



5 APPLICATION OF THE STANDARD PACKAGES IN THE PARTNER COUNTRIES

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INTRODUCTION

This document is produced in the framework of the FISH MED NET project co-funded by the ENI CBC MED Programme. FISH MED NET involves public and private partner organizations from France (notably Corsica), Italy (notably Sardinia, Liguria and Puglia), Tunisia, Lebanon and Palestine. The project aims to develop Mediterranean Alliances between the enterprises active in the blue economy following the diversification of artisanal fishing, and to develop public authorities' capacity to encourage sustainable development of the fishing sector. Following the analysis "Mapping of the needs of the public authorities related to fishery activities and support schemes in place", as well as the results of the rounds tables held in all partner countries that have engaged both public and private stakeholders from the fishery sector, the Ministry of Agriculture of Lebanon, in cooperation with all partners, has produced some standard packages including procedures and formats that might be useful to develop Public-Private Partnerships (PPPs). According to the different national contexts, norms and legislations, the typologies of potential PPPs could change and vary from country to country. Also considering the differences between the fishery sectors in the involved countries at economic, social and legislative level, there is a certain level of heterogeneity within countries. This document includes applications, national laws and type of diversification activities in the partner countries in relation to each identified standard package.

5.1 CONCESSION AGREEMENT

Italy

Laws and regulation in force in the partner countries

The laws describing the concession agreements are based on the type of activity that needs to be run on the maritime domain (i.e. aquaculture vs docking facility vs beach resort). It must be noted that by law L. n. 359/1974 "Code for navigation" explicitly states that the distance considered territorial water, hence where concessions can occur, anywhere between 12 miles from the coastline. At the same time the GU n.93 del 18-04-1942 lists out what is included as part of the maritime domain, and is controlled at a regional level. The process in order to register interest for obtaining a concession for the maritime domain is quite straightforward and is done online under the region of interest. Links for the regions involved in the project: Liguria, Sardegna, and Puglia will be useful in order to find how to obtain a maritime domain, but it is specific to the provinces where the activity is intended to be developed (i.e Imperia vs. Genova, or Oristano vs. Alghero....)

Types of diversification activities in the fishery sector

One of the most predominant types of diversification activities where the fishery sector requires a concession can be marine ranching. Where a cooperative of fishers take care of an area such as a lagoon and use the natural spawning season of fish to entrap, select the commercial sizes and sell them to the food processing companies. They become the guardians of the area and are responsible for the upkeep of the area while creating a business. Such activity can be witnessed in the salinas and lagoons of Sardinia where sea salt is produced, as well as mullets are harvested for roe and processed fish fillet for various uses (fresh, smoked...). Another example that requires a concession for maritime domain is for grow-out aquaculture facilities such as the mussel lines easily found along the coast lines of Liguria and Puglia. Another example is for those fishers and fisher cooperatives wanting to acquire licences to fish within certain areas of marine protected areas (MPAs), or to conduct guided tours.

¹ Commons Provisions Regulation (CPR) No 1303/2013, European Union.

Advantages and Challenges

The application process for maritime domain for any intended use is a transparent process as is found online. Yet, the process of filling out the details (intent of activity and delineation of the area) is quite long and technical that would require investing time in filling out all necessary forms for the application to be accepted. Regardless of the cumbersome documentation to be provided the request is legitimate as the area needs to be taken care of for a period of 6 years.

France

Laws and regulation in force in the partner countries

The French Public Procurement Code (hereafter the “Code”) applies to public procurement contracts, concessions and public-private partnership contracts. Its rules derive from Directive 2014/24/EU and Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014. Concession contracts are ruled by a specific section of the Code that provides for special rules. Concessions nevertheless remain governed by the above-mentioned principles of open access, equality of treatment and transparency. When it comes to concessions, the consideration received is not a price or equivalent paid by the Awarding Authorities, but the granting of a right to operate the service. Concession contracts involve the transfer to the concessionaire of an operating risk associated with the service.

Types of diversification activities in the fishery sector

In France, some examples of these activities in the fishery sector are investments to promote fishery resource conservation and management, capacity-enhancing subsidies including investments in vessels and port infrastructure, support for artisanal fishing communities, support for the diversification of fishing activities.

Advantages and Challenges

The procurement profession is increasingly becoming a core component of an organisation’s innovation and process-driven strategies to reduce costs, increase efficiencies and make advancements. However, when it comes to the public sector, there are numerous and unique roadblocks to successfully implementing these strategies, systems and processes into existing operations, especially in the fishery sector.

Tunisia

Laws and regulation in force in the partner countries

Concessions in Tunisia are governed by the law No. 2008-23 of April 1, 2008, relating to the regime of concessions, including the following Decrees:

- Decree No. 2008-2034 of May 26, 2008, setting the terms and conditions for keeping the register of real rights encumbering constructions, works and fixed equipment built under concessions.
- Decree No. 2010-1753 of July 19, 2010, setting the conditions and procedures for granting concessions.
- Decree No. 2013-4630 of November 18, 2013, establishing a unit for monitoring concessions within the Presidency of the Government.
- Decree No. 2013-4631 of November 18, 2013, amending and supplementing Decree No. 2010-1753 of July 19, 2010, setting the conditions and procedures for granting concessions.
- Consolidated Decree No. 2010-1753 of July 19, 2010, setting the conditions and procedures for granting concessions supplemented and amended by Decree No. 2013-4631 of November 18, 2013.
- Decree-Law of the Head of Government No. 2020-24 of May 28, 2020, laying down special provisions relating to cases of extension of concession contracts.
- Government Decree No. 2020-316 of May 20, 2020, setting the conditions and procedures for granting concessions and their monitoring.
- Law n° 2021-9 of March 1, 2021, approving the decree-law of the Head of Government n° 2020-24 of May 28, 2020, relating to the setting of special provisions for the extension of concession contracts.

The concession contract is the contract by which a public person named "grantor" delegates, for a limited period of time, to a public or private person called "concessionaire", the management of a public service or the use and operation of public domains or facilities in return for remuneration that it collects from the users for its benefit under the conditions set by the contract. The concessionaire may also be in charge of the realization, the modification or the extension of the constructions, works and installations or of acquiring goods necessary for the execution of the contract. The contract may authorize the concessionaire to occupy parts of the domain belonging to the grantor in order to build, modify or extend the aforementioned constructions, works and installations.

Types of diversification activities in the fishery sector

In Tunisia, the first experiences of concessions date back to 1613, when a concession was granted in the public maritime domain for coral fishing. There is another type of concession in the public maritime domain for aquaculture projects, but it is a particular concession that does not obey the legislation on concessions according to the 2008 law. The public domain of fishing ports also recognizes the granting of concessions for the implementation of projects on the public domain of fishing ports. Fishing projects in the public maritime domain have recognized large obstacles due to the difficulties of applying the legal provisions on concessions. As for small fishing projects, especially in the field of artisanal fishing, concessions according to the regulations on concessions are impossible. Small experiences of diversification in the fisheries sector according to the method of concessions we can cite partnership relations concluded between components of civil society as is the case of associations or development groups in the sector of agriculture and fisheries GDAP have been concluded with a public partner municipality or regional commission for agricultural development. These are not concessions but rather agreements between a public partner and a GDAP for the collection of clams.

Advantages and Challenges

Concession agreements in Tunisia face enormous difficulties in their implementation. Indeed, the legal texts relating to the concessions in Tunisia do not fit perfectly with all the projects, it fits with the big projects of infrastructures and the projects of big public works. The granting of concessions must respect the rules of transparency but especially the procedures of the call for competition what reduces the possibilities of the concession of grés to grés or according to simplified procedures. The obligation to create a project company and justify important financial capacities and the existence of public services make it practically impossible to conceive projects in the field of fishing, notably artisanal fishing, according to the model of concessions or public-private partnerships

Lebanon

Laws and regulation in force in the partner countries

In Lebanon the concession agreement has been substituted with the Joint Venture agreement during the last training as it was found that the JVA will best service the intended goal of the project. A JVA is an agreement between two or more parties with agree to embark on a common business endeavour for a specified or limited period of time each venturer contributing to an aspect of the project, capital, technical skills etc. The JVA sets out the terms and conditions of the partnership, including the purpose of the JV, the contributions of each party, the management structure, the profit-sharing arrangements, and the duration of the JV. The agreement may also address issues such as dispute resolution, termination, and the rights and obligations of the parties. It is important for the parties to carefully negotiate and draft the JV agreement to ensure that all aspects of the partnership are clearly defined and agreed upon including conflict resolution. There is no specific regime for JVA in Lebanon, as such the JVA will be governed by the general provision of the Code of Obligations and Contracts, the Commercial Code and the provisions of the JVA. Often the JV will take the form of a SARL or a SA which beats the purpose of the JVA.

Types of diversification activities in the fishery sector

Since the production of the fisheries sector cannot cover the national demand, Lebanon has been dependent on fish imports, which averaged 35 000 tons in recent years, but dropped to 12 800 tons in 2020. In this regard, the main examples of concession agreements are in the framework of the aquaculture sector, with a special focus on small-scale farmers. The aquaculture sector can offer countless opportunities to the people of Lebanon. It can significantly contribute to boosting food security and nutrition, as well as helping to stem the tide of migration from rural areas by creating new job opportunities.

Advantages and Challenges

The JVA agreement is extremely beneficial for temporary endeavours. The JVA will allow better resource distribution and risk allocation amongst ventures as well easier access to the market. In order to achieve all these benefits the JVA must be very specific and comprehensive when it comes to the relationship between venturers. However, as previously specified the JVA is not specifically regulated under Lebanese Law, therefore the JVA agreement may be reconsidered by the tribunal as a “Société créée de fait” or defacto company which will cause the joint ventures to be personally liable for the project debts, such a liability being an unlimited liability.

Palestine

Laws and regulation in force in the partner countries

There are no related and/or specific national laws concerning the concession agreement in Palestine.

Types of diversification activities in the fishery sector

There are not existing and/or previous examples of concession agreements on public-private partnerships to foster fishery diversification in Palestine.

Advantages and Challenges

The biggest challenge is the existence of a legislative vacuum regarding the concession contracts and the conclusion of concession contracts by government decisions without the existence of legal procedures regulating this contract. Among the privileges concession contracts are one of the ways in which the government contributes to the development of many sectors.

5.2 Memorandum of Understanding

Italy

Laws and regulation in force in the partner countries

Memorandum of understanding is strictly an administrative-political tool and it mainly consists of a governance stipulate between public and private sector to converge on certain objectives based on reciprocal criteria. Although they have no legal basis, the MOU could be the basis for a convention or a service agreement to evolve in.

Types of diversification activities in the fishery sector

Some examples of MOUs that have been used between fishers and private or public entities, have stipulated agreements of objectives to be reached giving all parties designated roles. Many of the different activities covered tend to be sporadic throughout the year and mainly fall under an pro-environment mission (usually sea clean-up activity).

Advantages and challenges

As per anecdotal reference the vast majority of these MOUs usually are not economically substantial for the fishers and stipulate just a small stipend that covers the cost of some expenditures (fuel, food...) mainly under the form of a "reimbursement cost". Very few really mature into a more substantial contract for service agreement. Overall, institutional representatives have voiced their opinions about MOUs as being an excellent tool to start a relationship with public and private entities, however their concern is that they never mature into a more formal agreement such as a service agreement.

France

Laws and regulation in force in the partner countries

Pescatourism has only been authorised in France since 2011 for aquaculture vessels and 2012 for fishing vessels, following the publication of new decrees amending the decree of 23 November 1987 on ship safety:

- « Arrêté » of 9 May 2011 amending « l'arrêté » of 23 November 1987 on the safety of aquaculture vessels;
- « Arrêté » of 13 March 2012 amending « l'arrêté » of 23 November 1987 on the safety of fishing vessels.
- « L'arrêté » of 13 March 2012 amends division 226, relating to the safety of fishing vessels of a length equal to or greater than 12 metres and less than 24 metres, and division 227, for the safety of fishing vessels of less than 12 metres, by creating chapters 9 and 10 respectively.

These chapters define pescatourism as follows: "Pescatourism activities are defined as passenger embarkation operations carried out on board a fishing vessel with the aim of showing the profession of fisherman and the marine environment" or "the profession of shellfish farmer and the marine environment". "These operations take place at the same time as the usual fishing activity" or "the usual activity in aquaculture parks and production sites". These regulations have been supplemented for each maritime area by provisions issued by local government departments. Unlike other countries in the Mediterranean basin, such as Italy, the French regions have no regulatory powers in this area. There is another important difference: in France, pescatourism is regulated solely on the basis of vessel safety conditions, unlike in Italy, where the various laws consider pescatourism and ittitourism to be genuine diversification activities in the context of professional fishing, going beyond the mere capacity of vessels. It should also be noted that France currently has no regulations governing ittitourism, although professional fishermen have been calling for it for a number of years, particularly in Corsica, where the Bonifacio prud'homie de pêche is just a few nautical miles from the Sardinian coast. However, tasting activities, using raw preparations only, have been made possible, but only for the marine farming sector, under prefectoral decrees in the Aquitaine, Poitou Charente and Languedoc, Occitanie régions, and the Var and Bouches du Rhône departments.

Types of diversification activities in the fishery sector

At the end of the meetings of the public and private stakeholders in the Fish Med Net project, the participants noted the following points as important:

- The importance of the tangible and intangible heritage of small-scale professional fishing for the territories, particularly for the Mediterranean islands.
- The economic and social difficulties of small-scale fishing.
- The potential of pescaturism as an activity to enhance the socio-cultural heritage of small-scale fishing.
- The prospects offered by ittitourism (processing of fishery products), or the tasting of fishery products, as a means of enhancing the value of fishery products and the products of marine farming.
- The significant economic impact of pescaturism on fishermen's incomes, leading to less intensive and better quality management of fish stocks.
- The interest shown by local tourism professionals, tourist offices and tourist development agencies in pescaturism and ittitourism activities, enabling professional fishermen to become local players in the promotion of the marine coastline.
- The interest shown by the general public in learning more about the fishing and sea-farming industry, its trades, its challenges, its forgotten products, its heritage, its traditions and its culture.

The participants also declared their desire to engage in the following activities:

- Contact the government departments responsible for the regulatory aspects of pescaturism to ask for certain conditions to be relaxed: activities for passengers on board vessels (swimming, pole fishing, removal of nets for certain species), larger number of passengers on board, etc.
- To form a network of local players in order to promote and test fishing diversification initiatives at local level.
- Pursue ongoing projects (in particular FISHMedNet) and formulate new interregional projects to strengthen, structure, market and communicate diversification activities in professional fishing.
- To apply to the Corsican Environment Office, via the Regional FEAMPA measure, for support for professional fishermen under Priority 1 (specific objectives 1.1 and 2.2).
- 5. To request specific facilities for each port community to enable the development of pescaturism and ittitourism (processing of fish products).

Advantages and challenges

The main issue in Corsica is the evolution of the regulations in the same way as other regions of the Mediterranean basin but also in the same way as the other French regions which have obtained possibilities in recent years through the adoption of prefectoral decrees. A Memorandum Understanding is a necessary step in raising the issue of regulatory change at local level with government departments and with the support of local public and private players who have expressed an interest and a shared commitment. The drawback is that this is no more than a principle of good intention. In order to strengthen this approach, recognition must be given at European Union level, particularly for the Mediterranean where the specific nature of small-scale fishing is much more important, especially in island territories such as Corsica.

Tunisia

Laws and regulation in force in the partner countries

The memorandum of understanding in Tunisia are considered contracts of common law, indeed, apart from some legal texts using the concept of partnership agreement or memoranda of understanding finds its origin in the code of contracts and obligations (COC) promulgated by the decree of December 15, 1906 promulgating the Tunisian code of obligations and contracts. This text constitutes the legal basis of any contract or convention

This text established the principle of the freedom to conclude contracts or conventions There is also the decree No 2013-5183 of November 18, 2013, fixing the criteria, the procedures and the conditions of granting of the public financing for the associations, which set up the concept of convention of partnership between a component of the civil society (association) and a public organization such is the case of the public companies or the municipalities etc

Types of diversification activities in the fishery sector

Memorandum of understanding according to the principle of freedom to enter into contracts have been concluded between a public body and an association for outreach missions to a certain population of fishermen etc. Actually, there are non-meaningful experiences with the memorandum of understanding

Advantages and challenges

The benefits of the memorandum of understandings are generally the benefits of contractual relationships that establish the rights and obligations of the contracting parties. The problem is that the public bodies are not very motivated to conclude the memorandum of understandings because of the application of other norms and legal texts. Constraints also emanate from the specific texts organizing its public structures

Lebanon

Laws and regulation in force in the partner countries

Memorandums of understanding (MOU) are not explicitly regulated under Lebanese law. They however remain viable and legal contracts and fall under the general regime of contracts as depicted by the COC (code of obligations and contracts). As such in order for a MOU to be deemed valid it must satisfy the general condition of validity for a contract (Articles 165 to 248 of the Code of Obligations and Contracts): 1-Offer and acceptance, 2-Consideration, 3-Capacity, 4-Intent, 5-Object, 6-Consent. In order for the MOU will be considered legally binding and enforceable in a court of law in must satisfy all of the aforementioned conditions.

Types of diversification activities in the fishery sector

The main examples of MOU are related to the aquaculture sector, with a special focus on small-scale farmers, as well as to services to community such as environmental protection, cleaning, education and community engagement in the blue economy.

Advantages and challenges

The MOU is an early-stage agreement and will provide a general roadmap for the parties' duties and obligations preceding negotiation. Although MOU offer a wide range of advantages such as flexibility, and easy contractual framework establishment, is of the utmost importance to note that a memorandum of understanding does not constitute and final binding agreement under Lebanese law. Such an agreement must never be treated as or considered a binding agreement. In the context of PPP the MOU will constitute a non-binding non-obligatory agreement depicting the intentions and the general outline of the parties obligations in the joint endeavour to develop a specific sector or activity. they are not a substitute for a formal contract, which should be drafted and signed by all parties once the terms have been fully negotiated and agreed upon. As such the challenges of the application of the MOU in Lebanon will mainly revolve around its' weak enforceability, its' ambiguity and its' limited scope.

Palestine

Laws and regulation in force in the partner countries

The Memorandum of Understanding is governed by the provisions of the Civil Code in Palestine.

Types of diversification activities in the fishery sector

There are not existing and/or previous examples of Memorandums of Understanding on public-private partnerships to foster fishery diversification in Palestine.

Advantages and challenges

One of the biggest challenges is the lack of unity of legislation between the one applied in the West Bank and the one applied in the Gaza Strip. One of the advantages is that memorandums of understanding are a good entry point between cooperation institutions, civil society and donors in the implementation of development projects, as they do not create legal obligations that require compensation, which allows the implementation and expansion of cooperative projects.

5.3 Community-led local development (CLLD) initiatives

Italy and France

Laws and regulation in force in the partner countries

The Community-Led Local Development (CLLD) is a methodology for local development adopted for engaging local actors in the design and delivery of strategies, decision-making and resource allocation for the development of rural areas. The methodology, previously known as LEADER (Liaison Entre Actions de Développement de l'Économie Rurale), has been implemented for more than 30 years at the European Union level by all the Local Action Groups (LAGs), which bring together all the public, private and civil-society stakeholders in a particular area (situation as of end 2018 - EU-28). Both in France and Italy, LEADER is implemented under the Rural Development Programmes (RDPs) of each EU Member State, co-financed from the European Agricultural Fund for Rural Development (EAFRD). In the 2014-2020 programming period, the LEADER method has been extended under the broader term Community-Led Local Development (CLLD) to three additional EU Funds: the European Maritime and Fisheries Fund (EMFF); the European Regional Development Fund (ERDF); and the European Social Fund (ESF).

Types of diversification activities in the fishery sector

Community-led local development initiatives are led by local action groups composed of representatives of public and private local socio-economic interests, and carried out through integrated and multi-sectoral area-based local development strategies.

The diversification economic activities fall under measure 1.30 Diversification and new forms of income, in particular:

- investments for creating environmental services pertinent to fishery
- investments for creating pedagogy services pertinent to fishery
- investments for creating tourism services pertinent to recreational fishery
- investments for creating food services pertinent to fishery

Advantages and challenges

The funds put forth by the EU are a substantial contribution that can create a better fishery environment. CLLD are one of the tools that allows to sustain projects for promoting sustainable and quality occupation in rural and coastal areas. The measures aim to create a better quality of work environment all while respecting UN SDG standards. The advantages of these funds is that the above mentioned objectives are but a few of the many funds that fishers can avail from. In parallel, these measures can be modular and fishers can propose more than one measure they adhere to. The challenges fall under the bureaucratic paperwork to fill in order to apply to such measures. The work, under the fisher's perspective usually is daunting, not many are familiar with the availability of the funds. Furthermore, the mode for accessing these EU funds is solely on reimbursement which results in many fishers not being able to front the expenses and therefore withdraw their applications. The last challenge for those fishers who manage to advance the expenses is that the period for reimbursement tends to have substantial delays.

Tunisia

Laws and regulation in force in the partner countries

The main text governing community-led local development initiatives is the law on associations and the decree law 2011-88 on associations. These are associative initiatives for the protection of the environment or the promotion of certain activities. No specific text for local development initiatives but these initiatives have their origins in the work of the components of civil society.

Types of diversification activities in the fishery sector

Conventions concluded between the interprofessional grouping in the fisheries sector and the fishermen's groups for the promotion of certain activities such as the promotion of the sardine through the conclusion of production contracts.

Advantages and challenges

The most important advantages of the conclusions of the agreements of the development initiatives is the mutual recognition between a public organism and a group of fishermen to carry out certain activities or projects with the objective of the protection of the resources and also the development of the resources or the diversification of the income.

Palestine

Laws and regulation in force in the partner countries

Initiatives are regulated by the charities law, the cooperative societies law, and the non-profit companies law in Palestine.

Types of diversification activities in the fishery sector

There are not existing and/or previous examples of Memorandums of Understanding on public-private partnerships to foster fishery diversification in Palestine, beyond the good practiced implemented by the FISH MED NET through the sub-grants.

Advantages and challenges

Among the challenges are the lack of financial resources, the difficulties posed by the political situation and the occupation, as well as the shortage of specialized experts. As for the advantages, the local community contributes to many development projects, develops many service sectors, and provides support to governments in the field of development.

5.4 Service Agreement

Italy

Laws and regulation in force in the partner countries

The contract for works and services (in Italian: Appalto d'Opera and Appalto di Servizi, or simply Appalto) is regulated by the Italian Civil Code which provides a well detailed legal framework for this contract which is frequently used both in the private and the public sector. The Civil Code defines the contract for works and services as the contract by which one party, with organization of the necessary means and with management at its own risk, undertakes the performance of a work or service against monetary remuneration (Article 1655 Italian Civil Code)

Types of diversification activities in the fishery sector

Some examples of these activities are environmental services such as fishery statistic data collection, ocean cleanup campaigns, water monitoring, and invasive species monitoring among others.

Advantages and challenges

The flexible regulation allows its use across a wide range of industry sectors such as, but not limited to, construction and manufacturing. For example, the same provisions of the Italian Civil Code dedicated to the contract for works and services will regulate the relationship between client and contractor for minor works (e.g., remodelling) or larger construction projects. The same is true if the contract pertains to the provision of a services. The diversification activities can see any type of formal engagement mentioned above with operators of the fishery sector. However, the preferred contractual agreements involving fishers who offer their services for collectivity are usually under a fixed-term contract. This is typically the fastest and cheapest option (tax-wise) preferred by the contractor. Engaging fisher operators under these activities and this type of contract gives added value to their responsibilities along with tax incentives (pension). The challenge is that this is seldomly seen and is never a recurring contract, but more a very sporadic relationship between fisher operator and contractor.

France

Laws and regulation in force in the partner countries

The French Public Procurement Code (hereafter the “Code”) applies to public procurement contracts, concessions, and public-private partnership contracts. Its rules derive from Directive 2014/24/EU and Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014. Public services have been externalised, in part, to the non-profit sector in France, fostering the sharing of responsibilities between the public and non-profit sectors in education, health and social services. This has been characterised by the slow reduction of public funding, the adaptation of non-profit associations and organisations, and their clearer positioning within a wider 'social and solidarity economy', which was consolidated by a framework Law in 2014.

Types of diversification activities in the fishery sector

Some examples of these activities are environmental services such as fishery statistic data collection, ocean cleanup campaigns, water monitoring, and invasive species monitoring among others.

Advantages and challenges

The procurement profession is increasingly becoming a core component of an organisation's innovation and process-driven strategies to reduce costs, increase efficiencies and make advancements. However, when it comes to the public sector, however, there are numerous and unique roadblocks to successfully implementing these strategies, systems and processes into existing operations, especially in the fishery sector.

Tunisia

Laws and regulation in force in the partner countries

The service contracts are contracts of common law governed by the code of obligations and contracts (COC) promulgated by the decree of December 15, 1906 promulgating the Tunisian code of obligations and contracts. This text constitutes the legal basis of any contract or convention. This text established the principle of the freedom to conclude contracts or agreements

Types of diversification activities in the fishery sector

The main examples of services contracts are related to the aquaculture sector, with a special focus on small-scale farmers, as well as to services to community such as environmental protection, cleaning, education and community engagement in the blue economy.

Advantages and challenges

The most important advantages of the conclusions of the contracts of services is the mutual recognition between a public organism and a group of fishermen to carry out certain activities or project in the objective is the protection of the resources and also the development of the resources of the diversification of the incomes. Service contracts can also be concluded between private persons, i.e. between fishermen's groups and sellers of restaurants or hotels for the sale of their fish or production contracts concluded between fishermen and industrialists. It facilitates the sale of the products it increases the incomes it diversifies at the same time the sources of incomes and the activities generating of income

Lebanon

Laws and regulation in force in the partner countries

The service agreement is an agreement by which a service provider provides a specific service or services to a client under the supervision and control of the latter. The service agreement under Lebanese law is an informal contract (a contract that may be construed by the simple agreement of the parties without the requirement of a written support) and always remunerated. Lebanese law distinguishes between the service agreement and the subcontracting/ industrial service agreement (article 624 COC). Artisanal, educational and transportation services fall under the scope of Industrial services. A service agreement must satisfy the general conditions for contract validity: 1-Offer and acceptance, 2-Consideration, 3-Capacity, 4-Intent, 5-Object, 6-Consent. As well as the specific conditions for service agreements as set forth by the COC. The legal regime for the service agreement may be found in articles 624 to 689 of the COC.

Types of diversification activities in the fishery sector

The main examples of services contracts are related to the aquaculture sector, with a special focus on small-scale farmers, as well as to services to community such as environmental protection, cleaning, education and community engagement in the blue economy.

Advantages and challenges

Advantages:

- Service agreements allow to formalize the terms and conditions of a service, reducing the possibility misunderstandings and alleviating the risk of disagreement.
- A service agreement allows to clearly determine the rights and obligations for both parties by specifying the scope of work, timing, payment structure, and other fundamental aspects of the service provision.
- A service agreement will often include measures that protect both parties' rights, such as confidentiality restrictions, intellectual property rights, and liability limits, warranties and wavers.

Challenges:

- Cultural differences between partners can occasionally result in misunderstandings or arguments over the terms of the service agreement.
- Enforcing a service agreement in Lebanon might be difficult due to a delayed and overworked court system and a lack of efficient enforcement measures.
- The Lebanese economy has been in a slump, resulting in a large drop in the value of the Lebanese pound, making it difficult to create payment terms in the service agreement that are fair and equitable to both parties especially in the case of foreign funding.
- While service agreements can bring several benefits in Lebanon, such as formalizing terms, clarifying expectations, and safeguarding rights, they can also be costly. The specific benefits and challenges of the agreement will be determined by a variety of circumstances, including the country's legal structure, cultural diversity, and economic stability. All the aforementioned variables must be taken into account when negotiating a service agreement.

Palestine

Laws and regulation in force in the partner countries

Service agreements are regulated by the Public Procurement Act in Palestine.

Types of diversification activities in the fishery sector

There are not existing and/or previous examples of Memorandums of Understanding on public-private partnerships to foster fishery diversification in Palestine.

Advantages and challenges

One of the challenges is the existence of a difference in the applicable legislation between the West Bank and the Gaza Strip. Among the advantages is the involvement of the private sector in the development of services, creating job opportunities, the possibility of concluding service contracts with more than one party, creating a spirit of competition to provide the best services.