

### Romanian legal instruments for implementing EU assistance in fishery

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**Abstract.** In the present study the main components of the Fisheries Operational Programme (FOP) are presented. The implementation of these components aims to relaunch the Romanian fisheries sector on sustainable basis, given the financial support granted by the EU structural funds. The objectives and guidelines of the FOP are briefly presented. The components of the five priority axes are described (Priority Axis 1. Measures for adapting the communitarian fishing fleet; Priority Axis 2. Aquaculture, inland fishing, processing and marketing of fishery and aquaculture products, Priority Axis 3. Measures of common interest. Priority Axis 4. Sustainable development of fisheries areas, and Priority Axis 5. Technical assistance) and the measures required to be taken within each axis. There are also specified the shares of financial allocation made available by the EU for each axis.

**Key Words:** priority axis, Fisheries Operational Programme, objectives, measures.

**Résumé.** Dans la présente étude les principales composantes du Programme Opérationnel de la Pêche (POP) sont décrit. La mise en œuvre vise à relancer la base du secteur roumain de la pêche durable, étant donné le soutien financier accordé par les fonds structurels de l'UE. L'étude résume les objectifs et les lignes directrices de l'POP. Ils sont décrit les éléments des cinq axes prioritaires (L'Axe prioritaire 1. Des mesures pour adapter la flotte de pêche communautaire. L'Axe prioritaire 2. Aquaculture, pêche en eaux intérieures, transformation et commercialisation des produits de la pêche et l'aquaculture. L'Axe prioritaire 3. Mesures d'intérêt commun. L'Axe prioritaire 4. Le développement durable des zones de pêche, et L'Axe prioritaire 5. Assistance Technique) et les mesures nécessaires à prendre dans chaque axe. Il sont également précisé les allocations financières mis à disposition par l'UE pour chaque axe prioritaire.

**Mots clef:** axe prioritaire, Programme Opérationnel de la Pêche, objectifs, mesures.

**Rezumat.** În studiul de față sunt prezentate principalele componente ale Programului Operațional pentru Pescuit (POP) a cărui implementare vizează relansarea pe baze durabile a sectorului piscicol românesc, în condițiile suportului financiar acordat de Uniunea Europeană prin fondurile structurale. Sunt prezentate pe scurt obiectivele și liniile directoare ale POP. Sunt descrise componentele celor cinci axe prioritare (Axa prioritară 1. Măsurile pentru adaptarea flotei de pescuit comunitare; Axa prioritară 2. Acvacultura, pescuitul în apele interioare, procesarea și marketingul produselor obținute din pescuit și acvacultură, Axa prioritară 3. Măsurile de interes comun. Axa prioritară 4. Dezvoltarea durabilă a zonelor pescarești și Axa prioritară 5. Asistența tehnică), precum și măsurile impuse a fi luate în cadrul fiecărei axe. De asemenea, sunt specificate proporțiile ce revin fiecărei axe din alocarea financiară pusă la dispoziție de UE.

**Cuvinte cheie:** axa prioritară, Program Operațional pentru Pescuit, obiective, măsuri.

**Introduction.** All the components of the Operational Programme for Fisheries (OPF) are developed by the Romanian authorities on dual purpose: that of sustainable conservation of the fish stock and that of maintaining a clean environment while accessing EU financial support on nationally and internationally legal basis, both developed since the last half of the XX<sup>th</sup> century [Legea nr. 298 din 28 iunie 2004, Legea nr. 137/1995, Constituția României, Programul Operațional pentru Pescuit, România, 2007-2013, Regulation of (CE) no. 1198/2006]. The implementation of this programme needs that general ecological protection principles of international law to be taken into account. Most of them were considered as components of international regulations as consequence of resolution and/or conventions adopted within international conferences. In this respect, we can mention: *The principle of the sovereign right of each state to exploit natural resources in accordance with its own environmental policy* (United Nation General

Assembly Resolution no. 2153/1996 cited by Oroian I. G. and Petrescu-Mag R. M., 2010), *The principle of prevention of environmental risks and damage, and The principle of biodiversity conservation and specific ecosystems for natural biogeographic framework* (Convention on biological diversity adopted in the end of the United Nations Conference for Environmental Protection Rio, 1992, cited by Oroian I. G. and Petrescu-Mag R. M., 2010).

The development and implementation of the OPF was done taking into account the particularities of Romanian fisheries sector [POP 2007-2013], provided that the national production capacity in the field is of: 400,000 ha of natural lakes (including Danube Delta) and reservoirs, 84,500 ha of fish farms, 15,000 ha of nurseries, 66,000 km of rivers, of which 18,200 km in the mountain area and 1,075 km is represented by Dunărea river. An exclusive economic zone of 25,000 km<sup>2</sup> Black Sea and coastal area of 250 km, are also added. The OPF strategy by objectives (Fig. 1), aims to strengthen an internationally competitive fishing sector on a sustainable basis, taking into account equally the environmental issues, social sector and economic development.

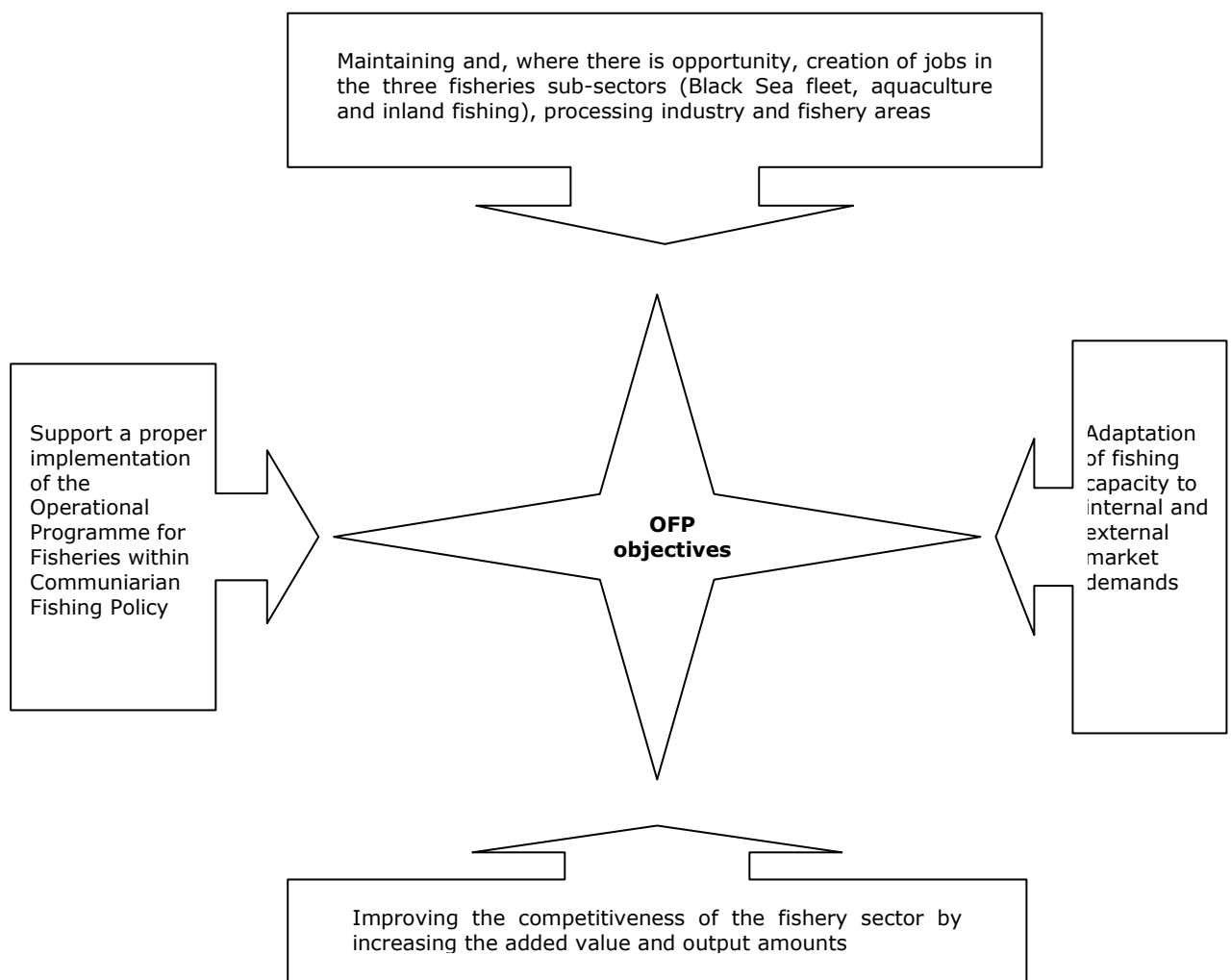


Figure 1. The OPF objectives

**The OPF guidelines** [Programul Operațional pentru Pescuit, România, 2007-2013]. To meet the Romanian realities, the OPF involves the nomination of the priority axes and implementation methodology in compliance with the measures stipulated by them. In determining priority axes have been taken into account three principles (Fig. 2).

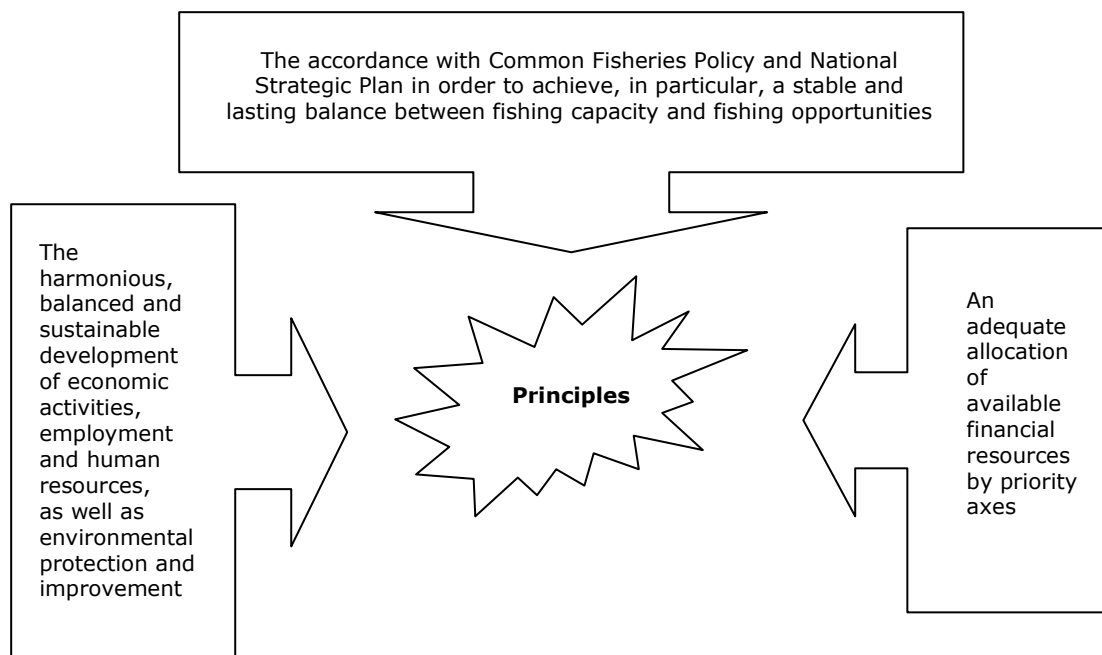


Fig. 2. The principles on which the priority axes were formulated

The financial allocation was decided taking into account the third guiding principle, but all requirements of the strategy objectives were also considered.

The allocation of financial resources is the following:

**4.33% for Priority Axis 1:** Measures for adapting the EU fishing fleet. Financial allocation is justified by the need for modernization of vessels and in particular the small coastal fishing boats practicing. This axis includes measures aimed at:

- fishers affected by developments in fishing due to the permanent cessation of fishing activities of vessels by scrapping or changing the activity;
- support for young workers in the fishing sector for the purchase of a ship for the first time;
- early retirement;
- learning activities.

**45.51% for Priority Axis 2:** Aquaculture, inland fishing, processing and marketing of fishery and aquaculture products. It has allocated the largest proportion of total aid that European Supply for Fishing allocation and includes measures to support:

- the development of small farms and micro-aquaculture;
- development of processing units;
- modernization of inland fisheries by building and upgrading of shelters and boats;
- improved product quality from fishing in inland waters by boats equipped with ice machines, creating specific conditions for the first sale and development of other specific features do not exist or do not meet EU standards.

**13% for Priority Axis 3:** Measures of common interest. Axis includes support measures for the modernization of fishing ports and landing sites.

**32.51% for Priority Axis 4:** Sustainable development of fishery areas. Because Romania considers of great importance the local development strategies for integration of this axis, a high proportion of the support fund is assigned.

**4.65% for Priority Axis 5:** Technical assistance. It is spent to strengthen the administrative capacity including Common Fisheries Policy (CFP) aspects related to implementation of the FOP.

The Priority Axes 1, 2 and 3 propose measures to support the vertical development of the fishing sector. Priority Axis 4 measures contribute to short-term completion of the CFP, on solving economic, social and environmental problems, in order to counter the phenomenon of depletion of fish stocks.

**The objectives and measures of the priority axes. The Priority Axis 1: Measures adapting the EU fishing fleet**, will be implemented through the measures stipulated by it (Fig. 3). The main objectives of Priority Axis 1 are:

- adaptation of the fishing fleet to available and accessible resources from the Black Sea and adjustment of fishing effort in accordance with the Common Fisheries Policy for the species present in the Black Sea;
- maintaining competitiveness through modernization and adaptation of the Romanian fleet of ships and boats to the current requirements for safety of navigation, fishing gear selectivity, improve work conditions and storage of catches;
- helping fishermen affected by the evolution of fishing activities (cessation of fishing activities by vessels disposal or change their destination) by programs involving fishermen retraining in areas other than fishing;
- maintenance activity on a small scale fishing fleet in the coastal areas;
- increased efficiency Romanian fishing fleet.

The objectives and measures of the **Priority Axis 2: Aquaculture, inland fishing, processing and marketing of fishery and aquaculture products** are:

- upgrading aquaculture to adapt it to the market demands;
- maintaining a sustainable level for fishing in inland waters;
- improving the quality of the processed and traded products of fish sector;

The implemented measures (Fig. 4) will be consistent with the objectives set forth.

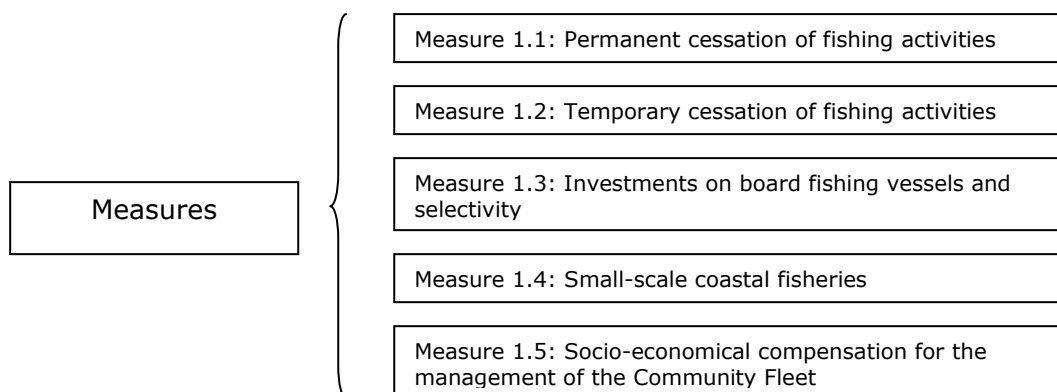


Figure 3. Measures proposed under Priority Axis 1

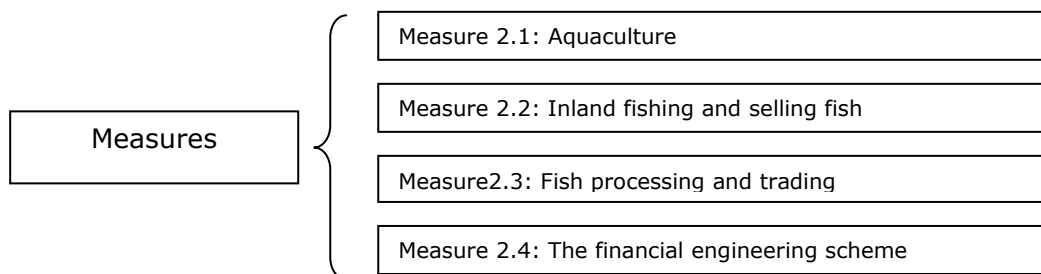


Figure 4. Measures proposed under Priority Axis 2

**The Priority Axis 3: Measures of common interest.** The main objectives of Priority Axis 3, in accordance with the European Fisheries Fund Regulation, are:

- to strengthen the infrastructure for ensuring a profitable and competitive fishing industry long-term in the mean time with enhancing safety measures for workers in the fisheries sector;
- support for training and skills in fishing and aquaculture sector;
- supporting joint actions to develop a sustainable fisheries and aquaculture sector  
They are put into practice by developing a series of measures (fig. 5).

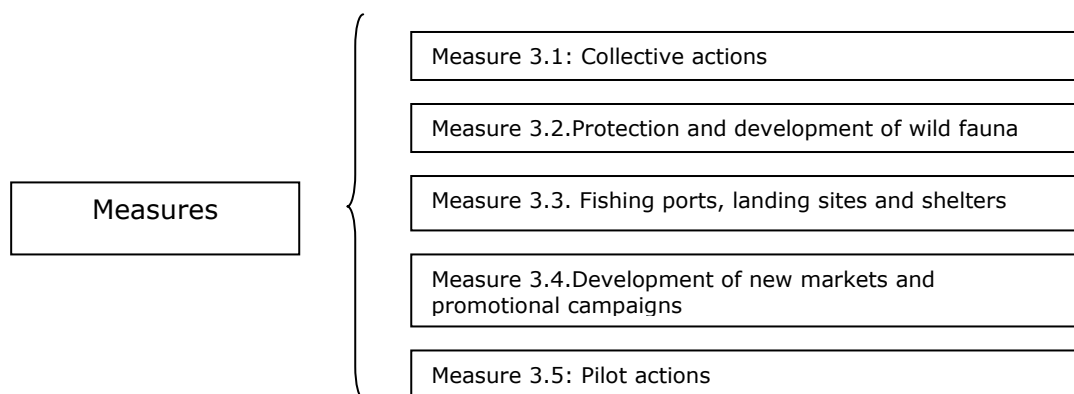


Figure 5. Measures proposed under Priority Axis 3

**The Priority Axis 4: Sustainable development of fisheries areas.** It aims to minimize the decline in the fishing sector, support the conversion of areas affected by the changes in this sector and helping the fishermen to find new areas and sustainable resources to improve quality of life. In implementing the objectives stipulated by the sole measure of the axis, Measure 4.1 Development of the fishery (Fig. 5), the local communities have a leading role. They must develop tools in order to identify issues and objectives of the fishermen communities and implement solutions tailored to real needs. This is essential to accurately identify the challenges and real needs of fishermen communities and also provide technical and financial support for their resolution.

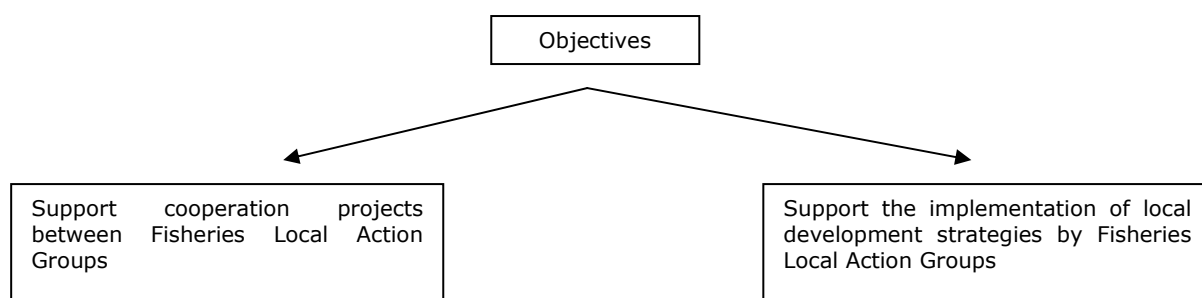


Figure 6. The objectives of Measure 4.1. Development of the fishery

**The Priority Axis 5: Technical Assistance.** Technical assistance is very important for EU member states that have not yet experienced the implementation of EU structural instruments. SAPARD and PHARE programs had a different structure from that imposed by those designated to implement structural funds. Also, the amounts allocated are much higher, in structural funds case. The objectives of this axis are:

- to develop all the preliminary documents for the preparation and implementation of Operational Programme for the EFF;
- increased government capacity issues including those of the Common Fisheries Policy in relation to implementing the European Fisheries Fund.

The management authority will be strengthened by increasing the number of personnel and appropriate training in order to enhance administrative capacity. Authority will receive technical assistance, which includes all measures (Fig. 6) considered necessary for the development and strengthening of management and control system suitable for implementing the Operational Programme.

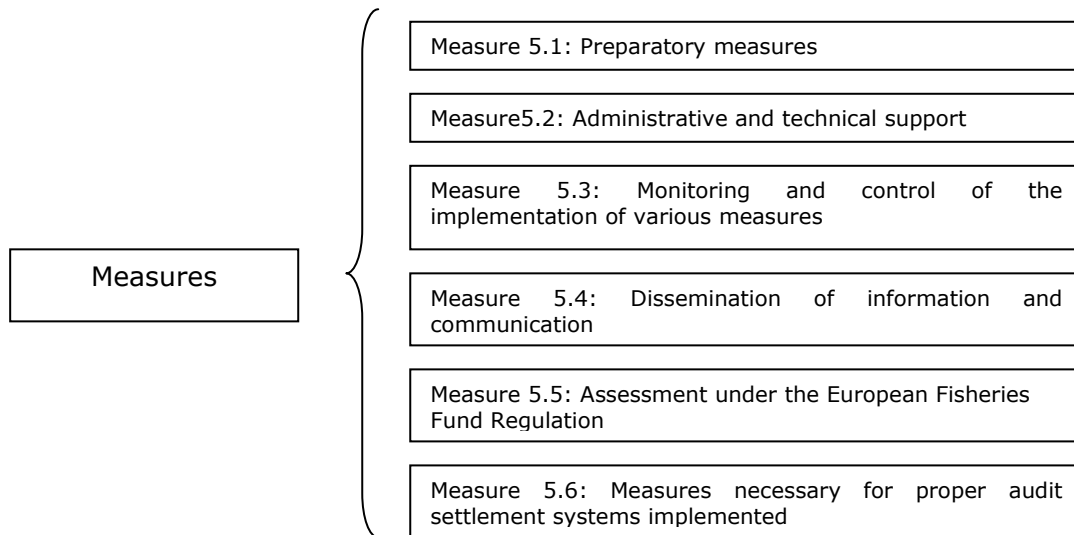


Figure 6. Necessary measures to implement the Priority Axis 5

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