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für Ernährung
und Landwirtschaft

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Fragebogen zur Umsetzung der Anlandepflicht in Deutschland

Sehr geehrte Frau Veits,

bezug nehmend auf Ihr Schreiben vom 11. Dezember 2018 – Ares (2018)6366147, in dem Sie um die Übersendung eines ausgefüllten Fragebogens zur Umsetzung der Anlandepflicht bitten, übersende ich Ihnen den anliegenden Fragenbogen zur weiteren Veranlassung.

Mit freundlichen Grüßen
Im Auftrag

Hermann Pott

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
POLICY DEVELOPMENT AND CO-ORDINATION
STRUCTURAL POLICY AND ECONOMIC ANALYSIS

Questionnaire to MS on the implementation of the landing obligation
Steps taken by Member States and producer organisations to comply with the landing obligation

Germany 2018

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 Thünen Institute of Baltic Sea Fisheries (OF) has conducted one in-depth analysis on the role of plaice as choke species in Baltic Sea demersal fisheries, along with potential solutions. The study was issued by the European Parliament and is publicly available (at http://www.europarl.europa.eu/RegData/etudes/STUD/2015/563399/IPOL_STU(2015)563399_EN.pdf). One aspect of the study was the avoidance of plaice through a change in the temporal and/or special pattern of fishing. The results were promising, albeit the effect on reducing unwanted bycatch was higher with technical developments (more selective gear). Also, the authors identified that the resolution of their date (mainly by ICES statistical rectangle) was not sufficient to derive clear guidelines for changed behaviour of the fishery. It is expected, though, that the fishery has access to data in much higher resolution.

The Thünen institute of sea fisheries (SF) started to conduct modelling studies with the spatial ecosystem model Ecospace to test the performance of potential spatial and temporal closures in the southern part of the North Sea. First results indicate that the impact of closed areas is often non-linear and effort displacement can lead to unintended negative effects on the same or other species. Therefore, management with spatial and temporal closures has to be implemented with care taking also into account results of modelling studies that are able to detect indirect effects. SF and OF also participate in the EASME tender project PROBYFISH (Service contract PROBYFISH – EASME/EMFF/2017/1.3.2.5/SI2.778873). *This project aims to identify the best management measures for bycatch species in the North Sea and Western Waters mixed fisheries. Results are expected to become available in the next two years. .*

As said above, modified gears proved to be very effective in reducing unwanted bycatch. OF conducted a number of studies and field experiments relevant for the implementation of the landing obligation over the last 3 years in different fisheries, namely:
- *the reduction of unwanted flatfish bycatch in mixed demersal trawl fisheries in the Baltic*
- *the reduction of unwanted roundfish/cod bycatch in mixed demersal trawl fisheries in the Baltic*
- *the reduction of unwanted bycatch in brown shrimp beam trawl fisheries in the North Sea*
- *the reduction of unwanted bycatch in the Nephrops fishery in the North Sea and Kattegat/Skagerrak.*

The results of these studies were very promising, specifically when it comes to improving multi-species selectivity (i.e. catching the wanted size range of the target species but excluding unwanted bycatch), either utilizing differences in morphology or in behavior of the different species. The research team focused on cost effectiveness (modifications of the gear should be as cheap as possible) and ease of practical use. In the first approach, for example, flatfish bycatch in demersal Baltic fisheries could be reduced by 80%, using a gear called FLEX, which is a modification of conventional tunnels worth less than 200 €. The sorting efficiency could even be increased to 90% with the inclusion of a rigid frame, however at a higher cost. In addition, the fisherman could decide on a haul-by-haul basis whether flatfish should be caught or released. In 2016 OF successfully adapted FLEX to perform in the opposite way. The new device called I-FLEX aims at catching flatfish while reducing cod catches significantly. Also, a gear called SORTEX was developed, a system which integrates the two concepts described above. SORTEX is basically a SORTing EXtension able to split roundfish and flatfish into separate codends. The high sorting efficiency of SORTEX demonstrated in experimental fishing would enable fishermen to adapt their exploitation patterns without further modifications of their gear. For example, a fisherman could largely avoid the catches of flatfish simply by opening the lower codend during towing, while keeping the upper codend closed to catch cod. The opposite strategy could be easily done in the following haul, if a fisherman decided to catch cod avoiding flatfish.

In recent years, the OF proposed and tested fishing technologies originally developed in the Baltic Sea, to address bycatch issues in other European fishing regions. A collaborative project, involving the Spanish industry, Instituto Espanol de Oceanografía, and OF, was successfully conducted between 2015 and 2016 to develop and test T90 codends in the Spanish demersal trawl fishery, targeting Megrim, Hake and monkfish on the Grand Sole Bank (South-Western Irish waters). Two cruises using a German Fishing Research Vessel demonstrated that using T90 codends can largely reduce bycatch of small Hake and bycatch species without affecting the catchability of megrim, the targeted species. The establishment of this collaborative project, and the experiences and results gathered, fostered discussions between the Spanish stakeholders regarding the potential implementation of alternative fishing technologies, as a straightforward strategy for bycatch mitigation in the fishery. Discussions resulted in a follow-up project in which the Spanish industry tested the experimental T90 codends under commercial conditions, using one of the vessels involved in the fishery all year round. Currently, T90 codends are being considered by the Spanish authorities as a potential technology to be implemented in the fishery.

2. Which fleet segments/fisheries do these measures and/or studies apply to?
See answer to question 1 – for the spatio-temporal changes, only the Baltic and North Sea mixed groundfish fisheries were analysed; the list is longer for gear modifications (as provided above).

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.
Since the study for the European Parliament was conducted (in 2015), the status of Baltic cod stocks deteriorated and catch opportunities had to be reduced significantly, while the plaice stocks in the Baltic are thriving and their catch opportunities could be doubled. Focus shifted therefore from an avoidance of plaice bycatch to an avoidance of cod bycatch. This has limited the uptake of the recommendations and technical developments, but the same rules

can also apply to the reduction of other species in the mix. The interest of the fishery specifically in the technical developments for flatfish reduction is high, and it appears likely that gears reducing cod bycatch will gain attraction once this bycatch becomes restrictive. Modelling studies on closed areas in the southern part of the North Sea are not finalized yet and the EASME tender project PROBYFISH just started in 2018. Final results and a potential uptake can be expected for 2020/2021.

4. Have you initiated any changes to your quota management system to implement the landing obligation? Yes/no
Please specify these changes.

Yes. Since 2014 Germany endeavours continuously to avoid too detailed quota allocations and to replace them by more general ones, for instance to accommodate for unavoidable by-catches. In cooperation with the fishing industry, through regular meetings with the industry on catch compositions in target fisheries, this approach has worked quite well.

5. For stocks managed through catch limits, have you conducted a quantitative analysis to identify potential national choke issues? Yes/No
Pleasé give details.

Yes, in 2013 a so-called discard atlas on the catch data of 2012 was produced with a view to identify potential choke species. There are regular contacts with the industry on problems related to the landing obligation, the stocks concerned and by-catch allowance needed. Furthermore discussions are held in the Scheveningen group on potential choke risks, also in discussions with the NSAC and PELAC.
Furthermore in 2017, the Scheveningen Group conducted a detailed choke stocks analyses based on the most recent 2016 STECF fisheries specific catch and discard estimates for all TAC regulated stocks within its management areas. Unfortunately, there were no data updates for 2017 provided.

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/No
Please give details of each exemption pursued.

Yes. As fisheries from other Member States concerned, the German fishery benefits from exemptions to the landing obligation both for high survival and de minimis agreed in the regional groups for the North Sea (Scheveningen Group) and the Baltic Sea (Baltfish) and transposed into EU law by Delegated Acts of the Commission.

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

So far the requests for exemptions were presented by the most interested Member States based on studies of their relevant scientific institutions and supported by other interested Member States. Germany itself initiated a request for a de minimis exemption for brown shrimp in ICES areas 4b and 4c. For this Germany compiled unwanted by-catch estimates in the brown shrimp fishery based on its national sampling program conducted by the Thünen Institute of

Sea Fisheries and drafted the de minimis exemption request that was included in the Joint Recommendation for mixed fisheries in the wider North Sea.

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 attention of the industry is drawn regularly to its obligation to register all by-catches falling under a de minimis exemption. As there is as yet no entry field in the electronic logbook for discards under a de minimis exemption, the monitoring of such discards was organised at national level. Fishermen were advised to enter DIM in the observation field of the logbook. It is expected that in 2019 the entry field in the electronic logbook will be implemented. In the paper logbook the entry field is already available for the fishermen.

9. What has been the utilisation of any granted de minimis exemptions in the fleet segment/flshery 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.

The de minimis exemption for Norway lobster of up to 2 % according to Regulation (EU) no. 2018/45 was used by 0.5 % (i.e. total catch of 525.9 t and de minimis discards of 2.7 t.

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.
At present an evaluation of discards registered in logbooks due to of predator damage is only possible to a limited extent since there is no extra code for such discards and the general code DIS is used. Discards of predator damage usually only occur on stocks that are not allowed to *be discarded because they are subject to the landing obligation and not subject to an exemption.. Fishingt rips with such discards are individually checked to verify whether the fish was damaged and therefore could be discarded.*
Accordingly, in 2018 there were discards of fish due to predator damagae only in gillnet fisheries in the western Baltic for herring (14.36 t in total) and very little for cod (0.27 t) and plaice (0.1 t).

11. For stocks managed by catch limits, did you make use of the provisions for inter-annual or inter-species flexibility? Yes/No

Please identify which flexibility (or flexibilities) was used, and the corresponding reallocation of fishing opportunities for the stocks concerned.

a. Yes: As to the inter-annual flexibility according to Article 15(9) of Regulation (EU) No. 1380/2013, the Commission transferred in 2018 the remaining quotas of 2017 for all possible stocks of all Member States even without a request by Member States.
b. No: So far Germany has not made use of the inter-species flexibility. Following consultations among Member States this possibility is only to be used as a last resort for the

implementation of the landing obligation in view of its potential impact on the stocks. Before that all possible means as f. ex. quota swaps between Member States should be used.

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.
Consultations with the Advisory Councils occur regularly in the preparation of a joint recommendation. It is undertaken by the incumbent chair of the different regional groups on their behalf when the draft for a joint recommendation is reasonably advanced but when there is still time to take on board any pertinent observations of the Advisory Councils. As Advisory Councils are supposed to also reflect stakeholders others than the industry itself, no other process of consultation with other stakeholders is being undertaken, nor is it considered necessary.

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. Germany developed its own flyers for the Baltic Sea, the North Sea and Western Waters as well. Furthermore an internet portal was opened in which questions on the landing obligation can be raised. The answers to these questions are published on the internet portal. For the North Sea and Western Waters, there is an information sheet for pelagic and demersal fishing. These flyers give the fishermen easy-to-understand information on which species are to be landed and which, exceptionally, may be discarded for reasons of survivability or De minimis. In addition, there are explanations of the respective entries in the fishing logbook (e. g. as DIS or DIM). The information sheets are updated in case of changes and are available to the fishing industry on the website at any time. Furthermore the fisheries protection vessels as well as the competent authorities at federal and regional level are available, i. a. by way of meetings, for extensive information on the implementation of the landing obligation.

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? Yes/No
Please specify the measures taken.
The last haul approach has been applied constantly in order to produce information on by-catches and amounts of undersized fish in the respective fisheries. During the last haul inspection our inspectors inform the fishermen about the legal requirements of the landing obligation.

15. Which fleet segments/fisheries do these studies/pilots apply to?
The last haul is used in all fisheries affected by the landing obligation.

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.

The vessels which underwent a last haul control were identified as a result of our risk management and then were included in the JDP's. The EFCA collects and monitors all the Last Haul data within the European Union.

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/no
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
Yes. On the website of the Federal Office for Agriculture and Food (BLE) - www.ble.de/fischerei - flyers with an extensive explanation of the landing obligation were published. On this website there is also a link to the questions and replies portal on fisheries on the internet.
Furthermore we use our regular meetings with the fishermen to inform them about the implementation of the landing obligation and possible difficulties.

18. Have guidelines been provided by Member States administrations and control agencies for inspectors? Yes/no
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.
At national level Germany issued a new internal instruction for inspectors to carry out last haul controls in the Baltic Sea and in the North Sea on 13th of October 2017.
Furthermore EFCA issued an instruction for inspectors to carry out gramme size data collections in the factories in respect of the corresponding JDPs in Western Waters and the North Sea.

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.
The existing data bases have regularly been searched for entries on undersized fish („bms") as well as on discards („dis") and de minimis discards ("dim"). It was tried to identify areas with higher rates of undersized fish with the view of concentrating controls there.
The introduction of remote electronic monitoring (CCTV) on larger pelagic vessels has been studied. Its implementation will depend i.a. on similar actions by other Member States whose

vessels are operating in the same fisheries and on the creation of a legal framework in the revised Regulation (EC) no. 1224/2009. Germany has taken part in the Working Group for the establishment of technical guidelines for CCTV in the case a legal basis will be introduced in the Control Regulation.

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 2018
See Annex

• Initiatives taken to prevent under MCRS catches from reaching the commercial channels (pre-notification of landings of under MCRS catches, etc.).
Apart from monitoring data of undersized fish ('BMS') by federal authorities the competent authorities of the regions ('Länder') surveil that undersized fish does not reach the market for direct human consumption.

• Measures taken to monitor landings at fish markets/auctions adopted.
Cross-checks of data from logbooks, landing declarations and sales notes are done with the aim to discover any possible marketing of undersized fish. The necessary controls are undertaken by the regional authorities.

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
In cooperation with the JDP Steering Group and the regional Control Expert Group (CEG) of the Scheveningen Group and Baltfish, EFCA developed a methodology for risk assessment. The methodology follows the structure of weighing the likelihood of occurrence of non-compliance against the potential impact on the stock.
In order to be able to perform this risk assessment for the fisheries concerned, EFCA has produced factsheets by fleet segments to compile and update all relevant information available for each fishery.
Fisheries segments were defined together with the CEGs and the Steering Groups. These fact sheets contain descriptions and tables on gear, target species, discarding, fishing season, fishing vessels flag states, fishing areas, stock status, allocation of the TAC, applicable regulations, catches in previous year and risk characterisation.

Meanwhile the system was reviewed by EFCA and the Member States with the aim of identifying any potential for improvement.

The outcome of the risk assessments is a key input for the recommendations developed by the regional CEGs and for the planning of the JDPs in both areas.

Also on national level control and monitoring is based on risk assessment. Where new potential risks were identified that were not linked to a particular data basis, new data bases were established. This analytical evaluation has been conceived for permanent evolution and

the possibility for easy adjustments as the identified risk scenarios and the fisheries rules are subject to permanent changes.
The risk scenarios of individual vessels is being analysed with separate data bases which are incorporated in a so-called LiveRatingSystem in a modular form. Each of these analysis modules issues risk points for vessels with noticeable results which relate to the identified risk using traffic light colours.
The following risks are analysed:

- *overshooting of the tolerance margin*
- *JDP results*
- *results of other control activities*
- *catch evaluation*
- *fishing in closed areas*
- *misreporting of catch areas*
- *tempering with engine power*
- *results of last hauls*
- *evaluation of various observations of inspectors relating to risks in inspection reports (f. ex. "amount of discards is not logical")*

On the basis of this LiveRatingSystem a list of negative high scores is established in which the individual results are incorporated. As a consequence this high score list is related to an individual fishing vessel and takes stock of its actual risk level. Consequently every fishing vessel can rise or fall on this list in line with its identified catch behaviour.
The so-called „target lists" in view of common controls with other Member States result from the outcome of this system. When the risk is not real anymore the vessel is immediately deleted from the "target list". However, it continues to appear in the LifeRating list.
The results of the LiveRating system can also be applied to a fleet segment. In this context the system uses several levels from "low" to "high". This way the highest possible flexibility in the risk analysis and a better use of the system is achieved.
The risk level of each vessel in the German fleet in combination with the respective quota share can also be used to determine the risk level of the fishing segments (segments) in which German fishing takes place. A corresponding implementation in IT is currently taking place.

External information on other European vessels, where available and useful for control activities, is also used to assess the overall situation during control activities. Information detected outside the system with a bearing on the risk is also taken into account.

Germany is still in the process of incorporating these functions in its new IT environment, the so-called FIT. Furthermore Germany intends to improve its Risk Analysis-System with new functions and better visualization in respect of the results and to apply a new benchmark system.
EFCA defines the regional high-risk segments based on an overview of all high-risk segments reported by the participating EU Member States. This leads to well-founded recommendations for the control of fishing vessels based on international, EU and national information sources and strategies.
The results of controls carried out on German and foreign fishing vessels flow back into the system so that a closed-loop risk analysis system is formed.

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.

Yes

The last observed haul methodology has been developed to:

- *Estimate the likelihood of non-compliance with the provisions of the landing obligation for risk assessment,*
- *Share information between MS on catch composition rates across the different fisheries segments and*
- *Facilitate the evaluation of compliance with the landing obligation provisions.*

This is implemented through the JDP in cooperation with the Member States inspection services.
The data derived from the last observed haul inspections is combined with other available data on catches and discards and is being used as input for risk assessment exercises. In the medium to long term, the data collected through the last haul scheme would serve as a baseline for preparing the development of a compliance evaluation tool in the context of the landing obligation. In 2018 there were 57 last haul inspections conducted in the North Sea and 72 in the Baltic Sea.

Another source for information for a reference fleet are vessels equipped with CCTV. The sales note figures of these vessels have been compared to those of non-CCTV vessels, showing differences in catch composition that need to be further analysed. In the medium to long term, the data collected through these schemes would serve as a baseline for preparing the development of a compliance evaluation tool in the context of the landing obligation.

For pelagic fisheries in the North Sea subject to the landing obligation, a ''gramme size analysis'' project has been implemented, as a tool for collecting catch composition data.

In the Western Waters area gramme size data were collected in respect of catch composition data in the framework of the WW JDP. The gramme size analysis uses the data from the electronic logbook, production logbooks from the vessels and the sales notes, which contain information on the average gramme sizes of the fish. The goal is to develop a tool for risk assessment by comparing the size distribution in fleet segments targeting pelagic species.

In the Baltic Sea area the cooperation between Member States and EFCA in the implementation of the LO is quite successful since it started in 2014. The last haul scheme has been embedded in the Baltic Sea JDP and the data collection is being implemented routinely by national inspectors. The data collected at regional level is shared with all MS so it can also feed national risk management programmes.

Regarding internal instruction at national level please read the remarks to point 18.

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
• Upstream businesses
• Processors
• Consumption and markets
• Costs for Member States

There are no information on the socioeconomic impacts so far. In the pelagic sector and several demersal fisheries bycatch rates are low or fishers are able to avoid high bycatch rates. For those fisheries impacts of measures of the landing obligation will be very limited. The companies processing fishmeal and –oil have organized transport for landed bycatch in the small harbours. There is so far no information on costs or prices of this activity. Further information on upstream businesses, processors or the costs for Member States is not available. The Thuenen Research Institute will issue a specific data collection over the next two years to see whether socioeconomic impacts of the landing obligation on the fishing sector can be detected.

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? Yes/No
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 incidents are known.

25. Have there been any reported incidents of overloading of vessels forcing them to return to port early? Yes/No
Please specify the number and nature of such incidents.
No incidents are known.

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 specific incidents or accidents are known, but the fishermen are complaining about the additional workload for sorting the fish and for reporting very small amounts under DIM and DIS.

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.

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? Yes/No
If yes, please specify the number of projects involved and the nature of the measures taken.
No.

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

No. This is largely due to the fact that the industry did not submit any specific request for any such measure.

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?
Most undersized fish was used for the production of fish meal.
Undersized catches in 2018: In total 139.51 t.
In the distant water fleet: in particular pelagic species such as mackerel.
In the cutter fleet: in particular cod, but also saithe and mackerel.
The price for the undersized fish was 78,575.11 Euros in total.

30. Have you carried out any studies or pilot projects considering the potential uses for such catches? Yes/No
Please provide details of such studies or pilot projects.
No.

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.
No.

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? Yes/No
Please specify the number, nature and total amount invested in such projects.
No, as there not been a request in this regard from the fishing sector.

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.
The regional state of Schleswig-Holstein funded three projects under Article 68 (marketing) (in total 232.423€ of which 174317€ from the EMFF):

- *Presentation of a fish information centre on the international Green Week*
- *Image campaign "Wir fischen SH" ("We fish SH = Schleswig-Holstein")*
- *New edition of the brochure "Ostsee-Schätze" ("Treasures of the Baltic")*

Schleswig-Holstein funded also 15 projects under Article 69 (processing) (in total 339.272€ of which 225237€ from the EMFF)

- *6 projects on shrimp vessels*
- *1 project of a cooperative (ice production machine)*

- *8 projects in processing plants*

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
Scientific research to improve selectivity and escape possibilities is under way. However, more selective nets are not yet used in all fisheries. Continued research and subsequent implementation of its results in relevant EU regulations could still bring about further improvements.

• Handling, storage and processing of unwanted catches
See question 20. The fishermen report about difficulties to get small amounts of undersized in the fishmeal factory especially when it is located far away.

• Lack of funding to adapt fishing gears, vessels or port infrastructure
There has been one project in the past for the improvement of port infrastructure. Under the EMFF funds are available for the adaptation of fishing gear, vessels and port infrastructure.

Difficulties relating to monitoring, control and enforcement, such as:
• Lack of understanding or awareness of the rules
In the North Sea the very detailed varied rules of the various discard plans make it difficult for the fishermen to fully understand what exemptions apply to what extent in which fishery.

• Difficulties implementing and monitoring de minimis or high survivability Exemptions
Indeed it is difficult for the individual fisherman to distinguish between normal discards and de minimis discards. The entries are checked by the control authority and corrected if necessary. The attention of fishermen is drawn to erroneous entries.

• Implementation problems with regard to control/monitoring processes or infrastructure (e.g. adaptation of ERS systems)
Only once the new ERS formats will have been introduced most likely in the first half of 2019 , the technical conditions will exist to implement all legally required recordings. Until then in Germany all DIM entries on de minimis discards are done in the remark field. This excludes electronic processing.

• Refusal to carry observers
No such incident is known.

Difficulties in fully utilising fishing opportunities, such as:
• Problems re-allocating quota to cover catches previously not landed

As yet Germany did not have any problems of this sort. The German quota management is focused on the economically most important species with the necessary quotas for by-catches. In this regard it is helpful that Germany does not know ITQs (individually transferable quotas), allowing quota adjustments in case of insufficient by-catches in certain fisheries. In

case of insufficient by-catch quotas at national level additional fishing opportunities are tried to be obtained through quota swaps with other Member States.

• Problems with the timing or availability of quota swaps

There are no problems with the timing or availability of quota swaps. The cooperation among Member States is excellent. However, at the end of a year, as available fishing opportunities dwindle, swaps are refused in cases of a need of the own fleet for such opportunities. Also the possible impact of a Brexit on the possibility to engage into swaps with the UK is of concern.

• *Fisheries being forced to close early due to choke problems*

So far such a case has not occurred yet. However, certain problems cannot be excluded in the full application of the landing obligation with respect to certain sensitive stocks. Solutions for these situations are sought to the extent possible within discard plans. However, in cases where these plans do not offer a solution, pragmatic solutions should also be sought in the annual TACs and quota regulation or other legal instruments. Germany considers the application of the landing obligation to all stocks subject to quota restrictions a permanent challenge and emergency situation might occur.

35. How is the effective control and enforcement of the landing obligation at sea and the accurate documentation of all catches, including quantities discarded, ensured?

Based on the evaluation of the data from the database and the "last haul" projects, areas of high rates of BMS (undersized catches) and DIS/DIM (discards/de minimis discards) are identified, in order to intensify sea controls in these areas to ensure compliance with landing obligation.

Automatic cross-checks of fishing activities data from logbooks, landing declarations and sales notes and extensive controls ensure that reported data is correctly and, above all, fully recorded.

The fishermen are regularly reminded of their obligations with regard to the landing obligation. They are explicitly advised that all data must be entered completely, including the data on undersized catches (BMS) and on discards (DIS) and de minimis discards (DIM). This is done by publishing information sheets, which are regularly updated, and in meetings that are held regularly with the fishing industry.

36. How many suspected and confirmed infringements, related to the landing obligation, have been detected at sea and at landing/marketing? In cases of confirmed infringements please indicate the circumstances of the offence and the sanctions applied, including penalty points.

None.

Annex to question 20
of the Questionnaire to MS on the implementation of the landing obligation 2018

Discards 2013

Catch Areas (FAO)	Catch areas	Name	Discard in kg
21.1.c	NAFO	Greenland halibut	7.312
27.3.c and d	Baltic Sea	Cod and flatfish fishery	187.522
27.4.a and b	North Sea	Flatfish fishery	180.312
27.5-7	West British waters	Pelagic fishery	78.385
27.14.b	East Greenland	Greenland halibut and redfish	17.322
Discards total 2013:			**470.853**

Discards 2014

Catch Areas (FAO)	Catch areas	Name	Discard in kg
21.1.c	NAFO	Greenland halibut	5.999
87	XIN /Free waters)	Pelagic fishery	23.516
27.3. c and d	Baltic Sea	Cod and flatfish fishery	520.487
27.4. a and b	North Sea	Flatfish fishery	197.142
27.5-7	West British waters	Pelagic fishery	90.836
27.14.b	East Greenland	Greenland halibut and redfish	19.841
Discards total 2014:			**857.821**

Discards 2015

Catch Areas (FAO)	Catch areas	Name	Discard in kg
21.1.c	NAFO	Greenland halibut and redfish	4.762
34	MAR (Marocco)	Pelagic fishery	262.599
27.3. c and d	Baltic Sea	Cod and flatfish fishery	98.466
27.4. a and b	North Sea	Flatfish fishery	39.795
27.5-7	West British waters	Pelagic fishery	44.840
27.14.b	East Greenland	Greenland halibut and redfish	15.272
Discards total 2015:			**465.734**

Discards 2016

Catch Areas (FAO)	Catch areas	Name	Discard in kg
34	MAR (Marokko)	Pelagic fishery	95.991
27.3. c and d	Baltic Sea	Cod and flatfish fishery	219.626
27.4. a and b	North Sea	Flatfish fishery	97.558
27.5-7	West British waters	Pelagic fishery	4.000
27.14.b	East Greenland	Greenland halibut and redfish	12.909
Discards total 2016:			**430.084**

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Discards 2017

Catch Areas (FAO)	Catch areas	Name	Discard in kg
34	Atlantic, Eastern Central	Pelagic fishery	**17.467**
27.3. c and d	Baltic Sea	Cod and flatfish fishery	**101.742**
27.4.a, b and c	North Sea + Skagerrak	Flatfish fishery	**358.634**
27.5-7	West British waters	Pelagic fishery	**2.576**
27.14.a and b	Greenland	Greenland halibut and redfish	**13.036**
Discards total 2017:			**493.455**

Discards 2018

Catch Areas (FAO)	Catch areas	Name	Discard in kg*
34	Atlantic, Eastern Central	Pelagic fishery	27.154
27.3. c and d	Baltic Sea	Cod and flatfish fishery	98.566
27.3.A + 4.a, b, c	North Sea + Skagerrak	Flatfish fishery	448.520
27.5-7	West British waters	Pelagic fishery	5.004
27.14.a and b	Greenland	Greenland halibut and redfish	12.780
Discards total 2018:			**592.024**

* All data are preliminary