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# Briefing

## How France allocates fishing opportunities to its fishers

### Background

France has one of the largest fishing vessels in the European Union, and its fisheries sustain many communities, especially in coastal areas, by providing income, employment, and food. However, biased and opaque allocation of fishing opportunities can lead to inequality in fishing activities, conflicts over access to fisheries, economic hardship for fishers, and negative impacts on fisheries and the marine environment. To prevent such outcomes, Article 17 of the Common Fisheries Policy (CFP)<sup>1</sup> and French Rural and Maritime Fishing Code<sup>2</sup> requires France to use transparent and objective criteria for allocating fishing opportunities, including those of a social, economic, and environmental nature.

This briefing provides an overview of France's approach to allocating fishing opportunities within the framework of the European Union (EU) CFP and the French Rural and Maritime Fishing Code. It proposes measures to improve transparency and objectivity in resource allocation, aiming to enhance the sustainability and fairness of France's management practices.

### France's fishing fleet

France is one of the main marine fishing nations in the EU, with the second-largest fishing fleet capacity by vessel gross tonnage. In 2022, France contributed 15% of total EU catches, with a catch volume of 517,000 tonnes, valued at EUR 1 billion.<sup>3</sup> The French fleet comprises 5986 registered vessels, which operate in fishing grounds in EU waters of the Atlantic Ocean, the Mediterranean Sea, in the outermost regions, as well as in third-country and international waters.<sup>4</sup>

The vast majority of French vessels (61%) are artisanal, measuring less than 12 metres in length. Despite their high numbers, these vessels only account for a small fraction of the total gross tonnage of the French fleet. In sharp contrast, the larger-scale fleet, which comprises 177 vessels measuring 24 metres or longer, commands a substantial 59% share of France's fishing capacity (Table 1).

Table 1: Overview of the French fleet structure in 2023.

Fleet Classification (by length in m)	Number of registered vessels	Gross tonnage (GT)	Engine power (kW)
0-12	5195	23,225	565,022
12-24	614	43,119	176,561
>24	177	93,587	180,460
<b>TOTAL</b>	<b>5986</b>	<b>159,932</b>	<b>922,043</b>

Source: European Commission. (n.d.) *EU Fleet Register*.  
[https://webgate.ec.europa.eu/fleet-europa/index\\_en](https://webgate.ec.europa.eu/fleet-europa/index_en)

### Fishing opportunities overview:



Fishing opportunities refer to legal rights to fish, regulated by catch limits and/or fishing effort.



EU fishing opportunities are determined annually by EU Fisheries Ministers.

## Legal requirements for allocation

French, EU, and international laws and commitments establish various requirements for France to follow in the processes and criteria it uses to allocate fishing opportunities across its fleet.

The French Rural and Maritime Fishing Code defines the process of allocating fishing opportunities. Namely, Articles R921-7 to R\*921-65 outline the management of the fishing fleet and access to resources, the regime of fishing authorisations, and the distribution and collective management of fishing opportunities. Specifically, Articles R921-33 to R\*921-65 outline the general rules, processes, and penalties for distributing and managing catch and fishing effort quotas (between POs, groups of vessels, or independent vessels).

Under the CFP, Article 16 mandates that Member States, such as France, determine a method for allocating fishing opportunities to individual vessels or groups of vessels flying their flag, in combination with reporting their approach to the European Commission. Additionally, Article 17 of the CFP requires Member States to use transparent and objective criteria, including those of an environmental, social, and economic nature, when distributing fishing opportunities. These criteria may include, among others, the impact of fishing on the environment, compliance history, contribution to the local economy, and historic catch levels. Furthermore, Member States should endeavour to provide incentives to fishing vessels that deploy selective fishing gear or use fishing techniques with reduced environmental impact.

These EU requirements are in line with other international commitments and legal instruments related to the allocation of fishing opportunities, which include:

- United Nations Convention on the Law of the Sea<sup>5</sup>
- FAO Code of Conduct for Responsible Fisheries<sup>3</sup>



- UN 2030 Agenda for Sustainable Development and related SDGs<sup>6,7</sup>
- FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries<sup>8</sup>
- FAO Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries, and Forests<sup>9</sup>

## Processes for allocating fishing opportunities in France

The allocation of fishing opportunities is overseen by the Directorate General for Maritime Affairs, Fisheries, and Aquaculture (DGAMPA), guided by the consultative commission on fisheries resources management (CCGRH) made up of national federations of POs, and the National Committee for Maritime Fisheries and Marine Farming (CNPMM) (Articles D921-5 of the Rural and Maritime Fishing Code).<sup>2</sup> The CNPMM represents all fisheries committees at all administrative levels (district, inter-districts and regional fisheries committees), encompassing all French commercial fishers, crew members, POs and cooperatives.

The Rural and Maritime Fishing Code governs the process, with specific articles outlining fishing opportunities management and redistribution.<sup>10</sup> Annually, fishing opportunities are divided into sub-quotas for recognised POs and non-PO members, who submit management plans for ministerial approval (Article R921-61 of the Rural and Maritime Fishing Code).<sup>2</sup> Allocation of national fishing opportunities among POs and groups of vessels is based on the number of fish caught by a given vessel based on fishing records from 2001-2003, market orientation and socioeconomic balances (Article R921-35 of the Rural and Maritime Fishing Code).<sup>2</sup> Allocation outcomes to both POs and non-PO vessels are published yearly in the French Official Journal.<sup>11,12</sup>



In France, there are 15 recognised POs who distribute pooled or individual quotas among their members, according to criteria of their choice, which can vary from one PO to another. By being responsible for managing more than 90% of the fishing opportunities allocated to France, the POs play a central role in their national distribution. Non-PO vessels access fishing opportunities through a collective sub-quota managed by the national fisheries administration, and operate on a “first-come, first served” basis. *Prud’homies de pêche* (herein, “*prud’homies*”), exclusive to France’s Mediterranean coast since the Middle Ages, regulate fishing locally through ancient collective management systems. For example, *Prud’homies* have played a key role in the fishery of Marseille, such as by ensuring that fishers spread out their activities across different locations (known as posts), regulate the size of their nets and hooks, and fish in various posts at different times throughout the day and year based on the species they are targeting.<sup>13</sup> While they regulate fishing effort within their territory through local regulations, they lack formal regulatory authority in fisheries management and are not considered as actors in fishing opportunities management in the Rural and Maritime Fishing Code.<sup>14</sup>



In 2022, the main criterion used to decide allocations was historical catches (with an estimated weighting of 96%), with very minor consideration of environmental impacts (weighted at 1%) and local coastal economic and social contributions (weighted at 3%).<sup>15</sup>



## Key weaknesses in the French allocation system

### » 1. Lack of transparency

The European Commission has called for strengthening transparency in the fishing opportunities allocation systems of Member States, including France.<sup>16</sup> Similarly, the European Parliament<sup>17</sup> has urged public disclosure of distribution methods, and for allocation methods to be developed and applied with the involvement of fishing communities, regional authorities, and other relevant stakeholders. The French Competition Authority has expressed concerns about the opacity of the allocation and management mechanisms in France, particularly within POs.<sup>18</sup> Various specific aspects of the French allocation system point to a lack of transparency in processes and their outcomes. For example:



Detailed plans on fishing opportunities distribution and processes are kept confidential, with only a few POs<sup>19,20</sup> voluntarily publishing their plans submitted to the government. The government does not make any PO plans public.



Information on the methodology used for applying different criteria and weightings to allocation decisions is mostly kept confidential.



Information on allocation processes and outcomes can be difficult to locate, is scattered on government or sector websites, access can be restricted to the fishing sector, and is often incomplete.



Decision-making advisory consultations with the CCGRH occur behind closed doors. Furthermore, it is unclear to what extent these processes represent comprehensively the small, medium and large fisheries interests, or allow for observation or involvement of civil society and coastal community stakeholders.



There is a lack of clarity concerning monitoring and social, economic and environmental impact assessments of allocation decisions.

## » 2. Socioeconomic sustainability is neglected

The government has recognised the need to rebalance the system of fishing rights, which is very largely favourable to POs; this imbalance is questionable from an equity perspective, considering that fisheries resources are a public good.<sup>21</sup>



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The French Competition Authority has expressed concerns about the method of distributing fishing opportunities between fishers, highlighting the anti-competitive nature of the practices.<sup>18</sup> Certain fishing industry representatives, including some POs, consistently express discontent with the reliance on historical landings to determine sub-quota allocations. They argue that this practice unfairly disadvantages small-scale fisheries and also raises concerns regarding intergenerational equity.<sup>22</sup> Various aspects of the allocation system point to a lack of fairness and neglect of social and economic sustainability considerations, including:



The heavy reliance on historic catch criteria (weighted at 96% in 2022) favours those vessels with extensive histories of large catches (e.g. larger industrial fleets) which can be at the expense of the interests of fishers, including those engaged in small-scale and artisanal fisheries and their significant value to local economies.



Allocation decisions that primarily reflect past allocation decisions fails to reflect changing socioeconomic circumstances, and neglects objective considerations of individual merit within POs or vessel groups.<sup>18</sup>



Allocating national fishing opportunities primarily based on historical catch-based criteria favours certain POs operating with high-capacity fishing vessels between 2001 and 2003, versus other POs with lower fishing capacity.<sup>18</sup>



Historical catch-based criteria as the principle for fishing opportunities allocation to POs can cause reluctance for POs to accept the membership of artisanal, small-scale (which are often underestimated for years 2001-2003) and other newcomer vessels that have low or do not own any historical fishing rights. French POs do not need to justify rejection of memberships.<sup>18</sup>



Artisanal and small-scale fishers can struggle to have their interests recognised and defended within POs, which are often dominated by industrial fisheries or larger companies.



### » 3. Ecological sustainability is neglected

A recent report commissioned by the European Commission revealed that the use of environmental criteria in allocating fishing opportunities is limited across Member States, with France not considering the impact of fishing on marine habitats or on climate change.<sup>15</sup>

Various aspects of the allocation system point to neglect over considering the impact of fishing on the marine environment, including:



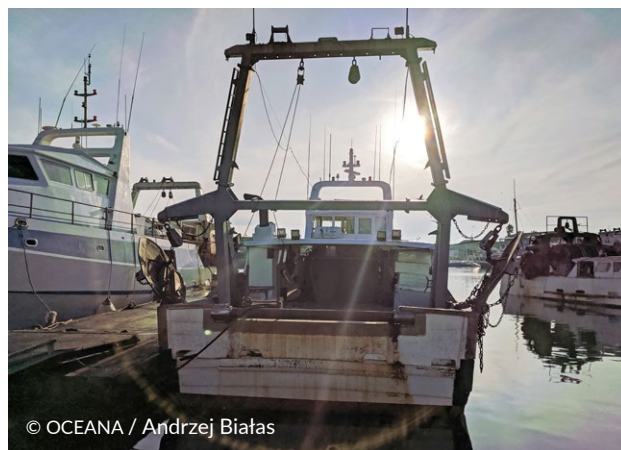
The limited weight given to environmental criteria (weighted at 1% in 2022) provides a weak basis for France to be able to incentivise less environmentally damaging fishing practices, as called for under Article 17 of the CFP.



The national legal framework does not specifically require environmental factors to be reflected in the allocation processes.



The predominance of historical catches as the main criterion influencing allocation (weighted at 96% in 2022) sidelines considerations on environmental impacts and neglects objective considerations of individual merit within POs, shipowner associations, or vessel groups.



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The pooled collective management of fishing opportunities outside POs may pose challenges for species under pressure, for which catch allowances are low. For these species, this model of fishing opportunities management can encourage the 'race-to-fish' among vessels, as the vessels' interest is to prioritise intensive fishing at the beginning of the season to capture the maximum resources and hinder catches by competitors.



The heavy reliance on historic catch for allocating fishing opportunities to the sector encourages the purchase of older vessels with an established catch history but that may be more environmentally damaging (i.e. fuel inefficient, damaging gears), hindering investments in fleet renewal and decarbonisation efforts.



#### Did you know?

Artisanal fishermen challenged the legality of the decree allocating France's quota of bluefin tuna (*Thunnus thynnus*) for 2017 in the Atlantic and Mediterranean regions between small-scale fishermen and purse seiners. The decree stipulated that allocation should be based on the anteriority of the producers, the orientation of the market and socio-economic balances, as outlined under Article R921-35 of the Rural and Maritime Fishing Code. However, Article 17 of the CFP mandates environmental criteria to be included in fishing opportunities allocation. In 2021, the Administrative Court of Montpellier ruled that the decree did not meet CFP requirements due to Article R.921-35's failure to consider environmental criteria, leading to its annulment. This judgment was upheld by a ruling from the Administrative Court of Appeal in Toulouse on March 28, 2024.<sup>23,24</sup>



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## Recommendations for improving fishing allocation processes in France



### 1 Align with EU law:

Update Article R. 921-35 of the Rural and Maritime Fishing Code to explicitly require the use of environmental criteria in allocation processes.



### 2 Establish mandatory weightings for allocation criteria:

Introduce mandatory minimum and maximum weightings for social, economic, and environmental factors in Article R. 921-35 of Rural and Maritime Fishing Code.



### 3 Strengthen the application of sustainability criteria:

Introduce new criteria and increase the weighting of social, economic, and environmental criteria in fishing opportunities allocations, in consultation with stakeholders, and in a transparent manner.



### 4 Decrease relative influence of historic catches:

Progressively reduce reliance on historic catch criteria, in favour of criteria that reflect the social and economic importance of fisheries, and their impact on the environment.



### 5 Conduct independent audits and public reporting:

Conduct reviews of allocation methodologies and criteria, and regular independent audits of allocation decisions, evaluating their environmental and socioeconomic impacts, and make the results publicly available.



### 6 Address imbalances and discrimination:

Develop strategies to address imbalances and discrimination in fishing opportunities distribution. This should include addressing imbalances between POs and non-POs, between POs and within PO members. In particular, strategies should be developed to mitigate unfair distribution between small-scale and medium to large-scale fisheries, along with removing barriers to new entrants, young fishers and resolving gender inequalities and discrimination.



### 7 Facilitate access for artisanal fishers:

Establish dedicated pathways to support artisanal fishers in accessing fishing opportunities, based on their social, economic, and environmental merit, and in participating in decision-making processes. Create a new PO to assist artisanal fishers in accessing fishing opportunities and participating in decision-making processes, and strengthen formal recognition of *prud'homies* as key in local fisheries management.



### 8 Publicise stakeholder contribution opportunities and create a dedicated participatory committee:

Define and publicise opportunities for civil society, the private sector, and the scientific community to contribute to the development and implementation of allocation processes, approaches, and policy. Create a participatory committee to oversee the allocation process, involving all segments of the fisheries sector and other interested stakeholders.



### 9 Centralise information on allocation processes:

Create a centralised, publicly accessible hub for information on policies, processes, and outcomes related to the allocation of fishing opportunities. The hub should provide information across all levels of the allocation system. This should include making criteria weightings and methodologies of allocation processes publicly available and easily accessible, along with consultative meeting minutes and supporting documents, allocation outcomes, and management plans from POs and vessel groups.



### 10 Ensure transparent PO membership access conditions:

Increase transparency in PO membership access conditions, ensuring objectivity, transparency, and non-discrimination. Require that membership rejections be adequately justified.

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