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EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

MEDITERRANEAN AND BLACK SEA

Brussels,
MARE D2/Mm (2016)

**Subject:** **Landing obligation.**

Ref. Your letter nr. 76/2016 of 1st March 2016.

Dear Mr. Buonfiglio,

I would like to thank you for your letter in reference on the interpretation of art. 15, paragraph 1 letter d) of EU Regulation 1380/2013 (CFP) and give you some elements of clarification based on the analysis carried out by the STEFC on this subject.

- The analysis done by the STECF-EWG 15-19 on the "Landing Obligation in the Mediterranean Sea" is meant to provide the scientific basis to guide the MEDAC and Member States. The STECF identified the main fisheries by GSA/Member State/target species/fishing gear according to the data availability (i.e. data is collected by GSA).

- STECF in their report define fisheries in a very specific way ie as an aggregation based on combination of area (GSA and Country); fisheries or metier (species complex, gear and vessel characteristics); and gear. The list of fisheries presented by the STECF was based on experts' review of potential fisheries definitions and on current knowledge of technical fishing gear options. The fishery definitions presented may not match those currently being considered by other regional groups and does not necessarily reflect Commission views on what a fishery is ("fishery" is not defined in the CFP Basic Regulation).

- This does not prevent MEDAC from working on a sub-regional approach. In that case, it is more likely that several GSAs and Member States would be involved, which would make possible the drafting of joint recommendations (JR) according to Article 18 of the CFP.

- The STECF concluded that "*it would be simpler and more realistic to implement the phased approach to bringing species under the landing obligation according to marine geographical area or species rather than according to the species that define the fisheries*".

- According to the Basic Regulation the next phase of the landing obligations will cover "**species** which define the fisheries in the Mediterranean and Black Sea" (Article 15(1)d). To avoid disproportionate costs of handling unwanted catches and in accordance with Article 15(5)(c)(ii) of Regulation (EU) No 1380/2013, it is appropriate to establish a de minimis exemption from the landing obligation in terms of percentage

of the total annual catches of **species** subject to the landing obligation in small pelagic fisheries.

- Therefore, we believe there is no legal obstacle to using a species approach and believe that this approach could help streamline the identification of the species subject to the landing obligation.

- For example, for highly selective fishing activities, a JR could be considered by species. The Common sea bream (*Pagrus pagrus*, average landing ratio for 2013 and 2014 = 100%) in the Balearic Islands and the Sea bream species (mostly *Pagellus bogaraveo*, average landing ratio = 91%) in the Alboran Sea caught by longlines. These species are under Annex III of the MEDREG and therefore subject to the landing obligation as from 2017.

- For mixed fisheries, a JR could be considered by area corresponding to the main fishing grounds or the stocks' distribution. A similar approach was used in the discard plan for small pelagic fisheries. The different geographical scopes identified were: (a) Western Mediterranean Sea meaning GSAs 1, 2, 5, 6, 7, 8, 9, 10, 11.1, 11.2, 12; (b) Northern Adriatic Sea meaning GSA 17; (c) Southern Adriatic and Ionian Sea meaning GSAs 18, 19, 20; (d) Malta Island and South of Sicily meaning GSAs 15 and 16 and (e) Aegean Sea and Crete Island meaning GSAs 22 and 23.

- On an indicative basis only, you will find in Annex 1 a descriptive fiche that can be useful in the identification of the species and the fisheries subject to the landing obligations as from 2017.

- Having in mind the good experience gained with the discard plan for the small pelagic fisheries, we would encourage MEDAC to support Member States in drafting the joint recommendations for the demersal fisheries. In the absence of joint recommendations, the Commission will have to propose appropriate measures according to Article 15(7) of the CFP.

The Commission will discuss with Member States affected by this issue. In the meantime, I would also like to underline that the STECF needs to receive the contribution of MEDAC in order to examine, during the summer, the list of the species concerned and determine possible cases of exemption to the landing obligation.

Given the short time frame for the submission of the joint recommendations (expected by mid-May at the latest), we remain fully available during the upcoming weeks for any further information or clarifications you might need. In the meantime, you will also have the occasion to discuss this matter with Mrs Roller, who will participate to the next meeting of MEDAC (Split, 20 April 2016).

Yours sincererly,

Hubert GAMBS
Director

*Encl.*

**Annex 1: Descriptive fiche to help with the identification of the species and the fisheries subject to the landing obligation as from 2017**

1. **Definition of the geographical scope**. A sub-regional approach could be more appropriate than the single GSAs. This would help to have several MS involved (and thus the possibility to draft JRs). An example of a sub-division could be: the Western Med., the Central Med., the Adriatic Sea and the Eastern Med (similar approach as for the discard plans for small pelagic species).
2. **Identification of the main fisheries** (other than small pelagic species). For example, demersal fisheries of the shelf and upper slope (i.e. fisheries for hake, red mullet and Norway lobster), demersal fisheries of the deep slope (fisheries for red shrimp, fisheries for giant red shrimp).
3. **Identification of the main gears for each fishery**. For example, Fisheries for hake: the main gears affected would be trawls and artisanal gears (such as trammel nets, gillnets, longlines); Fisheries for red shrimp: trawls.
4. **Quantification of the discard ratio**. Information available in the DISCATCH project (Deliverable 1.1)

**Example 1**

Discard plan for demersal fisheries in the Western Mediterranean Sea.

- **Geographical scope**: GSAs 1-12, except for GSAs 3 and 4
- **Member States involved**: Italy, France and Spain
- **Species defining the fisheries**: Hake (HKE, *Merluccius merluccius*) and red mullets (MUX, *Mullus barbatus*), as they are: (1) under Annex III of the MEDREG and (2) the most common target species. See landing ratios in table below.
- **Fishing gears**: Bottom trawls (except those targeting deep water species), longlines, gillnets, and trammel nets.
- **Discard ratio**: Estimate discard ratios in the bottom trawls fisheries are 6% and 3%, respectively for hake and red mullets (Discatch project, D1.1).

**Example 2**

Discard plan for coastal fisheries in the gulf of Lion.

- **Geographical scope**: GSA 7
- **Member States involved**: France and Spain
- **Species defining the fisheries**: Gilthead seabream (SBG, *Sparus aurata*), European Seabass (BSS, *Dicentrarchus labrax*) and Sole (SOL, *Solea solea*) for the French longlines, gillnets, and trammel nets. Gilthead seabream, Pandoras (PAX, *Pagellus* spp.) and Sargo Breams nei (SRG, *Diplodus* spp) for the Spanish longlines, gillnets, and trammel nets. See landing ratios in Table 1 below.
- **Fishing gears**: Longlines, gillnets, and trammel nets.
- **Discard ratio**: Estimate discard ratio only available for *Pagellus acarne* and equal to 2% (Discatch

**Table 1:** Average landing ratios (data 2013-2014, in %) for the certain demersal fisheries in the Western Mediterranean Sea. The fisheries have been identified by area, Member State, target species and fishing gear. Fleet codes can be found in Commission Decision 2010/93/EU and species codes come from http://www.fao.org/fishery/collection/asfis/en

| FISHERIES | Species subject to Annexx III of the MEDREG | | | | | | | | | | Species NOT subject to Annexx III of the MEDREG | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | BSS | DPS | HKE | MUX | NEP | PAX | RPG | SBG | SOL | SRG | ARA | ARS | BOG | BRF | CTC | GFB | JOD | MNZ | OCC | OCM | RSE | SKA | SQC | TGS | WHB |
| GSA1-ESP-DEMF-LLS | 0% | 0% | 5% | 0% | 0% | 91% | 5% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA1-ESP-DEMSP-GNS | 0% | 0% | 76% | 0% | 0% | 0% | 0% | 0% | 0% | 11% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 13% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA1-ESP-DEMSP-GTR | 0% | 0% | 23% | 14% | 0% | 9% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 5% | 0% | 0% | 0% | 45% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA1-ESP-DEMSP-OTB | 0% | 10% | 16% | 16% | 0% | 15% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 33% | 0% | 0% | 0% | 0% | 0% | 10% |
| GSA1-ESP-MDDWSP-OTB | 0% | 20% | 5% | 17% | 0% | 0% | 0% | 0% | 0% | 0% | 18% | 0% | 0% | 17% | 0% | 20% | 0% | 4% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA2-ESP-DEMSP-OTB | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 9% | 0% | 0% | 0% | 32% | 0% | 0% | 0% | 0% | 59% | 0% | 0% |
| GSA2-ESP-MDDWSP-OTB | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 37% | 0% | 0% | 0% | 0% | 0% | 0% | 50% | 0% | 0% | 0% | 0% | 13% | 0% | 0% |
| GSA5-ESP-DEMF-LLS | 0% | 0% | 0% | 0% | 0% | 0% | 100% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA5-ESP-DEMSP-GNS | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 25% | 75% | 0% | 0% |
| GSA5-ESP-DEMSP-GTR | 0% | 0% | 0% | 24% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 46% | 0% | 0% | 0% | 0% | 0% | 0% | 30% | 0% | 0% | 0% |
| GSA5-ESP-DEMSP-OTB | 0% | 0% | 7% | 7% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 43% | 20% | 6% | 0% | 0% | 0% | 11% | 0% | 0% |
| GSA5-ESP-MDDWSP-OTB | 0% | 0% | 0% | 27% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 20% | 0% | 0% | 0% | 53% | 0% | 0% |
| GSA6-ESP-DEMF-LLS | 0% | 0% | 22% | 0% | 0% | 43% | 0% | 0% | 0% | 35% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA6-ESP-DEMSP-GNS | 10% | 0% | 0% | 0% | 0% | 17% | 0% | 56% | 0% | 16% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA6-ESP-DEMSP-GTR | 0% | 0% | 0% | 33% | 0% | 12% | 0% | 15% | 10% | 0% | 0% | 0% | 0% | 0% | 30% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA6-ESP-DEMSP-OTB | 0% | 0% | 27% | 19% | 0% | 13% | 0% | 7% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 13% | 9% | 13% | 0% | 0% | 0% | 0% | 0% |
| GSA6-ESP-MDDWSP-OTB | 0% | 0% | 11% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 54% | 0% | 0% | 0% | 0% | 0% | 0% | 35% |
| GSA7-ESP-DEMF-LLS | 0% | 0% | 0% | 0% | 0% | 20% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 80% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA7-ESP-DEMSP-GNS | 0% | 0% | 0% | 0% | 0% | 16% | 0% | 44% | 0% | 40% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA7-ESP-DEMSP-GTR | 0% | 0% | 0% | 0% | 0% | 52% | 0% | 44% | 4% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA7-ESP-DEMSP-OTB | 0% | 0% | 9% | 25% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 21% | 0% | 20% | 0% | 0% | 10% | 0% | 15% |
| GSA7-ESP-MDDWSP-OTB | 0% | 0% | 45% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 17% | 0% | 0% | 0% | 0% | 0% | 0% | 38% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA7-FRA-DEMSP-GNS | 0% | 0% | 30% | 0% | 0% | 0% | 0% | 70% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA7-FRA-DEMSP-GTR | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 42% | 46% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 13% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA7-FRA-DEMSP-LLS | 51% | 0% | 0% | 0% | 0% | 0% | 0% | 49% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA7-FRA-DEMSP-OTB | 0% | 0% | 15% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 44% | 41% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA8-FRA-CEP-GTR | 0% | 0% | 0% | 33% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 21% | 0% | 0% | 0% | 0% | 0% | 46% | 0% | 0% | 0% | 0% |
| GSA8-FRA-DEMF-GTR | 0% | 0% | 0% | 8% | 0% | 0% | 0% | 0% | 19% | 30% | 0% | 0% | 0% | 0% | 24% | 0% | 0% | 0% | 0% | 0% | 19% | 0% | 0% | 0% | 0% |
| GSA8-FRA-DEMF-LLS | 0% | 0% | 0% | 0% | 0% | 36% | 42% | 0% | 0% | 23% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA8-FRA-DEMF-OTB | 0% | 0% | 5% | 21% | 0% | 9% | 0% | 0% | 0% | 0% | 0% | 0% | 40% | 0% | 0% | 0% | 9% | 0% | 0% | 0% | 0% | 0% | 15% | 0% | 0% |
| GSA8-FRA-DEMSP-GTR | 0% | 0% | 0% | 17% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 21% | 49% | 0% | 0% | 14% | 0% | 0% | 0% | 0% |
| GSA8-FRA-DEMSP-OTB | 0% | 0% | 45% | 45% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 10% | 0% | 0% |
| GSA9-ITA-DEMSP-GNS | 0% | 0% | 79% | 15% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 6% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA9-ITA-DEMSP-GTR | 0% | 0% | 0% | 47% | 0% | 0% | 0% | 0% | 1% | 0% | 0% | 0% | 0% | 0% | 35% | 0% | 0% | 0% | 17% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA9-ITA-DEMSP-OTB | 0% | 2% | 34% | 24% | 10% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 1% | 0% | 0% | 0% | 0% | 20% | 0% | 0% | 1% | 8% | 0% |
| GSA9-ITA-MDDWSP-OTB | 0% | 33% | 1% | 0% | 35% | 0% | 0% | 0% | 0% | 0% | 22% | 1% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 8% | 0% | 0% | 0% | 0% | 0% |
| GSA10-ITA-DEMF-LLS | 0% | 0% | 100% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA10-ITA-DEMSP-GNS | 0% | 0% | 58% | 14% | 0% | 0% | 0% | 0% | 14% | 0% | 0% | 0% | 0% | 0% | 5% | 0% | 0% | 0% | 9% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA10-ITA-DEMSP-GTR | 0% | 0% | 54% | 25% | 0% | 0% | 0% | 0% | 22% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA10-ITA-DEMSP-OTB | 0% | 25% | 2% | 43% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 28% | 0% |
| GSA10-ITA-MDDWSP-OTB | 0% | 4% | 0% | 27% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 69% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA10-ITA-UNK-OTB | 0% | 21% | 11% | 0% | 0% | 7% | 0% | 0% | 0% | 0% | 0% | 33% | 0% | 0% | 11% | 0% | 0% | 0% | 9% | 8% | 0% | 0% | 0% | 0% | 0% |
| GSA11-ITA-UNK-GNS | 0% | 0% | 0% | 12% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 88% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA11-ITA-UNK-GTR | 0% | 0% | 0% | 77% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 23% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA11-ITA-UNK-LLS | 0% | 0% | 0% | 0% | 0% | 26% | 0% | 0% | 0% | 74% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| GSA11-ITA-UNK-OTB | 0% | 0% | 12% | 31% | 0% | 0% | 0% | 0% | 0% | 0% | 12% | 17% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 10% | 0% | 0% | 18% | 0% | 0% |



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