

# Index

---

- accountability 104, 203, 286
- Advisory Councils 59, 69, 75, 78, 108, 120, 171
  - Baltic Sea 122
  - involvement of 107, 110, 120, 135–8, 202–3
  - membership 136, 138, 142, 145
  - participatory democracy 140–141, 287
    - in practice: North Sea 141–4
  - regulatory capture 145
  - TACs for cod: North Sea 200–202
- Agenda 21 34–7, 38, 41, 46, 226, 227
- agricultural policy *see* common agricultural policy
- Algeria 130
- alien and invasive species 16, 33, 37, 229
- alternative solutions 270–284
  - aligning capacity with resource 278–81
  - Commission's view of problem 271–3
  - external costs 274–6
  - fishing fund 281–3, 284
  - maximum economic yield (MEY) 279, 280–281, 282, 283
  - property rights 273, 276–8
- anchovy 166
  - quota 204–5
- animal feedstuffs 156–8
- annulment action 95–8, 117, 187, 197–8, 199–202, 204–5
- anthropocentrism 37
- antibiotics 156–8
- anticipatory approach
  - Agenda 21 36, 41
  - UNFSA 41–2
- aquaculture 1, 16, 21, 23, 59, 76, 124, 194, 232
  - Advisory Councils 136, 137
  - Blue Growth Agenda 225
  - developing countries 74
  - development opportunities 52
  - ecosystem approach 71
  - environmental sustainability 70
  - fish feed 159
  - husbandry 51
  - Marine Strategy Framework Directive (MSFD) 243
- Argentina 11–15
- artisanal fleet *see* small-scale sector
- auctions: scarce public resources 282, 283
- Azores 115, 118
- Baltic Sea 51, 120–122, 136, 166, 208, 237
  - Eastern Baltic cod fisheries 210–211
  - Fisheries Forum (Baltfish) 122
- Belgium 115
- biodiversity 34, 50, 159, 182, 216, 241, 286
  - Agenda 21 37
  - CBD 35, 70, 175, 226, 227, 230
    - ecosystem management 37–9, 174, 175, 219–20
    - LOSC and 39–40
  - discard ban 74
  - ELD 261
  - FAO Code 48
  - MSFD 226–7, 229, 230
  - UNFSA 42
- bionomic equilibrium 279, 281
- Blue Growth Agenda 148, 215, 225, 242, 284, 286

- bluefin tuna 99–101, 152–3, 167–70, 209
- bovine spongiform encephalopathy (BSE) 155, 157, 160
- Brownlie, I. 184–5
- burden of proof 153
- by-catch 31
  - Agenda 21 36
  - trawling in high seas 239
  - UNFSA 45
- Canada 162–3, 164, 187, 189, 191, 218–19, 221
- capture fisheries 1, 51–2, 159, 195, 225
- capture, regulatory 23, 105, 144–6, 147–8
- civil society organisations 139–40
  - see also* non-governmental organisations
- climate change 16, 36, 50, 216, 219, 222, 224
- Coase, R. 276–7
- coastal communities 7, 8, 31, 68, 110, 147, 232
  - Blue Growth agenda 215, 284
  - European Parliament 112
  - Green Paper (2009) 111
  - local competence 110–119
  - LOSC 31
  - regeneration of 287
  - relative stability 204, 205–6, 215
  - structural funds 90
  - see also* small-scale sector
- cod 18, 218–19, 221
  - Baltic Sea 121, 166
  - Eastern Baltic fisheries 210–211
  - North East Atlantic 213
  - North Sea 92–4, 143, 197, 271, 281
  - North West Atlantic 164
  - recovery plan 171
  - total allowable catches (TACs) 92–4, 143, 199–202, 210–211, 271
- codes of conduct 50
  - FAO Code of Conduct Responsible Fisheries 46–9, 132, 151, 184
- Commission 59, 63, 106, 195, 212–13, 217, 264, 268
  - 1967 Report 53
  - animal nutrition 156
  - Baltic Sea 121, 122
  - bluefin tuna 99–100, 209
  - coastal communities/small-scale sector 111, 112–13, 114, 277
  - ecosystem approach 220, 222–5, 226
  - Environmental Liability Directive 261
  - external dimension of CFP 11, 128, 133, 134
  - foundations of CFP 53
  - Green Paper (2001) 3, 18, 57, 164
  - Green Paper (2007) 246–7
  - Green Paper (2009) 60, 62, 67–8, 111, 112, 119, 277
  - infringement procedure 11–15, 196, 233, 254
  - Integrated Maritime Policy (IMP) 16, 17, 127, 223–5, 230, 232, 238
  - maximum sustainable yield (MSY) 61–2, 144, 175, 176–7
  - MSFD 230–232, 233–4, 235, 236, 242
  - North East Atlantic 52, 238, 240–241
  - North Sea cod 281
  - overcapacity 19, 95–102
  - participation 135, 137, 138, 139, 140–142, 144
  - powers 59, 72, 78–9, 88, 96–8, 107–8, 120
  - precaution and 163–5, 166–70, 171, 172, 173
    - precautionary principle 154, 180
  - problems as identified by 18–19, 20, 271–3
  - property rights 20, 64, 65, 278
  - regions within Member States 116
  - register of fishing vessels 79
  - scientific advice 18, 122–4, 142–3, 197–8, 199
  - total allowable catch (TAC) 6, 186
    - Court challenge 187–92
    - Eastern Baltic cod fisheries 210–211
    - Greenland halibut 162, 163–5, 187–91, 192

- water services: recovery of costs 253, 254–7, 258
- Committee of the Regions 114–15
- common agricultural policy 2–3, 52, 53, 56, 60, 189–90, 245, 270–271, 285
  - funding and subsidy 84
  - judicial review 158, 160
  - objectives 60, 194
  - rural development 89
- common pool resource 62, 271–3
  - maximum economic yield (MEY) 280–281
- compensation
  - disputed TAC 187–92
  - relative stability 205–6
- competence 61, 104, 105–6
  - local 110–119
  - national 108–10
  - regional 119–20
  - Union 61, 98, 105, 107–8
- competition law 52, 53, 83, 103, 146
- complexity of decision-making 190, 211–13, 214
- conferral principle 61, 98, 105
- consistency with other policies 125–8
  - see also* Integrated Maritime Policy
- consumer safety 123, 155
- continental shelves 263
- contract law 266, 267
- coral reefs 166, 238
- corporation tax 283
- corporatism 113, 114
- Council of the European Union 69, 78, 107, 161, 173, 204–5
  - Advisory Councils 135–6
  - competition law 53, 83
  - decision-making on management measures 61, 106
  - discard ban 73
  - enforcement 81
  - maximum sustainable yield (MSY) 73
  - Morocco 132
  - ordinary legislative procedures 61, 105–6
  - precautionary principle 157
  - recovery plans 170–171
  - small-scale sector 112
- total allowable catches (TACs) 73, 85, 163, 165, 171, 186, 189, 190, 199–202
  - Eastern Baltic cod fisheries 210–211
  - transferable fishing concessions (TFCs) 66
- Court of Auditors 85
- Court of Justice or General Court 23
  - Committee of the Regions 115
  - complexity of decision-making 190, 211–13, 214
  - consistency 125–6
  - external market and 8–10
  - internal market and 6–8
  - locus standi* 116–17, 187, 198–203
  - overcapacity and Court's protection of private interests 94–102
  - precautionary approach 163–4, 167, 168–70, 180
  - precautionary principle 150, 154–5, 157–9, 160–161, 168–9, 170, 180
  - public interest 9–10, 23, 286
  - regional governments 115–17
  - review of policy implementation and 10–15
- customary international law 28–9, 48–50, 149–50, 185
- Cyprus 80
- data
  - collection 81, 82, 91–2
    - 2013 Fisheries Regulation 70, 76–7, 124, 210, 232
    - Advisory Councils 137
    - ICCAT 275
    - NEAFC 275–6
  - deep-sea stocks 240
  - MSFD 236
  - transparency 105
- democracy 61, 135
  - participatory 139–44, 147, 287
  - representative 139
- Denmark 113, 156–7, 234
  - accession 53–4
  - mussel fishery 66, 67

- developing countries 31, 74, 147
  - see also* external policy
- discards 71, 72–4, 81, 102, 107, 125, 174, 224–5, 271
  - Agenda 21 36
  - North Sea cod 143
  - UNFSA 44
- discrimination 7, 53–4, 109, 118–19, 159, 196–7, 207
  - relative stability and equality 207–9
- Economic and Social Committee 106, 114
- economics, environmental 274
- economies of scale 2
- ecosystem approach 17, 38, 50, 109, 148, 179
  - Agenda 21 36
  - Johannesburg Plan (2002) 39
  - UNFSA 41–2, 43, 44
- ecosystem management 71, 173, 181, 216–44
  - Baltic Sea 121
  - baseline 220–221
  - bottom trawling in the high seas 225, 238–41
  - CBD 37–9, 219–20
  - definition 220
  - EAP, 7th 241–2
  - environmental law 219–23
  - FAO Code 47–8
  - good environmental status 17, 78, 109, 194–5, 226, 228–30, 231–2, 235–7, 241, 243
    - maximum sustainable yield (MSY) 176–7
    - progress towards 233–4
  - Integrated Maritime Policy (IMP) 16–17, 119, 127, 220, 223–6, 230–231, 269, 286–7
    - implementation 232–3
    - international dimension 238
  - integrating environmental protection: 7th EAP 241–2
  - marine ecosystem decline 217–19
  - Marine Strategy Framework Directive (MSFD) 17, 109, 226–8, 233, 242–4
  - European Marine Regions 229
  - fisheries and 230–232
    - good environmental status 17, 78, 109, 176–7, 194–5, 226, 228–30, 231–2, 233–4, 235–7, 241, 243
      - implementation 235–7
    - Regional Seas Conventions 237
    - North East Atlantic 237–41
    - precautionary management and 173–5
  - ecosystem services 221, 257
  - effet utile*, principle of 12–13
  - emergency measures 19, 78–9, 99–102, 107, 135, 166–70, 171, 209
    - Advisory Councils 78, 137
    - BSE 155
  - emissions trading scheme 212, 246
  - employment 4, 16, 19, 59, 71, 84, 232
  - environmental action programmes (EAPs) 217
    - 1973 54–5, 154, 245
    - 1993 246
    - 2002 16, 222–3, 227
    - 2013 241–2, 258
  - environmental economics 274
  - environmental law 72, 77–8, 103, 109, 127, 146, 184, 231, 242, 286–7
    - ecosystem management under 219–23
      - prevention, precaution and the polluter-pays 182, 242, 245, 247
  - Environmental Liability Directive:
    - transfer of costs 258–65, 269
    - fault-based liability 260
    - strict liability 260, 262
  - environmental protection 17, 59, 77–9, 108, 182–3, 285–7
    - 7th EAP: integrating 241–2
    - economic development and 185
    - European Parliament 68
    - integrating into marine management *see* ecosystem management
    - precautionary principle *see separate entry*

- public property: stewardship 63
- shared competence 216–17, 242
- TFEU 182, 194, 216–17, 235
- equality 54, 249
  - relative stability and 207–9
  - see also* non-discrimination
- Estonia 80, 233
- European Anti-Fraud Office 88
- European Council 175
  - Baltic Sea 121
- European Economic and Social Committee 240
- European Fisheries Fund (EFF) 86
- European Maritime and Fisheries Fund (EMFF) 21, 85, 86–7, 90
- European Parliament 68, 107, 139, 173, 176
  - Advisory Councils 138, 145
  - Baltic Sea 121
  - competition law 53, 83
  - discard ban 73
  - enforcement 81
  - Fisheries Committee 68
  - maximum sustainable yield (MSY) 73, 144
  - Morocco 132
  - multiannual plans 106
  - North East Atlantic 240–241
  - ordinary legislative procedures 61, 105–6
  - small-scale sector 68, 111–12
  - transferable fishing concessions (TFCs) 66
- eutrophication 229
- evidence-based policy 75, 90–94, 103, 125, 147
- evolution of Common Fisheries Policy (CFP) 102–3
  - 1983–2001 55–7, 186–92
  - 2002–2013 3–4, 58–60, 166, 192–3, 199, 203
  - 2014–2020 Fisheries Regulation 68–9, 102, 103, 193–5, 202, 231, 234, 285
  - adjustment and management of fishing capacity 79–80
  - conservation and sustainable exploitation 74–6
  - control and enforcement 80–83
  - data collection 70, 76–7, 124, 210, 232
  - discards 71, 72–4, 74, 81, 102, 107, 125, 174, 225
  - environmental protection 77–9
  - management measures 71–2
  - maximum sustainable yield (MSY) 21, 69–71, 75–6, 77, 125, 144, 172, 175–6, 180–1, 234
  - objectives 69–71
  - constitutional reform: Lisbon Treaty 60–61, 105–6, 115
  - evidence-based policy 75, 90–94, 103, 125, 147
  - foundations of CFP 52–5
  - equality 54, 207
  - funding 103
    - overcapacity 83–9
    - solidarity and social cohesion 89–90
  - organisation of EU fisheries 51–2
  - overcapacity and Court's protection of private interests 94–102
  - proposals for reform 61–3
  - proposed property rights for in situ resource 63–8, 79, 278
- exclusive economic zones (EEZs) 1, 5, 9, 29, 30, 55, 56, 263
  - Agenda 21 36
  - governance 31–3
  - Member States, powers of 110
- external policy 4–6, 54, 69, 84, 94, 103, 126–7, 161–5
  - 'cash for access' agreements 5, 58, 129
  - coherence between internal and 128–35, 146
  - Court of Justice 8–15
- externalities 52, 274–6
  - internalising 23, 250
  - property rights 276–8
  - see also* polluter-pays principle; user-pays principle
- Faroe Islands 67
- finances 58, 81, 196

- Finland 208, 234
  - fish meal 2, 74
  - Fisheries Control Agency 59
  - fishing down food chain 2, 218
  - Fishing Fund 281–3, 284
  - fishing mortality at maximum sustainable yield (FMSY) 76, 144, 152, 177, 178, 234
  - Food and Agriculture Organization (FAO) 1, 21, 45, 56, 64, 69, 164, 270
    - Code of Conduct for Responsible Fisheries 46–9, 132, 151, 184
    - deep-sea fisheries 240
    - exploitation and use 21, 46–9
    - precautionary approach
      - limit reference points 43
      - target reference points 43, 49
    - RFMOs 44
    - subsidies 46
  - food security 3, 32, 47, 71, 102, 103, 127, 159, 195, 221, 271
  - France 113, 167, 196, 204–5, 234, 265, 276
    - subsidies 83–4
  - fraud 88
  - free movement and establishment 7, 111
  - free-riding 20, 45, 271, 272–3, 274
  - freedom of the seas 27, 29, 30
  - fundamental right
    - right to fish 101–2
  - funding the fisheries sector 4, 52, 53, 54, 58, 72, 103, 232, 270, 284
    - Blue Growth Agenda 286
    - CBD's scientific advisory body 40
    - compliance 82, 87–8
    - data collection 76, 82
    - EMFF 21, 85, 86–7, 90
    - expiry of agreement with Morocco 5
    - FAO 46
    - focusing on priorities of CFP 82
    - Green Paper (2009) 62
    - market entry and subsidies 144
    - overcapacity 83–9
    - prohibition 18, 79
    - solidarity and social cohesion 89–90
    - State aid 103, 286
  - game theory 273
  - GATT (General Agreement on Tariffs and Trade) 53
  - general principles of law 149–50
  - Germany 115, 116, 234
    - water services: recovery of costs 254–7
  - globalisation 119
  - good environmental status *see under* ecosystem management
  - good governance 104–5, 146–8
    - Art 3(A): definition of
      - responsibilities 104, 105–6
      - local competence 110–119
      - national competence 108–10
      - regional competence 119–20
      - union competence 105, 107–8
    - Art 3(B): regionalised approach 120–122
    - Art 3(C): best available scientific advice 122–5
    - Art 3(F): stakeholder involvement 135–8
    - Art 3(H): consistency with other EU policies 125–8
    - Art 3(J): coherence 128–35
  - biodiversity 216
  - participatory democracy 139–41, 287
    - North Sea Advisory Council 141–4
  - regulatory capture 23, 105, 144–6, 147–8
- Gordon, H.S. 22, 279
- Gordon-Schaefer bioeconomic model 279–81
- Greece 80, 160–161
- Green Paper (2001) 3, 18, 57, 164
- Green Paper (2007) 246–7
- Green Paper (2009) 60, 62, 67–8, 111, 112, 119, 277
- Greenland 203
  - halibut 162–5, 187–91, 192, 212
- Greenpeace 198–9
- Guinea-Bissau 9–10
- habitat protection 78
- haddock 18, 164
- hake 213

- halibut 162–5, 187–91, 192, 212  
 Hardin, G. 272  
 health and safety 95–9  
 high seas 1, 36, 45, 47, 217, 224  
   bottom trawling 225, 238–41  
   freedom of the seas 27, 29, 30  
 highly migratory species 30, 69, 151,  
   184, 239  
   UNFSA and precautionary approach  
     41–5, 149, 151–2, 153  
 human health 217  
 human rights  
   user-pays principle and 252–3  
 Hungary 263–4  
   Ajka aluminium plant accident 263
- Iceland 66, 67  
 illegal fishing 22, 48, 80, 85, 88, 133,  
   195, 224–5  
 industrial vessels 2, 111–12  
 inequalities 249  
   *see also* equality; non-discrimination  
 information 70, 91–2  
   access to 126  
   ecosystem management 220, 232,  
     234, 240  
   precautionary principle 210  
   precautionary TACs 191  
   *see also* data collection  
 insurance 260, 261, 263, 265, 266, 267  
 Integrated Maritime Policy (IMP)  
   16–17, 119, 127, 220, 223–6,  
   230–231, 269, 286–7  
   implementation 232–3  
   international dimension 238  
 intergenerational equity/justice 35, 46,  
   103, 184, 228, 241, 258  
 International Commission for the  
   Conservation of Atlantic Tunas  
   (ICCAT) 30, 99, 167, 170, 274–5  
 International Council for the  
   Exploration of the Seas (ICES) 6,  
   38, 44, 92–4, 143, 147, 178–9,  
   199, 200, 210–211, 275  
 International Court of Justice (ICJ) 9,  
   130, 162–3  
   sustainable development 185
- International Maritime Organisation  
   265  
 International Oil Pollution  
   Compensation Funds (IOPC) 267  
 international treaties and instruments  
   49–50, 51  
 Agenda 21 34–7, 38, 41, 46, 226, 227  
 Convention on Law of the Sea  
   (LOSC) 9, 28–9, 30, 31, 32–3,  
   34, 36, 49–50, 151, 217–18  
   CBD and 39–40  
   environmental protection 183, 213  
   EU and 55, 57, 58, 69, 108, 285  
   FAO Code and 46  
   international waters 161  
   maximum sustainable yield (MSY)  
     30, 31, 39, 175  
   MSFD and 242  
   UNFSA and 41, 42  
 ecosystem management for  
   environment under CBD 37–9  
 environmental protection and  
   sustainability outside LOSC  
   33–5  
 exclusive economic zones (EEZs) 29,  
   30, 55  
   Agenda 21 36  
   governance 31–3  
   from resource exploitation to  
     resource use 46–9  
 high seas governance of fisheries  
   29–31  
 information, access to 126  
 limitations of marine environmental  
   protection 39–41  
 precautionary approach 36, 38,  
   151–3, 172  
   UNFSA and 41–5, 149, 151–2, 153  
 regulating the seas 27–8  
 resource sustainability 183–5  
 vessel-source marine pollution 248,  
   265–9  
 International Tribunal of the Sea  
   (ITLOS) 152–3  
 Ireland 97–9  
   accession 53–4  
 Italy 167, 234

- Jakarta Mandate 37–8  
 Japan 162  
 jellyfish 221–2  
 Johannesburg Plan (2002) 38–9, 237
- legal certainty 98  
 literal interpretation 12  
 lobbying 2, 141, 146  
 local competence 110–119  
*locus standi* 116–17, 187, 198–203  
 Luxembourg 253
- Malta 168  
 marine protected areas (MPAs) 39, 47,  
 118, 230, 238, 284  
 marine spatial planning 231  
 market failure 22, 246, 249, 281, 283–4,  
 287  
 market-based instruments (MBIs) 22,  
 23, 245–7, 249, 250, 269  
 definition 249  
 Environmental Liability Directive:  
   transfer of costs 258–65, 269  
   financial security 260, 261, 263–5  
   implementation 261–3  
 financial security 260, 261, 263–9  
 Fishing Fund 281–3, 284  
 new model for shared resource  
   regulation 249–50  
 polluter-pays principle 227, 242, 245,  
 247–9, 250, 265, 269  
   Environmental Liability Directive  
     258–65  
   user-pays principle and 250  
   Water Framework Directive 251  
 vessel-source oil pollution 265–9,  
 282  
 Water Framework Directive 250,  
 251–8, 269  
   enforcing recovery of costs for  
     water services 254–8  
   implementation 254
- Mauritania 130  
 maximum economic yield (MEY) 279,  
 280–281, 282, 283  
 maximum sustainable yield (MSY) 21,  
 61–2, 102, 243, 279–80, 281
- 2013 Fisheries Regulation 21, 69–71,  
 75–6, 77, 125, 144, 172, 175–6,  
 180–181, 234  
 Agenda 21 36  
 Baltic Sea 122  
 biomass standard 76, 144, 178  
 Convention on Law of the Sea  
   (LOSC) 30, 31, 39, 175  
 exploitation to user basis 243  
 fishing mortality at (FMSY) 76, 144,  
 152, 177, 178, 234  
 Johannesburg Plan (2002) 39, 237  
 MSFD  
   and CFP 243  
   good environmental status 176–80,  
     234  
 NSRAC 143–4  
 precautionary fishing 152, 172,  
 175–6, 180–181  
   incorporating good environmental  
     status 176–80  
 RFMOs 44  
   scientific advice 125  
 UNFSA 42, 43, 152  
 Mediterranean Sea 23, 51, 110, 136,  
 167, 168, 209  
 Member States 2, 3, 54, 57, 69, 94,  
 134–5, 161, 173, 213, 214  
 Advisory Councils 138, 142  
 authorisation: vessels fishing outside  
   EU waters 133  
 Baltic Sea 121–2  
 capacity, fishing 79, 82, 85, 87, 94–5,  
 97, 99, 103  
 competence 105, 108–10, 146  
   local 110–119  
   regional 119–20  
   shared 61, 105, 216–17, 242  
 data collection 76, 91, 124  
 discards 72  
 enforcement 8, 19, 58–9, 81–2, 103,  
 196  
 environmental protection 77–8,  
 216–17, 241, 242  
 good governance 104–5, 146  
 Marine Strategy Framework  
   Directive (MSFD) 17, 227–8,  
   229–30, 233–4, 243



- coherent implementation 235–7
- market-based instruments (MBIs)
  - 249–50, 268–9
  - ELD: transfer of costs 260, 261, 264, 269
  - water 251–8, 269
- quota and right of establishment 6–8
- register of fishing vessels 12, 79
- relative stability 55, 74, 110, 183, 203–7, 214–15, 285
  - equality and 207–9
- research and innovation programmes 76
- scientific evidence 124, 125
- transferable fishing concessions (TFCs) 67, 79, 278
- monopolies 278
- moral hazard 264
- Morocco 5, 129–34
- multi-level governance 59, 114, 115, 118
- multiannual plans 106, 107, 165, 171, 179–80, 224
  - 2002 Fisheries Regulation 193
  - 2013 Fisheries Regulation 72, 73, 74, 75–6, 124, 127, 172, 173, 176, 194
  - control and enforcement 81
- multi-stock 75
- North Sea cod 271
- scientific advice 124
- NAFO Fisheries Commission 162, 163
  - TAC for Greenland halibut 162–5, 187–8, 212
- national competence 108–10
- Natura 2000 sites 230, 232
- neighbourhood policy 58, 129
- neoliberalism 249
- Netherlands 12, 15, 234
- non-contractual liability 100–101, 188–9
- non-discrimination 7, 53–4, 109, 118–19, 159, 196–7, 207
  - relative stability and equality 207–9
- non-governmental organisations (NGOs) 85, 140, 141
  - bottom trawling in the high seas 239
  - Nordic States 65, 66
    - see also individual countries*
  - North East Atlantic 52, 213, 237–41
    - Fisheries Commission (NEAFC) 30, 237, 239–40, 275–6
  - North Sea 51, 136, 208
    - Advisory Council 138, 141–4
    - cod 92–4, 143, 197, 271, 281
    - North Sea Fishermen's Association 196–7
  - North West Atlantic Fisheries 161–2, 164–5
    - Greenland halibut 162–5, 187–8, 212
  - Norway 92–4, 162
    - accession 53–4
    - yearly non-transferable quotas 66–7
- objectives of CFP 3–4
- OECD (Organisation for Economic Co-operation and Development) 10, 126, 247, 248
- oil
  - civil liability regime
    - vessel-source oil pollution 265–9, 282
  - exploration rights 282
  - offshore installations 262, 264
  - Solidarity Fund: Prestige oil spill 263
  - taxation and royalties 282–3
  - Torrey Canyon oil spill 265
- open method of coordination 81–2
- open-access fishery and
  - Gordon-Schaefer model 279–81
- ordinary legislative procedure 61, 105–6, 253
- Ostrom, E. 20, 63, 67, 277, 284, 287
- overcapacity 4, 18, 58, 62, 63, 71, 103, 195, 282, 283–4
  - 2013 Fisheries Regulation 70, 102
  - aligning capacity with resource 278–81
- capitalisation of fishing fleets 40
- coherence between internal and external policy and 134–5, 146
- Court's protection of private interests and 94–102

- FAO Code 48
- funding: measures to address 83–9
- Member States 79, 85, 87, 94–5, 103
- partnership agreement 11–15
- property rights for in situ resource 64–7
- purse seiners 167–8, 209
- return on investment 80
- overexploitation/overfishing 46, 50, 55, 56, 213, 214, 242, 285
- 1958 Geneva Convention on Fishing and Conservation 27–8
- 2013 Fisheries Regulation 70, 71, 75, 102
- Agenda 21 35
- CBD: Jakarta Mandate 37
- CFP: failure to secure stocks against 22, 51–2
- cod fisheries 218–19
- control and enforcement 19, 83, 103
- EEZs 31
- FAO Code 48, 49
- Green Paper (2009) 60, 62
- Morocco 132, 134
- MSFD 226
- overcapacity 40, 63, 64, 85, 94, 97, 167, 195, 282
- precautionary principle 159, 180
- recruitment and growth 175
- UNFSA 42, 45
  
- Pareto, V. 272–3
- participation 19, 20, 135, 200
  - participatory democracy 139–44, 147, 287
  - regulatory capture and 144–6, 147–8
  - stakeholder involvement *see separate entry*
- partnership agreements 10–15, 58, 126–7, 129, 130–4
- petroleum *see oil*
- Pigouvian tax 274, 276
- pluralism 139
- Poland 84, 233
- polluter-pays principle 227, 242, 245, 247–9, 250, 265, 269
  
- Environmental Liability Directive 258–65
  - user-pays principle and 250
  - Water Framework Directive 251
- pollution 16, 37, 55, 245, 246, 263–4
  - civil liability regime for vessel-source oil 265–9, 282
- Convention on Law of the Sea (LOSC) 32–3
- external costs 274
- MSFD 227
  - rectification at source 182, 242
- Stockholm Declaration (1972) 34
- Torrey Canyon oil spill 265
- UNFSA 44
- Portugal 203, 204–5, 208
- poverty alleviation 47
- precautionary approach 38, 57, 149–50, 183, 213–14, 234, 285–6
- 2002 Fisheries Regulation 160, 161, 168, 192, 193
- 2013 Fisheries Regulation 69, 70, 75, 171–6
- Agenda 21 36, 41
- FAO Code 48
- Greenland halibut 163–4
- limit reference points 43, 44, 152
- precautionary principle and 149–50, 159, 168–9, 180
- TFEU 153–4
- Rio Declaration (1992) 150, 151, 172, 184
- target reference points 43–4, 49
- total allowable catches (TACs) 165–6, 186
- UNFSA and 41–5, 149, 151–2, 153
- precautionary fishing 149–50, 180–181
- ecosystem-based model 173–5
- external fisheries policy 161–5
- internal management of stocks 165–6
- maximum sustainable yield (MSY) 152, 172, 175–6, 180–181
  - good environmental status 176–80
- precaution
  - CFP and 159–61
  - Commission and 163–5, 166–70, 171, 172, 173
  - in international law 151–3

- legislature and 170–171
  - under 2013 Fisheries Regulation 171–3
  - under TFEU 153–9
- precautionary principle 20, 56, 57, 83, 92, 143, 180, 194, 227, 285–6
  - Court of Justice 150, 154–5, 157–9, 160–161, 168–9, 170, 180
  - international law 180
  - precautionary approach and 149–50, 159, 168–9, 180
  - TFEU 153–4
  - public health 154–9, 160, 180
- prevention principle 83, 155, 182, 227, 242, 247, 264
- prisoner's dilemma 273
- property rights 20, 63–8, 79, 278
  - internalising externalities through 276–8
- proportionality 54, 81, 101, 105, 154–5, 160
- public goods 272
- public health 123, 154–9, 160, 166, 180
- public interest 2, 4, 7, 88, 99, 102, 103, 214, 243
  - Court of Justice 9–10, 23, 286
  - lobbying 141, 146
  - Marine Strategy Framework Directive (MSFD) 243
  - polluter-pays principle 248
  - public property: stewardship 63–4
  - regulatory capture 144, 146
  - in sustainable exploitation 197–203, 214
  - Water Framework Directive 257–8
- purse seiners 99–101, 167–70, 209
- quantitative controls 22, 55, 61, 106, 186, 193, 270–271, 281
- quotas 6–7, 55, 85, 100, 111, 173, 196, 203, 270, 274
  - Iceland: transferable quota system 66, 67
  - Norway: yearly non-transferable 66–7
- participation and regulatory capture 144, 145–6
  - relative stability 204–6
  - Sweden: non-transferable two-week 66, 67
  - UK quota and small-scale fleet 273
  - see also* total allowable catch (TAC)
- recovery areas, fish stock 107, 173
- recruitment 152, 175
  - failure 31
- redfish 164
- Regional Advisory Councils *see* Advisory Councils
- regional approach 120–122, 142, 146
  - discards 72, 73
  - water services: recovery of costs 253
- regional competence 119–20
- regional fishery management
  - organisations (RFMOs) 1, 30, 48, 69, 127
  - charges 274–6
  - precautionary fishing 44
- Regional Sea Conventions (RSCs) and MSFD 237
- regionalism 114–19, 146
- register of fishing vessels 12, 79
- regulatory capture 23, 105, 144–6, 147–8
- relative stability 55, 74, 110, 183, 203–7, 214–15, 285
  - equality and 207–9
- renewable energies 92, 256, 257
- resource rents 278–81
- return on investment 80
- Reykjavik Declaration on Responsible Fisheries (2001) 38, 184
- Rio+20 226
- Rio Declaration (1992) 34–5, 42, 46, 150, 151, 172, 184
  - polluter-pays principle 247–8
- risk assessment 123, 156, 157, 158–9
- risk pooling mechanisms 264–5
- river basins
  - water services: recovery of costs 253
- royalties 282–3
- Russia 51, 162
- Sahrawi people 129–30, 132, 134

- Sands, P. 185
- Scandinavian countries 113  
*see also individual countries*
- science 18, 20, 56, 62, 70, 91, 107,  
 142–3
- 2002 Fisheries Regulation 192
- 2013 Fisheries Regulation 75, 76, 79,  
 124–5, 172, 210, 213
- scientific advice not determining  
 factor 92–4
- socio-economic factors and 77
- Advisory Councils 137, 142–3
- Agenda 21 36
- best available scientific advice  
 122–5, 173, 197–8, 202, 210,  
 213
- Advisory Councils 142–3
- discards 72
- deep-sea stocks 240
- disregard advice 202
- ecosystem management 220, 222,  
 236, 240
- international treaties and instruments  
 38, 40
- FAO Code 48
- LOSC 30, 31, 32, 33
- UNFSA 42–3
- precautionary approach or principle  
 92, 149, 152–3, 154, 156–9, 210
- recovery plans 171
- relative stability 206–7
- safety margin 285
- total allowable catch (TAC) 75, 85,  
 165, 173, 190, 191, 199–200
- Scientific Committee for Animal  
 Nutrition (SCAN) 156–7
- Scientific Committee of the European  
 Environment Agency (SCEEA)  
 123
- Scientific, Technical and Economic  
 Committee for Fisheries (STECF)  
 79–80, 123–4, 125, 171
- Scotland 115
- scrapping of fishing vessels 58, 86–7,  
 270
- sea basin approach 104–5, 120
- Second World War 217
- secondary legislation 6–8, 60–61
- Senegal 9
- shellfish 219
- small-scale sector 2, 23, 66–8, 90, 97,  
 287
- 2013 Fisheries Regulation 74,  
 112–13, 148
- Advisory Councils 138, 142, 287
- Blue Growth agenda 148, 284
- consultation 68, 113–14, 141
- Danish mussel fishery 67
- definition 67, 112, 273, 277
- European Parliament 68, 111–12
- Green Paper (2009) 67–8, 111, 277
- local competence 110–119
- non-discrimination 109, 118–19
- Norway 66–7
- property rights 63, 277–8
- statistics 111–12, 277–8
- structural funds 89–90
- UK quota and 273  
*see also coastal communities*
- soft law 45
- sovereignty 108, 129–30
- exclusive economic zone (EEZ) and  
 32
- high seas and 27, 29
- natural resources 32, 34
- Spain 99, 118, 162–3, 203, 208, 209,  
 234, 263, 276
- regions 113–14, 115
- subsidies 83–4
- Western Sahara 129
- ‘spy-in-the-cab’ technology 196
- stakeholder involvement 20, 75, 104,  
 113–14, 135, 140–141, 147, 166,  
 224
- Advisory Councils *see separate entry*
- Marine Directors 236
- participation and regulatory capture  
 144–6
- public interest 64
- State aid 103, 286
- statistics 52
- catches landed, value of 276
- net margin 80
- return on investment 80
- small-scale sector 111–12, 277–8
- Stigler, G.J. 144

- Stockholm Declaration (1972) 34
- straddling stocks 30, 69, 151, 184, 239  
 UNFSA and precautionary approach  
 41–5, 149, 151–2, 153
- strict liability 260, 262, 266
- subsidiarity 20, 104, 105, 114, 115, 120,  
 224, 250
- subsidies *see* funding the fisheries  
 sector
- surveillance 196–7
- sustainable development 11, 34, 47,  
 182–3, 184–5, 214, 215, 246, 285  
 balanced and 56, 193  
 environmental protection 194, 217  
 Lisbon Treaty 17  
 MSFD 226  
 only ecological 40–41  
 Rio Declaration (1992) 184  
 Water Framework Directive 257–8  
 World Summit (2002) 38–9, 69–70,  
 143, 237
- sustainable exploitation 21, 182–3,  
 213–14, 285–6  
 1992 Regulation: rational and  
 responsible exploitation 186–92  
 2002 and 2013 Regulations 74–6,  
 192–5, 199  
 external dimension of CFP 129, 132,  
 134  
 public interest in 197–203  
 through enforcement 195–7
- sustainable fishing 182–3, 213–15  
 decision-making and 210–213, 214  
 relative stability 55, 74, 110, 183,  
 203–7, 214–15, 285  
 equality and 207–9  
 resource sustainability under  
 international law 183–5  
 sustainable exploitation *see separate  
 entry*
- Sweden 66, 67, 109, 133–4
- tax  
 petroleum 282–3  
 Pigouvian 274, 276
- teleological interpretation 12, 14, 255–6
- territorial sea 29, 36, 47, 54, 108–9, 118,  
 131, 207
- total allowable catch (TAC) 6, 19, 55,  
 62, 75, 85, 165, 173, 186, 282  
 2002 Fisheries Regulation 193, 203  
 bluefin tuna 167, 209  
 cod 92–4, 143, 199–202, 210–211,  
 271  
 Convention on Law of the Sea  
 (LOSC) 31–2  
 Court challenge 187–92, 199–202  
 Eastern Baltic cod fisheries 210–211  
 Greenland halibut 162–5, 187–91,  
 192, 212  
 precautionary 191  
 relative stability 203  
 socio-economic purposes 77, 191  
 trade negotiation *see* external policy  
 trade organisations 100, 140  
 UK Association of Fish Producer  
 Organisations 273  
 traditional fishing communities 23, 84,  
 90, 103, 111, 206  
*see also* small-scale sector  
 traditional knowledge 48  
 tragedy of the commons 20, 272  
 transaction costs 276–7  
 transferable fishing concessions (TFCs)  
 64–6, 67, 79, 278  
 transparency 72, 286  
 data 105  
 Member States 254  
 scientific advice 123  
 water services: recovery of costs 254
- trawling  
 high seas: bottom 225, 238–41
- tuna 30, 274–5  
 bluefin 99–101, 152–3, 167–70, 209
- UK Association of Fish Producer  
 Organisations 273
- United Kingdom 11–15, 115, 234  
 accession 53–4  
 North Sea oil 283  
 quota 7–8  
 small-scale sector 273  
 subsidies 83–4

- Torrey Canyon oil spill 265
- United Nations 130
  - General Assembly 130
    - Resolutions 239–41
    - user-pays principle 250
  - United States 145
    - Convention on Law of the Sea (LOSC) 29
- unreported and unregulated fishing 22, 48, 80, 85, 88, 195, 224–5
- use rather than exploitation 194, 222, 243
  - international law 46–9
    - see also* ecosystem management
- user-pays principle 23, 244, 250, 265, 269, 287
  - definition 250
- Fishing Fund 281–3, 284
  - water services: recovery of costs 244, 250, 251–8
- Water Framework Directive 243–4, 250, 251–8, 269
  - enforcing recovery of costs for water services 254–8
  - implementation 254
- Western Sahara 129–31, 132, 134
- women's groups 136
- World Summit on Sustainable Development (2002) 38–9, 69–70, 143, 237
- World Trade Organization (WTO) 158
  - sustainable development 185
- WWF (World Wide Fund for Nature) 199–202