

COUNTRY NOTE ON FISHERIES MANAGEMENT SYSTEMS -- FRANCE

Introduction

1. In 2002, France's sea fisheries produced 655 000 tonnes (including 24 000 tonnes from the overseas French departments) of fish, crustaceans, shellfish and other marine products, covering a range of over 230 different species, including 150 fish. In terms of volume, the main species were tuna, sardine, saithe, herring, mackerel, horse-mackerel and anchovy. In terms of value, the leading species were tuna, anglerfish, sole, scallop, hake and Norway lobster.

2. The industry registered a total turnover of EUR 1.12 billion. It employed a total of 23 500 fishermen (20 525 in metropolitan France and 2 975 in the overseas departments) and the French fleet comprised 7 986 vessels (5 628 in metropolitan France and 2 358 in the overseas departments). The majority were under 12 m in length in every sea area. Brittany accounted for around half of all vessels exceeding 25 m in length.

3. Over two-thirds of the metropolitan fleet operates in north-eastern Atlantic waters, off the coast of the European Union. The second fishery in terms of volume is the western Indian Ocean, where part of the tropical tuna catch is harvested. The Mediterranean comes fourth (with 8% of the total catch), after the central-eastern Atlantic (west of Sahelian and tropical Africa).

4. The main region for French landings is Brittany, accounting for 40% in volume terms, followed by the Nord-Pas de Calais with 16%.

5. Sea fishing thus accounts for a fairly small share of the domestic economy (less than 0.1 % of GNP). However, its contribution to regional economies varies considerably and can be significant at the local level.

6. The French fishing industry has undergone far-reaching change since 1945. It has lost over half of its vessels and over two-thirds of its workforce, and the overall tonnage has been in slow decline since 1970. At the same time, however, the combined engine-power of its fishing fleet has increased considerably, and on-board equipment is now far more sophisticated. The extension of fisheries under the jurisdiction of third countries has led to a decline in oceanic fishing, and a sharp rise in small-scale fishing, involving mainly vessels under 16 metres in length.

7. Another feature of French fisheries is the wide range of harvesting methods, from seashore fishing to international firms operating large vessels. This extreme diversity does not match the usual distinction between "small-scale" and "industrial" fisheries.

8. The average consumption of marine products in France – which has been rising slightly every year – stands at around 29 kg per capita a year. Across the continent as a whole, this puts France midway between northern and southern Europe and therefore means that French fishery output is not high enough for self-sufficiency.

Institutional framework for fisheries management

European framework: Common Fisheries Policy

9. France is a member of the European Union and therefore in Community waters implements the Common Fisheries Policy (CFP), which was reformed in 2002 and which is currently governed by Regulation (EC) No. 2371/2002 of 20 December 2002.

10. In force since 1983, the CFP aims to reconcile resource conservation with the preservation of income and jobs in coastal zones that offer few alternatives in terms of production or employment. It therefore covers not just resources but also markets and structures.

11. With regard to resource management, the CFP regulations comprise:

- A traditional management tool based on TACs and quotas;
- Technical measures relating to gear or catch;
- Effort-related management, based on vessel engine power and the number of days at sea.

12. The CFP also provides for the introduction of measures to rebuild, over a period of several years, stocks that are threatened in terms of sustainable harvesting, and for recourse to effort-related management rules to supplement TACs and quotas.

National framework: Outline Act on Sea Fisheries and Aquaculture (18 November 1997)

13. The Outline Act on Sea Fisheries and Aquaculture states that resources are a public good and that government has a leading role in allocating fishing licences and catch quotas. The Act also confirms that the latter are non-transferable in order to prevent them from being considered as assets, and thereby maintain the economic and social equilibrium in fishery-dependent coastal zones.

14. The Decree of 9 January 1852 (as amended) also specifies that resource management should take into account producers' catch histories, market trends and socio-economic equilibria.

- Management of Community species subject to quota

15. Fishing quotas are distributed to producer organisations (POs) for allocation to their members. POs are groups set up by producers and recognised by government, on the basis of EU criteria ensuring that they are representative. Their role is further strengthened by the Outline Act, to facilitate resource management and promote the sector's organisation into a real industry. In return, POs must draw up a management plan for the relevant species, i.e. a market-led fisheries management strategy.

16. Quotas are allocated by the Minister for Fisheries. After consulting the National Committee for Sea Fisheries, the national body representing all those in the fishing industry, the Minister divides up the national quota for the main stocks into sub-quotas by PO, based on vessel catch history.

- Species not subject to quota

17. For the species not covered by EU management measures, some stocks require regulation at the national or regional level.

18. The Minister for Fisheries lays down broad rules, on the introduction of licences, for instance, and delegates the management to regional bodies (Regional Fishery Committees).

19. The Normandy scallop fishery, for example, is subject to specific management rules to prevent over-fishing, including opening and closing dates, mandatory licences, mesh-size and gear restrictions, and maximum catch quotas per vessel/person/day.

20. Other species subject to similar management measures include crustaceans and estuary fish.

21. As for fish living alternatively in seawater and in freshwater (mainly Atlantic salmon, shad and eel), France's Migratory Fish Management Committees (COGEPOMI), established under the 1984 Fisheries Act and Decree No. 94-157 of 16 February 1994, draw up 5-year management plans for individual river-basins, watercourses or groups of watercourses, setting out fishery management regulations tailored to the type of commercial or recreational fishing practised there, as well as conservation measures where necessary. These Management Committees represent the authorities and the industry.

- Reduction in catch capacity

22. Until 1988, fisheries management was based on Community quota allocation per species and per country, or "stock management". Subsequently, the quota policy continued but the European Union also asked Member States to reduce their catch capacity. The fourth Multi-Annual Guidance Programme (MAGP IV), introduced by the Council of European Ministers for Fisheries on 26 June 1997, imposed a detailed segmentation of individual Member's fishing fleets and set out a management approach for each segment according to its profile.

23. Via the Multi-Annual Guidance Programmes, France opted to set up a system of fishery exploitation licences (*permis de mise en exploitation*), under the Act of 3 July 1991. A subsequent decree specified the criteria governing their issue. Finally, the licences were allocated to the various types of vessel and the regions concerned.

24. In 2001, to meet the objectives of MAGP IV, a range of measures was introduced at the national level to reduce fleet capacity and fishing effort. An overall reduction of 17 542 kW was accordingly achieved in capacity as part of the 2001-2002 decommissioning plan. This cut the metropolitan fishing fleet from 960 686 kW at end 1997 to 910 532 kW at end 2002.

25. Adjustments continue to be made to the fishing effort over the period 2003-2004, in accordance with the decision taken by the European Union Council of Ministers in December 2002. This reform provided for:

- a shift from the segmentation introduced under MAGP IV to a simplified entry/exit system;
- a 3% reduction in overall French fishing capacity (around 28 000 kW and 6 300 GT) by 31 December 2004.

- Specific case of the Mediterranean

26. Mediterranean fisheries are distinctive in terms of:

- geography;
- diversity and density of users of marine resources;
- target species;
- absence of any TAC or quota systems (one exception being blue-fin tuna).

27. The forum for international co-operation on the management of fishery resources is the former General Fisheries Council for the Mediterranean, an advisory body within the FAO, which became known as the General Fisheries Commission for the Mediterranean (GFCM) when it took on wider responsibilities:

- establishment of a scientific advisory committee;
- scope to adopt, by a two-thirds majority, recommendations that are binding on its members.

28. France is a member of the GFCM (others include Spain, Italy and Greece) and is responsible for budget, legal and procedural issues; the European Community is a member by virtue of its responsibility for resource management.

29. In this context, France has long had, at national level, a special resource management system governed by Decree 90-95 of 25 January 1990, which lays down the general requirements for Mediterranean Sea fisheries. The system is part of a broader set of EU regulations, aimed in particular at technical measures (Regulation No. 1626-94 of 27 June 1994, currently under review). Harvesting is based on a system of licences issued for specific types of gear, e.g. bottom trawl, mid-water trawl, Danish seine, oyster dredger, small-scale inshore gear, tuna driftnet or bull trawl.

- Specific case of the FSAT

30. The French Southern and Antarctic Territories (FSAT) are not covered by the EU Common Fisheries Policy. The relevant sea fisheries regulations are based on the Act of 18 June 1966 on sea fishing and the harvesting of marine products in the FSAT, in particular the Decree of 27 March 1996 on the conditions governing sea fisheries, which is in turn subject to local implementing orders. These instruments lay down rules for resource management, and more specifically total allowable catch (TAC) and the technical requirements governing fishing. The regulatory system also includes the measures adopted by France as a member of the Commission for the Conservation of Antarctic Living Marine Resources (CCAMLR).

31. Currently France is extremely concerned about illegal, unregulated and unreported (IUU) fishing which targets the FSAT in particular, despite the policing resources and close co-operation with neighbouring countries that have been deployed to combat this serious problem.

Industry participation

32. The industry's participation and involvement in resource management are ensured in particular by the National Committee for Sea Fisheries and Aquaculture, a joint trade organisation representing all stakeholders in the sector. It is mandatory to consult the National Committee over any national or EU measure regarding resource conservation/management, the conditions applicable to commercial fisheries, or the working of inter-trade relations *per se*. Like the regional committees, the Committee can issue licences endorsed by the government for certain fisheries.

33. The regional and local sea fishery committees, for their part, provide the industry with technical assistance and information, and play an active part in drawing up measures taken at the national level where the regional committees are concerned (issuing of licences) and launching social initiatives (accident prevention, occupational training, assistance for families in need).

34. There are 39 local committees, each based around a significant port (or group of ports), 14 regional committees and one national committee.

ANNEX. Market-Type Instruments to Regulate Access: The Case of Two Scallop Fisheries

General

With regard to the stocks subject to TACs under the CFP, each year the French authorities, after consulting the National Committee for Sea Fisheries and Aquaculture (CNPMM), allocate the EU fishing quotas awarded to France to producer organisations (POs); the sub-quotas are drawn up on the basis of producers' catch histories, market trends and socio-economic equilibria. In practice, therefore, the sub-quotas are allocated to the members of each PO largely according to their share of output, although to date none have been allocated to individual fishing firms. Nevertheless, Community and domestic regulations provide for the POs to draw up management plans specifying how their sub-quotas are to be managed and used. Here, some POs have opted for an approach whereby quotas are allocated to individual members.

A number of stocks not covered by TACs under the CFP are subject to relatively strict access controls aimed at preventing overfishing and the development of excess capacity. The main market-type instruments among them are limited non-transferable licences (LNLT), individual non-transferable effort quotas (IEs, which limit hours spent fishing, for instance, or the number of traps per vessel) and catch limits per vessel/person (VCs). These measures mainly target stocks of shellfish (e.g. scallops, clams and whelks) and large crustaceans (e.g. spider and other crabs). To grasp their full scope, it is important to note that access to the vast majority of "non-Community" fisheries is closed, in particular by means of limited licences and special fishing permits (*permis de pêche spéciaux*, or PPS).

These instruments to regulate access are usually used in tandem in order to adjust to the specific conditions prevailing in each fishery. To illustrate this use of market-type instruments in France, this paper describes two scallop fisheries (the species ranked fourth in terms of value in 2002), one in the *Baie de Saint-Brieuc* (limited licences + quota of hours) and the other in the *Baie de Seine* (limited licences + daily and weekly catch quotas).

The case of scallop fisheries

Scallop is mainly a seasonal, inshore fishery. It is also a targeted fishery based exclusively on dredging. The main scallop beds lie in two bays in the English Channel, namely the *Baie de Seine* in the Eastern Channel (worked by some 210 of the 380 vessels in that sea area) and the *Baie de Saint-Brieuc* in the Western Channel (worked by some 260 vessels registered mainly in Northern Brittany). In both cases, the following are decided at the national level:

- Number of licences allocated to each region,
- General requirements for the allocation of licences (one being that the vessel must already hold a permit known as the *permis de mise en exploitation*, or PME),
- General rules governing priority with regard to licence allocation,
- Harvesting constraints, including the national fishery closure from 15 May to 30 September,
- Technical measures (e.g. authorised types of gear; size of dredge rings).

At the regional level, there are additional rules:

- Licence allocation rules, in particular a quota of licences per bed,
- Restrictions on access to beds, placing ceilings on vessel size and engine power,
- Rules governing priority with regard to allocation

- Access restrictions such as weekly closures, daily and weekly quotas and gear constraints (number and length of dredges).

As a prerogative conferred on the industry by the Act of 2 May 1991, these measures are agreed by a majority of commercial fishermen and their representatives, under the legal supervision of the authorities. Their aim is to maintain a balance between resource management and economic activity in terms of not only profitability, but also social, economic and local development (e.g. jobs, land/sea structures). These industry-generated measures supplement, of course, Community standards.

In both cases, licences are issued on a “paired” (owner-vessel) basis by the Regional Committee for Sea Fisheries and Aquaculture, acting on the advice of a board of commercial fishermen supervised by the government, and are valid for a period not exceeding one season/year.

Any differences between the two fisheries lie in the nature of the fishing rights tied to the licence. In the case of the *Baie de Saint-Brieuc*, access to the fishery is limited to a specific number of hours per week, based on the annual TAC (an average of 1.5 hours per week in 2003, for instance). This makes it an individual non-transferable effort quota (IE). In the *Baie de Seine*, access is restricted by limits on daily and weekly catches per vessel/person. This is a variation on the system of regulation based on vessel catch limits (VCs).

Exclusivity: a system of fishing licences entitles a limited number of holders to fish for a limited volume of scallops and prohibits access to the fishing grounds by those without licences.

- *Baie de Saint-Brieuc:* access is regulated in terms of the number of hours fished per vessel. Each vessel is allocated the same number of hours. Given the nature of the fishery, the level of this characteristic can be considered very high.
- *Baie de Seine:* access is regulated by ceilings on daily and weekly catches per vessel/person. The system gives licence-holders some exclusivity, in that each operator knows the others are subject to the same restrictions. However, as this is a relatively heterogeneous fishery in terms of vessel size and harvesting strategies, there may be some competition, as shown by the large catches landed early in the season. Moreover, a section of the regulated fishery lies outside French waters (beyond the 12-mile limit) where French management rules do not apply to foreign vessels. Finally, by virtue of the historic fishing rights enjoyed by some Member States, some foreign vessels are allowed to fish here (between the 6 and 12 mile limits) and, since the CFP reform, specific common rules now apply to them. The level of this characteristic can therefore be considered limited.

Duration: in both cases, licences are issued for one year/season, but the likelihood of renewal is strong in that those applicants with licences in any given year have priority the following year. The duration of these licences is theoretically short but in practice fairly long.

Quality of title: fishing rights are granted for one year with a strong likelihood of renewal (see “Duration” above), except when a risk emerges of non-renewal of the resource (i.e. there is no TAC or one that is set too high). Any risks stemming from fishing are curbed by technical measures; only accidental factors (e.g. pollution) cannot be mitigated. The title can be considered relatively safe. As for the verifiability of these fishing rights, the situation varies according to the beds and fisheries concerned, although in principle catches must be declared at specified landing points. In the event of a dispute, commercial fishermen are entitled to bring their case before the French administrative courts.

- *Baie de Saint-Brieuc*: access to this fishery is regulated by specifying the days on which scallops may be harvested. This is an effective means of verifying landings, particularly since they are heavily concentrated geographically. Furthermore, monitoring and enforcement also feature an airborne surveillance system financed largely by the industry. Title quality can therefore be viewed as high.
- *Baie de Seine*: given the size of the fishery and length of the season, the relatively large number of landing points and the presence of foreign vessels, monitoring and enforcement are harder in the *Baie de Seine*. As there may still be some fraudulent behaviour or under-reporting, quality is somewhat limited.

Transferability/divisibility: licence holders are not allowed to transfer their licences, nor any of their catch/hour quotas, to a person of their choice. In theory, there is therefore zero transferability/divisibility.

In practice, however, quota-based licences add value to used vessels when they are sold on. This is because when a vessel that has operated in a specific type of fishery is sold by a vendor who is leaving the fishery, the new owner does have some priority with regard to a new licence. With the application of that priority, the fishing right becomes informally transferable, via the sale of the vessel.

Flexibility:

- *Baie de Saint-Brieuc*: owing to the technical constraints imposed on vessels and gear, and the closure dates, there is very little flexibility here, even though operators may “adjust” the number of crew members to make optimal use of their quota of hours.
- *Baie de Seine*: there are also technical constraints in terms of fishing gear and vessel size. However, they are less stringent than in the *Baie de Saint-Brieuc*. And as catch quotas are partly linked to the size of the crew, operators do have room for manoeuvre in their harvesting strategies. Finally, the length of the season allows trade-offs between fisheries and alternative activities. This characteristic can accordingly be viewed as limited.