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Andalusian law review about aids for diversification of fishing activity

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Andalusian law review about aids for diversification of fishing activity

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1. Objectives

The objective of this study is to summarize the current legislation on aid to diversify the fishing sector in the Autonomous Community of Andalusia and to do a search about the existing diversification initiatives in the Spanish region called Andalusia.

2. Material and methods

The legislation on the aid for the diversification of the Andalusian fishing sector is the Order of the 16th of May of 2008, which was published in the BOJA (i.e., the Official Gazette of the Andalusian Regional Government) no. 112 on the 6th of June of 2008.

In this Order the regulatory bases to give aid for the structural improvement and the modernization of the Andalusian fishing sector are established under the framework of the Operational Programme for 2007-2013. It also makes the formal invitation for this aid for 2008. Additionally, in the Resolution of the 19th of December of 2008 from the Directorate General of Fisheries and Aquaculture, which was published in the BOJA no. 17 on the 27th of January of 2009, in the Resolution of the 20th of November of 2009 from the Directorate General of Fisheries and Aquaculture, which was published in the BOJA no. 240 on the 10th of December of 2009, and in the Resolution of the 26th of January of 2011 from the Directorate General of Fisheries and Aquaculture, which was published in the BOJA no. 240 on the 7th of February of 2011, the formal invitations for this type of aid for the years 2009, 2010 and 2011 are made, respectively.

Moreover, it is worth mentioning the Order of the 14th of July of 2010, which was published in the BOJA no. 144 on the 23th of July of 2010, in which the deadline for submission of applications for certain types of aid included in the Order of the 16th May of 2008 is established. Similarly, in the Order of the 25th of March of 2010, which was published in the BOJA no. 64 on the 5th of April of 2010, some changes and corrections of the Order of 16th of May of 2008 are made. Finally, in two Agreements of the 1st of December of 2009 from the Governing Council of Andalusia, which were published in the BOJA no. 250 on the 24th of December of 2009, the Andalusian Ministry of Agriculture and Fisheries is authorised to provide two companies with a subsidy in relation to the Order of the 16th of May of 2008.

Equally, it is interesting to point out the legislation that affects the set-up and regulation of Fisheries Development Group.

First, we will refer to the Order of the 23rd of July of 2009, which was published in BOJA no. 147 on the 30th of July of 2009, in which the basic rules of intervention of the European Fisheries Fund for 2007-2013 for the Sustainable Development of Fisheries in Areas of the Andalusian Autonomous Community are established.

Second, we will discuss the Resolution of the 23rd of July of 2009 from the Directorate General of Fisheries and Aquaculture, which was published in the BOJA no. 147 on the 30th of July of 2009, in which the financial allocation to the fishing grounds of Andalusia on the Priority Axis 4 "Sustainable Development of Fisheries Areas" of the European Fisheries Fund for 2007-2013 is approved. Third, we will describe the Resolution of the 3rd of December of 2009 from the Directorate General of Fisheries and Aquaculture, which was published in the BOJA no. 243 on the 15th of December of 2009, in which some organisations are recognized as Fisheries Development Group.

Finally, we will mention the Resolution of the 31st of March of 2010 from the Directorate General of Fisheries and Aquaculture, which was published in the BOJA no. 69 on the 12th of April of 2010. This resolution makes public the approval from the Directorate General of Fisheries and Aquaculture of the Resolution of the 23rd of March of 2010. It is about the instruction that establishes the criteria, conditions and guidelines to allocate grants to promoters. It also deals with the procedure that Fisheries Development Groups should follow in the management of financial allocation and the granting of aid under the Priority Axis 4 "Sustainable Development of Fisheries Areas" of the Spanish Operational Programme for 2007-2013.

3. Results

In the Order of the 16th of May of 2008 (BOJA no. 112 of the 6th of June of 2008), the following issues are regulated: investment on board of fishing boats and improvement in the selectivity of fishing gears, aid for the artisanal coastal fishing, aid for socio-economic measures, aid for the development of marine aquaculture, aid for fishing port facilities, aid for the temporary cessation of fishing activities, aid for promotion campaigns and the development of new markets, aid for the

development and the protection of aquatic fauna and flora, aid for pilot projects and collective action, aid for technical assistance and modifications to restructure fishing boats, aid for fishermen and owners of fishing boats which are affected by domestic plans of reduction in the fishing effort, and, finally, aid for the trade and processing of aquaculture and wild-caught products.

The aim of the aid published in the Order of the 16th of May of 2008 is to foster the modernization of the productive structures of the Andalusian fishing sector and to contribute to the sustainable exploitation and conservation of fishing resources in the long run as established by the objectives of the Common Fisheries Policy.

From the standpoint of diversification of the fishing sector, we should paid particular attention to the socio-economic measures in this order. The objective of this socio-economic aid is to promote socio-economic activities which are related to the restructuring measures of the fishing sector for fishermen as a result of the implementation of the Common Fisheries Policy on the Andalusian fishing fleet.

The types of aid considered are as follows: to make the early exit from the fishing sector easier, considering early retirement for fishermen; to favour multiple jobs for fishermen and the diversification of activities; to promote the implementation of retraining schemes in different areas of sea fishing; to help young fishermen to purchase their first vessel; to give non-renewable compensation to fishermen with boats which have been permanently ceased; to improve occupational training, especially for young fishermen.

In relation to the potential beneficiaries, it should be mentioned that socio-economic aids may be granted to fishermen affected by limitations in fishing and, in particular, for: the crew members who can prove that their main work was carried out on ships which have been permanently ceased; the crew members who prove that their main work was carried on ships that have been ceased temporarily due to the application of Article 24 of Regulation no. 1198/2006 of the Council of the 27th of July, 2006; the crew members of other vessels subject to restructuring measures; the workers in the fishing sector, except the ones from the aquaculture sector and the processing sector of wild-caught and aquaculture products, as established in Article 8 of Regulation (EC) 744/2008 of the Council of the 24th of July, 2008.

The selection criteria to grant aids are as follows: the working time as fishermen or the time belonging to the fishing sector and the applicant's age; belonging to a ship involved in a recovery plan, affected by limitations in fishing grounds from third countries or affected by an emergency measure; belonging to a ship which has been permanently ceased; investment in training and environmental awareness issues for active fishermen; the actions aimed at improving professional skills in particular for young fishermen and the acquisition of ships by women. Moreover, this Order establishes the maximum amount of aids depending on their nature. Finally, the necessary requirements for access to these socio-economic aids are mentioned.

Also, it is worth mentioning that, concerning the aids for the development of marine aquaculture which is considered in the Order, which are aimed at improving the competitiveness of the Andalusian aquaculture sector, productive investment and modernization of marine aquaculture facilities, which are intended to diversify the farmed species and farming techniques used, will be financed among other things.

To conclude, in the Order of the 16th of May, 2008, aids for the trade and processing of aquaculture and wild-caught products are presented. In this regard, the introduction of quality techniques and new technologies in production processes and, in particular, those that will diversify production can be subsidised.

Regarding funding, grants from the Order of the 16th of May, 2008 will be made under the existing credits in chapter 7, services 12 and 01 of the program of organisation and promotion of fishing activities.

Additionally, in the resolution of 19th of December, 2008 of the Directorate General of Fisheries and Aquaculture (BOJA no. 17 of the 27th of January, 2009), in the Resolution of the 20th of November, 2009 of the Directorate General of Fisheries and Aquaculture (BOJA no. 240 of 10th of December, 2009) and in the Resolution of 26th of January, 2011 of the Directorate General of Fisheries and Aquaculture (BOJA no. 240 of the 7th of February, 2011) the calls for these aids are made for the years 2009, 2010 and 2011, respectively.

It is also interesting to note that in the Order of the 14th of July, 2010 (BOJA no. 144 of the 23rd of July, 2010) the deadline to submit applications for certain types of aids for the structural improvement and modernization of the Andalusian fishing sector under the Operational Programme for 2007-2013 is established, which are established in the Order of the 16th of May, 2008. As a result of the number of applications received and the exhaustion of the budget appropriations established for the period of time 2007-2013 and assigned to specific lines of aids, the deadline to submit applications for the following lines of aids was established: aids for socioeconomic measures, except those provided to allow the early retirement of fishermen; aids for temporary cessation of fishing activities, except those caused by unforeseeable causes; aids for measures of common interest to equip fishing ports, landing sites and shelters; aids for permanent cessation of fishing activities.

Finally, in two Agreements of the 1st of December, 2009 of the Governing Council (BOJA no. 250 of the 24th of December, 2009), the Andalusian Ministry of Agriculture and Fisheries is authorized to give a subsidy to two companies in relation to the Order of the 16th of May, 2008. These companies are Productos Congelados del Sur, S.A. (PROCOSUR) and José Martí Peix, S.A. To the first company, a subsidy of €4,991,610.21 for the project entitled "Technology expansion and improvement of industries of handling and packaging of seafood in the zone of Cádiz" is given. To the second company, a subsidy of €3,406,818.83 for the project entitled "New lines for processing and marketing of fishing products in the town of Huelva" is given.

After doing a search about the presented projects with the Order of 16th of May, 2008, most applications are about aids to purchase fish transport trucks. Secondly, there are applications for the purchase and adaptation of premises in order to set up a fishmongers'. Finally, there is an application to set up a trade firm. Regarding these applications, in 2008 two applications were presented, in 2009 one application was presented and, finally, in the first half of 2010 five applications were presented.

Moreover, recently the Andalusian Ministry of Agriculture and Fisheries has led Fisheries Development Groups in the Andalusian fishing areas. Fisheries Development Groups are private nonprofit associations which represent public and private partners of different economic sectors in a given geographical fishing area. For this fishing area, these groups will be responsible for promoting the implementation of a Strategic Plan, will mobilize the social and economic agents, will select projects to fund and will monitor its correct performance. In short, the Fisheries Development Group will help

to ensure the future of these geographical areas through the operation of entrepreneurial projects to enhance the competitiveness and diversification of the fishing activity in the area.

Regarding the legislation which affects the Fisheries Development Groups, first, the Order of the 23rd of July, 2009 (BOJA no. 147 of 30th of July, 2009) should be mentioned because it establishes the basic rules of intervention of the European Fisheries Fund for 2007-2013 for the Sustainable Development of Fisheries Areas in the Autonomous Community of Andalusia.

The intervention of the European Fisheries Fund in relation to the Priority Axis 4 "Sustainable Development of Fisheries Areas" aims at fostering and promoting the creation of new sources of sustainable income and the improvement of the quality of life in communities and areas which depend on fishing. To do it, the Fund provides a set of tools to provide solutions to problems and real needs of fishing communities. Under the priority Axis 4 "Sustainable Development of Fisheries Areas" of the European Fisheries Fund, in the Autonomous Community of Andalusia the following fishing areas are established in accordance with the Operational Programme of the Spanish fishing sector for the period of time 2007-2013:

- Málaga Fishing Area: Municipalities of Fuengirola, Marbella, Estepona and Vélez Malaga.
- Western Almería Fishing Area: Municipalities of Adra and Roquetas de Mar.
- Eastern Almería Fishing Area: Municipalities of Garrucha and Carboneras.
- Huelva Fishing Area: Municipalities of Ayamonte, Isla Cristina and Punta Umbria.
- Cádiz Strait Fishing Area: Municipalities of Conil, Barbate, Tarifa and La Línea de la Concepción.
- Cádiz Gulf Fishing Area: Municipalities of Sanlúcar de Barrameda, Chipiona and Rota.
- Granada Fishing Area: Municipality of Motril.

In its fishing zone each Fisheries Development Group will conduct a Strategic Plan to provide alternatives to diversify into other economic sectors for the hypothetical case that a worker in the aquaculture and fisheries sector decided to do other economic activities maintaining his residence area, either as a complement to the fishing activity or permanent abandonment of the fishing sector; to promote the incorporation of young people to work and equal opportunities for men and women to reach a successful social development of the fishing areas; to promote and maintain employment in the fishing area by supporting economic and social restructuring and diversification; facilitating both

domestic and transnational cooperation between coastal areas; to add value to wild-caught and aquaculture products and to maintain economic and social prosperity of the Fishing Area; to promote the quality of coastal environment.

Second, in the resolution of the 23rd of July, 2009 of the Directorate General of Fisheries and Aquaculture (BOJA no. 147 of the 30th of July, 2009), the financial allocation to the Andalusian fishing grounds on the priority Axis 4 "Sustainable Development of Fisheries Areas" of the European Fisheries Fund for 2007-2013 is approved. Regarding this resolution, it is interesting to point out that the financial allocation has been calculated taking into account fish production, fish production revenue, direct jobs in fishing, indirect jobs, population density, the evolution of the fishing fleet in the period 1996-2006 (number of vessels, tonnage "GT" power and "HP") and the total population of the Fishing Zone. These indicators show the fishing dependence of the Fishing Area and the fishing activity decline index of the Fishing Area.

Using the earlier indicators, the Andalusian Government has made the following financial allocation to the fishing areas in the Autonomous Community of Andalusia for the period of time 2007-2013:

- Western Almería Fishing Area: 3.21 million euros.
- Eastern Almería Fishing Area: 2.04 million euros.
- Huelva Fishing Area: 6.77 million euros.
- Málaga Fishing Area: 2.49 million euros.
- Granada Fishing Area: 2.44 million euros.
- Cádiz Strait Fishing Area: 4.51 million euros.
- Cádiz Gulf Fishing Area: 2.54 million euros.

This Resolution of the 23rd of July, 2009 of the Directorate General of Fisheries and Aquaculture establishes that the financial allocation assigned to each fishing area will be equal to the financial allocation which will be received by the Fisheries Development Group for the area once it is recognized as a Fisheries Development Group. With this endowment, the Fisheries Development Group will promote strategic plans which are aimed at improving the exploitation of the potential of each fishing area and to facilitate and promote the diversification of the fishing sector, ensuring sustainable exploitation of resources and guaranteeing their economic development.

Furthermore, in the resolution of the 3rd of December, 2009 of the Directorate General of Fisheries and Aquaculture (BOJA no. 243 of the 15th of December, 2009), the organisations which are cited below are recognized as Fisheries Development Groups for the Autonomous Community of Andalusia:

- Western Almería Fishing Area: Asociación para la Promoción Económica y el Desarrollo Rural de la Alpujarra-Sierra Nevada Almeriense: "ADR Alpujarra-Sierra Nevada Almeriense".
- Eastern Almería Fishing Area: Grupo de Desarrollo de la Comarca del Levante Almeriense.
- Huelva Fishing Area: Asociación para el Desarrollo Pesquero de la Costa Occidental de Huelva "Costa Luz".
- Málaga Fishing Area: Grupo de Desarrollo Pesquero de la Provincia de Málaga.
- Granada Fishing Area: Asociación para la Promoción Económica del Valle de Lecrín, Temple y Costa "Aprovalle-Temple-Costa".
- Cádiz Strait Fishing Area: Grupo de Desarrollo Pesquero Cádiz-Estrecho.
- Cádiz Gulf Fishing Area: Grupo de Desarrollo Pesquero Comarca Noroeste de Cádiz.

Finally, the resolution of the 31st of March of 2010 of the Directorate General of Fisheries and Aquaculture (BOJA no. 69 of the 12th of April of 2010) made public the approval by resolution of the 23rd of March, 2010 of the Directorate General of Fisheries and Aquaculture of Instruction to determine the guidelines, conditions and criteria to allocate subsidies to promoters, and the procedure to be followed by the Fisheries Development Group for the implementation of priority axis 4 of the operating program of the European Fisheries Fund for 2007-2013 in the Autonomous Community of Andalusia. All the contents of the Resolution and the Instruction which have been mentioned above can be found in the website of the Andalusian Ministry of Agriculture and Fisheries in the web address <http://www.juntadeandalucia.es/agriculturaypesca>.

Based on these regulations, initiatives may be submitted to the Fisheries Development Groups (until June, 2013), whose assessment and approval will be made in accordance with strategic plans developed by each Fisheries Development Group. Thus, these new groups are set up as a result of the new European approach, which favours the proposal and adoption of tailored solutions for the different problems which are faced by areas that depend heavily on fishing. Therefore, the Fisheries Development Groups will be in charge of implementing the local strategies.

4. Conclusions

In this study, firstly, a search was done about the regional legislation on the diversification of the fishing sector. The Order of the 16th of May, 2008, which was published in BOJA no. 112 on the 6th of June, 2008, is one of the most important pieces of legislation on this matter. In this order the regulatory basis to give aids for the structural improvement and the modernization of the Andalusian fishing sector are presented under the framework of the Operational Programme for 2007-2013.

Linked to this order, we have referred to the following laws, which have been described above: Resolution of the 19th of December, 2008 of the Directorate General of Fisheries and Aquaculture (BOJA no. 17 of the 27th of January, 2009), Resolution of the 20th of November, 2009 of the Directorate General of Fisheries and Aquaculture (BOJA no. 240 of the 10th of December, 2009), Resolution of the 26th of January, 2011 of the Directorate General of Fisheries and Aquaculture (BOJA no. 240 of the 7th of February, 2011), the Order of the 14th of July, 2010 (BOJA no. 144 of the 23rd of July, 2010), the Order of the 25th of March, 2010 (BOJA no. 64 of the 5th April, 2010) and two Agreements of the 1st of December, 2009 of the Governing Council of Andalusia (BOJA no. 250 of the 24th of December, 2009). We have also introduced the legislation which regulates the set-up and the operation of the Fisheries Development Group, which were recently set up in the Autonomous Community of Andalusia.

Specifically, we have mentioned the Order of the 23rd of July, 2009 (BOJA no. 147 of the 30th of July, 2009), for establishing the basic rules of intervention of the European Fisheries Fund for 2007-2013 for the Sustainable Development of Fisheries Areas in the Autonomous Community of Andalusia, the Resolution of the 23rd of July, 2009 of the Directorate General of Fisheries and Aquaculture (BOJA no. 147 of the 30th of July, 2009), in which the financial allocation to Andalusian Fishing Areas on the Priority Axis 4 "Sustainable Development of Fisheries Areas" of the European Fisheries Fund for 2007-2013 is approved, the Resolution of the 3rd of December, 2009 of the Directorate General of Fisheries and Aquaculture (BOJA no. 243 of the 15th of December, 2009), in which some organisations are recognized as Fisheries Development Groups and, finally, the Resolution of 31st of March, 2010 of the Directorate General of Fisheries and Aquaculture (BOJA no. 69 of the 12th of April, 2010), which publicises in the Resolution of the 23rd of March, 2010 of the Directorate General of Fisheries and Aquaculture the approval of the Instruction in which guidelines, criteria and conditions to allocate subsidies to individuals, promoters and the procedure for Fisheries Development Group to implement

the priority axis 4 of the Operational Programme of the European Fisheries Fund for 2007-2013 for the Autonomous Community of Andalusia are established.

Secondly, we searched and analysed the applications of projects which were presented regarding the aforementioned Order of the 16th of May, 2008. In this regard, it is worth noting the number of applications about aids to purchase a fish transport truck. Additionally, there are other applications presented for the purchase and the adaptation of premises to set up a fishmongers' or a trade firm.