Swedish Agency
for Marine and
Water Management

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Annual report on the implementation of the landing obligation

Referring to the request of DG Mare (ref: Ares(2018)6366147-11/12/2018) Sweden hereby reports on the progress achieved in the implementation of the Landing Obligation (LO) during 2018.

General comments

Swedish fisheries continue to report and land low volume of catches below MCRS. This is probably due to the perceived lack of policy legitimacy, difficulties to understand the rules of the landing obligation among the industry and a legal control framework that currently does not include any measures to enforce 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)?

No measures were implemented relating to spatial or temporal changes in fishing behaviour. An EU-Norway working group has studied conditions for

implementation of a real time closure system in the Pandalus fishery, a measure that will be implemented during 2019.

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

The Pandalus trawl fishery.

3. What has the uptake of these measures and/or studies been in the fleet segments/fisheries to which they are applicable?

Measure only to be implemented in 2019.

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

Yes. A new system to allocate fishing opportunities in the demersal fisheries was introduced on January 1st, 2017. The goal was to create better conditions for the Swedish fleet to be able to comply with the landing obligation. Unlike the old system, the new system includes the possibility to transfer fishing possibilities. The new system is based on yearly allocation of individual fishing opportunities. The fishing opportunities may, with some limitations, be transferred between individual fishermen during the year.

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

Yes. A quantitative analysis has been performed based on scientific data on estimated discards (DC MAP), landings and catches. A regional analysis has also been performed within the Scheveningen group.

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, for details please see the submitted joint recommendations and their annexes, namely those by BaltFish underlying Regulation (EU) No 2018/211 for salmon and Regulation (EU) No 2018/306 regarding cod and plaice in the Baltic Sea; by the

Scheveningen group during 2018 the JR underpinning Regulation (EU) No 2018/2035. See attached annexes.

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

See question 6, referring to Annexes of the joint recommendations. (Annex C, F, M, S for a joint discard plan for 2019, Annex C, D, G of JR for a joint discard plan for 2018 and Annex C of JR for a joint discard plan for 2017).

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?

SwAM (Swedish Agency for Marine and Water Management) has regularly throughout 2018 monitored reported discards under the de minimis in order to monitor that the established thresholds are not exceeded. So far, it has never been a problem and there is a good margin to the permitted amount.

9. What has been the utilisation of any granted de minimis exemptions in the fleet segment/fishery to which the exemption applies?

During 2018, as well as 2016 and 2017, Swedish fishermen have reported a limited amount of de minimis. The total reported de minimis are well below the limits in all fisheries. No de minimis was reported in the gillnet fishery.

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

Sweden has collected data on estimated quantities of predator-damaged fish for several years. From 2017, it has been mandatory for Swedish fishermen to report under a specific national code (ROV).

Predator-damaged fish are reported in fisheries using passive gear and are mainly concerning catches damaged by seals in the Baltic Sea. During 2018, a total number of 291 vessels and 461 tonnes have reported predator damaged fish. This is an increase compared to 2017, when 315 vessels and 415 tonnes was reported.

Figure 1. Total weight of each species which shows damage caused by predators and has been discarded and reported with the code ROV.

Species (Alpha3-code)	Quantity (kg)
BBB	9 417
BLL	28
COD	282 631
DAB	26
ELP	3
FID	7
FLE	10 206
FPE	3 077
FPI	6 801
FPP	1 107
FVE	9 355
GAR	8
GGG	883
HAD	6
HER	82 435
LUM	692
MAC	1 138
PLE	8 524
SAL	3 710
SOL	230
TBR	32
TRB	625
TRS	1 347
TUR	21 799
USB	115
WHF	14 093
WHG	6
YFM	2 343
Total	**460 643**

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

Yes, Sweden has used the inter-annular flexibility for concerned stocks. However, we did not use the inter-species flexibility.

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

Yes. For details concerning regional consultation by the Scheveningen group and BaltFish in relation to the Advisory Councils we refer to the relevant joint recommendations. Concerning national consultation, ongoing consultations at organised meetings have been held with the national stakeholder organisations for commercial fishery.

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?

The national agency responsible for implementation of the CFP (SwAM) has published detailed information and guides on our webpage. During 2015 and 2016, SwAM sent information to all commercial fishermen holding a fishing license as well as organised information meetings with stakeholders in collaboration with related national authorities (the national agency for Agriculture and the University for Agricultural Sciences (SLU).

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?

Sweden has administered approximately 1 million euro per year (2014-2017) to gear development projects initiated by the stakeholders in order to facilitate the implementation of the landing obligation. This project has continued during 2018 and is planned for 2019 as well.

Annual reports (in Swedish) and information leaflets on the different gears developed are available in English and Swedish:
https://www.slu.se/institutioner/akvatiska-resurser/selektivt-fiske/

The English synthesis report is available here:

Nilsson, HC., Andersson, E., Hedgärde, M., Königson, S., Ljungberg, P., Lunneryd, S-G., Lövgren, J., Ovegård, M., Sundelöf, A, Valentinsson, D. (2018) Projects accomplished by the Selective Fisheries Secretariat 2014-2017: a synthesis report,

Aqua reports 2018:13, Swedish University of Agricultural Sciences, Department of Aquatic Resources, Lysekil, 26 s.

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

- Demersal fisheries (mixed fisheries, cod fisheries as well as fisheries for Nephrops and Northern prawn) in the Skagerrak, Kattegat and the Baltic Sea.
- Pelagic fisheries.
- Fisheries for salmon using traps.
- Small-scale coastal fisheries with pots for different target species.

16. What has the uptake been of these measures in the fleet segments/fisheries to which they are applicable?

Some of the gears developed (see question 14) are now used in commercial fishery, for instance trawls separating roundfish and flatfish and pelagic trawls with selective grids for saithe. Overall, however, industry uptake remains limited for the larger part of gears. For causes of limited uptake and potential solutions (i.e. positive incentives) see in the above mentioned Aqua report 2018:13 paragraph 5.2. The limitations in control and enforcement of the landing obligation is probably also hampering the increased usage of selective gear.

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?

Due to the information campaign to fishermen (letters and meetings) conducted in 2017 the agency considered that it wasn't necessary to continue the campaign further in 2018.

To facilitate reporting, in 2017 the software for electronic reporting (vCatch) has been updated to allow for catch accounting due to the landing obligation. Sweden has also updated the layout of our paper logbook with pre-printed codes (such as LSC, BMS). Instructions and manuals were sent to all fishermen concerned and

they were also invited to visit the agency if they needed personalised help with using the logbook.

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

Yes. Guidelines for the inspectors regarding the landing obligation have been updated yearly. In conjunction with new discard plans there have been trainings for the inspectors at workplace meetings.

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

The Swedish Coastguard carries out aerial surveillance as part of their daily surveillance flights. At sea last haul inspections are conducted to compare reported catch of undersized fish with observed catch.

SwAM and the Coastguard have also continued to work with joint inspections during specific periods of the year. These joint inspections have focused on certain species and risks, in an attempt to cover fishing activities during an entire fishing trip. Inspections at sea are followed by coordinated inspections in port in order to verify the catch in the “last haul”. Sweden is implementing a more detailed instruction, compared to the instruction used within JDPs, on how to conduct a last haul inspection.

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

Currently there is insufficient information on catches below MCRS from Swedish fisheries after landing. However, SwAM is presently implementing an electronic system for traceability and will have more information on this issue when the system is fully implemented in 2019.

Having said this, in 2018, the volume of reported catches below MCRS landed is still very low. The total reported quantity of MCRS in Kattegat, Skagerrak and the North Sea amounts to 219 tonnes and in the Baltic Sea, the reported MCRS quantity amounts to 131 tonnes.

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

Yes, control and monitoring is based on risk assessment. A risk based approach provides an opportunity to maintain high quality fisheries control by using control efforts and resources where they are most beneficial.
Sweden has since 2016 used inspection benchmarks in the form of improved compliance levels for all fisheries. The non–compliance frequency for specific risk in a specific fishery is measured for every trip by a combination of area and type of gear used.

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?

The Swedish Coastguard has conducted "last haul inspections" within the JDP framework since 2014. See question 19 for details about last haul. In order to further enhance the data gathering, the Swedish Coastguard has now implemented the last haul inspection methodology for all inspections carried out at sea.

No. of last haul inspections	**2014**	**2015**	**2016**	**2017**	**2018**
Baltic Sea	16	16	26	22	26
North Sea	0	0	18	16	25
Total	**16**	**16**	**44**	**38**	**51**

All vessels are currently considered equal in terms of risk associated with the LO. The more data and information that can be obtained about the LO, the greater the possibility of using last haul to point out potential targets for inspection. There is also a need for regional cooperation to decide when a vessel is considered to be a potential target with regards to the LO.

Information on the socioeconomic impact of the landing obligation

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

During 2017 the total cost of the landing obligation for the Swedish fishing fleet amounted to approximately 3.3 million SEK, on average 3 710 SEK per vessel. Vessels larger than 24 meters fishing with active gear have the highest average cost. For this segment the average cost is more than double the average cost for vessels below 24 meters using the same type of gear. Vessels fishing with passive gear have the lowest average cost of the three segments. Although the total cost for the passive segment is the largest due to the large number of vessels. The cost represents extra costs such as purchase of new material (e.g. containers) to handle the extra catch.

Cost of landing obligation 2017 per segment

	OVER24M	PASSIVE	UNDER24M	TOTAL
Total cost	308 947	2 201 603	828 203	3 338 753
Average cost	9 362	3 228	4 477	3 710

Furthermore, the landing obligation also demands workers to put extra time and effort in order to be able to handle the extra workload. The extra time amounts to approximately 4 640 hours, on average 10 hours per vessel, which corresponds to approximately 2.5 FTE (full time employment). In conclusion, the extra cost and workload of the landing obligation are negligible when put in perspective to the total cost and workload of the fishing fleet (614 million SEK and 754 FTE).

The data presented above is collected under the EU-MAP program. Similar data for the year 2018 will be analyzed as they become available.

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.

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.

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

No such measures 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? 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?

In 2018, as in 2017 and 2016, the reported catch below MCRS is still very low. The indication is that catches of demersal species under MCRS mainly are used for animal feed, primarily for mink farming.

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

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. We have founded two such projects. The total amount invested is 180 400 SEK into projects concerning investments in for example selective gear, purchase of gillnet and transition from bottom trawling to semi-pelagic fisheries.

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. Sweden has provided funding for two such projects. The amount invested is 6 892 696 SEK in projects concerning dredging, building new and restoring existing fishing ports.

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?

Yes. We have provided funding for 79 such projects. The amount invested is 60 557 736 SEK in projects concerning investments in for example MSC-certification, formation of producer organizations and investments in processing.

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:

Based on DCF-data and logbook data Sweden has investigated the possibility to increase fishing selectivity for a number of fisheries and stocks. Another challenge is to manage the quota for a number of stocks and a number of tools still need to be implemented. To address these issues Sweden has conducted (and conducts) a number of selectivity projects to allow a tool box of gears for fishermen, also a new system for quota management is implemented as of January 2017 (please see above). To increase the use of selective gears positive incentives and means for control of the landing obligation are possible areas to explore and develop further.

Swedish fishermen experience that technical regulations are inhibitory in some parts when concerning selectivity. The fishermen state that they have not experienced any problems with storage on board so far. However, they have expressed some concerns that the situation may change when the LO is fully in place.

Difficulties relating to monitoring, control and enforcement:

As stated above, the current legal framework does not include any effective control tools as regards the LO. Sweden would therefore like to encourage the Commission in the on-going reform of the EU fisheries control system, to implement effective control measures concerning the LO.

Sweden still agrees with the answers and recommendations from EFCA, produced in cooperation with the Scheveningen and NWW Control Expert Groups during 2016, with focus on the following aspects:

- There is a strong feeling of a wide lack of policy legitimacy and widespread lack of understanding of the landing obligation rules amongst the industry.
- The LO was built on absence of vital underlying foundation, i.e. no compliance with pre-existing discard logging obligation (the active declaration of > 50kg

discards in every trip according to art. 14 of Council Regulation (EU) 1224/2009) resulting in trying to get compliance with that rule at same time as compliance with LO.

- Measures to deal with <MCRS catches and effectively monitor uses are not completely established.
- Currently the problem is attenuated by the low volume of <MCRS catches being landed.
- There is no key control tool in force at a regional or EU level to monitor with sufficient guarantees the compliance with the landing obligation provisions.
- Authorities are merely adapting existing control tools, but no control tool exists to truly detect, therefore to effectively deter, non-compliance with the LO.
- There has been little implementation of REM systems and control observers as control tools so far.
- Data gathered through inspections at sea ("last haul") is useful for monitoring, but not as an enforcement tool.

The landing obligation is perceived as complicated by both fishermen and inspectors. One reason is that different exemptions are applied to different gears. Another reason is that the landing obligation has not yet been fully implemented in the Kattegat, Skagerrak and the North Sea.

Incorrect use of the codes (DIM/DIS) complicates the follow-up of the de minimis exemptions, the same difficulties apply to the reporting of fish over and under MCRS. In some fisheries the experience is that, when it is possible, the most selective gear is not always used.

Carry observers was a problem in Sweden in the past but since the introduction of a system where the fisherman can get a fee if he does not bring an observer on board within the specified time, it has worked without problems.

Difficulties in fully utilising fishing opportunities:

Scientific data indicates that catch composition and quota composition does not match, which is expected to prevent full utilization of fishing opportunities under the landing obligation. Although the new Swedish system to allocate fishing

opportunities in the demersal fisheries is expected to mitigate early closures of fisheries, as it implies more flexibility and better possibilities for individual fishermen to plan during the year, the challenge of choke species might still appear on an individual level.

The extent of this challenge is expected to be more apparent as the landing obligation is fully phased in. During 2018 an evaluation of the new system to allocate demersal fishing opportunities was performed for 2017. One finding was that there are frictions in the transfers of fishing opportunities between fishermen which has contributed to not fully utilized quotas.

Questions concerning control and enforcement (added in 2017)

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

As described in question 22 the Swedish Coastguard is aiming to perform last haul inspections on all their inspections at sea. There is also a close cooperation with the landing inspection teams in order to verify the catch composition that was observed during the inspection at sea. See question 34 - Difficulties relating to monitoring, control and enforcement.

36. How many suspected and confirmed infringements, related to 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 sanction applied, including penalty points.

At sea one suspected infringement was detected in 2018. Discard of PLE was observed during an inspection at sea. The activity was ceased and the master was informed about the infringement. The case is now under investigation at the prosecutor’s office.

Administrative control detected three suspected infringements during the year. The first of these cases concerned an illegal discard of NEP and as of November 2018, the preliminary investigation is still being conducted by the prosecutor’s office.

In the second case there was an initial suspicion of illegal discards of COD and WHG, but after the SwAM received a written remark from the fisherman, it has been found that there were discrepancies in the original logbook and the copy of the logbook. The fisherman claimed that he had wrongfully registered the discard as COD instead of the correct CRE, as well as not having registered any quantities of WHG in the logbook. After submitting his copy of the logbook, the Swedish authorities decided not to submit the case to the prosecutor's office and instead concluded the case by expediting information regarding the landing obligation.

The third case concerned various illegal discards of COD and WHG, but due to all of the quantities being less than 2 kg, the Swedish authorities chose not to submit the case to the prosecutor's office and instead concluded the case by expediting information regarding the landing obligation. The fisherman has been informed that repeated infringements may result in the case being turned over to the prosecutor's office.

It should be noted, that the amount of reported fish below MCRS appears low compared to available scientific data.