



**AUTONOMOUS REGION OF THE AZORES
REGIONAL GOVERNMENT**

**An Azorean Contribution for the
RENEWAL OF THE COMMON POLICY OF
FISHERY**

DECEMBER 2009

1. Introduction

The Regional Government of the Azores considers that the presentation of the Green Book about the renewal of the common policy of fishery, by the European Commission, launches a great opportunity for discussion, transverse to all of the European societies, in order to implement the necessary adjustments on the management of the communitarian fishery, which will provide a course of action that can guarantee long term viability to this sector and also assure the social and economic stability of the fishing communities throughout Europe's regions.

The nature of the structural constraint that affects permanently Europe's ultra-peripheral regions has been fully recognized by the communitarian primary rights and on the recent Treaty for the Functioning of the European Union. Despite that knowledge, there are no references on the Green Book about the specificity of their shores or the necessity to uphold proper measures to both biological and social sustainability, in order to minimize their disadvantages, when compared to the regions located on the European continent.

With a maritime territory of about 1.000.000 square kilometers, isolated in the middle of the North Atlantic, which contributes to a larger maritime dimension of the European Union, one can easily perceive the importance of the sea and the fishing activities for the Autonomous Region of the Azores.

Since the first Azorean population, the sea has been, not the element of nature that surrounds the different islands but, fundamentally and throughout the centuries, a strategic pillar for the economic prosperity and the primary source of food supply to a population permanently exposed to the constraints of the ultra-periphery, and kept away from the commercial routes which would develop more easily the multiple economic activities.

It has been given such an importance to the sea, since it represents a great deal of the Azorean identity, that this condition was fully recognized on the Portuguese legal planning of the territory and it's specificity as a maritime region is well described in the administrative and political statute of the Azores.

In that context, the inner waters, the territorial sea and the continental platform contiguous to the islands of the Azores, are now considered as a natural and integrant part of the regional territory, giving the Autonomous Region its own right to actively participate in the determination of both external and internal policies, in all that concerns its territorial sea and its exclusive economic zone.

In this population and territorial conjuncture, with a profound connection to the sea, the Regional Government of the Azores considers that it is fundamental that the European Union should include this particular situation of the ultra-peripheral regions in the debate about the renewal of the common policy of fishery.

This debate should establish specific and proper measures to provide the sustainability of this sector, to a period beyond 2013, in order to build a strategic guide to its future development.

2. The Maritime Zone around Azores

The maritime zone that surrounds the Azores, which represents an area four hundred times bigger than the earth surface of the islands, has been managed throughout the years by the regional department of fishery, with many restraints to its exploration, forcing the use of activities with very low impact on the sea environment and imposing access limitations to the regional fleets, in order to allow a proper usage of its fishing potentials, keeping its future safe.

This kind of management has achieved, until today, an uninterrupted source of economic sustainability as well as the creation of employment among the Azorean population.

Because the potential of fishing resources that exists in the waters that surround the Azores is very fragile and carries a vital importance to the regional self-sustainability, it is now essential to establish management policies amongst the renewal of the common policy of fishery, that promote the rationality of its exploration, in order to guarantee its preservation for a medium and long term.

The singularity of the Azorean waters, given its ocean deep characteristics, apart from restricting the areas available for fishing activities, also forces a very careful application of the precaution principle, with the purpose of preserving biologically all the resources that evolve in that environment.

The free access to the Azorean waters by vessels with large capacities of fishing activities is not consistent with the fragility of the living maritime resources that exists on the archipelago and may lead to its over-exploration and consequent depletion.

The problem in the Azores is that there are not many fishing banks in its biogeographical maritime zone and the ones that exist are very small. That happens due to its unique characteristic as a group of islands located in a very profound area of the Atlantic Ocean. It's important to notice that the area of fishing banks available in the 200 miles of the Azores, for the current type of fishing up to 600 meters in depth, doesn't even reach 50% of the area available in the 12 miles of the territorial sea in the Portuguese Continent.

In fact, the maritime zone that surrounds the Azores has a large quantity of water, is very deep and has little fish. That is why the current 100 miles of protection for the local fleets are not enough to guarantee the perpetuity of the resources, given the principle of precaution and sustainable development, so often mentioned by the common policy of fishery.

On the other hand, they don't even represent equal opportunities for the Azorean fishermen, when compared with the access guaranties reserved to the depth resources that were given to the fishing communities that reside on the European Continent, because the 12 miles of continental waters are far more richer in fishing species then the 200 miles area of water that surrounds this ultra-peripheral region.

3. The Management by Maritime Territories and the Fishing Access Regime

The activities related to fishing that are currently taking place in the Autonomous Region of the Azores, not only promote the social and economic cohesion, assuring the

subsistence of many families of all the islands, but they are also a factor that allows the settling and solidification of those communities along the shores of the Archipelago.

It is important that the common fishery policy maintains an approach to this sector that takes into account the biological, ecological, economic and social levels, so that there can always exist a compromise between the situation of the resources available in the different maritime zones and the defense of the social and economical interests of the communities that depend entirely on the proximity fishing, which guarantees their jobs and their prosperity.

According to the principle of sustainable development, it must not be allowed the transfer of vessels between different geographical areas, whenever the sustainability of both the fishing activities and the local communities are in danger, due to the increase of the number of vessels operating in a specific maritime zone.

The regulations concerning the management of the fishing activities taking place in communitarian zones and resources, also known as the Regulation of Western Waters, has reduced the protection zone of the Azorean main fleet from 200 to 100 miles, a measure that goes against the principle of precaution. That situation has consequently created an increase of the fishing activities in this specific maritime zone and it is not accordingly to the principle of sustainability defended by the regulations that are the base of the common fishery policy.

In every decade, whenever the common fishery policy is reviewed, the European Union has extended the centralizing mechanisms of the management and control of all the communitarian fishing sector and, at the same time, has allowed the free circulation of fleets in all the communitarian waters. The vessels of some regions, with larger capacities and autonomy, have taken advantage of this situation and after exhausting the resources existent on the areas closer to their shores, are now free to debilitate other areas, that were commonly used by fleets with a smaller fishing activity but a bigger responsibility concerning the good principles of exploration.

The European option to liberalize the access to their resources has, in our opinion, facilitated the over-exploration of almost every European sea. It was responsible for an

irrational race to increase certain captures only with the purpose of historical records, regardless of the resources that were really available. It has led to an intensification of the fishing activities and to the attempt of concentrating the fishing rights. All this goes against the logic of sustainability based upon the characteristics and capacities of each of the different European maritime zones.

The approach to fishing activities must concern the guarantee of a social and economic development, in a globalized and speculative market, products from the sea that are the result of an extractive activity, taking place in a specific maritime territory, which constitutes a cultural inheritance of the sea-shore communities, in which the fishing skills are passed on from father to son, generation after generation.

The Government of the Azores strongly believes that the principle of the fishery management by different bio-geographical maritime territories, according to their characteristics, is the correct principle at a European level, so that this sector can be economically viable in a long term and can be able to guarantee its sustainability in the different regions of Europe, with equal opportunities and social justice to the communities that rely exclusively on the proximity fishing resources for their subsistence.

This model of accessing resources will favor the workers with low autonomy and low capacity of freezing on board, will restraint the industrialization of the sea-shore fishing vessels due to the proximity of the fishing areas, imposing a more craft character to the activity. It will lead to the reduction of unnecessary captures through the use of more craft and selective techniques, will guarantee more employment, since this type of fleets is responsible for a larger number of European workers than the industrial fleets, the products will have better quality and better commercial value and it will, consequently, increase the number of other activities related to the sea on the local sea-shore communities.

Only this solution can lead to a precise and harmonious adjustment on the size of the communitarian fleet, according to the fishing capacities of the different maritime zones within the European Union.

In fact, there is an over-dimensioned fleet in the European Union when compared to the resources available in the communitarian waters, and it needs to be adjusted. But this adjustment can not be made at the expense of the craft fleets, for that situation would lead to a loss of cultural identity of many sea-shore areas, where the subsistence of those communities depend exclusively on the proximity fishing activity.

This adjustment must be defined by the restriction and definition of the precise number of vessels that can operate in each maritime territory, based on their capacity and on the principle of precaution, prioritizing the craft vessels of the sea-shore communities who have an historic tradition on their contiguous maritime zones.

The reduction of the communitarian fleet should be first made at the expense of the vessels that no longer have the possibility to operate in their own areas and, being able to work somewhere else, no longer have the possibility to operate on international waters or third countries.

If a plan for the exploration of the communitarian waters is not created, based upon an access regime that keeps the vessels, as described above, away from these waters, then the sustainability of the European seas will be condemned in a medium term. These fleets will accumulate the fishing activities with the more crafted ships, that do not have the ability to travel longer distances in the search for subsistence and this scenario will consequently lead to a decrease on the prosperity of the regions with such maritime traditions and to an increase on the levels of unemployment amongst the sea-shore communities.

4. The Decentralized Management of the Bio-geographical Area of the Macaronesia

The centralized functioning of the current fishing management must be decentralized and created in a model of Units Management, respecting the subsidiarity and with an approach that takes into account the ecosystems, as was imposed by the “maritime strategy”.

This management system must leave the traditional vertical approach and engage in the principles of regionalization and subsidiarity – decentralization in a horizontal plan – considering the differences in each bio-geographical maritime zone, instead of adopting a communitarian model of centralized management that treats all areas equally.

It is fundamental to apply an approach by ecosystems, where the specific management decisions of the local fleets are taken on a regional level and according to the communitarian regulations. This will guarantee a differentiated fishing regime, which protects the proximity local fleets and the involvement of the local fishing communities.

It is also important to take notice that with this renewal, the concept of “proximity craft fishing” must evolve. The changes cannot only be about the length of the vessels but also about the length of the journeys, the fishing tides, the selection of the arts, the techniques and the capacity of freezing on board.

In this renewal, and for an effective and efficient decentralization, regional departments should be created and be given the power to decide about the type of management. These departments should include political and administrative regional representatives, from the fishing sector, other parts involved in this matter and also from the scientific community. Along with the regional councils for consultations, they would all provide for a well managed sector, according to the goals and general principles defined by the communitarian legislation.

As it is known scientifically, the habitats and species that traditionally coexist are associated to regions that have similar characteristics. When speaking of the maritime ecology, the European Commission itself has also assumed that the European waters are divided in four distinct maritime bio-geographical areas.

The maritime Atlantic, maritime Baltic, maritime Macaronesia and maritime Mediterranean represent four distinct areas, with specific characteristics that should be considered as Units of Management, separated in terms of preservation and exploration of their resources.

Given the fact that the European Commission has adopted the existence of a maritime bio-geographical area for the Macaronesia, which includes only the waters that surrounds the archipelagos of the Azores, Madeira and the Canary Islands, this distinction must be considered a fundamental tool to manage the fishery sector on this side of the Atlantic, and it must be used in the renewal of the common fishery policy.

By separating the waters from the Macaronesia from the ones of the European Continent, in terms of maritime habitats, the common fishery policy has now to evolve and develop a strategy to support a careful and specific management of the maritime territories of each of these archipelagos, in order to act accordingly with its own principles regarding the preservation of the maritime resources.

The Azorean waters should then be considered as a sub-unit within the management units of the Macaronesia, having the need to create the proper conditions so that all the partners of the fishery sector from this ultra-peripheral regional (local administration, professionals and investigators) can have a greater participation and responsibility in the decision making process, concerning their fishing area, according to the principles and basic rules determined by the European Union.

In order to be a part of the fishery management of the bio-geographical zones of the ultra-peripheral regions, our goal is to create a regional consulting council, which would include all the ultra-peripheral regions with 3 sub-divisions: Macaronesia (Azores, Madeira and Canary Islands); Antilles/South America (Guadalupe, Martinica and French Guiana); and Indian (Reunion Island).

The Macaronesia sub-division will correspond to a management unit and the fishing area of each archipelago, with the group of species that are explored in a specific maritime zone, will correspond to a management sub-unit.

This type of sub-units management allows the regional consulting council to have a role in choosing the management system to apply in each area around the archipelagos, making sure it's the most appropriate one concerning the maritime zone, the existing species and the type of fleet that will assure its sustainability.

In this renewal of the common fishery policy, we think it's an absolute priority to create once again a maritime zone of permanent protection of the 200 miles in the Azores, within the bio-geographical maritime region of the Macaronesia, one that promotes a positive discrimination in accessing the resources, by the craft fleets and the fishing communities of this region, contributing for the preservation of the local economy, in accordance with the Treaties and the European common fishery policy.

5. The Fishing Rights and the Relative Stability on the Different Communitarian Waters

The maritime biological resources are a public common good, which is used not only for professional fishing activities but also for recreational purposes like tourism, underwater activities or sports, including underwater photography and observation, occupations that are starting to have a significant increase on the European sea-shores.

All these activities must be taken in account and cannot be put aside on the discussion about the fishing management and the maritime territories, because those resources are public and must be enjoyed specially by the sea-shore communities that have explored them throughout the centuries, engaging in sustainable activities in a smaller scale, which were the way of life of several generations of families profoundly connected to the sea.

Thus, it is necessary to establish a different regime for the European regions, particularly for the ultra-peripheral regions, where the populations depend on those resources, which have even become a significant part of their cultural identity, complementing the measures that are to be taken concerning the craft fishing.

We think that in this renewal the concept of relative stability should be adjusted to each bio-geographical zone of the ultra-peripheral regions, in order to maintain the fishing rights that can guarantee the long term viability of their communities.

It is fundamental to prevent that the fishing possibilities on the maritime territory of regions like the Azores can be assigned to others, who normally operate far from the areas of direct intervention of those professionals that are currently committed to fishing

activities in those areas, that have contributed to their social and economic development, that have waters with low fishing capacity and have no other productive alternatives.

The principle of dividing the fishing possibilities, under the principle of relative stability in a specific geographical territory, based on the history of the fishing communities in that same area, is fundamental to guarantee and maintain the access and the right to fish to the Azorean fishermen, in waters that do not go beyond the 200 miles around the islands of this archipelago, as long as they work in craft ships with no capacity to travel to fishing banks that are more than a day away.

We also consider that the division of the fishing possibilities regime should be adjusted and based on the limitation of days when the vessels can actually leave the harbor to work, in a strict combination with the current system of captures.

The adoption of TAC's and shares is considered to be accurate for some species, as an additional management tool, but for the ultra-peripheral regions the adoption of multi-specific shares will be a more proper instrument.

The possible implementation of individual transferable shares will inevitably lead to the privatization of the fishing possibilities and to the concentration of companies and vessels of larger dimensions, something that it's not compatible with the maintenance of the fishing activities in the ultra-peripheral regions, specially in the Azores, where the fishing is in proximity and is not very intense.

The use of management tools based in access rights that promote individual interests regardless of the interest of the group should be avoided, specially those that incorporate mechanisms of access rights assignment based on the market laws. The logic of tools like the individual transferable shares and the logic of craft fishing, the way it is practiced in such regions, are not compatible.

It is also important in this renewal to state the fundamental rights of the craft sea-shore fishing in the integrated maritime policy, in order to include the recognition of the fishing communities as an essential partner in the definition of the space where they carry on their professional activities.

6. Trade and Markets

One of the causes for the instability of the commercial value of the European captures is the fact that the communitarian market is receiving products that do not have the same control as the European sector does.

Thus, it is important to develop strategies that can assure equal conditions on the European Union market, not only in terms of the fishery sustainability but also in what concerns the health, sanitary and hygiene control.

The craft fleets' productions of the ultra-peripheral regions have been directly affected by the distortions created by a global market that receives fishing products from other continents that do not have the same regulations as the European sector.

The promotion of actions at a European level that can assure the origin of the fishing products and its traceability in every step of the commercial chain will value the communitarian products and improve not only the safety of the European consumer but also the information about the quality of the product and the sustainability of the fishery.

In what concerns the markets, it is fundamental that the producers have their own place on the commercial chain, in order to decrease the number of mediators and reduce the gap between the prices at the auction fishing and the prices that the final consumer has to pay.

In order to achieve the goal of improving the incomes of those who work at the sea, it is critical that the extractive sector has a better organization. For that to happen, and at a communitarian level, the skills of the producers associations must be reinforced, concerning the fishery management and the trading of the products. They need much better training, given they are a key element to promote the entry of the fishermen on the fishing markets.

The renewal of the common fishery policy must also be concerned about integrating the discussion on the reorganization of the common market, concerning the fishing products, for it's not possible to guarantee the sustainability of the resources and communities

without assuring a trading system that provides better income for the producers and better quality for the consumers.

7. The Knowledge Base of the Policy

Fishery is a sector of the economic activity that relies on the scientific information, which is fundamental for the political management decisions, constantly aware of the conditions of the fishing stocks in order to promote preventive conducts on the fishermen.

For that reason, it is critical that the European Union creates specific programs to deepen the partnerships between the regional management units and the local institutes of maritime investigation, in order to improve the scientific knowledge and the fishery management on the different areas, promoting, at the same time, the sharing of information among the communities that explore the sea, thus developing this sector within the capacities of each specific maritime zone.

8. Structural Policy and Public Financial Support

The structural policy has created unwanted effects on the fishing sector of some European regions that had not concerned their development based on the principle of sustainability. Despite that, it doesn't make sense to penalize the communities that explore their resources in a responsible way and so it is important to create a specific communitarian program to modernize and renew the craft fleets that operate based on a culture that meets the regulations imposed upon them.

For that reason, it is critical to resume the program that supports the construction of new vessels, in order to increase the security and life conditions on board so that the work at sea is performed within the principle on sustainable fishing, with better vessels and better equipments.

Only with improved technologies that can assure the safety and competitiveness of the fleets, more adjusted to the possibilities of fishing in each vessel, one can create the proper conditions for the development of this profession, making it more appealing for

the younger generations, allowing us to counteract the aging of the European fishery class.

In what concerns the European Fishing Fund it is of a great importance, on the common fishery policy, to maintain a financial tool that encourages this sector, conserving the principle of majoring the intensity of the supported co-financed actions in the ultra-peripheral regions, as well as the simplification of the management procedures of this regime.

It is also considered fundamental that the renewal of the common fishery policy should maintain, beyond 2013, the option of preservation and reinforcement of the specific devices that allows the compensation of the coasts for the disposal of the fishing products, regarding the structural limitations that affects this sector on the ultra-peripheral regions.