



FAME Support Unit

AT01.2

EMFF and the landing obligation Final Report

Final

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List of acronyms

AIR	Annual Implementation Report
AT	Ancillary Task
CFP	Common Fisheries Policy
EFF	European Fisheries Fund (2007-2013)
EMFAF	European Maritime Fisheries and Aquaculture Fund (2021-2027)
EMFF	European Maritime and Fisheries Fund (2014-2020)
EU	European Union
FAME	Fisheries & Aquaculture Monitoring and Evaluation
GE	FAME Geographic Expert
LO	landing obligation
MA	Managing Authority
MCRS	Minimum Conservation Reference Size
MS	Member State
OP	Operational Programme
REM	Remote Electronic Monitoring
SSCF	Small Scale Coastal Fisheries [defined as vessels below 12m length not using mobile gear in the context of the EMFF Regulation (EU) 508/2014]
TAC	total allowable catch

1 Introduction

1.1 Background

The landing obligation (LO) is established under the ‘fisheries management’ pillar of the Common Fisheries Policy (CFP).¹ Article 15 of the CFP sets out the obligation to retain all species subject to catch limits or minimum sizes² caught either in European Union (EU) waters or by Union fishing vessels outside EU waters without prejudice to international obligations. It was implemented in phases:

- 2015 – the landing obligation began to cover small and large pelagic species, industrial fisheries and the main fisheries in the Baltic.
- 2016 – it was extended to demersal fisheries for the North Sea and the Atlantic.
- 2019 – full implementation, i.e. land all species subject to catch limits and, in the Mediterranean and the Black Sea, to Minimum Conservation Reference Sizes (MCRS).

The EMFF (EU Regulation 508/2014) has general and specific measures designed to support the implementation of the LO. The EMFF introduced, among other measures, a focus on increased gear selectivity, with gear technology development and sea trials continuing the work started under the EFF in 2007-2013.

Actions to support the LO include for example:

- improved selectivity of fishing gear to minimise unwanted catches,
- specific on-board equipment, and/or
- adaptation of landing sites to handle and commercialise unwanted catches.

In 2017 FAME undertook an Ancillary Task (AT) to explore mainly how EMFF, and to a lesser extent EFF and other (EU and national) funding had been used to date by Member States (MSs) to support the implementation of the LO. This AT is a follow-up to that earlier review with the EMFF, which is now close to completion, and in light of the report on the functioning of the CFP that the Commission shall deliver to the Council and the European Parliament by the end of 2022.

1.2 Aims and objectives

The aims of this AT requested by DG MARE are to:

- review earlier FAME methodologies outlining the types of actions related to the LO that can be implemented under the EMFF;
- document the **operations/actions taken** (or planned) related to the LO in MSs under the EMFF up to the end of 2020 (based on the Infosys reports expected in March 2021);
- estimate the **financial contribution** (actual and planned) of the EMFF in MSs and for the EMFF as a whole up to the end of 2020;

¹ The other three pillars being international policy, market and trade policy, and funding of the policy.

² As defined in Annex III to Regulation (EC) No. 1967 /2006.

- identify among those operations a number of operations related to the LO that could be developed as **success stories** of EMFF implementation; and
- draw **conclusions** on the state of the art of implementation of the LO under the EMFF up to the end of 2020.

1.3 Report structure

Apart from this introductory chapter, this report briefly describes the methodological approach in Chapter 2 and explains the data retrieved from the EMFF reporting sources in Chapter 3.

Chapter 4 sums up the findings of the field research in the 16 Member States visited (see Chapter 2 on methodology for the selection process), while Chapter 5 discusses the findings in relation to previous research and implications for the future. Finally, Chapter 6 provides conclusions on policy impact, methodology and future actions.

Last but not least, Annexes 1, 2 and 3 (Chapters 7-9) offer insight into the tools used.

1.4 Acknowledgments

FAME thanks all DG MARE officers and the MS experts and officers in the 16 Managing Authorities and related departments for their active contribution to this report.

2 Methodology

The AT was implemented through four AT 1.2 “Ad hoc consultancy” packages for scoping, questionnaire development, Member State reporting and final reporting. The following tasks were completed:

1. Prepare a scoping document outlining the exact methodology and reflecting on the 2018 FAME report, including a questionnaire/template (see **Annex 1**) to be used for the field work to be completed by FAME Geographic Experts (GEs)³ (AT01.2 1/4).
2. Conduct field research in 16 MS (AT01.2 2/4 and 3/4).
3. Compile findings from desk and field research in a concluding report (this report) and discuss them with DG MARE in an informal debriefing meeting (AT01.2 4/4).

2.1.1 Desk research

Sources of reference used during this research include:

- Article 97(1) reporting (Infosys);
- EMFF Operational Programmes (OPs) and Annual Implementation Reports (AIRs);
- reporting based on the CFP regulation and landing obligation implementation to the extent that it relates to the EMFF;⁴
- evaluations and studies at EU and MS level, and related materials (as available and relevant) to the extent related to the EMFF;
- published literature on the landing obligation implementation (as available and relevant to the EMFF).

Out of the sources mentioned above, the Infosys data was the most useful as it contains operation-level details that can be combined to identify relevant operations and projects. The data in the OPs and AIRs, in contrast, is aggregated to the level of individual measures (see also Chapter 3).

2.1.2 FAME methodology for identifying LO relevant operations in Infosys

FAME developed two approaches to identify the EMFF contribution to LO implementation:

- A broad approach based on the measure alone (with the exception of Article 68: Marketing measures, where a combination of measure and operation implementation data is applied). Based on this methodology, relevant Articles within the EMFF Regulation are Articles 37, 38, 39, 42, 43(2) and some operations under Article 68. The broad approach is easier to apply but might also include operations that are marginally relevant (see Articles in **Annex 3**).
- A narrow approach based on a combination of the measure and Infosys operation implementation data. Operations are selected by means of Infosys codes according to their relevance to the landing obligation. Operations under Articles 37 and 39 are taken into account provided they are linked to result indicator 1.4: Change in unwanted catches. Operations under Article 38 are counted, provided the following conditions are met: they have Infosys codes 35 (selectivity of gear) or 36 (reduce discards or deal with unwanted catches) and they are linked to RI 1.4: Change in

³ A pilot with 1 GE (Ireland) was completed to test the questionnaire.

⁴ e.g. https://ec.europa.eu/fisheries/cfp/fishing_rules/landing-obligation-in-practice_en.

unwanted catches. This is a more complex process; operations captured are more likely to be relevant, but not all relevant operations may be captured.

FAME used the broad approach since it is more practical, the numbers do not deviate significantly from those produced by the narrow approach, and figures communicated from the Commission to the Parliament and the Council on the state of play of the CFP were based on this approach (see FAME ad-hoc request CT03.2 2020-47). However, the broad approach also has its limitations. Out of the 1 241 operations under Article 38, 205 (with a total of 5.3 million EUR committed) belong to the operation type “protecting gears and catches from mammals and birds”, where the relation to the LO is debatable. This illustrates the limitations of the available quantitative data and the need to clarify the true picture through the MA interviews carried out in this AT.

The MS reports to Infosys on EMFF funds committed and spent by the end of 2020 were provided by the MSs’ Managing Authorities (MAs) during March-May 2021. FAME extracted the data on the LO-relevant articles for all MSs to:

- a. analyse spending and associated indicators per measure, by project types and the reported impacts; and
- b. prepare a fiche for each GE that summarises operational data for LO-relevant measures.

2.1.3 Screening EMFF OPs and AIRs

Apart from the Infosys data approach explained above, MSs also submit – through their AIRs – aggregated quantitative data and qualitative comments on EMFF implementation progress, and comment on developments related to their OPs.

It is FAME’s conclusion that the OP and the AIRs offer limited added value related to this task, because they aggregate data to the level of measures (which loses the operational detail) and not all AIRs describe LO-related funds spent. Infosys quantitative data are more versatile and better suited to guide the field research.

2.1.4 Other evaluations

The LO was a significant operational change for the catching sector. Several MS authorities conducted evaluations and studies on the implementations of the LO and its impact. Some of these are specific to the LO, while others form part of more general EMFF evaluation studies conducted at national level. The MAs were asked to list, and wherever possible provide, any relevant studies. These were then reviewed by the FAME core team.

2.1.5 Selecting Member States for field research

FAME geographic experts conducted interviews with MAs in 16 MSs.⁵ Table 1 below presents the 16 MSs selected for the field research, ranked by the amount of EMFF funding committed under the Articles relevant to the landing obligation based on the FAME methodology broad approach. To ensure full coverage of the sea basins, Bulgaria was chosen as the 16th MS to represent the Black Sea (the other candidate, Romania, has fewer operations and lower commitments).

⁵ Resource constraints limited the research to 16 MSs.

Table 1: Member States selected as case studies based on number of operations under potentially LO-relevant measures based on the FAME methodology

No	MS	EMFF committed (EUR)	EMFF spent (EUR)	No. operations	EMFF committed/EMFF OP total allocation (%)
1	PL	13,889,418.50	7,199,804.84	476	2.61
2	DE	12,818,264.32	8,475,783.43	175	5.84
3	DK	12,625,787.05	7,070,298.10	243	6.06
4	LV	9,349,857.41	6,288,972.29	20	6.69
5	ES	6,680,351.04	3,618,088.82	206	0.60
6	FR	5,500,668.00	739,340.26	35	0.94
7	SE	5,213,461.41	2,457,629.00	106	4.34
8	PT	5,094,271.81	2,680,859.78	19	1.30
9	IT	4,553,369.48	432,927.58	190	0.85
10	NL	4,121,296.03	2,269,061.93	82	4.06
11	IE	4,055,626.56	3,382,878.96	215	2.75
12	LT	3,725,862.75	1,082,483.81	43	5.87
13	EE	3,321,468.84	2,220,952.42	120	3.29
14	FI	1,194,367.87	882,165.68	265	1.61
15	HR	1,111,330.40	700,915.17	90	0.44
	EL	477,830.86	220,740.76	24	0.12
	BE	341,629.33	184,819.72	13	0.82
16	BG	179,636.66	90,652.36	6	0.22
	MT	150,000.00	144,795.96	1	0.66
	RO	99,638.43	52,694.23	2	0.06

Source: Infosys 2020, FAME compilation, 2021

2.1.6 Field research questionnaire

FAME GEs received the list of operations from Infosys and a questionnaire template to guide the MA interviews (**Annex 1**), along with the 2017 FAME report on EFF/EMFF support for the LO.

The questionnaire seeks qualitative responses from the MAs to add further detail to the information provided in Infosys reports. To allow the MAs to expand on certain issues and points of interest, the GEs also arranged an interview with each MA lasting approximately one hour.

The questionnaire and fiche of LO-relevant operations was provided to each MA in advance of the interviews, along with the Infosys summary extract. The MA could then review the questions and advise who was best placed to respond to the questions; this was typically a staff member at operational level, or someone with a good overview of the national fisheries sector. Because of Covid-19 restrictions, the interviews were carried out remotely. This facilitated group interviews since it was easier for various experts to join a single interview.

3 Infosys data

3.1 The landing obligation in the FAME EMFF implementation report and the FAME Infosys reporting tools (2016-2020)

MSs submit annually two reports as defined in the EMFF Regulation, namely the Infosys report (also known as the Article 97(1)(a) report) and the Annual Implementation Report (AIR).

Based on these two inputs, FAME aggregates data to present the state of play in terms of implementation of the national EMFF Operational Programmes (OPs) and demonstrate the effect of the EMFF on various policy objectives and specific topics. The findings are presented in the FAME EMFF implementation report each year.

The FAME EMFF implementation report contains a section on the LO; data are presented based on two methodological approaches, the broad and the narrow. The broad approach includes operations based on the articles they are implemented under (assuming an overall LO relevance based on the FAME methodology). The narrow approach selects operations based on Article, type of operation and selected common result indicators, potentially excluding LO-relevant operations. However, there is no major discrepancy between the two; for practical purposes, the broad approach can be used. A more detailed approach is not possible through a desk review only, due to limitations on the monitoring setup. This highlights the importance of the additional qualitative information received via the MA interviews, as done in this AT, in gaining a comprehensive appreciation of EMFF support for LO implementation.

Table 2 below shows EMFF funds committed and spent in relation to LO-relevant Articles, based on Infosys data. **Annex 2** presents breakdowns by MS and Article. By the end of 2017 (the period considered under the first review of the implementation of the LO related to the EMFF) MSs had committed just over EUR 30 million to these measures. Commitments under these articles grew by a factor of nearly three between 2017 and 2018, and since then have risen year on year (33% in 2019 and 27% in 2020), reaching EUR 147.7 million by the end of 2020. Total expenditure by the end of 2020 stood at EUR 86.5 million, or 59% of commitments.

Table 2: EMFF implementation in potentially LO-relevant measures, EU level, 2018-2020, FAME methodology, broad approach

EMFF Article ⁶	Total EMFF committed by Managing Authority (EUR) (Infosys)			Total eligible EMFF expenditure (EMMF spent) declared by beneficiaries to the Managing Authority (EUR)			Number of operations		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Article 37	17 620 163	23 280 719	25 612 175	8 313 841	13 712 906	18 209 012	172	219	290
Article 38	13 533 675	17 755 598	20 061 641	9 241 881	12 726 732	15 216 609	829	1 241	1 364
Article 39	15 383 607	24 483 185	30 430 544	2 430 568	5 710 591	9 170 776	82	122	167
Article 42	25 174 928	31 261 844	50 607 937	10 219 938	19 317 115	29 742 442	959	1 306	2 213
Article 43(2)	15 107 221	17 133 194	18 059 668	6 900 475	12 535 961	13 051 006	36	51	54
Article 68 (code 118)	895 839	2 727 206	2 886 107	391 092	756 512	1 082 633	12	18	23
Total	87 715 433	116 641 747	147 658 071	37 497 796	64 759 817	86 472 477	2 090	2 957	4 111

Source: Infosys 2018, 2019, 2020, FAME compilation, 2021

⁶ See Annex 3: Potentially LO-relevant EMFF articles (FAME methodology) for the content of each article.

4 Member State experiences with EMFF support for the Landing Obligation

The following section summarises the results from the interviews with the 16 MAs, in some instances with additional inputs from departmental colleagues.

4.1 Impacts of LO implementation in Member States

Table 3: Selected Member States ranked by commitments to ‘LO-relevant’ operations (end 2020) and their impact

No.	MS	EMFF committed (EUR)	Number of operations	Significant LO impact?	Comment
1	PL	23 714 080	671	Yes	Systematic change with a focus on undersized fish and Baltic cod recovery measures.
2	DE	15 944 271	221	No	Not much LO-related impact to address. Most spending is on eel recovery measures.
3	DK	14 637 542	332	Yes	Comprehensive set of operations developing evidence base to inform regulatory mechanisms and practical measures.
4	ES	11 129 946	350	Yes	On-board and port investments less than expected, and now a focus on selectivity in Mediterranean fisheries.
5	LV	9 681 056	22	Yes	Addressing challenges facing Baltic fisheries on cod, its by-catch and undersized small pelagics.
6	FR	7 950 329	69	Partial	Mainly on innovation and managing quota. Most post-harvest spend not directly LO-relevant.
9	IT	7 173 465	283	Partial	The <i>de minimis</i> exemptions limited the impact since discards fell within permitted levels.
11	IE	7 163 866	442	Partial	Impacts mostly addressed through selectivity projects and quota management.
7	SE	6 863 039	141	Partial	Support included a new quota management system, which has mitigated impacts.
8	PT	4 962 942	21	Partial	Efforts to raise awareness of LO requirements, but exemptions (<i>de minimis</i> and survivability) crucial.
10	NL	4 719 784	98	Partial	Two main fleets not highly impacted: clean pelagic fishery and Fully Documented Fisheries project.
12	LT	3 998 689	53	Partial	Improved selective gear for coastal fishers, but large-scale pelagic fishing less impacted by LO.
13	EE	3 321 469	120	No	Fisheries Act already prevented discarding before LO implementation.
14	FI	1 500 073	380	No	Gear for Baltic salmon already highly selective, so spending is on push-up fykes to prevent seal predation.
15	HR	913 157	73	No	Derogation from LO implementation, but beginning to plan for removal of the derogation.
16	BG	179 637	6	No	Support for infrastructure investments; not evident that this is directly LO-related.

MSs with substantial fisheries for demersal quota species experienced the most significant impact from the landing obligation, and programmed their EMFF allocations accordingly. Generally, those MSs who committed the most EMFF funding to the measures identified as LO-relevant said the LO had a significant impact on the fishing sector. In the case of Poland,

the MA reports that the large EMFF spend relates to the widespread systematic investments needed in gear, catch storage and processing to manage unwanted catches. 61% of the EMFF LO-related commitments (EUR 14.5 million) were under Article 42, adding value, product quality and the use of unwanted catches, with 40% of this spent by the end of 2020. A further 18% was on post-harvest investments to handle and store unwanted catches. The MA reported that the volume of landings below minimum size decreased significantly from 2019 to 2020. This is however mainly due to decreased overall effort, following fishery closures to protect Baltic cod stocks.

The extent and type of operations in Denmark, which has the third-highest level of EMFF commitment to LO-relevant measures, was similarly comprehensive, addressing the varied challenges of LO implementation on all fronts. The projects show that the EMFF supported:

- developing the scientific evidence base to support regulatory mechanisms (e.g. high survivability exemptions);
- technical measures to reduce unwanted catches; and
- capital investment in new handling and storage facilities for the remaining unwanted catch.

The Danish MA also noted that the total allowable catch (TAC) changes in the Baltic, particularly in relation to cod recovery, put more focus on the LO as allowable by-catches were also affected by these quota changes. The need to alter practices and increase selectivity has therefore become more acute for the Baltic states. This explains the relatively high levels of commitment to LO-related measures seen in Latvia. During the phasing in of the LO, Latvia first had to deal with undersized catches in small pelagics fisheries and then the impact on its Baltic cod fisheries. For Lithuania the impact of LO implementation was less pronounced, as the country's main large-scale fisheries target sprat and Baltic herring; a proportion of these is already exported for fishmeal, so the existing market could readily accommodate undersized catches. Even so, Lithuanian coastal fishers have made significant investments – supported by the EMFF – in moving from nets to more selective traps.

Germany, with the second highest level of commitments, is an exception to the generally greater effect of the LO on Baltic fisheries. Germany's key fisheries are shrimp (non-quota) and pelagic species, which have fewer by-catch issues than demersal fisheries. The majority of spending (74%) is attributed to eel recovery measures such as re-stocking, under Article 37 on conservation measures. Only two research projects on selectivity by the Thünen Institute are directly LO-related.

MSs with relatively moderate LO-related spending reported that the sector had faced some significant impacts, but that certain key fisheries were either exempt (as “clean” fisheries for small pelagics with limited by-catch), or alternatively that the available regulatory mechanisms for exemptions to the landing obligation, such as *de minimis*, could effectively mitigate potential impacts. For the latter, the EMFF supported the development of the scientific evidence base needed to seek exemptions (e.g. on *de minimis* and high survivability).

4.2 Have the impacts on the sector changed since 2019 with the full implementation of the LO? Please give examples.

The EMFF supported improved quota management systems to better ensure that fisheries could continue to operate with available quotas. The transition phase of the LO implementation

helped in this regard, as MSs had more time to develop systems for the most problematic mixed demersal fisheries. Portugal identified that this also gave more time for awareness-raising; between 2016 and 2019 more fisheries were subject to the LO and the sector was increasingly aware of the need to act in response, so the extent of the impacts did not change significantly.

For some MSs, other factors during the phased implementation were more significant in determining the scale of impact. France identified that the reducing scale of *de minimis* exemptions permitted over time resulted in the impact of the LO increasing. For Baltic fisheries, on the other hand, the TAC reductions of 2019 for Baltic cod recovery were a stronger driver for an increase in EMFF support than the move to full LO implementation.

4.3 To what extent have EMFF measures helped the sector adapt to the LO?

For MSs experiencing significant LO impacts, the MAs state that the EMFF measures certainly helped, both directly through operations under the LO-related measures and indirectly through support for fisheries management generally. Examples of the latter include contributions to control and enforcement assist the MSs in ensuring compliance with the LO.

The MAs identified several other measures that relate to more general support in fisheries management and help for the sector in dealing with the multiple challenges it has faced in recent years (Brexit, stock recovery, and most recently Covid-19), as well as to the LO. This illustrates one difficulty in specifying which measures are LO-relevant. The implications of the LO extend beyond the need for the sector to deal with unwanted catches (the distinction used to identify LO-relevant measures). As the French MA says, the LO has been ‘a major paradigm shift for the fishing industry’ that has affected many aspects of the sector.

Spain and France both show a broad range of LO-related spending to deal with their numerous challenges, with most EMFF funds committed under Article 39 on innovation (80% FR and 50% ES of LO-related commitments), usually involving research bodies. The next highest spend for Spain was mainly on the development of fishing plans⁷ by fishing associations to best manage LO implementation, while France took a more technical approach to quota management in revising methods for TAC setting within its fisheries. However, much of the French spend, particularly under Article 42, is not considered directly LO-relevant, and this exemplifies another challenge in identifying EMFF contributions to LO implementation.

The LO relevance of measures is open to interpretation, with some MAs recognising an association with the LO more broadly than others. Often it is simply a matter of under which article the MA chooses to place an operation. For example, some MAs supported a lot of onboard investments under Article 42 that are likely to improve catch quality overall, not just for the unwanted catch component.

4.4 Did any other EMFF operations not belonging to one of the measures below support in LO implementation?

Several MAs identified operations under other measures that contributed to LO implementation:

- (Article 27) Advisory services provided by a state development agency exploring how to deal with LO-related impacts (Ireland)

⁷ Different from the Production and Marketing Plans (PMP) related to Regulation (EU) No. 1379/2013 on the common organisation of the markets in fishery and aquaculture products (CMO regulation).

- (Article 28) Co-operation between industry and scientists (Denmark, Croatia, Ireland, the Netherlands)
- (Article 36) Storage aid used for support in storage of unwanted catches (Poland, Portugal)
- (Article 66) Production and marketing plans of producer organisations (Spain and France)
- (Article 69): Processing and marketing support (Spain) and investment in a fish meal factory to process undersized catches (Estonia).

The broad approach taken to identifying LO relevance through specifying certain measures is a crude estimate of LO-related support, in terms of both operations not directly related to the LO supported within the measures, and LO-relevant operations under other measures. The extent to which these over and under-estimates of spend balance each other out cannot be determined, since the descriptions of operations are often unclear in terms of LO relevance. This supports the new approach of flagging the LO relevance of projects as part of EMFAF monitoring, but this is still subject to MAs' differing interpretations of LO relevance.

Irrespective of where the spend occurred, the MAs of MSs experiencing significant impacts from the LO stated that EMFF support certainly aided its implementation. This has often been through research to ensure that regulatory levers such as the exemptions of *de minimis* and survivability could be applied. Also important have been improvements in information and communication technology (ICT) that have enabled quota management systems to facilitate more effective quota use, and technical measures resulting in the direct reduction of unwanted catches.

4.5 Did the focus of EMFF support relating to the LO change over time? What is different in comparison to the EFF?

Several MAs identified an evolution in LO-related operations under the EMFF compared to the EFF, but only a couple saw changes in the types of operation during the EMFF programming period. Spain found that in comparison to the EFF, support under the EMFF became more important as the impacts of LO implementation became known. Sweden also found that innovation projects became more LO-focused under the EMFF, partly as a result of the EMFF regulation making explicit recognition of the LO. Ireland did see an evolution in gear selectivity: from research studies, through sea trials, to the adoption of the more selective SELTRA trawl.⁸ However, the Irish MA said the biggest change has been due to the development of software for more flexible quota management systems that better enable quota balancing. Others noted that changes during the EMFF programme were mostly driven by urgent(?) externalities such as stock status, .e.g. Baltic cod.

4.6 What would have been the impact of the LO without EMFF support?

Without EMFF support, the socio-economic impact on the sector would have been much greater for the MSs who indicated that implementing the LO had a significant impact on their fisheries (see Table 3). Spain suggested that onboard investments and innovation would have been much reduced. Ireland also expected there would have been a slower and less extensive take-up of more selective gear, and that research to enable mitigation via regulation (e.g.

⁸ <https://bim.ie/wp-content/uploads/2021/02/6140-BIM-Fisheries-Conservation-report-4-1.pdf>.

survivability) might have been delayed until choke situations emerged. The funding therefore allowed the sector to be more proactive in avoiding negative impacts, rather than reacting to those impacts. This was particularly notable for coastal fisheries: without the EMFF and the preferential financing rate, the necessary investments in more selective gear would not have occurred to the same extent. The Netherlands notes that without a derogation thanks to the EMFF-funded Fully Documented Fisheries (FDF) project⁹ its beam trawl fleet targeting plaice would have faced major technical and economic problems under the LO, since it operates in a mixed-species fishery.

Ireland pointed out that investment in cold storage capacity enabled fishing co-operatives to maintain product quality, and hence to sell undersized fish to higher-value non-human-consumption markets like pet food instead of sending it to fishmeal. Latvia also noted that it does not land enough fish below the minimum conservation reference size (MCRS) to make investments in handling and storage cost-effective without funding support, so these catches would otherwise have gone to the lowest-value markets.

Most of the 16 MSs did not identify any other national or regional funding that supported LO implementation. Additional national funding was made available in some MSs to support innovation in the sector, however. For example, the Swedish Secretariat for Selective Fishing (at the Swedish Agricultural University on behalf of the national Agency for Marine and Water Management) coordinates efforts to gather new ideas from fishers and other industry stakeholders on how to fish more selectively. Ideas are developed in cooperation with scientists, and new gear types evaluated scientifically.¹⁰ The Netherlands also assigned EUR 15 million to support innovative actions in the fisheries sector, and funds small studies on certain topics including LO-related issues.

Spain has established the Recovery, Transformation and Resilience Fund to help strengthen control measures in anticipation of the new EU Control Regulation (currently still being negotiated with the co-legislators) and to improve LO implementation. The country's General Secretariat of Fishing will focus on developing a mobile app for the small-scale fleet (<12 m) to help in monitoring, transmitting and recording catch details; currently these vessels are not obliged to report catches electronically. The new measures will install a remote electronic monitoring (REM) system based on CCTV and sensors to control discards at sea. These REM systems will be installed on board some 400 vessels at a cost of EUR 2 million by 2023.

Ireland and France noted that some EU and regional research projects addressed LO-related issues at least in part; an example is the Horizon 2020 project 'Discardless'.¹¹ On the French Atlantic coast, the interregional organisation AGLIA, which includes a Technical Unit for Selectivity Support (CAPS)¹² and OPTISAL, works on optimising selective fishing systems with some EMFF funding.

Various other measures have been taken by national authorities to aid the implementation and manage the impacts of the LO. These mostly relate to awareness-raising activities such as meetings, information packs, guidelines and dialogue groups, and to modifications to quota systems (e.g. in Portugal inter-annual quota flexibility was used to manage overshoots in the fisheries for alfonso and hake in 2020 by reducing quotas for 2021). Some MAs (Croatia,

⁹ <https://www.wur.nl/nl/project/Fully-Documented-Fisheries-FDF-R0B07a.htm>.

¹⁰ More information on this work can be found here: <https://www.slu.se/en/departments/aquatic-resources1/selective-fishing/the-secretariat-for-selective-fishing/>.

¹¹ <http://www.discardless.eu/>.

¹² <https://www.aglia.fr/caps/>.

Ireland) noted the use of spatial measures to help avoid areas with undersized fish, but these measures are secondary to the technical measures regarding gear selectivity that have been introduced.

4.7 Future support through EMFAF

For MSs where a significant impact of the LO was noted, all the MAs reported that more LO-related support is allocated under EMFAF. In general the suggestion is 'more of the same', though some MSs did see some new specific priorities. For example, Ireland is planning:

- moving proven selectivity measures from trials to uptake;
- modelling and monitoring studies on the impact of the LO;
- spatial measures such as hotspot mapping to allow vessels to avoid LO problems;
- innovations such as SMARTFISH, AI and lights in nets to monitor nets in real time and aid avoidance of undersized fish.

Sweden, Poland and Bulgaria identified investment in fishing ports to better manage landings of undersized fish, while Portugal and Latvia expect to support measures that will add value to those catches and hence avoid wastage. It is also anticipated that there will be an increased focus on control and enforcement, with stricter monitoring of compliance with the LO, which is also linked to the expected new Control Regulation.

5 Discussion

5.1 Comparison with the FAME landing obligation report (2017)

In late 2017 FAME delivered an AT report on experiences with the EFF, and planned use of the EMFF, in relation to implementing the LO. The EFF 2007-2013 preceded the phased implementation of the LO from 2014 onwards, but was used in the latter half of the programming period when efforts to reduce discards were known to be part of the upcoming CFP reform. At least half of the 23 coastal MSs used the EFF in relation to LO implementation, resulting in a total of around EUR 59 million of EFF spent.

The 2017 FAME report found that the Netherlands dominated LO-related spending under the EFF, with EUR 33 million in fleet investments. Belgium also made substantial fleet investments and both MSs undertook extensive research programmes. These fleet investments primarily sought to address fuel efficiency in the beam trawl fleet, but also explored selectivity. In other MSs, investments in selectivity under the EFF initially focused on reducing by-catch in cod fisheries. Later in the EFF programme the focus broadened to consider other species as the future introduction of the LO became known.

At the time of the first FAME study, up to the end of 2017, the LO had had limited impact; the phased introduction applied to pelagic fisheries and fisheries for some targeted demersal species that were able to operate within *de minimis* allowances. Most MSs expected that full implementation of the LO in 2019 would result in greater impact and increased demand for LO-related support measures.

For the EMFF, commitments up to the end of 2017 under LO-related measures amounted to over EUR 30 million of EMFF funding. There was an acceleration in commitments in 2017 as programme starts were delayed and demand increased with the phased implementation of the LO. Another EUR 19 million was reported by MAs as planned spend on LO-related measures, bringing the total EMFF funding committed to EUR 49 million by the end of 2017. However, by the end of 2018 commitments had jumped to EUR 87 million, driven in part by a speeding up of commitments as EMFF procedures bedded in, and also by the issues emerging from LO implementation.

By the end of 2020 spend had risen to EUR 86.5 million, with EUR 147.7 million committed to LO-relevant measures. The largest disparity between funds committed and funds spent is seen under Article 39 (innovation), where France, Denmark and Sweden have committed EUR 5.6 million, EUR 4.4 million and EUR 2.7 million respectively, but by the end of 2020 had spent only around 14% of these totals. Spain and Germany have also made significant commitments under Article 39 (EUR 5.5 million and EUR 3 million respectively), with expenditure reaching 30-40% by the end of 2020. A disparity between funds committed and funds spent is common for recently-committed funds, and a low level of spend is also likely to be due to the type of beneficiaries: research institutes may apply for reimbursement of expenditure based on annual budget cycles or even less frequently, whereas private-sector operators typically seek reimbursement at the earliest opportunity.

5.2 Member State experiences

The MSs' use of EMFF LO-relevant measures to address LO implementation differed in relation to:

- the significance of the LO (greatest for MSs with important demersal fisheries for quota species, particularly in the Baltic, North Sea and Atlantic sea areas);
- the scale of the sector affected (coastal fishers facing LO impacts result in more operations, but a relatively modest overall spend compared to large-scale fleets);
- the interpretation of LO relevance (some MSs chose to include general onboard investments or indirectly related operations under LO-relevant measures).

Some MSs took a strategic approach to supporting the LO (NL, DK), making early funding commitments under LO-related measures, while others were more reactive to beneficiary demand. For instance, gear investments can be relatively short-term, with demand occurring when the need arises, rather than a strategic investment in anticipation of that need. Processing and port investments are generally long-term, and at the start of the EMFF programme there was uncertainty over the level of investment required to manage unwanted catches. Investments in ports and processing up to 2017 had taken the LO into account and anticipated needs, but were not directly responding to the consequences of the LO.

With full implementation of the LO, MSs mitigated its impact on the sector to the extent possible by enacting regulatory exemptions such as *de minimis* and high survivability, as well as through the better management of quotas through improved IT systems. These areas of support were in addition to the expected investments in innovation and the handling and storing of unwanted catches both onboard and post-harvest.

For most MSs the amounts of catches landed below the MCRS were less than anticipated, and so the scale of land-side investment was consequently less. In Denmark, for example, spend under post-harvest measures was less than expected, while spend on measures in the catching sector was as expected – or, in the case of Article 38 on gear selectivity, more than expected. This may be because of Denmark’s proactive approach to addressing the LO, being relatively early in identifying mitigation actions, including gear selectivity. It may also be related to the nature of the main fisheries impacted, as the management of LO requirements can be fishery-specific.

All MSs that had to address the impact of the LO used several of the LO-relevant measures available to them, recognising the need to adopt a range of mitigation strategies: technical, regulatory, and market-based.

5.3 Implications for the EMFAF

As noted in Chapter 4 above, most MAs are expecting more of the same for LO-related support under the EMFAF. However, some changes are noted now that the true impact of the LO is better understood. By the close of the EMFF, various regulatory exemptions have been applied and quota management has been adapted to enable fishing operations as far as possible. Now, under the EMFAF, the remaining impacts need to be tackled through roll-out of the technical measures identified through earlier research, and through future innovations.

There is a growing emphasis on control and enforcement of the LO, following what may be considered a period of adjustment since 2019. The widespread disruption caused by Covid-19, and for some MSs the fallout of Brexit, has delayed this focus up to now. Support under the EMFAF is expected to include extension of compliance initiatives, as seen in Spain with the introduction of REM systems on smaller vessels. Technological advances in monitoring and reporting will be seen within the sector, such as small-scale coastal fishers using apps on

handheld devices, and from control agencies, such as a proposed increased use of drones in Poland.

6 Conclusions

6.1 Measuring the EMFF's contribution to LO implementation

By the end of 2020 EMFF commitments under LO-relevant articles (as determined by the broad approach developed by FAME) amounted to EUR 147.7 million, with EUR 86.5 million spent. Article 39 (innovation) shows the largest disparity between commitment and spend.

The broad approach adopted, which specifies certain LO-relevant measures, represents a cost-effective approach to identifying the extent of EMFF contributions to LO implementation. The inclusion of operations that are not directly relevant results in an over-estimate, while operations outside of these measures related to the LO results in an under-estimate. With the data available it is not possible to determine the extent to which these variations balance out. This uncertainty supports the new approach under the EMFAF of flagging the LO relevance of projects as part of EMFAF monitoring. However, this will still be subject to MAs' differing interpretations of LO relevance.

The results indicators are not consistently applied or reported by MSs, preventing the aggregation of those indicators such as 'reduction in unwanted catch'. It is also apparent that the use of EMFF support in relation to the LO takes in more than just technical measures through which it is possible to quantify reductions in unwanted catches. The use of EMFF in support of LO implementation is more nuanced, highlighting the importance of qualitative information.

What we could conclude with the qualitative information collated through this report is that LO-relevant funds committed and spent relate to operations on (i) gear selectivity and technical measures, (ii) capital investments in handling facilities, and (iii) support for efforts in control, enforcement and data collection.

Earmarking LO-relevant operations and evaluating specific impacts (provided that result indicators are properly used) is easier for the first category (selective gear and technical measures), since each operation is linked to a specific vessel, a specific type of operation is selected (for example gear selectivity), and the related result indicator (for example change in unwanted catches (tonnes)) supports plausibility checking.

For the second category (investments in handling facilities) earmarking is less straightforward, since MAs might pursue multiple objectives when for example placing an operation under EMFF Article 43 "Fishing ports, landing sites, auction halls and shelters". This is despite the fact that the regulation clearly states that support aims to "...to facilitate compliance with the obligation to land all catches in accordance with Article 15 of Regulation (EU) No 1380/2013".

Finally, operations related to control, enforcement and data collection can be considered generally relevant to the LO. However, quantifying that relevance is impossible without fieldwork, while allocating the entire – usually multi-million and multi-annual – operation to the LO leads to over-reporting.

This situation must be acknowledged when evaluating EMFF support for LO implementation, and field research must be included in the form of case studies and participative methods. The last point was also illustrated during this AT when, to gain a more comprehensive understanding of LO implementation and to put EMFF support in context, the EMFF MAs

often sought additional input from departmental colleagues in their MSs. This was facilitated by sharing the questions in advance of the interviews.

6.2 Member State use of the EMFF to support LO implementation

The impact of the LO differed between MSs because some have derogations (e.g. Croatia), while others do not have substantial fisheries for demersal quota species. Consequently, the spend on LO-relevant measures differed depending on its significance to the MS in question. An exception is found with Germany where the relatively high spend was on eel recovery measures rather than LO-related operations.

All MSs that needed to address the impacts of implementing the LO did so using several LO-relevant measures available to them, recognising the need to adopt a range of mitigation strategies: technical, regulatory and market-based.

For MSs experiencing significant impacts from the LO, the MAs stated that EMFF support certainly aided its implementation. The funding allowed the sector to be more proactive in avoiding negative impacts rather than reacting to those impacts.

Support has often been for research to ensure that regulatory levers such as the exemptions on *de minimis* and high survivability could be applied; for IT system upgrades to facilitate more effective quota use; and to a lesser extent through technical measures resulting in the direct reduction of unwanted catches.

The EMFF supported improved quota management systems to better ensure that fisheries could continue to operate with available quotas. The phased nature of LO implementation helped in this regard, as MSs had more time to develop systems for the most problematic mixed demersal fisheries.

Changes during the EMFF programming period, such as TAC changes for specific species in the Baltic, put more focus on the LO as efforts became more urgent to enable fishing to continue without choke situations occurring.

Many of the efforts to minimise LO impacts were regulatory in nature. For instance, EMFF funding supported research that created the evidence base needed to justify exemptions, e.g. for high survivability, and improvements in quota management systems.

There are many examples of gear innovation projects and trials, but in many instances the uptake by fleets has been less than may have been expected. This is due to the fact that the regulatory measures taken have effectively mitigated much of the impact on fleets.

For most MSs the amount of catches landed below the MCRS has been less than anticipated. As a result, the scale of land-side investment supported by the EMFF was less than initially planned for.

6.3 Future needs

Without EMFF support, the socio-economic impact on the sector would have been much greater for those MSs that have found the LO to have a significant impact on their fishing.

In most of the 16 MSs no other national or regional funding was identified that supported LO implementation.

For the EMFAF the general expectation among MAs in terms of LO-related support is for more of the same. Innovation continues to be a priority. However, there is also a growing emphasis on control and enforcement.

7 Annex 1: LO interview template for MAs

This questionnaire is to be used to interview the EMFF Managing Authority (MA). Covid-19 restrictions suggest that the interview is likely to be conducted remotely. This may be a group interview if the MA considers it most useful for answering the questions.

It is accompanied by an extract from Infosys reports providing quantitative information on all LO-relevant articles up to end of 2020.

These questions can be shared with the MA in advance (to help them establish who is best placed to answer the questions), but it is not intended to be submitted to the MA for their completion. *Text in italics are suggestions for you to consider when interviewing.*

To be communicated to the MA: Information provided will contribute to a European Commission report that it intends to publish. FAME will ensure that no individual comments or specific operations are included, unless it is agreed with MAs that those operations constitute good practice and could be promoted as 'success stories'.

Introduction

The purpose of this FAME Ancillary Task is to:

- Review the extent and impacts of operations/actions taken (or planned) in Member States (MS) under the EMFF to the end of 2020 in relation to the implementation of the Landing Obligation (LO); and
- Identify among those operations, a number of operations which could be developed as success stories of EMFF implementation.

Background information

Please provide any relevant background information (research studies, evaluations) on the implementation of the Landing Obligation, its impact and the EMFF's contribution toward it. These may be EMFF evaluations or specific to the LO.

Infosys Data

Please review the Infosys data summary. Does this correctly reflect the situation for LO-relevant operations?

If not please identify where and to what extent the data differs and provide the current situation.

Questions to Managing Authorities

(not all EMFF Managing Authorities have a broad knowledge of the fisheries sector and the Landing Obligation. Share these questions in advance so the MA can gather information or invite relevant persons to the interview)

1. How has the fisheries sector been impacted by the LO?

(we are looking for a general overview of type and scale of impacts. Can compare to the expectation reporting in the earlier FAME report from 2017)

- 2. Have the impacts on the sector changed since 2019 with the full implementation of the LO? Please give examples.**
(e.g. did landings below MCRS noticeably increase or fishing patterns change with more vessels/fisheries under the LO?)
- 3. To what extent have EMFF measures helped the sector to adapt to the LO?**
(Use table overleaf with the fiche helping to prompt and show the scale and type of operations)
- 4. Did the focus of EMFF support relating to the LO change over time? What is different in comparison to the EFF?**
(e.g. did operations move from studies/pilots to roll-out of measures?)
- 5. Did any other EMFF operations not belonging to one of the measures below support in LO implementation?**
(e.g. did industry use storage aid, article 36, or others in response to LO)
- 6. What would have been the impact of the LO without EMFF support?**
(e.g. have stakeholders commented on likely impacts without support?)
- 7. Was other (non-EMFF) funding available to the sector related to the LO?**
(This could be other EU programmes, national or regional funding – and was it used?)
- 8. What other non-EMFF (national, other) measures were put in place to assist the sector in managing the impacts of the LO?**
(To get a general idea of how the LO was implemented – this could be regulatory measures such as quota management, spatial closures or changes to fishing patterns)
- 9. What, if any, types of actions do you envisage under EMFAF 2021-2027 to manage the LO?**
(They may have already drafted or at least discussed what support is likely to be needed e.g. through SWOT exercise)

Table 1: interview grid for potential LO-relevant EMFF articles

(work through each article in turn, using the fiche as a prompt. Do not be limited in your note taking by the size of the boxes!)

Article	No. of operations	Coverage	Impact	Comment	Success stories
Catching Sector	More/less/ as expected	e.g. % of fleet or landings	Description of extent of impact, importance relative to other measures/policies	e.g. Unintended impacts/experiences	Give description/reference to i.d. operations
37.1: Conservation measures and regional cooperation					
38. Limiting fishing's impact on the marine environment					
39: Innovation					
42: Adding value to unwanted catches					
Post-harvest sectors	More/less/ as expected	e.g. % of businesses/sector	Description of extent of impact, importance relative to other measures/policies	e.g. Unintended impacts/experiences	Give description/reference to i.d. operations
43.2: Fishing port investments					
68: Marketing Measures					

8 Annex 2: EMFF funds committed and spent under potentially LO-relevant Articles (source: Infosys)

Table 4 EMFF committed and spent under potentially LO-relevant Articles, per Article by MS

Article/MS	EMFF committed (EUR)	EMFF spent (EUR)	Number of operations
Article 37	25 612 175	18 209 012	290
DE	11 855 689	9 725 769	173
DK	1 376 620	833 889	5
ES	2 363 938	1 206 423	81
FR	156 544		1
IT	25 000		1
LT	1 424 579	758 069	1
LV	472 145	472 145	3
NL	1 406 250	1 097 638	2
PL	1 425 950		1
SE	1 691 419	1 430 989	6
UK	3 414 040	2 684 090	16
Article 38	20 061 641	15 216 609	1364
BE	399 735	87 704	13
DE	18 536	15 987	5
DK	6 569 938	4 154 090	230
EE	3 321 469	2 784 668	120
ES	1 078 606	945 543	106
FI	264 798	174 683	75
FR	236 155	118 917	4
IT	559 851	173 798	91
LT	414 733	358 628	27
PL	2 709 563	1 937 191	279
PT	3 783	3 783	1
SE	450 838	419 527	82
UK	4 033 637	4 042 089	331
Article 39	30 430 544	9 170 776	167
BE	252 061	173 595	3
DE	3 533 647	1 211 982	7
DK	4 408 850	1 315 507	22
EL	1 098 602		4
ES	5 468 928	2 166 872	65
FI	48 634	46 435	1
FR	5 659 052	513 022	12
IE	444 980	444 980	3
IT	2 642 542	267 792	17
MT	142 869	142 869	1
NL	1 655 322	1 464 232	5
PL	731 126		2

SE	2 695 011	307 730	14
UK	1 648 920	1 115 761	11
Article 42	50 607 937	29 742 442	2213
BG	179 637	134 725	6
DE	536 399	384 412	36
DK	1 316 382	884 999	72
EL	3 359 581	392 540	158
ES	2 044 224	1 125 508	87
FI	1 186 640	1 004 649	304
FR	966 986	695 428	39
HR	855 722	701 587	70
IE	5 407 416	4 513 114	434
IT	2 556 319	943 008	172
LT	2 159 377	2 069 604	25
LV	9 208 911	6 365 184	19
NL	1 185 830	806 358	89
PL	14 476 548	5 786 603	378
PT	15 928	15 928	2
RO	99 506	95 206	2
SE	1 584 447	541 382	37
UK	3 468 083	3 282 208	283
Article 43(2)	18 059 668	13 051 006	54
DK	965 751	969 991	3
ES	139 305	120 573	8
IE	1 311 471	1 041 137	5
PL	4 370 893	2 410 392	11
PT	4 943 232	3 479 059	18
SE	441 324	383 584	2
UK	5 887 693	4 646 271	7
Article 68 (code 118)	2 886 107	1 082 633	23
ES	34 945	34 945	3
FR	931 592	608 677	13
HR	57 435	32 983	3
IT	1 389 753		2
NL	472 381	406 028	2
Grand total	147 658 071	86 472 477	4 111

Table 5 EMFF committed and spent under potentially LO-relevant Articles, per MS by Article

Article/MS	EMFF committed (EUR)	EMFF spent (EUR)	Number of operations
BE	651 796	261 299	16
Article 38	399 735	87 704	13
Article 39	252 061	173 595	3
BG	179 637	134 725	6
Article 42	179 637	134 725	6
DE	15 944 271	11 338 150	221
Article 37	11 855 689	9 725 769	173
Article 38	18 536	15 987	5
Article 39	3 533 647	1 211 982	7
Article 42	536 399	384 412	36
DK	14 637 542	8 158 476	332
Article 37	1 376 620	833 889	5
Article 38	6 569 938	4 154 090	230
Article 39	4 408 850	1 315 507	22
Article 42	1 316 382	884 999	72
Article 43(2)	965 751	969 991	3
EE	3 321 469	2 784 668	120
Article 38	3 321 469	2 784 668	120
EL	4 458 184	392 540	162
Article 39	1 098 602		4
Article 42	3 359 581	392 540	158
ES	11 129 946	5 599 864	350
Article 37	2 363 938	1 206 423	81
Article 38	1 078 606	945 543	106
Article 39	5 468 928	2 166 872	65
Article 42	2 044 224	1 125 508	87
Article 43(2)	139 305	120 573	8
Article 68 (code 118)	34 945	34 945	3
FI	1 500 073	1 225 766	380
Article 38	264 798	174 683	75
Article 39	48 634	46 435	1
Article 42	1 186 640	1 004 649	304
FR	7 950 329	1 936 045	69
Article 37	156 544		1
Article 38	236 155	118 917	4
Article 39	5 659 052	513 022	12
Article 42	966 986	695 428	39
Article 68 (code 118)	931 592	608 677	13
HR	913 157	734 570	73
Article 42	855 722	701 587	70
Article 68 (code 118)	57 435	32 983	3

IE	7 163 866	5 999 230	442
Article 39	444 980	444 980	3
Article 42	5 407 416	4 513 114	434
Article 43(2)	1 311 471	1 041 137	5
IT	7 173 465	1 384 599	283
Article 37	25 000		1
Article 38	559 851	173 798	91
Article 39	2 642 542	267 792	17
Article 42	2 556 319	943 008	172
Article 68 (code 118)	1 389 753		2
LT	3 998 689	3 186 301	53
Article 37	1 424 579	758 069	1
Article 38	414 733	358 628	27
Article 42	2 159 377	2 069 604	25
LV	9 681 056	6 837 328	22
Article 37	472 145	472 145	3
Article 42	9 208 911	6 365 184	19
MT	142 869	142 869	1
Article 39	142 869	142 869	1
NL	4 719 784	3 774 256	98
Article 37	1 406 250	1 097 638	2
Article 39	1 655 322	1 464 232	5
Article 42	1 185 830	806 358	89
Article 68 (code 118)	472 381	406 028	2
PL	23 714 080	10 134 186	671
Article 37	1 425 950		1
Article 38	2 709 563	1 937 191	279
Article 39	731 126		2
Article 42	14 476 548	5 786 603	378
Article 43(2)	4 370 893	2 410 392	11
PT	4 962 942	3 498 770	21
Article 38	3 783	3 783	1
Article 42	15 928	15 928	2
Article 43(2)	4 943 232	3 479 059	18
RO	99 506	95 206	2
Article 42	99 506	95 206	2
SE	6 863 039	3 083 212	141
Article 37	1 691 419	1 430 989	6
Article 38	450 838	419 527	82
Article 39	2 695 011	307 730	14
Article 42	1 584 447	541 382	37
Article 43(2)	441 324	383 584	2
UK	18 452 372	15 770 419	648

Article 37	3 414 040	2 684 090	16
Article 38	4 033 637	4 042 089	331
Article 39	1 648 920	1 115 761	11
Article 42	3 468 083	3 282 208	283
Article 43(2)	5 887 693	4 646 271	7
Total	147 658 071	86 472 477	4 111

9 Annex 3: Potentially LO-relevant EMFF articles (FAME methodology)

Catching sector

Article 37: Support for the design and implementation of conservation measures and regional cooperation

1. In order to ensure the efficient design and implementation of conservation measures under Articles 7, 8 and 11 of Regulation (EU) No 1380/2013 and regional cooperation under Article 18 of that Regulation, the EMFF may support:

(a) the design, development and monitoring of technical and administrative means necessary for the development and implementation of conservation measures and regionalisation;

Article 38: Limitation of the impact of fishing on the marine environment and adaptation of fishing to the protection of species

*“... In order to reduce the impact of fishing on the marine environment, **to foster the gradual elimination of discards** and to facilitate the transition to a sustainable exploitation of living marine biological resources in accordance with Article 2(2) of Regulation (EU) No 1380/2013, the EMFF may support investments:*

- a. in equipment improving size selectivity or species selectivity of fishing gear;*
- b. on board or in equipment that eliminates discards by avoiding and reducing unwanted catches of commercial stocks, or that deals with unwanted catches to be landed in accordance with Article 15 of Regulation (EU) No 1380/2013.”*

Article 39: Innovation linked to the conservation of marine biological resources

*“...In order to contribute to the **gradual elimination of discards and by-catches** and to facilitate the transition to exploitation of living marine biological resources in accordance with Article 2(2) of Regulation (EU) No 1380/2013, and to reduce the impact of fishing on the marine environment and the impact of protected predators, the EMFF may support **operations aimed at developing or introducing new technical or organisational knowledge that reduces the impact of fishing activities on the environment, including improved fishing techniques and gear selectivity**, or aimed at achieving a more sustainable use of marine biological resources and coexistence with protected predators.”*

Article 42: Added value, product quality and use of unwanted catches

“In order to improve the added value or quality of the fish caught, the EMFF may support:

(a) investments that add value to fishery products, in particular by allowing fishermen to carry out the processing, marketing and direct sale of their own catches;

(b) innovative investments on board that improve the quality of the fishery products.”

2. The support referred to in point (b) of paragraph 1 shall be conditional on the use of selective gears to minimise unwanted catches and shall only be granted to owners of Union

fishing vessels that have carried out a fishing activity at sea for at least 60 days during the two calendar years preceding the date of submission of the application for support.

Post-harvest sector

Article 43: Fishing ports, landing sites, auction halls and shelters

43.2 “... In order to facilitate compliance with the obligation to land all catches in accordance with Article 15 of Regulation (EU) No 1380/2013 and Article 8(2)(b) of Regulation (EU) No 1379/2013 [The Common Market Organisation Regulation], as well as to add value to under-used components of the catch, the EMFF may support investments in fishing ports, auction halls, landing sites and shelters.”

Article 68: Marketing measures

1. “The EMFF may support marketing measures for fishery and aquaculture products which are aimed at:

(b) finding new markets and improving the conditions for the placing on the market of fishery and aquaculture products, including:

*(ii) **unwanted catches landed from commercial stocks in accordance with technical measures, Article 15 of Regulation (EU) No 1380/2013 and Article 8(2)(b) of Regulation (EU) No 1379/2013***