
Examination of Management Models in the Common Fisheries Policy

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Abstract

This paper analyses the historical development of fisheries management systems within the framework of the Common Fisheries Policy (CFP): how resources are managed, how tasks are allocated by the Commission, and how quotas must be implemented. Early developments were based on the control of the fleet, aiming at the best compliance regarding catches by removing the overcapacity derived from the imbalance fleet/resources. The next developments focus on the allocation of national quotas and financial subsidies. Lastly, from the 2002 reform, the developments focus on managing the fishing effort according to the precautionary principle and the implementation of individual fishing rights. The document also deals with the different criteria implemented to strengthen this more and more open and competitive sector, with more liability for producers. Finally, the author places particular emphasis on how to establish the different positions related to decision-making processes all through the period from 1983 to 2009, mainly with regard to micromanagement and regionalisation of fisheries. These recommendations would mean a change of mentality in reference to the principles of the Common Fisheries Policy.

Keywords: Common Fisheries Policy; fisheries management systems; CFP reform

1. Introduction

The Common Fisheries Policy (CFP) is a complex set of means and actions. Its development and application have simply been a superimposition of texts aiming to cover a plethora of norms in order to reach pre-set objectives. However, results show that these are frequently not achieved. Professionals show little respect for regulations and controls. In short, the Common Fisheries Policy is characterised by evident laxness and several norms based on agreements made by a few.

The main axes on which the CFP has been working set off from a very community view (with centralised features) to the current stage whereby the “rampant nationalisation” of coastal areas, subsidiarity in management, a growing rivalry between norms and objectives, a call for greater participation and the use of a scientific basis when putting resolutions into practice are predominant.

The great diversity and heterogeneity of fishing gears and the high fragmentation and dispersion of agents leads to varying complexities. A great deal of scientific data is needed to make decisions and excessive conflicts of interest prevent any form of action.

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Consequently, over the last years, there have been many decisions which change policies, measures and fishing actions. There have also been many debates focused on how responsibilities should be shared.

This work aims to underline the various management models applied throughout the history of the Common Fisheries Policy, highlighting the key ideas of each period, the results and advances.

The paper is structured as follows. In the first section, we review the theoretical basis of the CFP – competences, axes and mechanisms. The second section offers a classification of the phases of the CFP looking at management, changes and evolution which include the start-up stage and implementation of the first Common Fisheries Policy (1970 – 1983), characterised by management of short-term objectives. The second phase (1984- 1992) focused on trying to guarantee economic profits, quota mechanisms and TACS. MAGPs (Multi-Annual Guidance Programmes) were introduced. A new phase, from 1992, focused on questions relating to the fishing effort and its limits. Then we analyse the 2002 reform whereby objectives are managed long term and whose final engagement is the conservation and sustained exploitation of resources. In the following section, we evaluate the changes needed as regards vigilance and Community control and we look at co-operation between Member States (as regards the CFP) from 2003 in order to fulfil the postulates of the aforementioned policy. Throughout the paper, we reflect on the coherence or incoherence of the CFP and summarise the key features of the future Common Fisheries Policy. Finally, in the section entitled “Conclusions”, we suggest possible solutions to the problems of control, follow-up and biological/environmental questions.

2. The Theoretical Basis of the Cfp

The European Commission is competent as regards fishing matters. On the basis of its decisions, the principle of free access of fishermen between Member States is applied in line with the principle of non-discrimination and article 12 of the EC treaty. The Common Fisheries Policy is built around four pillars –resources policy, structures policy, commercial policy and external policy.

The Management policy is established around three axes: a) defining and respecting TACs; b) adopting technical measures and c) reduction of fishing effort.

The common fisheries system based on TACs and quotas was one of the first regulatory means adopted at an EU level. More than a hundred types of stocks are regulated by this system, covering most species of a common interest. This system is centralised and comes from scientific opinion provided by national technicians. These set the criteria to decide on quantities (although the final decision falls under the responsibility of policy-makers).

TACs are proposed by the European Commission for Member States according to various species and areas which need to be managed, and they rely on the support of the Fisheries Management Committee. TACs respect the principle of relative stability (approved by the Member States in 1976) which gives each country

a fixed proportion of TACs, established for all stocks in each area. These are established depending on historic catches. By using this formula, an objective was set, i.e. to minimise the effects of catches whilst privileging economic interests in the short term.

This mechanism was quickly called into question. Not only did the European Commission have its doubts (1991), but also scientists themselves, such as Charles-Le Bihan (1995, 2003), Lequesne (2001), Boude, Boncoeur & Bailly (2001), González-Laxe (2002), Flaesch-Mougin (2003), Gray & Hatchard (2003), García (2004, 2005), Boncoeur (2004), amongst others, noted the inefficiency as regards bio-economics. Likewise, the fishing dependency on certain local or territorial groups was not taken into consideration.

3. Reclassification of the Phases of the Cfp

3.1. The Early Years

There were no reports on fishing activities until 1966 and, furthermore, until 1970, there were no common actions linked to resource management, structural policies and norms related to a common organisation of markets. The first Regulation on this subject (2141/1970) came into force in 1970 when a Common Policy on the fishing sector came about. Similarly, Regulation 101/76 established a Common Policy in the sector. Both mark the guidelines and establish a common organisation of markets, emulating the Common Agricultural Policy (CAP). Its aims were the following: increase productivity, stabilise the market, guarantee safety of provisions and ensure the prices of fishing products for consumers.

As industrial fishing develops and extends, technological progress allows advances in stock detection, in the treatment and conservation of species and in the autonomy of vessels. Here, we note an increase in technical yield. This increase in catches affects the reproductive biomass of certain species (which reduces). There was the same social and economic impact in areas depending on fishing.

The development of international relations equipped the EU with a Common Fisheries Policy, derived from the implementation of exclusive economic areas and the recent adhesion of the UK, Denmark and Ireland.

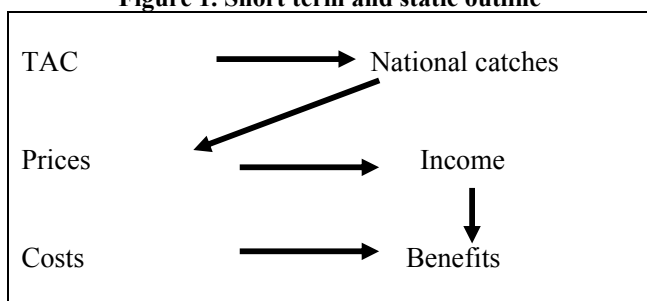
Each Member State applied a national policy as regards the management norms in its areas and fishing zones as regards the conservation of resources. The direction applied by each Member State was a response to its own specific needs and each formulated its own aims and objectives.

Once the exclusive economic areas were established at an international level, the aims of the CFP started to redefine themselves. Initially, measures were sought to guarantee fishermen sufficient income, as had been the case for the agricultural policy. At the same time, it was deemed correct to set access rules, structural policies and set up an organisation of common markets. In this way, internal discussion between Member States focused on different access conditions, on setting up help, on the mechanisms which established prices and on a common negotiating policy

with third world countries. Such discussions were formalised definitively when DG-XIV was created in 1977.

Firstly, we note that in the initial phase, the communal management system (1977-83) was controlled as seen in the following diagram. Each country took responsibility to keep an eye on the state of resources and the application of conservation rules of resources in order to meet and maintain the balance between fleets and resources, i.e. between capacity and possibilities (see Figure 1).

Figure 1. Short term and static outline



Secondly, economic help distributed via the FEOGA was used to promote and undertake the restructuring and modernisation of the vessels. And thirdly, the system of guidance and withdrawal prices guaranteed vital minimum income for sustaining the income of coastal populations and of those depending on fishing. This was more a minimum agreement than a Common Fisheries Policy. An agreement was needed to eventually deal with new adhesions and third world countries

The management model aims for a functioning role, emulating the CAP. The basic aim is to maximise profitability, guarantee profitability of catches and be able to provide secure income to fishermen. Assigning quotas is the first step to sustain fishing prices. One can see that this closely resembles the CAP.

3.2. Blue Europe

From 1983, the new fisheries regulation introduced technical means as a complementary action. This was started after having analysed scientists' work and it leans on fishermen's experiences. It signifies therefore better understanding and consultation with professionals, even without a Regulation.

One could argue that in this phase there is greater concern for biological risks. This supports the application of bio economic models whilst maintaining a guarantee of economic profitability. Regulation 170/83 highlights two major axes: a) adoption of management criteria and b) creation of various consultation and advisory councils. As regards the first of these axes, TACS and quotas were applied as were access means to waters and resources, forms of sector restructuring, rules of common commercialisation, means of application of price systems and importation regulations of fishing products. As regards the advisory councils, we

refer to the consulting committees for the sectors: the International Council for the Exploration of the Sea (ICES for scientific advice, the Centre for Study of Science, Technology and Policy (CSTEP) for advice and reporting on the situation of the sector, and the Management Committee for Fishery Products on the follow-up of the common organisation of markets.

Regulation 170/83 was the framework for two lines of action. The first focused on technical means and the second on rule controls. In the former, we refer to the TAC and quota system as an “institutional solution” of regulating catches in community waters, in line with the principle of non-discrimination. However, such a system opens up conflicts between the fishermen themselves and situations emerge which involve the government’s resistance. One assumes that the economical context, social pressure and claims from national sovereignty overcome tensions through an “institutional decision of management”. As regards the second technical means, the Multi-Annual Guidance Programmes (MAGPs) aim to ensure successful restructuration and reduction of fishing fleets, trying to adapt the size of fleets to the catch capacity by encouraging boat modernisation and fishing procedures. Eventually, MAGPs end up being merely “reference means” as one tries to define the structural action of the CFP (Charles Le-Bihan, 1995) and do not prevent the conflict between fishermen and communal actions.

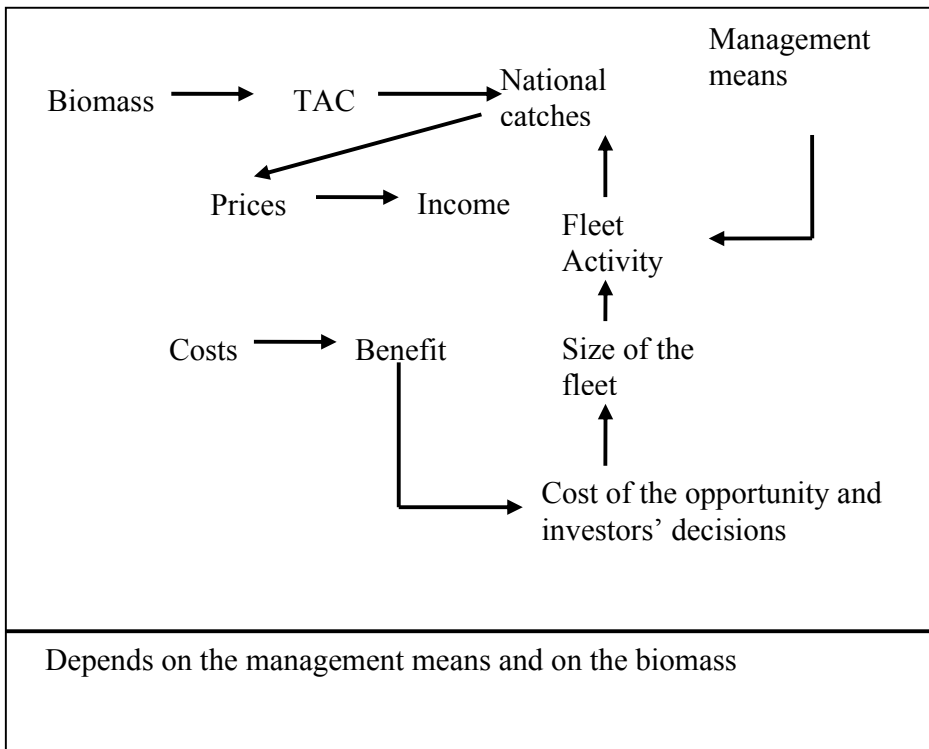
By analysing rule controls, we see that this responsibility lies with the Member States and that accounts continue to show (amongst other issues) situations of over-fishing, excessive discards and dysfunctions between objectives (Lequesne, 2001). The CFP claims that the final aim stems from the “search for social peace rather than the definition of a management model” (González-Laxe, 2002).

The results of these measures were evaluated by the European Commission in Report 91 (SEC (91) 2288, 4 December 1991), where certain affirmations stood out. On one hand, the “ limited efficacy of policies established in 1983” were highlighted, the causes being professionals’ resistance to these policies, insufficient adoption of fleet specifications, ineffective and exhaustive controls, lack of statistics or precise objectives and unfulfilled projects. Equally, in Report 1991, it is suggested that policies focus on a “balance between fishing effort and available resources” and it is hoped that POP-III (1992-1996) responds to these questions and challenges.

The Maastricht Treaty (signed 7 February 1992 and which came into effect 1 January 1993) mentions the fishing sector, including it as one of management aims, like the CAP. The Treaty defined four basic references linked to fisheries management: a) it emphasises that the protection of the environment must be integrated into the EC’s definition of policies and actions (article 6); b) the EC environmental policies must be based on the precautionary principle (article 174); c) the Common Fisheries Policy must take into account customers’ demands for protection (article 159); and d) the aims fixed in the Treaty must have clauses linked to the cooperation with development (articles 177 and 178). Therefore, there is a quest for the consideration of various elements: factors deriving from biomass, technical means and opportunity costs. In this way, the scheme of functioning is not only based on elements which refer to questions of a biological nature but on those

that are connected to control variables and, above all, to factors of an economic nature linked to investment and profit (see Figure 2).

Figure 2: Dynamic model and simple bioeconomic model



Economic objectives are predominant as is obtaining ample, sufficient incomes which guarantee that producers can continue their activity.

3.3. The Nineties

The third milestone of fisheries management considers fishing effort and its limits. This was accomplished in the early 90s when decisions relating to fishing effort and the setting/ completion of MAGPs were established, i.e. it corresponds to the period after the first revision of the CFP from 1992.

Regulation 3760/92 sets the new common fishing and aquiculture regime. It has the same axes, the difference being that its aims were long term and its actions focused on technical and economic measures.

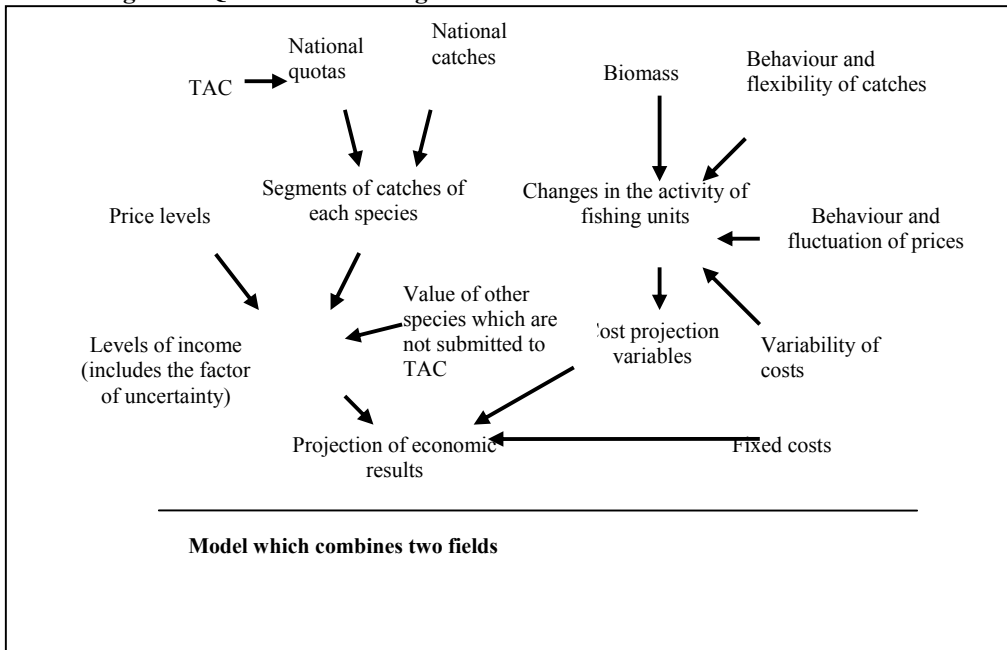
In the preamble to this Regulation, it is said that “a rational and responsible exploitation of living aquatic resources (like in aquiculture) are desired...in line with

the Maastricht Treaty”. The following five points are redefined as aims of the CFP: a) protect and conserve living available and accessible aquatic resources; b) rational/responsible exploitation on a sustainable basis; c) maintain economic and social conditions which are appropriate for the sector; d) take into account the consequences for the marine world and e) take into consideration the needs of both producers and consumers. This means combining exploitation (rational and responsible) with environmental problems. This demands both a long term vision and structural reforms, having an influence on fishing effort and vessels, in the first case as a product of its capacity and activity and in the second, on those who exploit this and how it must be registered.

For these reasons, many new rules on measures (which are already set up) and on new innovative measures are applied. As regards the former, the MAGPs (1992-96) are set from new calculations and determine the amount of help needed for the construction and modernisation to fulfil the aims of previous MAGPs. This gives the Council of Ministers the possibility to set TACs on a multi-annual basis and allows the interchange between Member States of some of the quotas of assigned species providing that the principle of relative stability is not modified as this (as said previously) is the “balance between the sides”.

As regards new measures, the following, amongst others, are significant: a) the Commission can forbid fishing for a species in an area provided that the assigned quota has been exhausted (Regulation 1847/93); b) the aim is to increase control measures and harmonise sanctions using the European Commission inspectors (Regulation 2847/93); c) one can establish fishing licences or authorisation to limit the numbers of vessels operating in areas, thus also limiting fishing effort at the same time (Regulation 3690/93); d) a system is inaugurated to determine “the length of time in the sea” for certain stock and areas; e) the aim to have more control through vigilance of boats via satellite VMS (Regulation 2847/93); and f) for the first time, access conditions and minimum management rules are regulated in the Mediterranean Sea (Regulation 1626/94).

There is a clear discrepancy between fishing efforts and fleet potential. The result reflects divergences in the structural policy when simultaneous indexes of overcapacity and overexploitation are seen (see Figure 3).

Figure 3: Quantitative management level and level of business decision

Consequently, the management models show certain failures in achieving MAGPs and dissimilar results in fisheries management are seen. The resource ceases to be communal and is linked to an almost definitive accession to a Member State. The management mechanisms entail various levels of actions paying attention to fleet and species segmentation and implications of requests.

3.4. On The Basis Of The Fishing Effort And Performance

The aims defined in Regulation 3760/92 have yet to be fulfilled. The objectives of conservation and protection of resources, performance of the fleet, its catch capacity, control objectives, active participation of agents and Member States and finally aims related to the effectiveness of measures were not as promising as forecast.

In 1995, the Code of Conduct of Responsible Fishing was approved (Cancun, FAO Conference), whereby the principles of precaution were set and problems derived from the commerce of fishing products were tackled. The WTO (World Trade Organization, replacing the General Agreement on Tariffs and Trade - GATT) was founded, pledging for responsible commerce.

In Europe, from 1 January 1996, new management models were set up (Regulation 685/95 concerned fishing efforts in certain areas and communal resources). Its foundations were based on three axes: a) the existence of different

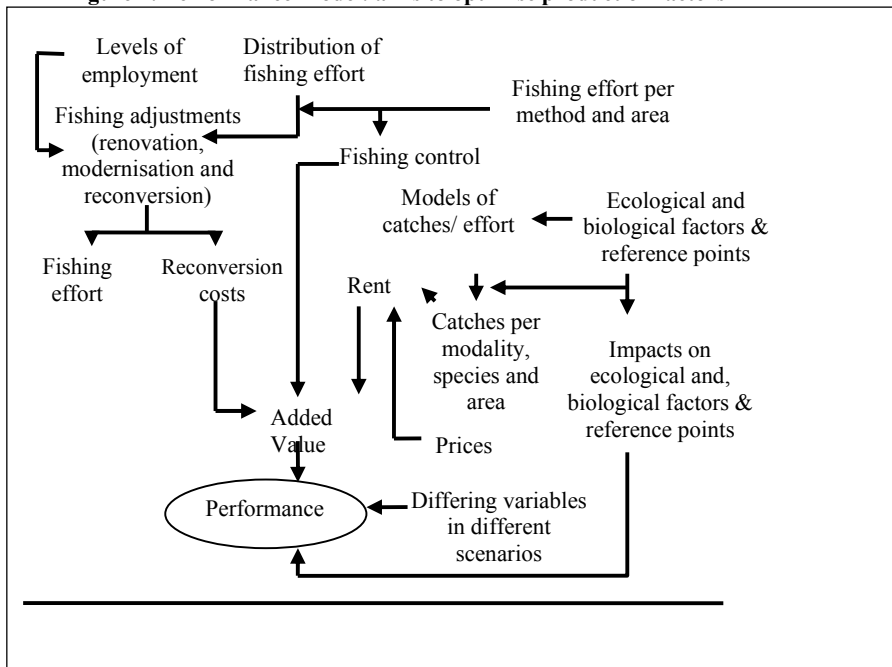
fishing activities and unbalanced distribution of resources; b) the need to preserve the equilibrium of resources in sensitive area; and c) better responsibility as regards the application of the regulation of fishing effort.

Under this hypothesis, the measures set the levels of fishing effort of each fishery, both for those submitted to TAC and those which are not. They also affect levels of fishing effort which cannot affect the relative stability of fisheries and those which establish a new management model of fishing effort depending on the production capacity per day of fishing, vessel movement, tackle and fishing methods used. In this way, they try to deal with over-exploitation of resources, discards and adjustment mechanisms.

In the European field, successive steps are made towards new distribution of quotas between the Member States themselves. Two questions are noteworthy: firstly some countries apply the principle of subsidiarity which consists of delegating to the Organisations of Producers a certain number of missions including activity control and the allocation of national quotas. Secondly, such differentiation between Member States occurs when exploiting a common resource, a common patrimony, but which eventually shows great heterogeneity as regards fishing efforts.

Consequently, units of management are put into question. This being the case, objectives focus on gaining better performance (see Figure 4).

Figure 4: Performance Model: aims to optimise production factors



Regulation 1624/95 encourages co-funding of national regimes for a collection for fishermen, granting global bonuses for each fisherman and the creation of a fund to help unemployment due to the elements or strong price fluctuations.

This period was very fruitful for multinational negotiations thanks to the importance of fish in the High Seas, the problems of the exploitation of cross-border resources and highly migratory species.

3.5. The 2002 Reform

From 1998, agents were consulted on certain aspects linked to fishery management. In March 2002, the Green Paper was presented where the efficiency objectives for the CFP were set out. This Green Paper was accompanied by several reports linked to the common fishing regime between 1993-2000 (SEC (2001) 418, 419, 420, 20 March, 2001), on the economic and social situation of coastal regions and on the state of the possible evolution of resources. In May 2002, the European Commission presented the first series of reforms (COM (2002) 180, 181, 185, 186, 187 and 190, 28 May 2002). At the end of that year, the Council of Ministers of Fishing adopted the first set of measures, not exempt from controversy between those countries “Friends of fishing” (France, Spain, Portugal, Greece and Ireland) and those “Friends of fish” (countries in the North of Europe). The final agreement is Regulation 2371/2002, relating to the conservation and sustained exploitation of resources in the frame of the CFP.

There are three aspects which need to be highlighted:

Priority of multi-annual demands in the new formulation of fisheries. There is interaction between fishing activities and ecosystems, advocating a reduction in the pressure put on resources due to the principles of precaution, prevention and correction for sustained development. Of note is the affirmation “the absence of relevant scientific documentation must not be a pretext to not adapt or defer the adoption of management measures which tend to conserve key species, associated species and dependent species”. And, likewise, fish populations are put into three categories: those with minimum levels, optimum levels and maximum levels.

The importance of scientific opinions to support decisions. It is hoped that these contrasted scientific contributions help to clarify the possibilities of fishing. Amassed knowledge, historic mortality rates and estimates of reproductive biomass means one can give advice for a higher percentage of reliability of fishing conditions.

Agent participation; since fishing policy measures have been applied, social and economic agents have been left out of the consulting process. The disparities (both as regards estimating catches and accepting measures) have highlighted a real divorce and separation. This separation was also evident in areas which depend on fishing since fishing activities play a highly supportive role in the local economy.

The 2002 reform opens up the discussion to new management schemes. Firstly, to the new principles of political action, and secondly to the new governance. For the former, one must take ecosystem principles into consideration. In the latter,

(following the Green Paper guidelines) there is higher participation and involvement of fishermen and they are given regional fishing advice.

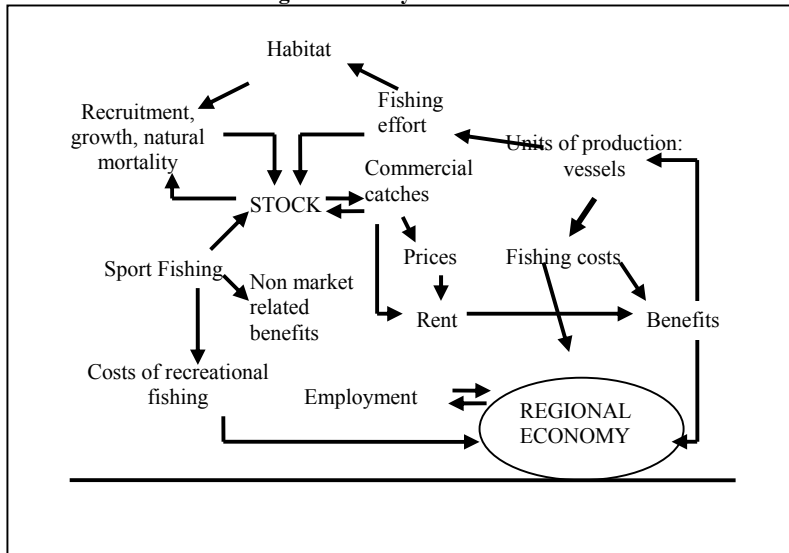
The new context is defined by a growing number of stocks which are being depleted or are beyond the biological safety limits. Landings drop as do their profits, jobs are suppressed and generate situations of uncertainty in economies which depend on fishing. The Green Paper of 2001 notes a lack of competitiveness. To focus on this new step (the need for corrective measurements to restore stock productivity and the implementation of sustainable development), various elements of the CFP are set: a) to improve conservation and protection of the marine ecosystem; b) to integrate the CFP's environmental dimension c) to increase players' participation in the decision-making process; and d) to promote sustained fishing beyond community waters.

Short term strategic approaches (which until now have been predominant) must become medium to long term, aiming to rebuild exhausted stocks. For this, *recuperation plans* of certain stocks were set up (cod, hake, sole, etc.) and *multi-annual objectives* were also set. New measures, fishing techniques and appropriate control were put in place. To be able to reach objectives, help was limited which presumed an increase in fleet capacity, aiming for a balance between fishing effort and available resources.

The 2002 reform aimed to focus on the "Roadmap" towards better controls (more uniform and more efficient) and more viable conditions to carry out activities. For this, control are strengthened (the European Agency of fishing control was created) and a synoptic table was introduced in line with the rules of the CFP.

Finally, the CFP introduced the precautionary principle, founded on ecosystem management. It requires the co-ordination and coherence of management authorities and advocates increasing the selectivity of fishing gears as well as attenuating the environmental effects of setting it up (see Figure 5).

Figure 5: Ecosystem model



The aim therefore was to optimise catches with better governance, (more transparent, reliable and flexible procedures). RACs (Regional Advisory Councils of Fishing) were introduced and new actions took shape regarding the formulation of criteria and redefinition of objectives. (Deas, 2006). Subsequently, new analyses have shown various needs, such as the need to conceptualise fishing management depending on ecosystems [ecosystem principle, reflected in the Declaration of Reykjavik (FAO, 2001)], substituting the traditional approach carried out on the impact of stock analysis. The purpose was their reconstitution for marine ecosystem analysis and sustainability mid and long term. This was achieved by simultaneously studying and analysing the total number of interactions (FAO, 2003; Garcia, 1994, 1996; Sissenwine & Mace, 2001; Garcia et al, 2003; Garcia & Cochrane, 2005; González-Laxe, 2005).

4. The New Vision Of Fisheries Management

4.1. The Reform Since 2002

The basis of common management begins by defining the idea of a management unit (area and fishery). At the heart of this, one must implement and set up mechanisms which tend to maintain exploitation in a sustainable way.

Such management units must rely on considerations of the usual norms of territories. Thus, “concepts of right of use” were widened until they became recognition standards of each territory. Such a territorial classification has normally escaped scientific convention (especially when the entire resource is mobile and fugitive). Conflicts for the territory conceal former political demands (around

borders or on the establishment of areas outside with strict controls to avoid and attenuate the presence of poachers).

The implementation of the CFP needs a well-organised control structure and efficient vigilance and inspection means. Experience has shown an insufficient implementation, the lack of harmonisation as regards inspection/implementation activities, as well as poor coherence and consistency of norms.

From 2003, the European Commission published its synoptic table where it indicates how CFP rules have been respected. A summary of these shows that a) most Member States have failed in their obligations with respect to reporting on catches; b) information received in the Commission is not always reliable; and c) there are numerous serious infractions committed by Member States fishermen.

The 2002 reform opens up a double perspective. On one hand, Regulation 2371/ 2002 includes a new European frame for which a “common system of control and implementation” has been introduced so one cannot give Member States alone the responsibility of control and implementation of the rules of the CFP. The reason stems from the fact that there are not enough common means to carry out such functions and secondly, the Member States are very cautious about pledging for a centralisation of decisions on behalf of the Commission.

On the other hand, in Regulation 2371/2002, the principle is reaffirmed whereby Member States are responsible for setting up CFP rules on their own territory and waters (article 23.1 of Regulation 2371/2002) and moreover summons Member States to cooperate as a matter of obligation.

Applying the collective set of norms and recommendations has incited investigators (OCDE, 1997, 2000) to classify both the control variables and control methods which are linked to regulating access to the resource. As can be seen in Table 1, using such means can create new problems, and occasionally, open up new disputes.

Table 1. Variables and control methods to regulate access to fishing resources

| Regulation Means for access to the resource | | | |
|---|-------------------|--|---|
| <i>Control Variables</i> | <i>Means</i> | <i>Control methods</i> | <i>Means</i> |
| Fishing effort | Determine catches | Administrative character norms | Financial means |
| Licences | Individual quotas | Transferable individual authorisations | Valuations and transferable individual authorisations |

| Questions and problems which could arise from the afore-mentioned variables and methods | | | |
|--|--|---|--|
| <p>1. The multidimensional concept of effort is complex in determining variables and the high substitution of components increases this complexity.</p> <p>2. The permanent evolution of parameters of effort (through technical progress), increases the complexity and difficulty of calculations.</p> | <p>1. Difficulty in controlling landings.</p> <p>2. Risk of increasing levels of landings (on the assumption that fishing tackle is poorly selective).</p> | <p>1. Difficulty in setting up selection criteria of users.</p> <p>2. Difficulty adjusting, adapting and distributing the parts/quotas to each user.</p> <p>3. Non transferability makes efficiency difficult</p> | <p>1. Negative effects on the market which can accelerate the processes of concentration;</p> <p>2. Controversial social effects in employment, plans in social mobility and access options to a licence or authorisation.</p> <p>3. Problems of initial distribution of rights.</p> |

Source: Author's own elaboration

It is clear that the European Commission has seen its power increase, acquiring (from the 2002 reform) more strength, playing a more active role (articles 26.2; 26.3; and 26.4), and having more control measures (articles 27.1 and 27.2.). It aims to adopt urgent and preventative measurements when CFP rules have not been respected, to harmonise the application of regulations, apply the precautionary principles, and deal with environmental problems to remediate the disparity of control systems. It also focuses on managing an equal situation between Member States in order to be more efficient.

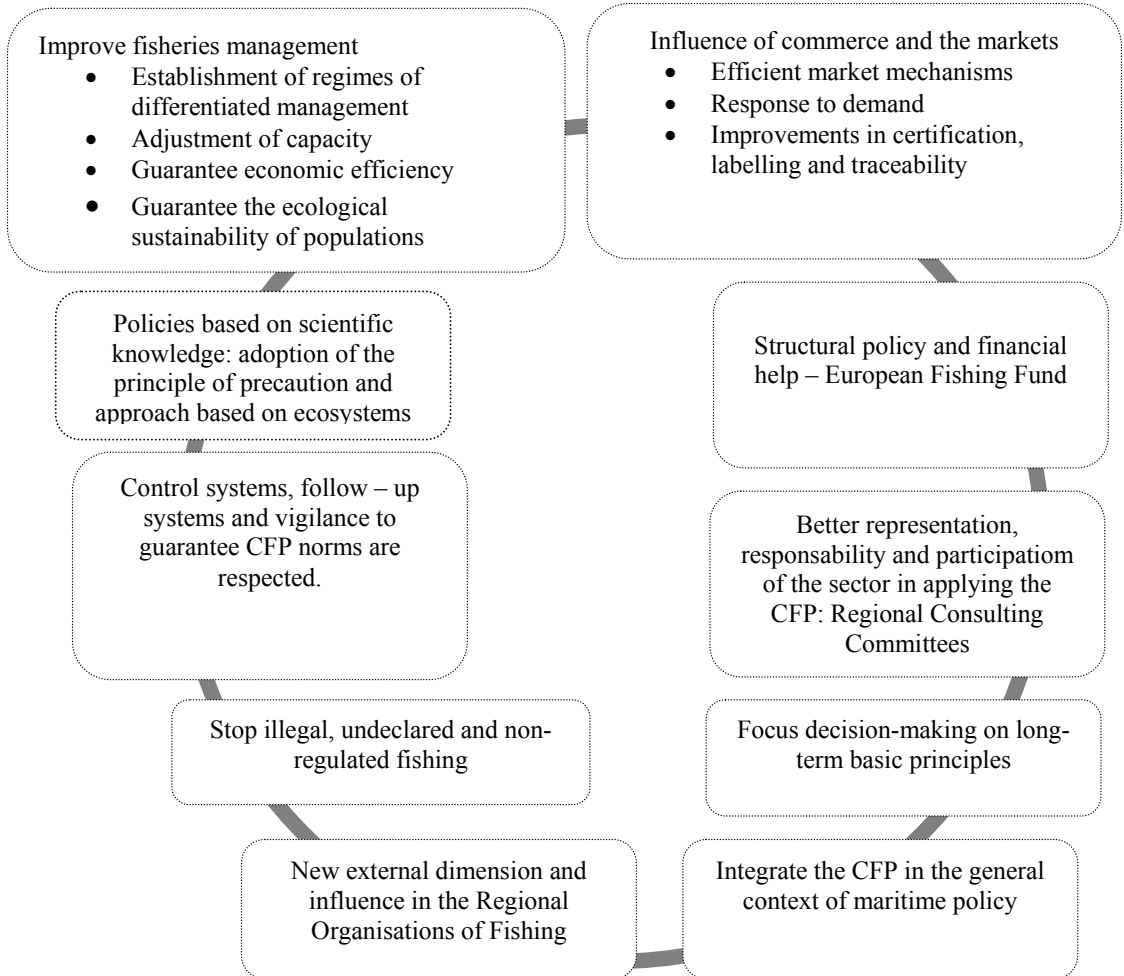
4.2. A Step Forward In The New Fisheries Policy: The New Reform Of 2009

The strategy designed for a new Common Fisheries Policy came from the definition of new criteria on the conservation and exploitation of fishing resources (especially as regards the principles of precaution and ecosystem fishing) and on the application norms (exercising greater control and delegating more responsibility), as seen in the Green Paper on the Reform of the Common Fisheries Policy, (COM (2009) 163) presented at the start of 2009. In the same document, the 5 main faults are described: a) a continuous problem of excess fleet capacity; b) some imprecise political objectives which do not provide sufficient guidance as regards the adoption of decisions and their implementation; c) a system of decision-making which favours a short term approach; d) insufficient responsibility granted to the sector; and e) a lack of political will to guarantee rules compliance and poor performance on the sector's part.

New guidance was noted in the presentation of the revised CFP. On one hand, it is presumed one must accept the principle that "The fishing sector cannot be isolated from its larger maritime surroundings and other policies related to maritime activity". In this sense, we interpret that fishing depends closely on access to maritime space and the existence of healthy marine ecosystems. And on the other hand, the reformulation of the CFP looks for new directions both as regards an integrated political aspect and an environmental pillar. In this context, imbalances are accepted as is the lack of coordinated actions. Previous postulates are redefined in such a way that they encompass new decisions and innovatory "Roadmaps".

It is not surprising therefore that new definitions were adopted. These are linked to the following: the conservation and sustainable exploitation of fishing resources, improving management of common fishing, the establishment of common frames for compilation, management and use of the data of the fishing sector, new indicators of the capacity of effort, inspection and control rules, mechanisms to reduce accessory catches and eliminate discard, acts to prevent and discourage illegal, undeclared and unregulated fishing, management means based on fishing rights, rules to obtain a balance between fishing capacity and fishing possibilities, and specific temporal actions to promote the restructuration of fishing fleets, amongst others (See Graph 1)

Graph 1 – Key aspects of the Common Fisheries Policy– 2009



Finally, the Community Fisheries Control Agency was set up. This was recognised in the regulation proposal of the Council which modified Regulation 847/93, leading to a control regime at the CFP (COM (2004) 289 28 April, 2004), and was established on the basis of article 28 of Regulation 2371/002. It focuses on fixing the demands of cooperation and coordination between Member States, having to elaborate the forms of deployment of inspection means and controls available.

5. Is There Consistency And Coherence In The Applied Measures?

Coherence ensures the policy is coordinated, complemented and non-contradictory. In the same way, the lack of coherence (or incoherence) in the policy highlights four highly significant elements: political decisions with negative effects, lack of information and transparency, unsuitable decision-making processes and lack of coordination between policies.

In the field of fisheries management, coherence is analysed and examined through three axes a) the state of resources and the efficiency of measures to guarantee stock sustainability; b) dynamics of appropriation and management of the marine space as well as the allocation of fishing areas; and c) the producer's economic rationality and the economic viability of production units.

When defining the current situation of the fishing sector, Serge Garcia (2004) listed several characteristics. Firstly, users' free access to fishing areas does not guarantee stock sustainability. Secondly, there are predominantly short-term concerns and a lack of transparency and responsibility of the public decisor as well as inefficient coercion mechanisms, scientific uncertainty and advice which is not publically recognised. Thirdly, players' participation has been insufficient and investment in the fishing fleet has been oversized. Fourthly, communication between public administrations has been incomplete and disorganised. And finally, the lack of critical reflection has been the trend in the last decade. Having recognised these points, the results published by the European Commission (2009) speak for themselves: a) 88% of fish populations of community waters are exploited above the maximum sustainable yield, which means that such populations could only be recovered if fishing pressure were reduced in the next few years; b) 30% of fish populations falls below the biological safety limits; and c) fleet reduction in the last years has been close to 2%, which is counteracted by technical progress incorporated in production units.

The European Fisheries Policy was based on very simple principles. It had a linear character and was aimed towards the management of specific stocks in certain areas. Coordination between actions was not taken into account, and ambiguities between global objectives were obvious. Consequently, the effects and impacts on other principles and objectives were noticeably avoided. Likewise, the CFP was founded on the analysis that avoided creating interactions with territorial and market aspects. Finally, this had been alien to the incorporation of technological developments, such as detection and extraction as well as conservation and transformation.

These characteristics show that the sectorial dynamics has been very focused on the *short term* and is clearly productive in nature, based on the political – diplomatic negotiation between Member States and focusing on strictly “political” aims without taking into account coherence levels and divergence with great sectorial objectives and economic policies (Grieve, 2001; Lequesne, 2001; González-Laxe, 2002; Gray & Hartchard, 2003; Symes, 2005, 2007; Frost & Lindebo, 2003; Frost & Andersen, 2006; Patterson & Resimont, 2007). To

summarise, one has underestimated the complexity and dynamic character of decisional processes and their incidence in policies and coherence levels with the remaining public policies (see Table 2).

Table 2. Links between aims, characteristics and incidences of the CFP

| OBJECTIVES | CHARACTERISTICS | INCIDENCES |
|--|---|---|
| Sustainability and ecosystem fishing | Predominance of short term actions Lack of integral analysis in decision-making | Simple, non-integrated management. Management per species is done but interaction between species and habitat is not taken into account |
| Conservation and management of fishing resources | Predominance of recommendations to produce on a short-term basis. Mechanisms of inefficient coercion Lack of responsibility of the user/ producer | Scientific uncertainty Imbalance / lack of entente with structural actions, those linked to incentives or commerce, agreements with other countries and external help. |
| Economic viability and competitiveness | Insufficient participation of players Oversized investment Over-confidence in economic incentives to mitigate imbalances | No consideration for technological incorporation and economic globalisation No analysis of the dynamics of mobility of productive factors and delocalisation |
| Local incidence, employment and income | Lack of impact analysis | No analysis of territorial competitiveness and local viability |

Source: Author's own elaboration

6. Main Conclusions

We note three relevant questions. The changes experienced in the oceanic order and the transformations carried out in management and regulation fishing strategies provide major institutional awareness when it comes down to finding solutions to the problems derived from the exhaustion of fish populations and to the proliferation of controversies and conflicts between fishermen, fleets and countries. (World Humanity Action Trust, 2000).

The main responsibility of productive agents is expressed by adopting stricter and more responsible codes of conduct and the need to accept and comply with those regulations dictated by public authorities. This higher level of responsibility means that the original hypothesis considers biological and environmental questions as being a priority, cooperation as being necessary and maintaining economic viability of production units as being indispensable.

Nevertheless, we must follow the following guidelines:

Ignorance of common projects. We note a clear refusal of the various levels of collective compromise. This generates a harmful situation both mid and long term.

Distancing of common policies. This highlights the inequality in benefits, resulting in regional rivalries. The consequences of this bias propel localisms (isolation) or disconnection with processes of commercialisation (Apostle et alia, 1998; Koiiman, 1999; Koiiman, Van Vliet and Jentoft, 1999).

Risk of imbalance in final objectives. Lack of equilibrium between objectives and means increases the difficulty of adopting criteria which reduce and eliminate uncertainty. The low efficiency of vigilance mechanisms and the reduced harmonisation of sanctioned capacities of the States do not encourage an acceptance of common measures in all areas of fishing, favouring incoherent actions and behaviour.

Under this perspective, the conceptual frame of fishing management is permanently evolving due to the progressive application of the precautionary principle, sustainability indicators and conceptualisations of eco-systems. The current fishing sector is facing a new situation – it is unaware of imbalances in the field of its activity, it faces new competencies which turn to new organisatory formulae and increasing levels of awareness to act in areas of ecosystems (Beddington et al, 2007).

To conclude, first and foremost the new management models must conciliate the aims of biological, economic and social sustainability as regards resources and market positions, rejecting models which use isolated data and parameters. Secondly, management models must apply and have new (and common) approaches, be integral and simultaneous when micro economic aspects and references to markets with SWOT analysis are combined. Finally, one will be able to evaluate the behaviour of all fleets and fisheries. Thirdly, one must obtain better collaboration from professionals in their tasks of extraction and manipulation of fishing resources, as well as a more intense and regulated participation when adopting management tools and fishing regulations.

The conservation and management of fishing resources shifts from being considered from a short-term perspective to a long-reaching one. This infers a modification of players' strategies, and advances very slowly as the CFP and national policies of Member States have employed "subsidiary paternalism".

The successive reforms have been more than just simple reforms, signifying very significant changes. There is better harmonisation of norms and controls, aiming for efficient, harmonised and transparent application without repeals or exceptions as well as the demand for increased productivity and sustainability. They have aimed to resolve problems and existing dysfunctions and involved professionals in the production and definition of the CFP (although this was started through consulting institutions). Results show great disparities.

References:

1. Apostle, R. et al. (1998) "Community, state and market on the North Atlantic Rim. Challenges to modernity in the fisheries" (University of Toronto Press).
2. Beddington, J.R., Agnew, D.J. and Clark, C.W. (2007) "Current problems in the management of marine fisheries". *Science* 316, 1713-1735.
3. Boncoeur, J. (2004). "A typology of fisheries management tools". (Amure).
4. Boude, J-P.; J. Boncoeur & Bally, D. (2001) "Regulating the access to fisheries: learning from European Experiences". *Marine Policy* .25: 313-322.
5. CEE (1992). Rapport 1991 de la Commission au Conseil et au Parlement sur la politique commune de la pêche.
6. CEE (1992). Rapport sur le contrôle de l'application de la politique commune de la pêche.
7. CEC.(2001). Green Paper on the future of the Common Fisheries Policy. COM (2001) 135.
8. CEE (2006). Green Paper. Towards a future maritime policy for the Union: A European vision for the oceans and seas. COM(2006) 275.
9. CEE (2009). Libro Verde. Reforma de la Política Pesquera Común. COM (2009) 163.
10. CEE (2009). Comunicación de la Comisión al Consejo y al Parlamento sobre la aplicación del plan de acción para la simplificación y mejora de la Política Pesquera Común. COM (2009) 261.
11. Charles-Le Bihan, D. (1995). "Les évolutions de la Politique Commune de la Pêche: gestion durable de la ressource et développement des zones côtières". *Espaces et Ressources Maritimes*, n° 9: 206-221
12. Charles-Le Bihan, D. (2003). "La réforme de la Politique Commune de la Pêche. Quel compromis entre les amis de la pêche et les amis des poissons ?" *Revue du Marché Commun et de l'Union Européenne*, n° 465. février, 83.
13. DEAS, B. (2006). "Regional Advisory Council and the future of fisheries policy. The Buckland Lecture 2006", presented at the Fishing Seminar, Glasgow, 17-19, May-.
14. FAO (2001). Reykiavik "Declaration on responsible fisheries in the marine ecosystem".
15. FAO (2003). "Fisheries management. The ecosystem approach to fisheries". FAO. Tech. Guidelines for Responsible Fisheries, n° 4 (suppl.2).
16. Flaesch-Mougin, C.; Charles-Le Bihan, D. & Lequesne; C. (2003). *La politique européenne de la pêche: vers un développement durable?* (Ed Apogée, Université Rennes).
17. Frost, H. & Lindebo, E. (2003). "Alternative Management system in EU fisheries". FOI Report 148. Frederiksberg. Copenhagen www.kvl.foi.dk.
18. Frost, H. & Andersen, P. (2006) "The Common Fisheries Policy of the EU and fisheries economics", *Marine Policy*, 30: 7373-746.

19. Garcia, S.M. (1994). "The precautionary principle: its implications in capture fisheries management". *Ocean and Coastal Management*, 32: 99-125.
20. Garcia, S.M. (1996). "The precautionary approach in fisheries and its implications for fisheries research, technology and management. An updated review". FAO. Fisheries Tech. Paper, n° 350/2.
21. Garcia, S. M.; Zerbi, A.; Aliaume, C.; Do Chi, T., & Laserre, G. (2003). "The ecosystem approach to fisheries. Issues, terminology, principles, institutional foundations, implementation and outlook". FAO. Fisheries Technical Paper, n° 443.
22. Garcia, S. M. (2004). "Recherche halieutique et gestion des pêches". *Aquatic Living Resources*, 17: 91-94,
23. Garcia, S.M. & Cochrane, K.L. (2005). "Ecosystem approach to fisheries: a review of implementation guidelines". *ICES Journal of Marine Science*, 62: 311-318.
24. Gonzalez Laxe, F. (2002). "Desarrollo y estrategia de la pesca europea". (Netbiblo. A Coruña. Spain).
25. Gonzalez Laxe, F. (2005). "The precautionary principles in fisheries management". *Marine Policy*, 29: 495-505.
26. Gray, T. & Hatchard, J. (2003). "The 2002 reform of the Common Fisheries Policy's system of governance rhetoric or reality?" *Marine Policy* 27: 545-554.
27. Grieve, Ch (2001). "Reviewing the Common Fisheries Policy. EU Fisheries management for the 21st century". Institute for European Environmental Policy. London.
28. Koiiman, J. (1999) "Social political governance: overview, reflections and design". *Public Management* 1(1): 67-92.
29. Koiiman, J.; Van Vliet, M.; Jentoft, S. (1999). „Creative governance opportunities for fisheries in Europe". (Ashgate Pub.Ltd.).
30. Lequesne, C. (2001). "L'Europe Bleue. A quoi sert une politique communautaire de la pêche". (Sciences Po. Paris).
31. McCay, B.P. (1996). "Common and private concern", in S. Hanna; C. Folke y K. Maler (ed) *Rights on nature ecological, economical, cultural and political principles of institutions for the environment*. (Washington Island Press).
32. OCDE (1997). "Vers des pêcheries durables. Aspects économiques de la gestion des ressources marines vivantes". Paris
33. OCDE (2000). "Transition to responsible fisheries: statement by the OECD Committee for Fisheries". Paris.
34. Patterson, K. & Resimont, M. (2007) "Catch and stability in landings: the response of fisheries to scientific advice on TAC's". *ICES Journal of Marine Studies*, 64: 714-717.
35. Symes, D. (2005) "Altering course: future directions for Europe's fisheries policy". *Fisheries Research*, 71: 259-265.

36. Symes, D. (2007). "Fisheries Management and institutional reform: a European perspective". ICES Journal of Marine Science. February 28: 1-7.
37. Sissenwine, M.P.; Mace, P.C. (2001). "Governance for responsible fisheries: an ecosystem approach". FAO. Conference Reykiavik.
38. Work Humanity Action Trust (2000). "Governance for a sustainable future: fishing for the future".