	18	6,200	450
Tuna seiners	6	5,600	110
	632	184,540	11,170

In addition to the vessels above, the artisanal fleet, contains 6,500 vessels. It is made up of gill netters (29 per cent), potters (25 per cent), shellfish vessels (19 per cent), long liners (19 per cent), pelagic vessels fishing for sardines and anchovies (4 per cent), bottom trawlers and mid-water trawlers (3 per cent). Collectively these vessels catch shellfish, prawns, hake, sardines, anchovy, swordfish and tuna.

The Basque fleet includes 492 vessels (approximately 86,000 GRT) and employs 5,700 fishermen. Of these vessels, 355 are inshore / offshore fresh fish vessels, 27 are frozen tuna vessels, 21 freezer trawlers and 17 cod trawling vessels. As with the Galician fishing fleet, some vessels (approximately 40) fish in third country waters (NAFO). The remainder combine inshore and offshore activities. The key target species are anchovies (16,000 t), tuna (10,300 t), mackerel (9,000 t), horse mackerel (5,900 t) and hake (1,500 t).

It is possible to identify a number (7) of distinct segments for the two regions. These are:

1. Vessels fishing predominantly in third countries. This vessel group makes up a significant proportion of the total number of fishermen operating from Vigo (75 per cent) and a smaller percentage from the Basque region (20 per cent).
2. Vessels which fish offshore grounds, including trawlers, long liners and gill netters, principally targeting hake, megrim and monkfish. These vessels operate as far north as the west coast of Scotland and the west and south west coasts of Ireland.
3. Vessels which prosecute one of the two migratory fisheries, tuna. These vessels fish from the Azores to the west coast of Ireland
4. Vessels which prosecute the other migratory species, swordfish. These vessels fish in the North Atlantic
5. Vessels which prosecute sardine in inshore waters
6. Vessels which fish for anchovy in inshore waters
7. The littoral or coastal fleets which use a variety of fishing methods and fish for shellfish, large and small pelagics and hake.

Shared fisheries

There are some interactions between large-scale Spanish vessels (in excess of 30 m) and the artisanal sector. Much of this activity is illegal as the larger boats are reported to regularly use small sized nets. The result of this is that 65 per cent of the hake catch in the Galician fishery is made up of juveniles. There are also many conflicts in the tuna fishery between the fishermen from Galicia and Pais Vasco.

The most significant of the shared fisheries are concerned those off the west coasts of Ireland and Scotland. Here, the Spanish fleet interacts with UK, Irish and French vessels.

The tuna fleet interacts with French, British and Irish trawlers. Previously, interactions were of a contentious nature since these groups used drift nets.
Interactions in the sardine fishery involve the Portuguese fleet, whilst interactions in the anchovy fishery involve the French fleet.

The Fisheries management regimes

The offshore Spanish vessels have historically been required to submit extensive fishing plans which set out the time allowed to fish in western waters, or as was, the Irish Box. The adoption of EC Reg 685 / 95 still in theory requires the vessel owners to submit plans. However, the level of detail required is not as complex as for the previous arrangements. Quota management restrictions apply in theory, but are rarely imposed. The fishery is simply monitored to ensure that the national quotas are not exceeded until the year-end.

Local fisheries are managed within bays or two specific points of land by the Regional Government and inside the twelve-mile limit by the Central Government.

The Cofradias are responsible for creating industry management initiatives. There is a Cofradias in each port. Initiatives are subsequently put forward to the Federacion de Coifradias which collectively discusses provincial initiatives. The results are then put forward to the Regional Government Fisheries Authorities.

There are very few examples of local industry initiatives. The sardine fishery is set by daily juvenile catch limits (i.e. no vessel is allowed to land more than 1 t of fish below 11 cm. However, there is no TAC in the fishery. The anchovy fishery is a three-month coastal

fishery (March to May). The fishery has prohibition zones but it is argued that the French fleet rarely observes these.

There is currently pressure from within Galicia to establish further controls on the sardine fishery because of the apparent collapse of the stock. These include proposals such as banning the landing of immature sardines, reducing individual vessel catch allocations from to seven tonnes to six tonnes, introducing a days-at-sea restriction (five as opposed to six days per week), and introducing (with an accompanying compensation scheme) a closed season.

The only other example of initiatives which have been forthcoming from the littoral fleet is from the A Marina (Lugo) fishermen. These fishermen target tuna, swordfish and hake and other artisanal species. In the last two years, these fishermen (from the ports of Celeiro, San Cibriao, and O Vicedo have taken part in a one month prohibition.

Perceived strengths and weaknesses of the CFP

The main problems of the CFP have been identified as follows:

1. On a global scale, there is considerable over-capacity in ICES areas VI, VII and VIII
2. On a national scale, there is concern as to whether the EC's conservation regulations are actually observed. Landings are frequently unrecorded, logbooks are not checked and there is scant regard for the minimum mesh and landing size regulations.

Views on regionalisation

It is acknowledged within Spain that some of the basic rules of the CFP are being ignored. The Spanish industry is, however, seeking to preserve the basic conservation elements of the CFP, to strengthen enforcement via a Commission based enforcement agency and to relax the rules of access including replacing the system of TACs and quotas with a system which reduces discarding[6]. This is the position of the national administration and supports the view of the industrial fishing sector. It should be said at this stage that the bulk of these vessels operate outside the EU's EEZ. However, within Spanish fisheries, it is the view that the industrial sector is the most influential of all the various disparate groups that exist in Spain.

The inshore sector, with some exceptions, has failed to make its presence felt on the issues of regionalisation. However, interviews with the sector have revealed a number of areas where a regionalised approach might bring about significant improvements in the identified fisheries. A number of general and specific ideas have been identified.

There is a view that the North coast should introduce a series of prohibitions to the operations of larger sized trawlers and that inshore waters (inside 30 miles) should be retained specifically for inshore fishermen.

The following areas have been identified where Spain could benefit from a regionalised approach:

1. The sardine fishery
   - improved self control and advancement of participatory management measures
   - adoption of TAC and quota controls
   - reducing over-capacity

- seeking to establish stronger marketing links

2. The anchovy fishery
   - improved self control and advancement of participatory management measures
   - improve the selectivity of specific gears or prohibit specific methods.
   - stabilise the existing closed areas
   - establish stronger market organisation
3. Tuna
   - improve the controls on the fishery
   - increase scientific research
   - establish fishing periods for the different fishing areas
   - Improve the quality of landings
4. Swordfish
   - Reduce the fleet size
   - Improve the quality of the product
   - Establish controls on flag-of-convenience vessels
5. Hake
   - establish a management zone which encompasses the principal fisheries
   - reduce over-capacity
   - protect juveniles
   - increase selectivity by establishing prohibitions on particularly harmful fishing methods
   - improve quality

Fleet	Area of activity	Regional dimen-sion	Species/ fishery dependency	Main methods	Soc-ec depen-dency	National interacts.	Internat. interacts.	Current input controls	Current output controls	Admin. structure	Facilitating participat. initiatives	Industry conservation initiatives	Support for regionalisation
SPAIN													
Third country vessels	Morocco, NAFO, Norway	Third country	Cod, hake, squid, prawns	Freezer trawlers	High	Vessels from Galicia & Pais Vasco	Morocco, Portugal, UK, Germany, France, Norway		Global quota	Bilateral negotiations	Direct representation to the Commission and Member State	None	Totally opposed & seeking extended access to EU waters
Offshore vessels	W.Scotland & Ireland	Multi-lateral Regional	Hake, monkfish, megrim	Freezer trawlers, trawlers, gill net & long line	High	Vessels from Galicia & Pais Vasco	UK, Ireland, France	Formulation of management plans	Global quota	CFP	Limited	None	Generally opposed for fear of discrimination
Artisanal tuna vessels	Azores to W Ireland	Multi-lateral Regional	Tuna	Lines	High		France, Ireland, UK	Limited	Global quota	CFP	Limited	Banning the use of drift nets	Recognition of merit in Multi-national negotiations
Artisanal swordfish vessels	Outside the EU EEZ	Bilateral	Swordfish	Lines	Medium		Portugal	Limited	Global quota	CFP	Limited	Closed seasons	Recognition of merit in Multi-national negotiations
Sardine vessels	Galician and Portuguese coastline	Bilateral	Sardines	Purse seine	Medium		Portugal	Limited	Global quota	CFP	Limited	Closed seasons	Recognition of merit in Multi-national negotiations
Anchovy vessels	French and Spanish coastline	Bilateral	Anchovies	Purse seine	Medium		France	Limited	Global quota	CFP	Limited	Closed seasons	Recognition of merit in Multi-national negotiations
Litoral /coastal fleet	Coastal	National - Local	Shellfish, hake and other inshore demersal		High			Closed periods		?	Limited	Closed seasons	Strong support

GLOSSARY

CFP review process	A process of review of the CFP begun in 1998 with particular focus on the Conservation Policy. The Commission will report on the review. Any changes will take effect in 2002.
Co-financing and Additionality	Structural funds finance only a part of the development project. Estonian businesses, or government must finance the remaining part
Cohesion	Principle that all EU policies seek to give all parts of the Union an equivalent level of social and economic well-being.
Concentration	Principle that EU assistance should focus on most disadvantaged areas (implementation of 'cohesion')
Multi-Annual Guidance Programme (MAGP)	The Multi-annual Guidance Programme are the obligations of each (Atlantic) Member State to reduce fleet size to bring fleet capacity into balance with resources. An effective reduction of fleet impact on resources is also permitted through a reduction in the number of fishing days permitted ('days-at-sea').
Producer Organisations (POs)	Organisations of fish producers which have certain responsibilities regarding the reporting of catches and landings and administration of market support schemes
Programmes	The means for delivery of FIFG and other financial supports. Programmes may be: sector (e.g., fisheries sector); or horizontal (e.g., regional, training, science and technology, etc). Programming involves a list of 'measures' which define the financial partnership between the EU and the Member State
Relative Stability	The division of the TAC between the member countries to remain the same in terms of percentages of the TAC.
Subsidiarity	Principle that decisions which can be taken at a lower (e.g., local) level should not be taken at a higher level (e.g., in Brussels). Programmes are managed at a national level.
Sustainable use	A general principle for policy formulation - follows Rio Declaration Agenda 21 and other texts

BIBLIOGRAPHY

Acheson, J., 1972. *Territories of the Lobstermen. Good ocean boundaries make good neighbours... and vice versa* Natural History. April 1972.

Anon. EU Treaty.

Anon. n.d. Oslo & Paris Commissions (OSPAR) framework.

Anon. Protocol on the application of the subsidiarity and proportionality principles, Treaty of Amsterdam.

Anon. The Blue Plan for the Mediterranean.

Anon., 1982. Joint declaration on the protection of the Wadden Sea (1982) signed by Netherlands, Germany and Denmark. See: Vision and strategies for the Baltic Sea 2010. The Baltic Institute ISBN 91-630 3091 8

Anon., 1993. Highlands and Islands. Single Programming Document 1994-1999.

Anon., 1998. Concerted Action Programme, Economics & the Common Fisheries Policy - Workshop on Overcapacity, Overcapitalisation and Subsidies in European Fisheries, 28-30 Oct 1998

Anon., 1998. *European fisheries after 2002: Decentralisation of the CFP*. A paper prepared by the NFFO & the SFF for the Ad Hoc Working Group on the CFP after 2002. February 1998.

Anon., 1998. The Common Fisheries Policy after 2002. Analysis of replies to questionnaire. DG XIV, 1998.

Budapest Convention, the Odessa declaration and the Black Sea Strategic Action Programme.

Budget 1997, Heading B2-522 Specific small-scale fishing operations

Case law. *Commission v. Ireland* (Case 61/77)

Case law. *Ex Parte MAFF v. Factortame.*

Case law. *Fiskarno v. The Commission of the European Community*

CEASM, COFREPECHE, 1998. *Etude. Le role da la peche, de l'aquaculture et des cultures marines en tant que facteurs de developpement des regions maritimes de l'Union Europeenne*. Parlement Europeen. Direction Generale des Etudes.

Churchill, R.R., 1987. EEC Fisheries Law. N. Nijhoff Publ. Netherlands.

Commission Information Note 18 March 1998.

Commission Working Document: Socio-economic report on the preparation of the fourth MAGPs (SEC(96)1537, 13 Aug. 1996).

Commission Working Document: *Socio-economic report on the preparation of the fourth MAGPs* (SEC(96)1537, 13 Aug. 1996).

DGXIV, 1991. Working paper: zonal plans for small-scale fisheries. DGXIV/398/91.

Draft Report on the proposal for a Council Regulation on structural measures in the fisheries sector (COM(98)0131. PE 227.175 Rapporteur: Miguel Arias Cañete.

EC, 1991. Working Paper. Zonal Plans for small-scale fisheries, XIV/398/91-EN,

EC, 1995 COM(95) 511 final /2 Integrated management of coastal zones

EC, 1997. *Agenda 2000. For a stronger and wider Union.* COM(97) 2000 final. Bull. of the EU Supplement 5/97.

EC, Communication from the Commission to the Council and the European Parliament on the integrated management of coastal zones COM(95) 511 final/2 35 pp.

EC, DGXIV, 1993. *Regional, Socio-Economic Studies in the Fisheries Sector, Summary Report* . XIV/243/93 and National Reports 1992.

EC, DGXIV, 1998. Fisheries Statistical Bulletin, March 1997.

Economics & the Common Fisheries Policy - Workshop on Overcapacity, Overcapitalisation and Subsidies in European Fisheries, 28-30 Oct 1998

Emiliou, 1994. *Taking subsidiarity seriously? The view from Britain.* European public Law 1(4), 563-597.

EPFC report. PE 227.867 DOC_EN\DT\357\357527 (EPFC, McCartin)

EPFC, 1997. The Common fisheries policy after 2002. A4-0298/97 (Fraga report).

EPFC, 1999. Regionalisation of the Common Fisheries Policy. PE 227.167/fin. (Gallagher report).

European Court of Auditors, 1994. Special Report No.3/93. Concerning the implementation of measures for restructuring, modernisation and adaptation of the capacities of fishing fleets of the Community. OJ No. C2, 4.1.94.

European Court of Auditors: *Special Report No.3/93. Concerning the implementation of measures for restructuring, modernisation and adaptation of the capacities of fishing fleets of the Community.* OJ No. C2, 4.1.94.

Garcia-Gil, D., et al., 1996. *The Spanish case regarding fishing regulation.* Marine Policy, 20:3. 1996.

Hatcher, A.C., 1997. *Producers' organisations and devolved fisheries management in the United Kingdom: collective and individual quota systems.* Marine Policy. 21:6. 1997.

Hillis, et al., 1994. *Overall profit optimisation in the Irish Sea fisheries: a management, economic, socio-economic and biological study.* BIM, ESRI, Dept. of the Marine, SEAFISH.

Holden, M., 1994. *The Common Fisheries Policy.* Fishing News Books. 1994.

Holden, M.J., 1993. *Clausewitz's first principle and fisheries management: First decide the objectives.* Managing marine fisheries: A case study of the Irish Sea. Joint Seminar report, 1993

ICES, 1996. *ICES Cooperative Research Report No.214*, 1996. Report of the ICES Advisory Committee on Fishery Management, 1995 Parts 1 and 2.

ICES, 1998. AFC Report, October 1998. ICES, 1998 (internet document).

Karagiannakos, A., 1996. *Total Allowable Catch (TAC) and quota management systems in the European Union.* Marine Policy. 20:3. 1996.

Kelleher, K., 1998. *Preparing Estonia's fisheries sector for EU accession.* Dossier: Phare project 97-5009.00. Tallinn May 1998.

Labajos, P.A.C., 1996. *The Canary Islands fishing policy.* Marine Policy. 20:6. 1996.

Laughland, J., 1998. *The Tainted Source.* Publ. Warner, London 1998.

MAFF, 1998. *UK Sea Fisheries Statistics 1997.* The Stationery Office, 148pp.

Meltzoff, S.K., 1995. *Marisquadoras of the Shellfish Revolution. The Rise of Women in Co-management on Illa de Arousa, Galicia.* Journal of Political Ecology Vol. 2, 1995.

Nautilus Consultants, 1997. *An Economic Evaluation of the UK decommissioning scheme.* MAFF, 1997.

NFFO, 1977. *Coastal State management: A stock recovery programme.* A policy statement issued by the National Federation of Fishermen's Organisations. July 1977.

NFFO, 1996. *Coastal State management: Alternative to the CFP.* National Federation of Fishermen's Organisations.

O'Keeffe and Twomey (eds.) *Legal Issues of the Maastricht Treaty, 1994.*

O'Mahony, P. 1994. *A socio-economic study of the impact of the fishing industry in the South-West of Ireland.* Unpubl. report UCC.

Pinkerton, E. and M. Weinstein (1995). *Fisheries that work: Sustainability through Community-based Management.* Vancouver, BC Canada, The David Suzuki Foundation.

Progress report on the ICZM Management Demonstration Programme. COM (97) 744.

Proposal for a Council Regulation on support for rural development by the EAGGF (98/0102)

Regulation (EEC) No 4028/86, amended by Reg. (EEC) No 3944/90.

Replies to the Questionnaire circulated to fishery organisations by the EC in 1998.

Salz, P. (Coordinator), 1997. *Comparison of Mediterranean and Atlantic Fishery Management.* Lei-DLO, The Hague Onderzoekverslag 155, 100pp.

Second Diplomatic Conference On Fisheries Management In The Mediterranean. Opening Speech By Mrs Bonino, Member Of The Commission. Venice, 27-29 November 1996

Siebert, H. (1991). *The New Economic Landscape in Europe.* Oxford, UK, Basil Blackwell Ltd.

Steins, N.A., 1998. *Inshore fisheries of Ireland: Management, constraints and opportunities.* Univ. of Portsmouth. Working Papers in Coastal Zone Management No. 25. ISBN 1350 2867.

Suarez de Viviero, J.L. and M.C. Frieyro, 1994. *Spanish marine policy. Role of Marine Protected Areas.* Marine Policy. 18:4. 1994.

Suarez de Viviero, J.L., Frieyro de Lara, M., and J.J. Estevez, 1997. *Decentralisation, regionalisation and co-management. A critical view on the viability of the alternative management models for fisheries in Spain.* Marine Policy. 21:3. 1997.

Symes, D. and J. Philipson (1998). *Fishing within limits: inshore fisheries and the concept of local preference. Property Rights and Regulatory Systems in Fisheries.* D. Symes. Oxford, Fishing News Books: 201-215.

Symes, D. and J. Phillipson, 1997. *Inshore fisheries management in the UK: Sea Fisheries Committees and the challenge of marine environmental management.* Marine Policy. 21:3. 1997.