

## **Latest legislation issues on sustainable exploitation of aquatic resources**

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**Abstract.** In order to attain the objectives of the Common Fisheries Policy of providing sustainable exploitation of living aquatic resources and of aquaculture, of water resources protection, further legislative approaches were taken. We referred briefly to two community documents: Directive 2008/105/EC on environmental quality standards in the field of water policy and Regulation no 1342/2008 that establishes a long-term plan for cod stocks and the fisheries exploiting those stocks.

**Key words:** legal provisions, Common Fisheries Policy, sustainable exploitation.

**Resumen.** Para cumplir con los objetivos de la política pesquera común respeto a la explotación sostenible de los recursos acuáticos vivos y de la acuicultura, de la protección de aguas, en el contexto de un desarrollo sostenible, era necesario modificar el marco legislativo actual. Nos hemos referido a dos actos comunitarios: Directiva 2008/105/CE relativa a las normas de calidad ambiental en el ámbito de la política de aguas y Reglamento (CE) no 1342/2008 por el que se establece un plan a largo plazo para las poblaciones de bacalao y las pesquerías que las explotan.

**Palabras clave:** disposiciones legales, política pesquera común, explotación sostenible.

**Rezumat.** În vederea atingerii obiectivelor politicii comune în domeniul pescuitului, referitoare la exploatarea durabilă a resurselor acvatice vii, a acvaculturii și a protecției resurselor de apă, erau necesare noi modificări legislative. Ne-am aplecat atenția asupra a două acte comunitare: Directiva 2008/105/CE privind standardele de calitate a mediului în domeniul apei, Regulamentul nr 1342/2008 de stabilire a unui plan pe termen lung pentru rezervele de cod și zonele piscicole care exploatează aceste rezerve.

**Cuvinte cheie:** dispoziții legale, politica comună în domeniul pescuitului, exploatare durabilă.

**Introduction.** The Common Fisheries Policy shall cover conservation, management and exploitation of living aquatic resources, aquaculture, and the processing and marketing of fishery and aquaculture products where such activities are practiced on the territory of Member States or in Community waters or by Community fishing vessels or, without prejudice to the primary responsibility of the flag State, nationals of Member States. The Common Fisheries Policy shall provide for coherent measures concerning: (a) conservation, management and exploitation of living aquatic resources, (b) limitation of the environmental impact of fishing, (c) conditions of access to waters and resources, (d) structural policy and the management of the fleet capacity, (e) control and enforcement, (f) aquaculture, (g) common organization of the markets, and (h) international relations (art. 1, Council Regulation no 2371/2002).

The Common Fisheries Policy (CFP) was reformed in 2002 to strengthen Community action in support of sustainable fisheries. The key components of the problems affecting the fisheries sector were already apparent at the time: overcapacity of the fishing fleet, weakened stocks and ecosystems, growing difficulty for fishermen to turn a profit on their work tool (European Commission 2009). The 2002 Reform of the Common Fisheries Policy introduced the principles of long-term planning, and a precautionary, ecosystem-based approach to fisheries management. Consultations on what shape such a Reform might take, will begin in the first half of 2009, when the Commission plans to publish a major discussion document (European Commission 2009).

**Short Overview.** In order to attain the objectives of the Common Fisheries Policy of providing sustainable exploitation of living aquatic resources and of aquaculture, of water protection legal framework, further legislative approaches should be taken. Next, we will briefly refer to two community documents.

On the 16th of December, the European Parliament and the Council of Ministers adopted Directive 2008/105/EC on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 13 July 2010. One of the reasons of directive drawing up was the fact that chemical pollution of surface water presents a threat to the aquatic environment with effects such as acute and chronic toxicity to aquatic organisms, accumulation in the ecosystem and losses of habitats and biodiversity (see also Hărșan & Petrescu-Mag 2008), as well as a threat to human health. As a matter of priority, causes of pollution should be identified and emissions should be dealt with at source, in the most economically and environmentally effective manner. The aquatic environment can be affected by chemical pollution both in the short- and long-term, and therefore both acute and chronic effects data should be used as the basis for establishing the environmental quality standards (EQS). In order to ensure that the aquatic environment and human health are adequately protected, EQS expressed as an annual average value should be established at a level providing protection against long-term exposure, and maximum allowable concentrations should be established to protect against short-term exposure.

In brief, this directive lays down EQS in accordance with the provisions and objectives of Directive 2000/60/EC.

Annex X to Directive 2000/60/EC shall be replaced by the text set out in Annex II to this Directive. Annex II to Directives 82/176/EEC, 83/513/EEC, 84/156/EEC and 84/491/EEC respectively shall be deleted. Headings B in Sections I to XI of Annex II to Directive 86/280/EEC shall be deleted. Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC and 86/280/EEC shall be repealed with effect from 22 December 2012.

The Directive 2008/105/EC lays down environmental quality standards (EQS) in accordance with the provisions and objectives of Directive 2000/60/EC.

The Council of Ministers adopted on the 18th of december 2008 (applied from 1 January 2009) a Regulation (no 1342/2008) that establishes a long-term plan for cod stocks and the fisheries exploiting those stocks and repeals Regulation (EC)no 423/2004. Recent scientific advice from the International Council for the Exploration of the Sea (ICES) has indicated that the reductions in cod catches arising from the collective effect of total allowable catches (TACs), technical measures and complementary effort management measures, including monitoring and control to prevent the catching and landing of cod caught by illegal, unreported and unregulated fishing, have been far from sufficient to reduce fishing mortalities to levels required to allow the cod stocks to rebuild and none of the four cod stocks covered by Regulation (EC) No 423/2004 show clear signs of recovery, although the stocks in the North Sea are showing some signs of improvement. This Regulation establishes a plan for four cod stocks corresponding to the following geographical areas (art.1):

- (a) the Kattegat;
- (b) the North Sea, the Skagerrak and the eastern Channel;
- (c) the West of Scotland;
- (d) the Irish Sea.

According to recent scientific submissions, in particular on long-term trends of marine ecosystems, desirable long-term levels of biomass cannot be determined with accuracy. As a consequence, the objective of the longterm plan should be changed from a biomass-based target to a fishing mortality-based target, which should also be applied to permitted levels of fishing effort. The plan referred to in Article 1 shall ensure the sustainable exploitation of the cod stocks on the basis of maximum sustainable yield (art.5.1).

The regulation is divided on five chapters that refers to issues such as: Calculation of fishing effort, Objective of the plan, Procedure for setting TACs for cod stocks in the Kattegat, the west of Scotland and the Irish Sea, Minimum and precautionary levels (referring to catching), Fishing effort regime, Fishing effort allocations, National control action programmes, Assistance under the European Fisheries Fund etc.

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