ACP-EU TBT Programme

090-16 - Training for Regulatory Authorities, Businesses and Communities in Regulatory Frameworks: Towards a Better Management of Risks

Risk management approaches and process in a fisheries regulatory framework

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Risk Management Approaches and Processes in a Fisheries Regulatory Framework

A regulatory system for the fisheries sector is a set of processes for:
- Setting fisheries regulatory requirements and voluntary standards
    - for the production of fish and provision of related fisheries services;
- Drafting laws and regulations; and
- Putting controls in place
    - to check that fishery products meet especially the market/consumer requirements and specifications.

Lets consider the different types of regulatory risks in fisheries sector:
1. Risks can remain internal to an economic operator
- Affect the efficiency or profitability of a fisheries business,
    - But can also have undesirable external effects, these include:
        - Risks that originate with an economic operator, whose consequences may have an impact on:
        - Consumers, communities or civil society (business-to-consumer risks)
        - Other businesses (business-to-business risks)
        - The environment (business-to-environment risks)
        - Society in general (business-to-society risks)
    - Risks need to be given due consideration by policymakers/public regulators.

Crisis Management within Regulatory Frameworks

2. Risks that originate with a single economic operator or with the fisheries business environment,
    – Whose mitigation requires coordination among economic operators
    – As a single operator will not be able to mitigate (manage) on its own
        • Engaging in fishing malpractices – dealing in and processing of undersized fish
        • IUU fishing

3. Risks that originate with the business environment, which will have an impact on an economic operator but which an economic operator cannot control, such as excessive environmental risks
    – Excessive fishing effort – depletion of the resource base
    – Rise in demand of fish (opportunity/risk)

A major type of risk in all regulatory systems is operational risk, which – as also happens in individual organizations and stems from:
    – Inefficient system processes,
    – Human error
    – Information system failures.
        • Such as mistakes in regulatory impact assessment (RIA), inefficient communication among stakeholders and information system crashes.

Crisis Management within Regulatory Frameworks

- Regulatory authorities should recognize that there are situations which are beyond the capacity of normal organizational structures and processes.
    – This situation can best be managed when sufficient resources are available and
    – With prior planning in accordance with available international best practices
- Regulatory authorities should design and implement crisis management functions as
    – an integral part of the risk management process of a regulatory framework.

Crisis Management within Regulatory Frameworks

- Regulatory authorities, taking into account
  - The internal and external context of a regulatory system,
    - available resources,
    - regulatory objectives,
    - communication technologies,
    - lessons learned, and other factors

  Should
  - Design the crisis management function so that it provides effective coordination of the actions taken by various stakeholders,
    - Including resource control authorities, conformity assessment bodies, market surveillance authorities, economic operators and citizens in a situation of a crisis.
  - With plans to managing the following phases of the crises:
    - Preparation for a crisis
    - Stabilization, continuing critical functions
    - Recovery and follow-up

Crisis Management within Regulatory Frameworks

- Review and integrate crisis management in ample details within the legislation that establishes regulatory practice.
- Plan and earmark the necessary resources for the crisis management unit functioning, which may include:
  - Ready access to emergency funding;
  - People with the required skills, experience and competence;
  - Tools, methods and supporting infrastructure for managing a crisis;
  - Communication systems;
  - Information and knowledge management systems.
- Regulatory authorities as a part of implementation of contingency plans need to organise training for personnel to ensure that:
  - The staff is familiar with the procedures
  - The contingency plans are realistic, complete and uploaded.

Crisis Management within Regulatory Frameworks

- Regulators, in coordination with relevant stakeholders, develop, test and implement:
  - Generic contingency plans with general responses for risks, whether or not they were identified, to allow effective responses to any incidents in the early hours of a crisis;
  - Where appropriate, specific contingency plans for risks identified and processed within the system.
  - Contingency plans should specify:
    - Version, date and issuing authority;
    - Purpose and scope;
    - Activation criteria;
    - Cross-reference and linkages to other plans;
    - Roles, accountabilities and responsibilities;
    - Process descriptions;
    - Details for accessing resources;
    - Communication and consultation requirements;
    - Schedules of critical information including contact lists, maps and plans;
    - Description of possible techniques for:
      - Stabilization;
      - Continuing critical functions;
      - Recovery;
      - Implementation of lessons learned.

Crisis Management within Regulatory Frameworks

- Regulatory authorities prepare communication and consultation processes as a part of crisis management in order to:
  - Build awareness, confidence and understanding of crisis management processes by regulatory system stakeholders;
  - Effectively exchange information and consult with stakeholders in situations of crises, in particular to provide information to stakeholders in early hours after the crisis occurs;
  - Encourage, where appropriate, the use of opportunities provided by alternative media.

Crisis Management within Regulatory Frameworks

- Regulatory authorities ensure that in situation of a crisis
  - appropriate mechanisms are established for, at least, the following:
    - Providing immediate focus on affected individuals;
    - Launching of reliable data collection processes;
    - Activating a crisis management team
      - which may include subject experts, top management, crisis people, affected individuals, etc);
    - Organizing a follow-up to a crisis.

Crisis Management within Regulatory Frameworks

- In organizing a follow-up to a crisis
  - gather the data related to the crisis and analyse the causes of the crisis, as well as effectiveness and relevance of actions taken during the immediate response period.
  - Data related to a crisis constitute an input into regular risk identification performed within a regulatory framework.
  - Adoption and continuation of regulatory measures related to crisis are subject to the normal review processes.

Crisis Management within Regulatory Frameworks

- Regional and international cooperation efforts must be sought
  - Implementing international best practice
- Top priority should about:
  - Capacity-building activities and contingency planning
    - especially in training staff responsible for
      - Technical regulation
      - Conformity assessment
      - Market surveillance activities.

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