



# 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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