

Questionnaire to MS on the implementation of the landing obligation from SPAIN

Steps taken by Member States and producer organisations to comply with the landing obligation

1. Have you initiated, supported, participated in or implemented any measures and/or studies relating to the avoidance of unwanted catches through spatial or temporal changes to fishing behaviour (for example, studies/pilots on real time closures)? Yes/No. Please specify the measures taken or studies.

Yes. The Deputy General Director for the Protection of Resources is the body of the General Secretary for Fisheries in charge of the implementation of any scientific surveys aimed to give response to the challenges of the new CFP. In this specific field, several studies have been conducted:

- A. Evaluation of economic impact of the landing obligation in megrim fisheries (2016)
- B. Studies to improve the selectivity of fishing gears in trawlers landings fresh products (2016)
- C. Studies to characterize the fleet (2016)
- D. Study to design a complete management based on the possibilities offered by the CFP in order to manage the landing obligation (2016)
- E. Design of short and medium term actions to minimize the impact on fleets targeting hake, megrims and anglerfish (2015, 2016)
- F. Studies to improve the selectivity in area ICES VIIIabd in pair trawlers.
- G. Reports on the discards in pelagic stocks of Spanish fleets operating in European Atlantic Waters.
- H. Report on discards rates of species as regulated in Annex I of EU Regulation 1364/2014.
- I. Report on discards rates of deep species as regulated in Annex I of EU Regulation 1364/2014
- J. Report on the justification of “de minimis” exemption for HKE in Mediterranean Sea.
- K. Report on the “high survival” exemption for species of Annex III of EU Regulation 1967/2006 (Mediterranean Sea).
- L. Report on the minimis exemption for megrim in North West Waters.
- M. Report on the scientific information available for the discard plans in HKE in NW waters, nephrops in functional units in SWW, and pelagic species in SWW.

2. Which fleet segments/fisheries do these measures and/or studies apply to?

Trawlers, pair trawlers, gillnetters (as for megrim and anglerfish) in 2016.

But also longliners, purse seiners and artisanal fleet in other studies carried on previously, some of them with EU projects or other programmes, see Annex I.

3. What has the uptake of these measures and/or studies been in the fleet segments/fisheries to which they are applicable? Please provide the number and proportion of vessels in the segment/fishery.

We just include the information of the last studies carried on the second part of 2016 paid by the Ministry:

- As for point 1.B), four commercial vessels were involved.
- As for point 1.F) two commercial vessels participated in the experience.

4. Have you initiated any changes to your quota management system to implement the landing obligation? Please specify these changes.

Yes. We are improving our system in order to include all the new provisions and be able to control the uptake of the exemptions or the registrations of all information required such as catches under the MCRS.

5. For stocks managed through catch limits, have you conducted a quantitative analysis to identify potential national choke issues? Please give details.

Yes. In the framework of the regional groups of Member States we have been dealing with the choke situation for years trying to involve every stakeholder to search for solutions to solve the impacts of the landing obligation in our fleets. In order to analyze the problems we would have to face, we have gathered all the scientific information from our scientific bodies at Spanish level in order to identify the main issues and to try to quantify the problem.

At the same time we have been working together with the regional groups of member states, NWW, SWW and NS in order to develop solutions at technical level. Nowadays we are in the process to generate case studies to illustrate the possible options proposed in the different Seminars and Working groups organized about this matter.

In this analysis of the choke situations, all member states agree that the flexibilities included in the CFP are not enough to cover all the choke problems and new tools should be introduced or adapted in order to avoid the fleet to be forced to remain in port from 1st January 2019.

The scheduled phasing in is very tight and we know we have to work hard if we want to have every problem solved before May 2018, when we should send the last joint recommendations including all species for all fleets with all flexibilities, exemption or new tools needed.

As Member States, we have participated in all meetings regarding this problem from the beginning but many issues are still open. As an example, we have taken part in the following workshops: The ISF Workshop (WS), the Quota Swapping WS, the “Access to quota WS” and the “Choke species WS” (just with NWW participants). The Commission was involved as well in all this process and has participated in such WS and our Member States meetings at technical and director’s level.

6. Have you pursued any exemptions to the landing obligation (either for high survival or de minimis) in the development of regional joint recommendations? Please give details of each exemption pursued.

Yes. Our fleets in the SWW and Mediterranean have several exemptions granted, in both pelagic and demersal delegated acts. Spain has sent information about many of them and in fact have leaded and coordinated some studies in order to supply information. In the regional groups we have divided the workload in order to cover all the needs of the fleet due to the impossibility to develop studies for all the fisheries at the same time.

Several studies about selectivity trials, economic impact, high survivability and workload on board have been presented to STECF and have generated the addition to the exemptions included in the delegated acts for our fleet.

In the NWW we presented as well studies in order to include the megrim in the landing obligation for the targeting fleets with a de minimis exemption but finally the Commission found this information insufficient so Member States with these fisheries will have to increase the amount of information and reformulate this request for 2018.

7. It is important to highlight the important effort needed to justify every exemption. What studies or evidence have you collected or produced in order to support such a request.

We have developed studies of selectivity for several fleets but for the moment results obtain are not enough to implement the devices we have tried in the nets, especially in trawlers. We have included all this information in our request for a de minimis for hake in SWW, and a de minimis for megrim in NWW.

We have supported the high survivability of small pelagic species for purse seine fleets after the slipping, so we have obtain this exemption for this particular fleet segment.

We have also sent studies for a de minimis for hake and red mullets in the Mediterranean demersal joint recommendation and the high survivability of bivalves with MRCS in the Annex III of regulation 1967/2006.

We have also sent information for other studies leaded by other member states affecting our fleet, likewise, we have received the same information needed for the ones our scientists have leaded.

Much more flexibility in this respect would be desirable from Commission as in such short time it is impossible to afford and organize studies from every exemption needed by every

fleet from member states to which it is applicable, that's why member states are leading just some studies and joining to the results of the others when fleets are analogous.

Year by year the Commission is asking for additional information so we must constantly justify and re-justify the exemptions requested the previous years. This circumstance is hampering the real objective of the studies that member states would need to organize, which is to move forward in the landing obligation with new species and fleets.

Time is needed to see the impact of any change and also of an exemption and we would like to have at least the duration of the discard plan to have it granted. To be able to focus in next steps rather than be stuck in the same fleets and exemptions. In some cases extra efforts were demanded for exemptions that should have been given automatically like the high survivability of bivalves for mechanised dredges in the Mediterranean, species that, by law have to be sold alive.

Studies of selectivity or high survivability are not easy to organize, are really expensive and many fisheries just take place in some seasons so the study has to be conducted in this moment, what sometimes doesn't match with the deadlines. Apart from that, budgetary restrictions are really complicated so we find a lot of difficulties to have everything needed done at the time required and with the detail and depth the Commission and the STEFC expect.

We can assure the Commission, nevertheless, that really extraordinary efforts have been done in order to deal with it. But more flexibility and pragmatic point of view is imperative in the next two years the workload will be multiplied exponentially. All the TAC and quota species and all the Annex III species in the case of the Mediterranean area, will be included by 2019. All studies and final results from them should be prepared, as said before, by May 2018. So we are facing a great challenge.

8. What steps have you taken to ensure the amount discarded under granted de minimis exemptions does not exceed the permitted volume in the delegated act?

We have established a global de minimis for the fleet with such exemptions granted, calculated over the quota allocated to these vessels individually or for the gear and area (just the ones included in the landing obligation with *de minimis*).

Every discard from these species made from these vessels is counted against this amount. At the moment, we had little information of discards registered in the electronic logbook, so we are encouraging our fleet to introduce this information in their logbooks especially after the new logbook update is installed in their computers. Before that, instructions to inform about how to declare every discard and catches under the MCRS were sent to all the fleet but the system was not really prepared to cover all the possible cases.

In 2017 we expect to increase the rate of discards registered as the fleet was informed and trained to do it solving their main fears and doubts regarding the landing obligation and the impact of the registration of each exemption and allowed discards in the logbooks.

9. What has been the utilisation of any granted de minimis exemptions in the fleet segment/fishery to which the exemption applies? Please provide the total weight and proportion of catch discarded under this exemption for each fleet segment/fishery to which an exemption applies.

For the moment very little information was registered in the logbooks regarding discards in general. We have no clear information about the exact use of the *de minimis* exemption as the system was not prepared to discriminate between discard reasons but even taken the total discards registered the amount of *de minimis* available was not exceeded.

10. Have any of your vessels utilised the provision to discard fish which shows damage caused by predators? Yes/No. Please provide the total weight of catch of each species discarded for each fleet segment/fishery concerned.

Yes. But during 2016 there was no way to include the reason of discarding apart from "Others or live bait", so we cannot assure which quantity of discards were made under these circumstances. In 2017 we are installing the new version of the electronic logbook progressively and we expect to be able to register each case separately at least from the moment every vessel has the new version installed and the training course finalized.

11. For stocks managed by catch limits, did you make use of the provisions for inter-annual or inter-species flexibility? Please identify which flexibility (or flexibilities) was used, and the corresponding reallocation of fishing opportunities for the stocks concerned.

ISF, No. For the moment no Member state should use this inter-species flexibility provision as no agreement was achieved in order to fix how to use it. Several workshops and discussion took place in the last years in order to see pros and cons of this provision but many issues are still open and it is really important to assure that we use it properly and all countries are in the same level playing field. Spain has informed the regional groups and the Commission itself that at the moment there are some references in the TAC and quota regulation referring to this provision of inter-species flexibility that do not comply with the rules established for the species that should be in a safe biological status.

In the WS organized by the regional groups of Member States many not solved problems and doubts were raised and no agreement of how to apply it was reached. In the NWW technical group we are developing a case study to highlight the main problems, advantages and disadvantages from this ISF in order to include some clarification regarding matters as which exchange rate to use between different species, which species can cover which others, how to establish the maximum percentage utilizable, and how to control the impact of the aggregated ISFs used by different member states in the receiving and donor stocks or species.

Inter-annual CFP flexibility, Yes. We have asked for the application of the 10% of unused catches from the following species under the Landing obligation: ANF (9/3411).

12. In the development of joint recommendations, has consultation with Advisory Councils and other relevant stakeholders taken place? Yes/No. Please outline the process of consultation with Advisory Councils. Please outline the process of consultation with other stakeholders, if relevant.

Yes. We have made consultations in all regional groups we have participated with the ACs, in the NWW, SWW and Mediterranean. Moreover they were invited to every Technical and HLG from all regional Member States groups meetings under art 18 from the CFP.

At the same time in Spain we have created the so call “Mesa Estatal para la Eliminación de los Descartes” (MEED) with several working groups, that are constantly convened, in order to analyze the options and proposals from Spanish stakeholders. We hear to all the views and search a common approach to share afterwards in the regional groups of Member states. In this MEED and its working groups we have gathered different stakeholders as NGOs, fishing representatives, scientists and different regional administrations.

13. Following the adoption of the delegated act for a discard plan, have steps been taken to ensure adequate understanding among stakeholders of their obligations under the provisions of the act? Yes/No. Please outline the process of ensuring stakeholders understand the obligations that will apply to them.

Yes. Apart from the informative function of the “Mesa Estatal para la Eliminación de los Descartes”, every year , we have sent together with the delegated act and vessel lists, some guidelines for the skippers in order to make clear how to apply the new landing obligation, solving their main doubts about the issue. Moreover we have started to visit the ports on Saturdays in order to give informative sessions about the landing obligation all around the coast. We have already finished the north coast ports, and we will continue by the southern part of Spain and the Mediterranean area in the next months.

In these informative sessions we have informed the skippers and other operators involved about the importance to comply with the policy, to register discards and catches under the MRCS, and so on.

At the same time we have worked in order to adapt the electronic logbook system so as to include all the provisions from the LO and to facilitate the registration of every exemption or flexibility properly. We have launched a new logbook version and we will introduce it progressively in the fleet accompanied by practical training in the ports with several courses organized by the Control and Enforcement Unit.

14. Are there any other steps not covered by the questions above that you have carried out to effect compliance with the provisions of the landing obligation? Please specify the measures taken. Yes/No

No.

15. Which fleet segments/fisheries do these studies/pilots apply to?

16. What has the uptake been of these measures in the fleet segments/fisheries to which they are applicable? Please provide the number and proportion of vessels in the segment/fishery.

Steps taken by Member States regarding control of compliance with the landing obligation

17. Has information been provided by Member States administrations and control agencies to fishermen? Yes

In what format has this information taken:

- Initiatives directed to fishermen to improve compliance
- Guidelines on the application of the landing obligation, accurate recording of catches, etc.
- Other

We have developed both, on one hand guidelines on writing and on the other hand we have organized informative sessions in ports during the weekend mainly, when the fleet remains in the port. These sessions started in November in the North of Spain and we plan to finish them in March, having visited the entire Spanish coastline. One session per small regions and between two and four per bigger regions as Galicia and Andalucía. To these sessions people dealing with the landing obligation were invited to participate, skippers, ship-owners, POs representatives, fishing inspectors from national and regional level, staff from ports and fish markets.

18. Have guidelines been provided by Member States administrations and control agencies for inspectors?

In what format has this information taken:

- Delivery of guidelines for inspectors on the effective and uniform application of the landing obligation.

• Seminars and trainings organised for presenting the guidelines to inspectors at national and regional level.

Yes. In order to cover most of our staff in an effective way we have organized videoconference informative sessions with a double objective, to inform about latest changes in the regulation and to clarify doubts about the landing obligation in force. We will continue using this format in order to update as quickly as possible our staff and send them new guidelines or instructions if necessary.

These guidelines were distributed between inspection services and also some additional training has been carried out. Landing obligation issues are always included in regular trainings and coordination with local inspection services has been promoted. Additionally all information has been shared with autonomous communities, Navy and Civil Guard.

19. Have new control and monitoring tools been used by Member States? Yes/no

Please supply information on:

- Control tools used in the context of landing obligation, i.e. REM, traditional systems (aerial surveillance, inspections at sea), reference fleets, etc.
- Steps towards implementation of new tools, including electronic monitoring means dedicated to implementation of landing obligation, haul-by-haul recording, etc.

Yes.

We have increased the presence at sea with patrol vessels and aerial means, and we have also taken into account the transportation with the support of Civil Guard, to avoid incorrect destination of possible catches below MCRS.

20. Have the Member state administrations and control authorities monitored below Minimum Conservation Reference Size (MCRS) catches at and after landing traceability)? Yes/No

Please supply information on:

- Total number of discards (by fishery, fleet segment) from 2013 to 2016

This information is not available at the moment with such detail.

- Initiatives taken to prevent under MCRS catches from reaching the commercial channels (pre-notification of landings of under MCRS catches, etc.).
- Measures taken to monitor landings at fish markets/auctions adopted.

The "Real Decreto 418/2015, de 29 de mayo, por el que se regula la primera venta de los productos pesqueros", the Spanish regulation for sales of Fisheries products, establishes the traceability system complying with the art 58 of EU regulation nº 1224/2009, in order to register the information of sales notes through an electronic system called "Trazapes".

This regulation states that a separate sales note should be done for all Fisheries products landings under the MCRS, so it can be verify that the destination to these catches is not direct human consumption. For the moment fishmeal industries are the main buyers of these kinds of products.

After these products are sold the competency belongs to the Spanish regions, and we are coordinating with them the improvement of the system to assure traceability and control of the destination of such catches.

21. Has control and monitoring been based on risk assessment? Yes/no. Please supply information on the risk assessment tools used and the results obtained, including those implemented by the regional Control Expert Groups in cooperation with EFCA.

Yes. We are developing a tool for the risk assessment, which will be incorporated progressively to our control system throughout 2017. The inclusion of a vessel in LO national lists will be considered in this tool as an additional risk.

22. Has the “last observed haul” approach elaborated by EFCA as a tool for monitoring the implementation of the landing obligation and to derive potential targets for inspection been used? Yes/No. Please give details of the fisheries covered and the extent of sampling.

In the context of North Western Waters Pelagic JDP, coordinated by EFCA, we participate in the collection of Last-haul data as part of a project to monitor the landing obligation. It started in 2015 and the goal is to collect and analyse catch composition data from last haul observations during sea inspections. Afterwards, the information is included in the discard matrix that will be used as a tool to monitor LO and also in the risk analysis/management of the fisheries.

Currently, we are in the collecting data step and more data is needed to have a better base line for analysis.

Information on the socioeconomic impact of the landing obligation

23. Using the most appropriate indicators defined below, provide information on the socioeconomics impacts on:

The catching sector

Workload for fishermen increased due to the implementation of the LO has been studied under point 1. E. Safety on board can be compromised if workload is exceeded and some studies have identify problems in some fleets related to the increase of sorting time and the lack of space for new crew on board.

Costs for Member States

The cost for Spain is due to the investing in scientific surveys to accommodate this obligation and minimize the impact on the ecosystem of the fishing activity, which, at the end of the day, is a positive externality.

We have expend part of our budget in several studies, mainly selectivity ones as we believe this can be the best solution to many of the problems, but for the moment not applicable final outcomes were reached. More trials will be made to refine the devices tested and adjust the proper mesh sizes for each target species in order to maximize the selectivity without jeopardizing the profitability of the fleet.

We are not in a position to afford studies for every species for every fishery in the short time schedule fixed by the regulation, so more flexibility regarding the application and extrapolation of the results to all similar fleets is essential.

In relation to the cost for member states, in the case of Spain, as most of the MS in Europe, staff cost in the administration will most probable increased as probably more staff could be recruited for different task:

- Additional control of the trips and fleets
- Additional Observer Programs
- Additional Legal Costs
- Additional workload for: information to POs and industry sector, meetings, European fora, ...

For the moment, Spanish administration at technical and scientific level (Ministry and IEO) are working with nearly the same means as before so a great effort has been made to be able to attend to the meetings, prepare documentation, study the available data, and multiply the number of studies and reports developed in the case of our scientific body.

On the other hand it could be possible that some of this human resources cost should be covered by financial tools such as EMFF funding or others, which at the same time also produces additional administrative cost.

Information on the effect of the landing obligation on safety on board fishing vessels

At the moment, already some socioeconomics studies of the performance of certain fisheries have been deployed (as Pair trawls in Villand) under the Landing Obligation (LO). These studies include impacts on jobs, number of jobs in fleet, changes in workload and working conditions.

Other impacts on performance of fisheries businesses are in the process to be deployed. For instance, impacts on any shifts in type of employment available or in the growing of, unemployment in affected communities is still to be estimated. Also, whatever business that could fail or flourish related to the fisheries sector under LO are not yet identified or even characterized. It should be pointed out that at the moment and for the most affected Spanish fleets (trawls), 2017 is just the second year in which LO is applied, and just for those fisheries targeting hake. The most of multi-specific fisheries will be under LO in 2019. So at the moment, it is too early to detect socioeconomic impacts as: just a part of the fleet is affected, it is just the second year of application of the LO and the target fleet has a de minimis for the target species (hake).

It is expected that in a couple of years, once the implementation and control of the LO will occur, impact assessment will be prioritized in the research agenda.

Some examples of the work deployed on socio-economic indicators included in this study, belong to the argumentation provided for Spain for the requirement of the Hake de minimis in the Spanish Trawl fishery provided to the Commission in June 2016.

Estimating bioeconomic impact of changes in selectivity in pair trawlers operating in VIIIabd

By means of simulation models (FLBEIA (Garcia et al. 2013)), it has been studied the potential economic and social effect of the Landing Obligation. Theoretical results on Pair trawls show how selectivity improvements will reduce the potential choke effect created by the catch of individuals under MCRS (Minimum Conservation Reference Size) but at the expense of a higher effort that will create higher operating costs. Furthermore these selectivity improvements are not able to compensate the potential losses of marketable hake that could appear related to sorting of catches, safety and working hours on board (Prellezo et al. (in prep)).

In more detail, a complete implementation of the landing obligation: that results of simulating a change of selectivity based on a theoretical change in mesh size from 100mm MMS to 120mm MMS in pair trawls is presented (Prellezo et al.). Results show that given that the retention rate of hake is lower, more effort is required to catch the quota that each vessel has. Extra effort can be understood as more fishing days and/or extra work. The value of extra effort moves from a 4% to a 5% in the final year (2020). The positive side is that less catch is made of hake individuals under the MCRS (27cm). Thus, the major part of the catch can be sold directed to human consumptions producing higher revenue of around 2%. Overall there is a higher effort but also higher revenues. More catch is sold but using more effort.

If the overall result is measured in terms of profits it is obtained that at the beginning of the selectivity change profits decrease 1.5%. This implies that from the capital owner perspective it is not worth to invest in a selectivity change given that the return of the necessary investment will be negative. Furthermore from the crew point of view it is neither worth to have this selectivity change given that even if the wages (based on a share system) are increased at the same level as the income from landings (2%) the effort required for obtaining these remuneration will increase in average by a 4.5%.

Disproportionate Costs in human resources in the trawl fleet (otter and pair trawl) operating in Div. VIIIabd (“Estudio de posibilidades de manipulación de la captura no deseada (exdescartes) a bordo de las principales flotas de Euskadi (bajura, altura y artes menores)”. Summary of some results of AZTI Project IM14DESMAN Final Report (EFF 04-2014-00675))

Safety is jeopardized as the working hours and the reiterative movements of the crew working in the trawl fleet (otter and pair) operating in Div. VIIIabd, would no longer be in agreement with the safe operating recommendations of international legislation and guidelines of organizations dealing with health and safety at work (Council Directive 89/391/EEC — Measures to improve the safety and health of workers at work; Maritime Labour Convention 2006 of the International Labour Office). Moreover, it is difficult to

search for mechanization-related technological solutions to facilitate work with the current equipment configuration on fishing and handling decks.

Potential solution (e.g. such as the grading machine) appear not to be efficient enough for multi-specific fisheries such as the trawling ones. Mitigating the problem associated to sorting, packaging and storing of fish with machinery still remains a challenge.

The only possible solution seems to be to employ additional crew members to handle and store all catches (Aboitiz et al., 2016). Regarding security and space limitation on board vessels, current habitability of trawlers does only allow the increase in one or two fishers. In most cases, this would not solve the problem completely. Additional crew would mean additional wages that, practically, would come from a larger share of the landing revenue. To cover new wages, if no increment from the landing value can be obtained, the increased share of the crew cost will cause a loss of wages for the original crew members.

Upstream businesses: Processors, consumption and markets and costs for Member States

Above information refers to the catching sector, upstream businesses such as processors, consumers and markets and also Member States are not being analyzed yet. At the moment no analysis of the impact of the LO is being carried out but the existence of economic data being reported to DCF assures that these ones could be carried out in the short to medium term.

Metrics and indicators that could quantify these impacts are recently been defined by STECF in Methodology and data requirements for reporting on the Landing Obligation (STECF-16-13). So, a revision of them will be deployed as well as an identification of possible application for the specific Spanish fleet under LO. As commented above, as the application of the LO is still partial, and no control is being deployed this task will be deployed from 2019 onwards.

24. Have there been any reported incidents of overloading of vessels causing stability problems? Please specify the number and nature of such incidents.

Can you quantify these in terms of:

- Number of deaths or serious injuries
- No of vessels involved as a % of the specific fleet segment

No information available in these Units. But as the phasing in has started with just a few species, most selective gears in the case of 2015 and small pelagic purse seiners, and some flexibilities for these fleets are granted, we did not expect to have too much incidents. This situation will change in the next years when a lot of species will be included at the same time especially for the most multi-specific fleets with a wide range of different species per haul.

25. Have there been any reported incidents of overloading of vessels forcing them to return to port early? Please specify the number and nature of such incidents.

No information available regarding this matter.

26. Have there been any reported incidents or accidents on board vessels that can be attributable to excessive workload? Yes/No. Please specify the number and nature of such incidents or accidents.

No information available regarding this matter.

27. Has any national legislation relating to safety on board fishing vessels arising from the landing obligation been amended or introduced? Yes/No. Please provide details of this legislation.

No information available regarding this matter.

28. Have you provided or received any funding under Article 32 (Health and safety) of EMFF or Article 3 (Eligible operations on safety) and Article 6 (Eligible operations on working conditions) of Commission Delegated Regulation (EU) 2015/531 to mitigate against potential safety issues caused by the landing obligation? If yes, please specify the number of projects involved and the nature of the measures taken.

We have no project regarding this matter registered in the EMFF application.

If no, have any measures been taken which have not been funded under the EMFF?

We have no information available from this matter, apart from the AZTI study mentioned before.

Information on the use and outlets of catches below the minimum conservation reference size of a species subject to the landing obligation

29. What have been the main reported uses and destinations for catches below mcrs? Can you quantify these catches by species in terms of volumes, price per tonne and associated costs for the different outlets such catches have been sent?

This information is not available at the moment with such detail.

30. Have you carried out any studies or pilot projects considering the potential uses for such catches? Please provide details of such studies or pilot projects.

Yes. See annex list of studies carried on regarding this matter.

Information on port infrastructures and of vessels' fitting with regard to the landing obligation for each fishery concerned

31. Have you provided funding under Article 38 of the EMFF for modifications on board vessels for the handling of catches on board? Yes/No. Please specify the number, nature and total amount invested in such projects.

We have no projects regarding this matter registered in the EMFF application for 2016. But we are sure that this situation will change in the next years and it will become a priority as soon as the fleet realize the increase of workload that it will cause to their staffs. For the moment changes in regulation have been bearable.

32. Have you provide funding under Article 43 of the EMFF for investment in the infrastructure of fishing ports, auction halls and shelters for the handling of unwanted catches? Yes/No Please specify the number, nature and total amount invested in such projects.

Yes, we have three projects under this article but they are not related to handling unwanted catches.

33. Have you provide funding under Articles 68 and 69 of the EMFF for investment in marketing measures and the processing of fishery and aquaculture products? Yes/No. Please specify the number, nature and total amount invested in such projects.

Yes we have 42 projects. **See Annex II**

Information on the difficulties encountered in the implementation of the landing obligation and recommendations to address them

- 34 Please provide information on the following:

Operational difficulties, such as:

• Avoidance and/or selectivity insufficient to avoid unwanted catches

The experiences carried out on board of commercial vessels have shown that the gear has to be modified in order to avoid certain catches. At the moment, after some panels and devices have been tested, more trials need to be done in order to avoid losing big amounts of wanted catches that would reduce the profitability of the fleets.

This kind of studies needs a lot of time to develop, on one hand because of the high cost, but also because of the long processing data time needed to assess the results. It won't be feasible to increase the selectivity easily in the short term as many trials in many different areas, seasons, conditions, etc. have to be done to find the proper solution and this innovation needs a lot of investment to evolved to technological transfer in the fleet.

- **Handling, storage and processing of unwanted catches**

The need of more space onboard in some fleets could affect the fishing pattern from these vessels and decrease the final profits of the vessel, especially for the more artisanal fleets. Although in the long term some technology improvements could help in this process, it will take a lot of time and the short time losses of benefits could cause the drastic reduction of fleets and the worsening of work conditions.

- **Lack of funding to adapt fishing gears, vessels or port infrastructure**

Regarding fishing gears, once the best operational solution has been tested and proved by the scientist, fishing vessels will have to invest in order to apply the modifications or new devices in their gears or vessels. This could involve very high costs that should be paid in advance by the fleet in order to be refunded by EMFF what can hamper the application of new gears in the short term and make it difficult for some fleets to cover the initial investment.

Difficulties relating to monitoring, control and enforcement, such as:

- **Lack of understanding or awareness of the rules**

The fear to register the information in the logbook and to pay the cost of the management of catches under the MRCS is still very high as no easy solutions can be implemented to deal with the landing obligation concerns. More time is needed for fisherman to adapt and internalise such an amount of changes in the last years.

As the OMNIBUS regulation highlights, discards constitute a substantial waste and affect negatively the sustainable exploitation of marine organisms and marine ecosystems, and compliance by operators with the landing obligation is essential for its success. The regulation establishes that infringements of the landing obligation should be categorised as serious under Regulation (EC) No 1224/2009.

The fact that in 2017 the OMNIBUS regulation provision, in order to help the compliance with the landing obligation postponing for 2 years the application of the rules on serious infringements, is finished is not seen by the stakeholders as a level playing field.

Many species are still pending to enter into the landing obligation and many doubts and unresolved issues need to be addressed still so the uncertainty around this process is still remarkable.

- **Difficulties implementing and monitoring de minimis or high survivability exemptions**

Control and enforcement of the landing obligation is complicated as infringements has to be controlled mainly at sea and many means needs to be deployed in order to be able to detect the lack of compliance.

Control groups of member states are working in these issues but many measures studied are quite unrealistic and will need big investments in technology, staff, and time.

- **Implementation problems with regard to control/monitoring processes or**

Infrastructure (e.g. adaptation of ERS systems)

More time is needed to adapt completely our system to the new requirements. Spain is working really hard in order to include all the new provisions in the updated version of the logbook but many changes in the system will need to be implemented in order to have all the information registered as requested in the regulation easily.

Deadlines are really tight for the implementation of the landing obligation in general and many things will have to be done still until 2019 in order to be able to cover all the needs as soon as possible.

There are problems in the control of the compliance with the obligation of final destination different than direct human consumption for the landing of fish below the MCRS, since some species below the MCRS have a high price in illegal markets, and with LO it is foreseen a simpler entry of this type of illegal fish in the chain of consumption.

Prior to the entry into force of the LO, the detection of catches below the MCRS in control and inspection tasks at port implied an alleged infringement. However, since the LO of these species entered into force, the detection of fish below the MCRS in port no longer implies an alleged infringement, but rather compliance with regulation.

The infringement in this case would occur if fish below the MCRS were directed to direct human consumption, however control of the final destination of these catches of illegal size is very complex:

- The batches of undersized fish to be controlled would be of very low volume (in terms of weight), dispersed and the destinations of those very few (processing factories, flour mills, etc.)
- Staff requirements for the control of each item would be very high and much higher than the currently available, with disproportionate costs, becoming control of compliance with regulation finally unworkable.

Such is the case of HKE catches below the MCRS in the markets of Andalusia and JAX and NEP in the Gulf of Cadiz.

Exceptional measures should be considered in order to reduce or prevent these undesirable effects of the landing rules.

Prohibition of destination to charity of seized or landed fish below the MCRS: The strict interpretation of the prohibition of direct human consumption for the seized or landed catches below the MCRS has the direct effect that they cannot be destined to charity. This produces a wide social rejection that extends to the entire prohibition of discards in general, since in this case the reasons for the measure are not well understood, because charity is considered a destination for catches or fish below the MCRS that excludes the benefit of their capture and therefore it does not promote it. It would be desirable to consider authorizing the destination of beneficence as an exception to the prohibition of direct human consumption.

- **Refusal to carry observers**

Operators usually have to incur with the expenses to carry observers on board which involve great increase in fix cost for the ship-owner, affecting to the rest of the crew id they receive a salary depending on the benefits. The majority of the vessels find it difficult to assure the minimum habitability conditions for more crew on board as the space is really limited.

Difficulties in fully utilising fishing opportunities, such as:

- **Problems re-allocating quota to cover catches previously not landed**
- **Problems with the timing or availability of quota swaps**
- **Fisheries being forced to close early due to choke problems**

All this issues are being addressed in the framework of the Technical and HLG meetings from member states and much work was done in order to offer and find the best solutions for our fleet.

Especially worrying is the fact that many fisheries will be forced to close early due to choke problems, not being able to consume the rest of their quotas available because of the lack of solutions to this stock management. The TAC and quotas regime and the landing obligation regulation put together is really impossible to combine in some cases. The example of other countries with landing obligation, shows us that the system has to be simple, in general those countries have chosen a very shortlist of species as target species and affected by the landing obligation, FMSY and so on. The rest of unavoidable catches are included in a percentage of by-catch allowance that enables the fleet to cover all this species. Different markets or uses can be established to try to discourage or reduce this by-catch percentage, and other measures like promoting selectivity, including move on rules or spatial-temporal closures if the by-catch is exceeded in hauls are implemented in parallel.

Case studies in order to illustrate different possibilities are going to be developed taking into account the “brainstorming” received from some Seminars or Workshops that took place in Edinburgh. During the next year and a half, member states have to find out how to solve the choke species problems and our aim is to develop a tool box in order to address it. In May 2018 everything should be prepared to face with all the choke situations.

Spain is participating actively in this meetings and developing examples to contribute to this debate, but more political impulse is needed in order to be able to reach the deadline of 2019 with guarantees for our fleets. The CFP has the aim to achieve the long-term environmental, economic, and social sustainability, so profitability from fleets should be granted and protection of social networks related to the fisheries especially the most artisanal ones.

Many problems cannot be solved by swaps or reallocation of quotas as it was envisaged in the workshops organized regarding this matter mentioned before, as the use of quotas will change drastically from the moment all species are included in the landing obligation in order to avoid choke situations. So availability of quotas, and historic swaps between fleets are going to be different, it is going to be difficult to manage and can be costly to achieve the quotas required. Moreover, not enough reliable data regarding discards, catches and stocks situations from some species has been studied, so the uptake forecasted is still really unclear.