

ANNEX 2



Sustainable Fishing Plans **A delivery mechanism for simplification of the Common Fisheries Policy**

One of the principal challenges facing the reform of the Common Fisheries Policy is how to achieve simplification of what has developed into a complex, incoherent, often unenforceable, body of rules. It is now widely accepted the top-down, command and control approach, that has characterised the CFP to date, has failed and that that decision-making within a reformed CFP should be regionalised within a framework of standards and principles established at European level. The arrival of co-decision making with the European Parliament, requiring a longer timeframe for fisheries legislation, has added an extra impetus to find ways of moving away from a high degree of prescriptive micro-management.

Regionalisation of decision-making of those decisions that can sensibly be made at the regional (sea-basin) scale is an essential development if a more flexible, adaptive, relevant Common Fisheries Policy. However, if the CFP is to move to a system with a high degree of responsibility and stewardship it will be necessary to move further, to a system in which responsibilities are delegated to the fishing industry itself.

This paper describes one way of achieving the objective of delegated responsibilities through the mechanism of **sustainable fishing plans**.

Sustainable Fishing Plans

The essential approach of delegated responsibility through sustainable fishing plans would be as follows:

1. Sustainable fishing plans would be developed by self-defined fishing industry groupings. Producer organisations would be well placed in this respect but similarly the kind of industry groupings that are currently organising themselves to obtain Marine Stewardship Council accreditation would, equally, be the type of grouping with the organisational capacity to develop and submit a fishing plan.
2. The sustainable fishing plan would detail how the vessels in that group will fish sustainably over a defined period, say, 3 to 5 years.
3. The plan would have to meet certain preconditions and criteria in accord with standards and principles established at European level by the Commission, Council and European Parliament

4. The plans would vary according to the specificities of the fisheries but could be expected to cover all the areas currently dealt with through prescriptive legislation such as technical conservation, quota uptake, discards reduction and seabed impact mitigation.
5. Once developed, in collaboration with fisheries scientists and possibly economists, the plans would be submitted for approval by the authorities. (member state, or regional management body, to be decided)
6. One of the key features of the plan will be an obligation to document the vessels' activities in a way that allows for periodic **audit**. This amounts to reversing the burden of proof.
7. Audits would be undertaken by the authorities to confirm that the vessels in the group are complying with the terms of their own plan
8. A system of stepped sanctions would apply to groups whose vessels failed at audit, culminating with the removal of delegated responsibilities and enforced return to the micro-management system of prescriptive rules.
9. It would be expected that a high degree of social pressure (or internal sanctions) would apply to any individual vessel operator breaking the terms of the group plan.
10. Plans would be adapted over time to take account of new circumstances.
11. Sustainable fishing plans would be a way to give effect to a genuine bottom up approach with appropriate safeguards for fisheries managers.
12. The regional management body would oversee the process of producing and implementing the plans to ensure that overall objectives for the fishery are met.

Implementation

The advent of sustainable fishing plans would be an important departure for the CFP. It is fortunate therefore, that there are examples from other countries where systems similar to that described above are currently in operation.

Australia operates a system of delegated authority where fishing groups judged capable, are offered the option of taking on responsibility for their fishery. A system of graduated responsibility is in effect, through which the group can elect to take on partial or full responsibility. For those taking on responsibility, a contractual relationship between the group and the management authorities is put into place. It is possible for groups of fishermen to take on partial responsibilities as a steppingstone to full delegated responsibility. The Australian model recognises a progression through different phases: conflict, cooperation, co-management and delegated responsibility.

A move to delegated responsibility through sustainable fishing plans would be a major step for some fishermen, control authorities and fisheries managers. However, it is important to recognise that some parts of the fishing industry already undertake quota management responsibilities or other forms of co-management. Whilst some industry organisations are at present capable of moving quite rapidly to delegated responsibility, if the facility was offered, for others, there will need to be a period of capacity building. The different levels of preparedness reflect different objective conditions in each segment of the fleet and the challenges of history and geography. Capacity building would proceed more rapidly if supported by whichever financial instrument for fisheries is in place.

The prime motivation for fishermen to form groups to develop and submit sustainable fishing plans will be to escape the impact of blunt micromanagement measures, to increase the security of their investments and ultimately, to take their destinies into their own hands.

The present top down system has routinely introduced broad brush measures that have been weakened by (necessary) derogations to fit at local level. Within a regionalised CFP, legislation is made closer to the fishery and measure introduced in this way should have greater coherence from the start. In any event, adapting measures quickly when they are underperforming should be a great deal quicker without having to take into account the views of all member states. Sustainable fishing plans should take this flexibility a step further as the plans will be periodically updated in light of new information and new circumstances. Ongoing, progressive improvement to deliver sustainability and profitability would be hardwired into the system.

Fisheries Science

Various fisheries science projects across Europe have demonstrated the value of fishermen and scientists collaborating to deliver improvements in data and a shared view of the stocks. Sustainable fishing plans would take this a step further as fishermen and fisheries scientists would collaborate on the design and content of the plans to ensure that each plan would meet approval preconditions. One can foresee that fisheries science would adapt to play three distinct roles in the new system:

1. Advisors in the development of fisheries plans
2. Along with control experts and others, auditors of fishing plans
3. The customary role of impartial stock assessment scientists

Whether these roles can be played by the same scientists wearing different hats or whether they have to be performed by separate individuals is for discussion.