

Ref : EFARO/303

IJmuiden, September, 2015

To

DGMARE
Unit: E1 Maritime Policy Baltic and
North Sea
B-1049 Brussels - Belgium

Subject : EFARO's view related to the Consultation on International Ocean Governance.

Dear Sir/Madam,

I am writing this letter to you on behalf of EFARO (www.efaro.eu: the Association of Directors of the main European Research Institutes involved in Fisheries, Aquaculture and its interaction with the Marine Environment), in relation to the "Consultation Document on International Ocean Governance". Ocean Governance is – obviously - a matter of interest to us given the EFARO remit and role. Given the importance with which we perceive this subject we have taken the liberty to respond by means of this letter with focussed input. We prefer not to respond to the extensive internet questionnaire.

The input of EFARO concerns the following suggestions:

1. More rules, regulations and control will not improve compliance and governance: We suggest to put more emphasis on system-changes that provide incentives to fishermen to take on more responsibilities in fisheries management and be more accountable to the general public on activities deployed in our seas and oceans. This approach is perceived to lower the regulatory burden for the government and increase compliance.

Illegal and unacceptable activities are not just the result of failed control and ineffective rules. Instead, they are the symptoms of a system that is not accepted and therefore not adhered to. In that context it is much more interesting to look at this problem in terms of "responsibilities", "accountability" and "inclusion", then to limit the focus on rules and control.

A good example is the shift in responsibilities (reversing the burden of proof) as a result of certification schemes: Fishermen have to prove that they operate in accordance with the principles of the label. It is rewarding for the fishery to buy into such schemes and take on responsibilities they previously did not have, because it provides an economic benefit to them or it becomes a default passageway to retain access to markets. Another example is the idea of "results based management" as an alternative to ever-increasing management measures that act as an impediment to innovation and responsibility.

We propose a dialogue to explore the possibilities to have the fisheries sector take on more responsibilities for (1) sustainable practises in their own businesses, (2) taking on responsibilities in the governance of resources, (3) and participation in data collection and generation of knowledge. An important correlate of this development would be to lower the regulatory burden on behalf of the regulators. Making it attractive to take on responsibilities in fisheries management and be more accountable to the general public on activities deployed in our seas and oceans is crucial to develop fisheries as a viable and sustainable activity.

2. Harmonisation of Rules, Regulations and Knowledge.

The degree to which harmonisation of policy measures is possible frequently suffers from different legal scales of the implementation process. As an example, both the (reformed) CFP, the MFSD and the MSP Directive put emphasis on processes of regionalisation, more specific regional coordination and regional cooperation, to achieve goals by simplifying the management process. However,

regionalisation as perceived under the CFP and as perceived under the MSFD are two different strands of regionalisation as both policies are implemented in a completely different way: European law under CFP takes immediate effect to be incorporated in national law, whereas the MSFD as a framework directive is implemented via national legislation. As a result, governance systems and structures, management measures and even indicators to measure the implementation progress and success of MSFD differ between member states and hamper the overall success prospects of the MSFD. Harmonisation with the CFP and other elements of the IMP such as the Marine Spatial Planning directive remain irresolvable.

The development of appropriate regional governance structures, a (methodological) framework for regional ecosystem management (under CFP, MSFD and perhaps Marine Spatial Planning) and structuring science and policy at the regional level to support this is a challenge. The issue is how can either the institutional structures be developed within the legal framework for implementing policies (by delegation and via inclusion of stakeholders) or the legal structures be changed which will result in a buy-in of stakeholders and result in an effective and efficient regional management system avoiding micro-management and the creation of parallel structures.

We propose strengthening the regional cooperation and regional coordination of ocean governance (fisheries management, environmental and spatial marine policies) at the regional sea level. However, this presupposes bringing together different institutional pathways of regionalization within fisheries and environmental management. Regionalization in fisheries management is reflected in for example in Baltfish and the BSAC (in the Baltic Sea) and the Scheveningen Group and the NSAC (in the North Sea). The Regional Sea Conventions, for example OSPAR and HELCOM GEAR, being the joint management body for the implementation of the Baltic Sea Action Plan and the MSFD in the Baltic Sea, illustrate the institutional pathway of regionalization in environmental marine management. There should be a mechanism requiring that regional management bodies for Fisheries management (e.g. Scheveningen Group; Baltfish) should work more closely together with Regional Seas Conventions (e.g. OSPAR; HELCOM etc.) on cross cutting implementation issues of fisheries and environmental legislation to achieve better implementation coherence of these policies. More general, institutional arrangements of coordination and cooperation, involving stakeholders from different sectors (fisheries, shipping renewable offshore energy, etc.), should be developed to improve the implementation of Ecosystem based management at the level of regional seas.

For your information we include the Research Priorities as identified by EFARO, that were suggested to DG-R&I as input for the H2020-2016/2017 working programme.

I hope this input will be of use to the consultation procedure and will help sharpen the discussions on how to proceed. EFARO is very much willing to further discuss this matter with you.

Sincerely yours and best wishes,

A handwritten signature in blue ink, appearing to read 'T. Bult', written over a light blue circular stamp.

Dr. Tammo Bult
EFARO President

Cc: Commissioner Karmenu Vella, European Commission, Rue de la Loi / Wetstraat 200, 1049 Brussels, Belgium

Attachment: Ref: EFARO/2014-292 EFARO H2020 16/17 science priorities.