

Reform of the EU Common Fisheries Policy

Briefing on regionalisation

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Introduction

The Common Fisheries Policy, Europe's fisheries policy management tool since 1983, is up for review for the first time in 10 years.

This year, for the first time, the European Parliament under the codecision procedure has a crucial role to play in reforming the policy.

This briefing provides more specific information about one of the key issues of this CFP reform, regionalisation.

1. Overview

The design of the current Common Fisheries Policy and the exclusive competence of the EU in fisheries issues have led to the much criticised micro-management of Member State fisheries. Detailed technical regulations and operational procedures have been decided on a yearly basis at ministerial level in the EU Council.

The need for regionalisation of fisheries management should be viewed in this context.

- The Commission's proposal for the reform of the CFP envisages that marine regions with an ambition to take a larger responsibility for management will initiate the development of regional/multiannual management strategies and put forward these as draft proposals to the Commission. Ministers and Members of the European Parliament will then adopt the framework plans, which are to include targets and dates for recovery of fish stocks among other things.
- The operational details and technical measures necessary to reach the overarching targets of these framework strategies will be developed at the regional scale. In order to reach a common understanding of the objectives in a region, cooperation within the region and between regional stakeholders and scientists is crucial. If the will to cooperate is lacking, any

mandatory system of regional management is likely to fail. Voluntary regionalisation based on initiatives from Member States in a region may therefore be preferable.

2. Why regionalisation?

Having regional and multiannual plans developed by experts from the region - rather than EU level - enables a tailored approach. It can in turn speed up the development of implementing management plans designed at the regional level, and it is also likely to increase ownership and compliance.

This bottom-up approach has worked in the Baltic with the Baltic Sea RAC and the Baltic Member States. The Baltic cod recovery plan is a multiannual plan that was initiated by Member States and drafted by the Commission. The plan includes harvest strategies and long term targets but delegates operational management to the regional/Member State level.

A regional fisheries management is also in line with the management structure for the Marine Strategy Framework Directive (MSFD), which is divided geographically into Sea Basin management areas. The optional regionalisation of fisheries management could thus be aligned with marine environment management in general. Moving toward a more general management of the marine environment could pave the way for better coordination and more efficient use of resources.

3. Commission's proposed outline for regional management

The Commission has the right to initiate and develop regional and multiannual management plans, which can be based on proposals from for example groups of Member States and regions. The proposed new Basic Regulation describes the content of these multiannual plans, which are to include targets and deadlines (article 9-11, 17-20).

The proposal also contains derogations for delegated acts (article 24) which would be the main tool empowering Member States to design the operational, technical regulations needed to reach the adopted plans' regional targets. Discussions continue over the specific measures that will be adopted through delegated acts.

There are several options as to how the delegation could be designed in the future CFP:

1. Targets and management through codecision, no delegation

No regional plan is developed for an area, no powers are delegated and all decision making is made through co-decision. In the proposal for the Basic Regulation, this is what will happen where a regional or multiannual plan has not been developed.

2. Targets through codecision, technical management through comitology

A regional plan with targets and deadlines for a sea area is decided through codecision while technical and operational management is developed through comitology to reach targets of the regional plan. This thereby means that all EU Member States are involved in forming the technical details for a specific region.

3. Targets through codecision, technical management through individual MS

A regional plan with targets and deadlines for a sea area is decided through codecision while technical and operational management is developed by Member States of the specific region. Each

Member State of the region covered by the plan implement their technical regulations, nationally. The Commission steps in to adopt EU-level regulations in accordance with the decided regional plan only if one or more Member State does not implement sufficient regulations to meet the targets of the plan.

4. *Targets through codecision, technical management through individual MS following adoption into EU law*

A regional plan with targets and deadlines for a sea area is decided through codecision while technical and operational management is developed by Member States of the specific region. The coordinated proposal of technical measures from the region is presented to the Commission who adopt the proposal as a regulation. While only Member States of a region form the technical regulations, their adoption into EU law ensures identical implementation by all Member States. This potentially reinforces trust and simplifies control between Member States of a region.

4. **Stakeholder concerns**

➤ “Regional management increases MS workload”

The need to decrease micro-management and enable the taking of immediate operational decisions on technical regulations is at the heart of regionalisation. Far-removed politicians are less well equipped to make decisions about, for example, the appropriate fishing net size and other technical regulations than those based more locally.

Increased specificity, ownership and compliance are other benefits from a larger regional involvement from the start that will compensate for the additional resources.

➤ “Member States will not get enough support from the Commission”

In some instances, smaller Member States have expressed concern about losing the support of the Commission in handling regional fisheries management. However, the fact that regional management is potentially optional means that the region can take a larger or smaller role according to will and means. This could mean adjusting the ambition and detail of drafting regional management as well as specifying the degree of delegation as appropriate to the specific region. The Commission could thereby have different levels of engagement in different regional plans.