



Changes to Relative Stability in light of International Rules and Practices on Allocation

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Overview presentation

- Introduction
- EU-Norway
- NEAFC
- ICCAT
- Possible changes to relative stability under CFP



Introduction

- No support to change relative stability during last CFP Reform
- Lack of uniformity among international rules and practices on allocation (not surprising)
- Implications of Brexit
 - Allocation and access arrangements between EU and UK (incl. transitional arrangements)
 - Changes to North-East Atlantic coastal State arrangements
 - New framework arrangements (also to replace existing framework arrangements?)
 - Revision of long-standing allocation keys?
 - Revision of arrangements on allocations and access under CFP among remaining 27 EU Member States?



EU-Norway

- 1980 EU-Norway Fisheries Agreement
 - Annual consultations culminating in Agreed Records
 - No explicit reference to allocation or allocation criteria
- Agreed allocations
 - part of overall package deal
 - based on zonal attachment 'Based on the Nantes Report'
 - for six main stocks in 1979 and herring in 1990s; which are still in force today
 - Does anyone today know how they were operationalized then?
 - If re-negotiated, fear for unanticipated outcomes
 - Will Brexit change this?



NEAFC

- NEAFC Convention silent on allocation criteria and their operationalization
- In reality, negotiations carried out by coastal States formally outside the scope of NEAFC
- Repeated and frequent failures of coastal States to agree on allocations highlighted by First and Second NEAFC Performance Reviews
- Establishment of two working groups in 2015
 - WG on Allocation Criteria
 - No agreement yet, even though zonal attachment main criterion (but now uncertain due to Brexit)
 - Operationalization zonal attachment: biomass in each zone, integrated over the whole year



NEAFC (cont.)

- WG on a Framework for Coastal State Negotiations
 - Purpose: Developing principles, guidelines & good practices aimed at enhancing predictability & cost effectiveness, reducing uncertainty and promoting atmosphere of trust
 - Terms of Reference (ToR)
 1. Rules on the negotiation of new CS arrangements
 - a. Rules of conduct
 - b. Practical arrangements, e.g. timing and duration
 - c. Rules of procedure, e.g. chairperson & observers
 - d. Substantive preparatory actions, e.g. report on trends
 2. Rules on duration, termination, opting out and 'revision/re-negotiation' of CS arrangements
 3. A model CS arrangement



NEAFC (cont.)

- WG on a Framework for Coastal State Negotiations (cont.)
 - March 2017 Meeting led to adoption of
 - Draft Guidelines for Coastal State Consultations in the North-East Atlantic
 - Definition of coastal State
 - Framework Arrangement for at least 5 years
 - Opting out subject to explanation; triggers scientific process to assess “zonal attachment and other information”
 - Consensus decision-making
 - Mediation (no compulsory dispute settlement)
 - Procedure for new entrants
 - Draft Model Framework Arrangement



ICCAT

- ICCAT Convention silent on allocation, but ICCAT has a long history of agreeing on allocations
- Negotiations on allocation criteria in 1999-2001 in response to discontent among some coastal States (new entrants) on exclusive reliance on historical catches
- ICCAT Resolution 15-13 is complex and contains a large number of (overlapping) criteria to cater for the needs of all
- In practice:
 - Historical catches still main allocation criterion
 - Increasing reliance on opting-out procedure
- Need to re-adopt allocation criteria in legally binding form and complement it with a legally binding procedural component, including compulsory dispute settlement?



Possible changes to relative stability under CFP

1. Agreement on roadmap for change with schedule for phased revision of groups of fish stocks
2. Allocations remain in force for a specified duration (10 yrs?)
3. Introduce role for zonal attachment and a key role of scientific advice in this regard (but short of binding advice)
4. Discontinue dependency criterion or ensure more objective, science-based operationalization for all EU Member States
5. Need for transitional arrangements to minimize economic dislocation
6. Give industry a role in negotiations; either a standard role or in case of a dead-lock
7. Experiment with auction system for selected fish stocks





Thanks!

Questions?



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