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1049 Brussels
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Copenhagen 24 February 2017
File No.: 17-7140-000004

Annual Report on Implementation of Landing Obligation

By letter dated 24 November 2016 (Ares(2016) 6601248) Member States were asked to submit to the Commission relevant information and supporting data in relation to the implementation in 2016 of the landing obligation, with the objective of the Commission to submit a report to the European Parliament and the Council on the implementation in 2016 of the landing obligation in accordance with Article 15 (14) of Reg. (EU) No. 1380/2013.

Please find below the contribution from Denmark. Our general remarks are supplemented with an annex I with the questionnaire sent by the Commission.

Steps taken by Denmark

The Danish AgriFish Agency has had – and still has – a close cooperation with the Danish Fishermen's Association and the Pelagic Producers Organization in relation to the implementation of the landing obligation (LO). This includes cooperation on guidelines and public information meetings in all major fishing harbors, information in the weekly Fishing Newspaper and on the internet, i.e. FAQ and answers.

The guidelines are continuously being up-dated. The AgriFish Agency holds formalized and frequent meetings with industry representatives in order to inform about the implementation of the LO and to discuss management issues in relation to the LO.

Denmark also participates in the work in both BALTFISH (the Baltic Sea) and the Scheveningen group (the North Sea, Skagerrak and Kattegat) and has as such actively participated in the cooperation and discussions in these fora's in relation to both management and control issues.

Control of compliance

In relation to control of compliance, guidance to the fishermen on the new regime is still paramount. However, enforcement is gradually being introduced and control has particular focus on last haul inspections in order to compare these results with the actual landing figures from logbooks and sales notes as an indicator for compliance with the LO.

The obligation to sell fish under MCRS to other purposes than direct human consumption results in low prices for these fish and is a barrier to a profitable industry.

In support of the overall control a fruitful dialogue and cooperation with EFCA has taken place in order to establish an appropriate basis for risk analysis. In that respect, Denmark can support the Report from the interregional meeting "Control of Demersal Fisheries in relation to the Landing Obligation (LO)" organised by EFCA on 6-7 December 2016 in London.

Socio- economic impact

In general, no socio-economic impact has been observed. Fishermen report that the handling of unwanted fish requires extra work onboard that are not covered by the low price received for the unwanted catches. Moreover, the selling of quota-fish suitable for human consumption to a fish meal factory (fish below MCRS) is clearly non-profitable.

On request by the AgriFish Agency, Copenhagen University has carried out an economic assessment of the implementation covering both the short and the long term perspectives of the LO. The report confirms the economic challenges presented by the obligation to land fish under MCRS for other purposes than human consumption.

Safety on board

No changes in safety on board has been observed or reported.

Outlets of catches below MCRS

Catches below MCRS are mainly used for fishmeal or animal feed. Producer organizations, harbors and fishermen are all cooperating in handling the undersized fish. However, no overall and efficient systematic collection system has been set up due to the small quantities landed and the handling of unwanted catches ashore often has disproportional high costs.

Information on vessels adjustment

In the Danish EMFF program 64 mill. DKK (app. 8.5 mill. €) have been allocated to investments on fishing vessels amongst others with the purpose of reducing unwanted catches, improving selectivity, handling and storage of unwanted catches.

Difficulties in implementation

Denmark has since the start of the negotiations on the "Omnibus Regulation" encouraged the Commission to find a horizontal solution to the "bulk" issue. Currently, Member States are in accordance with Regulation 1224/2009, obliged to record in the fishing logbook catches of pelagic and industrial species retained on board unsorted when the catch is above 50 kg. In addition, the margin of tolerance of each species in these catches is 10 % of live-weight equivalent of the total catch.

A workable solution was found during the discussions of the Baltic Sea framework and incorporated in the Regulation No 1139/2016, Art. 13. As the situation is just as relevant to other areas,

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Denmark in this context will reiterate its request to the Commission to seek a horizontal solution to alleviate uncertainties for the fishermen as soon as possible.

Questionnaire to MS on the implementation of the landing obligation

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. Denmark has participated in scientific projects such as MiniDisc and DiscardLess. Our research institute DTU Aqua has played an important role in these projects. The Commission has been informed about the results of the projects.

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

Trawl fisheries for human consumption.

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.

Only a small part of the fleet has been involved in these scientific fisheries. In the MiniDisc-project 14 vessels participated.

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

No. As most quotas are transferable, the choke species issue has not yet been a major challenge to our fisheries.

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

Yes. An analysis has been carried out in relation to the joint recommendation for the discard plans. DTU Aqua contributes with evaluations of the choke species-issue in fisheries affected by the landing obligation.

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

Yes. All exemptions pursued have been incorporated in the discard plans.

7. What studies or evidence have you collected or produced in order to support such a request.

Our research institute, DTU Aqua, has produced a number of studies and fed them into the process (STECF and the joint recommendation).

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?

The e-log has been adapted so registration of discards under de minimis can be recorded.

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.

Only minor quantities of fish discarded under the de minimis rules have been recorded.

10. Have any of your vessels utilised the provision to discard fish which shows damage caused by predators?

Yes. The total weight of catches of each species discarded due to damage by predators can't be recorded. It is not possible to estimate the weight of fish of which only a head or a tail remains.

11. For stocks managed by catch limits, did you make use of the provisions for inter-annual or inter-species flexibility?

Yes. Please see attached spread sheet with information on flexibility.

12. In the development of joint recommendations, has consultation with Advisory Councils and other relevant stakeholders taken place?

Yes. Meetings with industry representatives have been held on a regular basis. The process is described in the joint recommendations.

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. A set of Guidelines has been produced for each discard plan. Local branches of the fishermen's organisations have been frequented by fishing inspectors in order to explain the obligations under the discard plans.

See also chapter on control.

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?

No.

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

Question not understood.

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.

Question not understood.

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

Information has been provided in the format of:

- *Guidelines on the application of the landing obligation including rules on recording of catches kept on board, discards, storage etc.*
- *Local meetings with fishermen*
- *News articles in industry's own publications*

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

Yes

Information has been provided in the format of:

- *Guidelines for inspectors on the effective and uniform application of the landing obligation.*
- *Seminars and trainings where the guidelines are presented to inspectors at national and regional level.*

19. Have new control and monitoring tools been used by Member States?

Yes.

It is obligatory to register catches haul-by-haul and last haul inspections are frequently carried out by inspectors at sea.

20. Have the Member state administrations and control authorities monitored below Minimum Conservation Reference Size (MCRS) catches at and after landing (traceability)?

Yes.

Only minor discards have been reported, mainly of cod from the eastern part of the Baltic Sea. Undersized fish (fish under MCRS) is of little interest to the commercial

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market. The quantities of undersized fish landed are very limited. If profitable the fish is sold to animal feed or industrial processing (fish meal).

21. Has control and monitoring been based on risk assessment?

Yes.

The tools for analysis consist of a mixture of automatically generated "score lists", manually generated risk lists and inspection reports from the inspectors

Data is gathered from logbooks, landing declarations, sales notes, VMS-tracks and inspection reports including results from last haul and high-grading investigations.

Risk assessments are done in relation to correct reporting in logbooks, correct notification prior to landing, correct notification of crossings from one water to another, VMS-failures, risk of high-grading and control frequency.

The inspectors can target vessels of particular interest placed on a local risk list. Information about vessels of interest targeted by other Member States are received via EFCA ("Fishnet") and communicated to national inspectors internally.

Denmark has chosen the alternative SCIP method for determining benchmarks for the North Sea and the Baltic Sea. This method measures the level of compliance. The method will in 2017 be expanded with additional species due to changes in the SCIPs for the North Sea and the Western Waters.

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?

Please, see attached report from EFCA.

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

impacts on:

- The catching sector
- Upstream businesses
- Processors
- Consumption and markets
- Costs for Member States

Information on the socioeconomic impact of the landing obligation has not yet been obtained.

Copenhagen University has carried out an analysis of the long term consequences for the economy of the fishing fleet. An increase in profitability is assumed under the condition that fishermen are compensated with additional quota originating from the assumed discard under the previous regime. Further developments of selective gears is likely to increase the profitability.

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

24. Have there been any reported incidents of overloading of vessels causing stability problems?

No.

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25. Have there been any reported incidents of overloading of vessels forcing them to return to port early?

No.

26. Have there been any reported incidents or accidents on board vessels that can be attributable to excessive workload?

No.

27. Has any national legislation relating to safety on board fishing vessels arising from the landing obligation been amended or introduced?

No.

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?

No. It is not known if measures not funded under the EMFF have been taken.

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?

Fish meal production. Fish below MCRS are treated and priced more or less like fish for industrial purposes (small pelagic species) and fish offal.

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

Yes. A pilot project on silage production is currently under way.

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. In the Danish EMFF program 64 mill. DKK (app. 8.5 mill. €) covering 85 projects have been allocated to investments on fishing vessels amongst others with the purpose of reducing unwanted catches, improving selectivity, handling and storage of unwanted catches.

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32. Have you provided 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?

No

33. Have you provided funding under Articles 68 and 69 of the EMFF for investment in marketing measures and the processing of fishery and aquaculture products?

No information available (of less importance to the landing obligation)

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

The issues are addressed in the abovementioned questions and answers.

