NEW ECONOMICS FOUNDATION

WHO GETS TO FISH IN THE EUROPEAN UNION?

A 2021 UPDATE OF HOW EU MEMBER STATES ALLOCATE FISHING OPPORTUNITIES

Written by: Griffin Carpenter and Chris Williams
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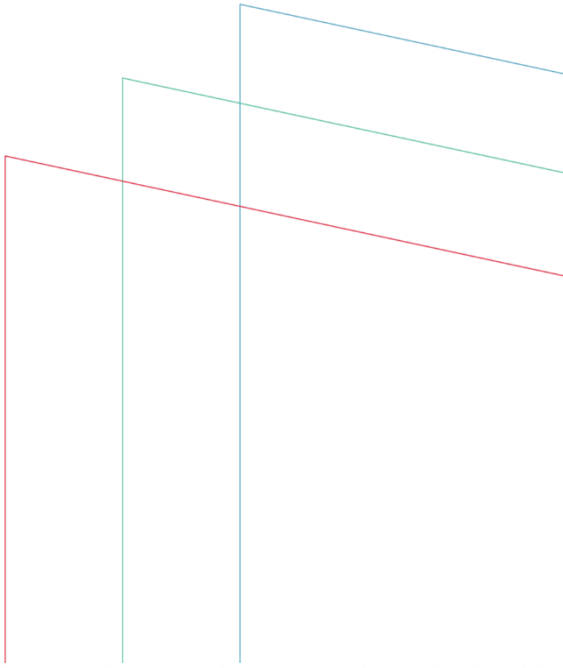
New Economics Foundation
www.neweconomics.org
info@neweconomics.org
+44 (0)20 7820 6300



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1. INTRODUCTION

In EU waters, the responsibility for fisheries management is shared between the EU and its Member States. This multi-level governance system extends to the local level within Member States to include regional and local governments, producer organisations and, in some cases, specific management powers granted to local fishing cooperatives.

The EU's predecessor, the European Economic Community (which would become the EU) gained competences over fisheries policy in 1970[1] (via the Common Market Organisation, CMO[2]) but a formal policy, including management of fishing opportunities emerged through the Common Fisheries Policy (CFP) in 1983.[3] The CFP assigned conservation responsibilities in the combined Exclusive Economic Zones (EEZs) of all Member States to the EU as an exclusive competence.

In subsequent years, the EU's mandate transformed through multiple reforms (every decade) of the CFP, with the most recent reform in 2013 (Regulation No 1380/2013).[4] The main objectives of the 2013 reform include:

- fishing all stocks at MSY by 2015, or 2020 at the latest;
- eliminating discards;
- improving data collection;
- addressing overcapacity; and
- applying an ecosystem-based approach to fisheries management.

The main roles of the EU in attaining these objectives are:

- setting fishing opportunities, multi-annual plans and implementing the landing obligation;
- setting technical measures and controlling capacity;
- ensuring policy enforcement; and
- enacting market measures through the Common Market Organisation.

1.1 WHAT ARE FISHING OPPORTUNITIES?

There are a multitude of policies managing fisheries from marine protected areas to minimum landing sizes. Fishing opportunities are the primary management tools that drive mortality (how many fish are caught) and distribution (how and by whom) when accessing the fishery. This means that how these opportunities are allocated, and deciding who gets to fish are the most fundamental decisions governments and managers need to make to determine how fish stocks, as a public resource, can be accessed, captured, and commercially sold.

Fishing opportunities are defined by Council Regulation (EC) No. 1224/2009 as a "quantified legal entitlement to fish, expressed in terms of catches and/or fishing effort".[5] Fishing opportunities can be grouped into quota management and effort management where quota management refers to all quantitative output controls (through limiting the landings or catches of vessels) and effort management refers to all input controls (controlling fishing mortality indirectly through imposing constraints on the capacity, time, and space).

In EU Member States, there is nearly always a mixture of both quota and effort fishing opportunities in place. The EU's limited fishing licensing regime is a form of capacity limitation that applies across all Member States. For many fisheries, particularly in northern EU Member States, the main fishing opportunity takes the form of limits on the total allowable catch, generally measured by weight.

1.2 WHAT ARE TOTAL ALLOWABLE CATCHES?

The EU sets around 200 fishing opportunities annually in the form of total allowable catches (TACs) for various commercial fish stocks in EU waters. Some TACs are set as part of a multi-annual management plan (MAP). MAPs specify long-term objectives at the level of the fishery (characterised by the species caught, the fishing gear used, and the area of operation). MAPs may also include effort controls, rules on TAC-setting and rules on landings and transport.

Historically, EU TACs were limits on landings rather than catches, as over-quota catches or undersized fish were discarded at sea such that only the amount of landings could be checked for compliance. The 2013 reform of the CFP included a landing obligation[6] phased in from 2015 to 2019 and requiring all catches subject to limits (and in the Mediterranean, species where a Minimum Conservation Reference Size applies), are landed, although ensuring compliance remains a challenge.[7]

1.3 HOW ARE TOTAL ALLOWABLE CATCHES SET BY THE EU?

TACs and other fishing opportunities are set through a multi-stage process involving several institutions. The International Council for the Exploration of the Seas (ICES) carries out annual stock assessments which it formulates into scientific advice on recommended levels of fishing to achieve the maximum sustainable yield (MSY) for fisheries and the CFP's objectives.[8] ICES' scientific advice is reviewed by an advisory committee before being passed on to the Commission. On the advice of ICES and the Commission's Scientific Technical and Economic Committee (STECF),[9] the Commission formulates TAC proposals for four areas: Baltic Sea fish stocks, deep sea fish stocks (biannually), the Mediterranean Sea and Black Sea, and North Sea, North Atlantic and

Mediterranean Sea fish stocks. Between October and December each year, the European Council of Ministers, which has full legal discretion, establishes regulations setting the TACs and other fishing opportunities for the following year.

1.4 HOW DOES THE EU ALLOCATE TOTAL ALLOWABLE CATCHES TO MEMBER STATES?

TACs are distributed to Member States according to an allocation key, which grants Member States a fixed share of the TACs each year. The allocation key, termed 'relative stability', divides TACs according to the catch records of Member States between 1973 and 1978.[10] Adjustments are made according to the Hague preferences, which compensates Ireland (and formerly the UK) for losses of national EEZ area.[11]

Once TACs have been set, it is up to Member States to decide how they distribute their national allocations (i.e. the quotas) to producer organisations, fishing companies and individual fishers.

1.5 WHAT REGULATIONS GOVERN HOW MEMBER STATES ALLOCATE FISHING OPPORTUNITIES?

Whilst the EU provides guidance on how fishing opportunities are allocated by Member States at the national level, Member States decide how they are subdivided and distributed to their fishing fleet, including any methods or criteria applied.

Two key articles of the CFP (Council Regulation (EU) No 1380/2013) are critical with regard to fishing opportunities:

> *Art 16 (6): 'Each Member State shall decide how the fishing opportunities that are allocated to it, and which are not subject to a system of transferable fishing concessions, may be allocated to vessels flying its flag (e.g. by creating individual fishing opportunities). It shall inform the Commission of the allocation method.'*
>
> *Art 17: 'When allocating the fishing opportunities available to them, as referred to in Article 16, Member States shall use transparent and objective criteria including those of an environmental, social and economic nature. The criteria to be used may include, inter alia, the impact of fishing on the environment, the history of compliance, the contribution to the local economy and historic catch levels.*
>
> *Within the fishing opportunities allocated to them, Member States shall endeavour to provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact, such as reduced energy consumption or habitat damage.'*[12]

A recognition of the importance of social objectives and the significance of the allocation of fishing opportunities in driving fisheries policy were clear changes in the reformed CFP (2013). Article 17 was developed with attention on fishing opportunities as a result of a failed attempt to make Transferable Fishing Concessions (TFCs) mandatory in the CFP in an effort to reduce the fishing capacity of the EU fleet.[13] While the proposal for TFCs failed, it focused attention on fishing opportunities as a means to deliver policy objectives. Environmental NGOs and small-scale fishers (part of the Ocean 2021 coalition[14]) advocated for mandatory criteria rather than mandatory transferability as a means to meet the policy objectives of the CFP. Through the reform process, the wording changed to soften the impact, for example adding economic criteria and putting historical catches on equal footing with environmental or social criteria. In the end, the impact of the policy would however ultimately be the responsibility of the Member State to implement.

1.6 REPORT SCOPE

This report provides an overview of systems. It is an update to the 2017 New Economics Foundation report, *Who gets to fish?* To incorporate any recent developments, while expanding the scope to all 22 EU Member States with a commercial marine fishery[15] and condensing the information on quota allocation to provide a brief summary.

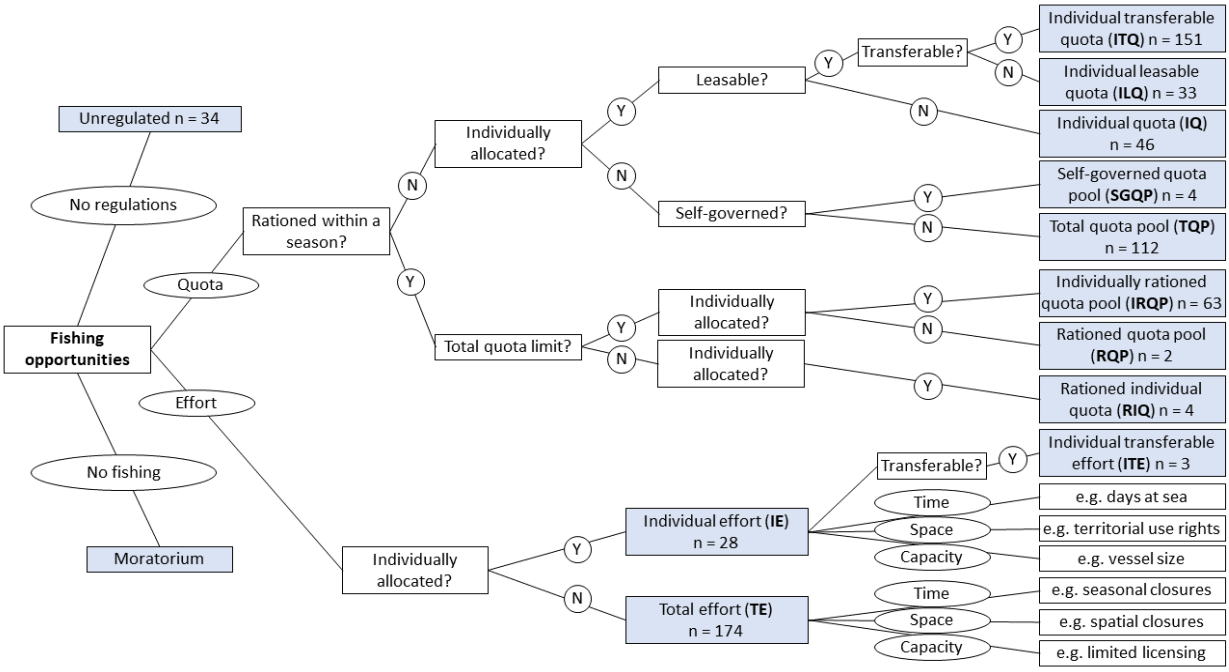
With recent disruptions to EU fisheries including Covid-19 to Brexit, questions about how EU fisheries can provide fair and sustainable livelihoods are more relevant than ever. As markets change as a result of global economic and environmental changes, so will the ability to manage fishing opportunities in a fair and sustainable way.

Looking forward, with a review of the Common Fisheries Policy (CFP) on the horizon - and the potential for a large-scale reform of the basic regulation or a renewed focus on implementation - it is also time to consider some fundamental questions about fisheries resources and public benefits, as well as being reactive to the reality of ongoing and future environmental and economic shocks.

2. HOW DO MEMBER STATES ALLOCATE FISHING OPPORTUNITIES TO THEIR FISHING FLEET?

2.1 MEMBER STATE SUMMARIES

The following section summarises the commercial marine fisheries of each EU Member State and the fishing opportunities that manage them. Unless otherwise stated, the data on landings is the most recently reported data in The 2020 Annual Economic Report on the EU Fishing Fleet (STECF 20-06)[16] and the corresponding annex (either 2019 or 2018 depending on the Member State).[17] To standardise the classification of management systems used by Member States, we apply the decision tree developed by Oostdijk & Carpenter.[18]



Summary tables on Member States' marine fisheries, allocation systems, and application of Article 17 of the CFP are available as annex tables A1, A2 and A3 at the end of this report. Effort and spatial management are not included in the annex tables due to difficulties in ensuring comprehensive comparison. Common measures include fishing licenses, time at sea limitations, gear restrictions, seasonal closures, spatial closures, and limits on capacity (power, vessel tonnage, length). Some of these measures are set through EU regulations while others are implemented at a national or regional level.

Belgium

The Belgian fleet comprises 66 active vessels employing 339 crew (212 FTEs). It is the smallest fishing fleet in the EU. The fleet specialises in mixed (up to 30 species) demersal fisheries using demersal and beam trawls to target flatfish (sole and plaice) and shellfish (*Nephrops*) in the North Sea and Eastern Channel.

In 2019, Belgian vessels landed 21,000 tonnes of seafood worth €76 million. The most significant species by landed value were sole (36%) and plaice (17%) with anglerfish/monkfish, cuttlefish, shrimp, cod, Norway lobster, and lemon sole all taking small shares (3-5%).

Belgium's fishing opportunities are mostly managed through catch quotas, where Belgium allocates its share of the EU TAC to its domestic fleet. In total, 73% of the landed weight and 80% of the landed value is managed through catch quotas. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries.

Belgium's quota allocation system differs depending on the vessel size, as part of a flexible system of monthly quotas, where an individually rationed quota pool (for large and small-scale) and a total quota pool (for the coastal fleet) are adopted. Allocations come in the form of both daily vessel catch limits and vessel non-transferable quotas. Vessels of the same fleet segment receive an equal allocation, except where allocations are adjusted for vessel engine power – in those cases, a more powerful vessel will receive a higher allocation.

These are monitored on a daily basis with differing daily ceilings for large scale and small-scale fleets. The distribution of fishing opportunities takes place twice a year based on fishing capacity. Quota allocation is differentiated between three fleet segments: the large, small and coastal fleet segments (large-scale: >221 kW and <1200 kW, <385 GT; small-scale: <221 kW, <111 GT; coastal: <80 GT).

In Belgium, the aim is continuously to optimise the value of fishing opportunities and minimise the cost of accessing fishing opportunities. Ensuring a sufficient distribution of fishing activities between fleet segments and regions, to ensure full uptake and reducing the risk of choke species is another key objective to ensure security of supply and market functioning.

Belgium's management system for fishing opportunities is designed to meet the government's objectives of maximising access for all fishers, fully utilising quotas, and responding to market conditions. This is achieved through its 'collective utilisation system' where individual catch limits are centrally managed and rationed by the ministry. Besides the distinction based on engine power, no specific environmental or social criteria are applied in determining allocation. Economic criteria are inherent in the flexible approach to maximize production. These criteria

are objectively measured at the vessel level (equal allocation) and fleet segment level (more for larger vessels).

Bulgaria

The Bulgarian fishing fleet comprises 1,205 active vessels employing 1,780 crew (622 FTE). Most Bulgarian vessels are under 12m in length and use passive gears (90%), but the fleet also includes 10 pelagic trawlers (24-40m) and polyvalent vessels (12-18m) targeting red mullet, whelks, sand gaper and turbot.

In 2019, Bulgarian vessels landed 10,000 tonnes of seafood worth €5.6 million. The most significant species by landed value were Rapa whelk (31%), sprat (26%), sand gaper (24%), and red mullet (7%).

Bulgaria's fishing opportunities are partially managed through catch quotas (sprat and turbot),[19] where Bulgaria allocates its share of the EU TAC to its domestic fleet. In total, 38% of the landed weight and 28% of the landed value is managed through catch quotas. Non quota fisheries for sea snails, horse mackerel, red mullet, and spiny dogfish are managed through limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management.

Bulgaria utilises a total quota pool for the sprat quota and individual quota for turbot. To determine the individual allocations of turbot quota, historical landings are used in conjunction with a points-based system that includes criteria relating to socio-economic (no underpaid taxes or those using crew on employment contracts) and environmental (vessels fishing for turbot using cetacean pingers and smaller scale vessels) performance.

Bulgaria's allocation policies suggest a focus on giving priority to small-scale fishing vessels (due to their lower fuel use and emissions and are therefore considered more environmentally friendly).[20] Furthermore the contribution to local communities, tax payments and employment via contracts (especially for young fishers) are used to provide incentives to hire young crew, which can be considered social criteria. A points-based system for the number of installed active acoustic devices for repelling cetaceans and vessel length (as smaller vessels consume less fuel and are lower-impact) can be considered as environmental criteria for the turbot fishery.

Croatia

The Croatian fishing fleet comprises 6,063 active vessels employing 7,820 crew (3,122 FTE). The Croatian fleet, 85% of which is small-scale, operates exclusively in the Northern Adriatic Sea. In 2019, Croatian vessels landed 63,000 tonnes of seafood worth €54 million. The most significant species by landed value were

pilchard/sardine (35%), anchovy (13%), hake (8%), and Norway lobster (6%). Croatia is a net exporter of fish and seafood products, exporting mainly within the EU to Italy, Slovenia and Spain.

The fleet is managed through capacity and effort limitations, as well as through temporal and spatial restrictions. Only Bluefin tuna and swordfish are restricted by a TAC.[21] In total, 86% of the landed weight and 52% of the landed value is managed through catch quotas. For small pelagics in the Adriatic (sardine, anchovy) there is an EU-wide TAC but no specified share by country. As a result, traditional effort control remains the primary management tool for controlling fishing mortality.

Only a small share of Croatia's fishing opportunities are managed through catch quotas (bluefin tuna, swordfish), where Croatia allocates its share of the EU TAC to its domestic fleet. In total, 86% of the landed weight and 52% of the landed value is managed through catch quotas. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries including hake, sole, deep-water rose shrimp, anchovy, pilchard, Norway lobster.

Croatia's allocation policies suggest a focus on ensuring competitiveness and sustainability of enterprises, including small scale vessels, the improvement of safety and working conditions on-board, as well as the need for diversification and value addition to increase the income of fishers.[22] For the 3,500 licences in the small-scale artisanal fleet, five criteria are used to preserve traditional fishing and alleviate deprivation in marginalized groups: local residence, old age, disability, war veterans, and those on low income / monthly income per household member as part of a points based system. Quotas are allocated for a year or more and the allocation system differs depending on the historical catches.

Cyprus

The Cypriot fishing fleet comprises 769 active vessels employing 1,246 crew (748 FTE). I The fleet is dominated by small-scale vessels under 12m using drifting longlines targeting swordfish, bluefin tuna and albacore, but also a demersal fishery using set nets and longlines (targeting picarel, bogue, red mullet, surmullet, common pandora and cephalopods).

In 2018, Cypriot vessels landed 1,500 tonnes of seafood worth €6.9 million. The most significant species by landed value were albacore (18%), bluefin tuna (12%), surmullet (11%), and bogue (7%).

Only a small share of Cyprus's fishing opportunities are managed through catch quotas, where Cyprus allocates its share of the EU TAC to its domestic fleet. In 2017

a TAC was introduced for the Mediterranean swordfish stock and there has been a TAC for bluefin tuna since 1999.[23] Quotas are allocated for one year and the allocation system differs depending on the length of the vessel (large and small-scale allocation systems are separated at 24m), where individual quota is used for large-scale and a total quota pool is used for small-scale. In total, 12% of the landed weight and 16% of the landed value is managed through catch quotas. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries.

Cyprus's allocation policies suggest that limiting fishing pressure on pelagic stocks and ensuring that the vessels are economically viable are high priorities. A focus on fisheries dependent areas where direct employment as well as auxiliary services (fish taverns and restaurants, fishmongers, gear repair, vessel repair and construction) linked to tourism, alongside vessel modernisation are formally stated.[24] No specific environmental or social criteria are applied in allocation. Bluefin tuna quota is allocated to a small purse seiner (individual quota), to one polyvalent vessel above 24 meters (individual quota) and to polyvalent fishing vessels below 24 meters in length (no individual quota to vessels below 24 meters). Additionally, a certain percentage of the quota is allocated to cover by-catch. Authorizations for entering the tuna fishery are provided based mainly on historical catches. The small-scale inshore fleet is not authorized to fish actively far bluefin tuna or swordfish. The decision to separate the small-scale fisheries from the pelagic fisheries was a management measure aiming to maintain the fishing pressure on the pelagic stocks at sustainable levels and ensure that the vessels operating in this fishery (large pelagics) were economically viable. No environmental criteria are taken into account.

Denmark

The Danish fishing fleet comprises 1,256 active vessels employing 1,289 crew (1,642 FTE).[25] Approximately two-thirds of the vessels are under 10m in length. The fleet is mostly composed of passive fishing gears (70%) with a smaller share using demersal trawls seine nets or both (23%).

In 2018, Danish vessels landed 788,000 tonnes of seafood worth €447 million. The most significant species by landed value were herring (16%), sprat (10%), mackerel (9%), cod (9%), and sandeel (9%). Denmark is the third largest fish processor in the EU (after Spain and Poland).[26]

Denmark's fishing opportunities are mostly managed through catch quotas, where Denmark allocates its share of the EU TAC to its domestic fleet. In total, 94% of the landed weight and 92% of the landed value is managed through catch quotas. Individual transferable quotas are used for the sector and individually rationed quota pools are used for the coastal fleet.

Denmark's management system for fishing opportunities is designed to meet the government's objective of resource conservation and sustainability, annual and seasonal uptake, managing fishing capacity in line with fishing opportunities, economic and employment in fishing and the supply chain as well as supporting new entrants.[27] Quota allocation in Denmark is set out in the fisheries law (§83), where allocation is made to four groups; an open scheme which is not low impact, an open Low impact scheme, a protected scheme that is not low impact and a protected low impact scheme. Quotas are allocated for 16 years and the allocation system differs depending on the historical catches. Before the coastal allocation is made shares for unintentional by-catches are set aside. Two schemes for the coastal fleet, a 'protected' one and an 'open' one are in place. In the "protected" scheme a fisher secures quotas and vessels in the coastal segment. All boats up to 17m can join the open scheme, however both vessel and quota must be sold to another coastal fisher together. For the open scheme fishers join for three years, and subsequently can sell to anyone, all vessels up to 15m can join the protected scheme and vessels between 15-17m can also join if considered 'low impact'. Approximately 1% by weight and 0.25% by value of Danish quota are allocated specifically through these schemes. Fishers also have their regular allocations as described above.[28] A protected quota bonus for the coastal fleet is also in place- 80% is aimed at vessels under 12 meters, while the remaining 20% is aimed at vessels of 12-15m.[29,30] is used and adjustments are sometimes made to account for quota concentration.

The Danish *Fishfund* helps young entrants into TAC fisheries (new entrants are defined as under 40 years old). The FishFund has multiple purposes, for young entrants 1% of the total weight and value earmarked for young fishers. The FishFund at a whole is 11% of the total weight and value (to fulfil many purposes including overshoot, swaps, etc.)[31] Quota is loaned for 8 years, after which the quota is returned to the pool.

The Danish Fisheries Agency has published a quota share calculator online.[32] The quota share calculator can be searched for ownership shares of quotas, distributed to vessels, companies and persons.

Estonia

The Estonian fishing fleet comprises 1,230 vessels employing 1,243 crew (266 FTE). The majority of the vessels are small-scale and the majority of the labour is part-time and seasonal. In 2019, Estonian vessels landed 66,000 tonnes of seafood worth €13 million. The species composition of the Estonian fleet is one of the most concentrated of any EU fleet. The most significant species by landed value were herring (40%), sprat (35%), and perch (16%).

Estonia's fishing opportunities are mostly managed through catch quotas, where Estonia allocates its share of the EU TAC to its domestic fleet. In total, 96% of the landed weight and 75% of the landed value is managed through catch quotas based on historical track records (1998-2000). Limits on fishing capacity (licences) and effort (individual transferable effort), as well as spatial, technical and seasonal management are used to manage non-quota fisheries.

Estonia's allocation policies suggest a focus on the supply to the national processing industry (export focus); allocation of fishing rights to the most economically efficient enterprises and reducing excessive fleet capacity (via ITQs) to balance the size of the fishing fleet and fishing opportunities as well as innovation and development of the fishing fleet.[33] No specific environmental or social criteria are applied in determining allocation, but spatial access is reserved for the coastal fleet through a 20m isobath limitation for the trawling fleet. Quotas are allocated indefinitely (ITQs) or for one year (IQs) and the allocation system differs depending on the division of TAC between coastal and trawl fleet. Track records between 1998-2000 are used to determine shares. The TAC is divided between the coastal and trawl fleet, considering sufficiency for the coastal fleet.

Socio-economic criteria include allocating herring to the coastal fishery based on historical catch patterns and environmental factors (fishing depth, fishing methods and gear restrictions). No trawling in shallower waters is permitted, limiting uptake of trawling for sprat and herring in the Baltic Sea. There is a reserved share for the coastal fleet (11.35% central herring, 54% gulf of Riga herring, 100% salmon, and a small bycatch of sprat and cod).

Finland

The Finnish fishing fleet comprises 1,320 vessels employing 1,197 crew (230 FTE). The vast majority of the vessels (96%) are small-scale and the vast majority of the labour is part-time and seasonal (90%). Despite comprising only 4% of vessels, the 52 trawlers account for the majority (75%) of the total fleet capacity in terms of vessel tonnage.

In 2019, the Finnish vessels landed 135,000 tonnes of seafood worth €35 million. The species composition of the Finnish fleet is one of the most concentrated of any EU fleet. The most significant species by landed value were herring (67%), sprat (8%), and perch (5%). Russia has been an important market for these landings.[34]

Finland's fishing opportunities are mostly managed through catch quotas, where Finland allocates its share of the EU TAC to its domestic fleet. In total, 97% of the landed weight and 80% of the landed value is managed through catch quotas.

Quotas are based on historical landings and a quota reserve for new entrants (4%) is held as non-transferable quota for five years.

Finland's allocation policies suggest a focus on maintaining employment and increasing GVA for the fisheries sector.[35] No specific environmental or social criteria are applied in determining quota allocation. Quotas are allocated for 10 years and the allocation system differs depending on the species, where ITQs (based on grandfathering) are used for herring, sprat and salmon and a total quota pool is used for cod. Historical landings are used as the basis for allocation, with a quota reserve for new entrants (4%) held as non-transferable quota for five years.

France

The French fishing fleet comprises 5,570 active vessels employing 13,267 crew (7,817 FTE). France is a major fishing nation, with vessels operating along the country's Atlantic and Mediterranean coasts and its overseas territories and it is the largest fishing fleet in the EU measured by vessel power (kW). The French fishing fleet can be divided into a polyvalent small-scale (under 10m) coastal fleet (72% of total active vessels) using a diversity of metiers; a large-scale fleet (27% of total active vessels) mainly using active gears (trawls and dredges) up to 40m in length and fishing in the North East Atlantic and North Sea regions; and a distant water fleet composed of 22 tropical purse seiners over 40 metres catching tuna in South Atlantic and Indian Oceans (generating 15% of the national fleet's income).

In 2018, French fishing vessels landed 571,000 tonnes of seafood worth €1.36 billion. The species composition of the French fleet is one of the most diverse of any EU fleet. The most significant species by landed value were yellowfin tuna (9%), hake (9%), monkfish/anglerfish (7%), scallops (6%), and skipjack tuna (5%).[36]

France's fishing opportunities are partially managed through catch quotas (sole, hake, Norway lobster, mackerel, cod, plaice, whiting), where France allocates its share of the EU TAC to its domestic fleet. In total, 38% of the landed weight and 42% of the landed value is managed through catch quotas. Limits on fishing capacity (licences) and effort (days at sea for oysters, lobsters, gilthead seabream, red mullet, Mediterranean sole), as well as spatial, technical and seasonal management are used to manage non-quota fisheries.

Quotas come in the form of both individual non-transferable quotas and pooled (producer organisation - PO - and national) quotas. POs have a significant role in managing quota fishing opportunities. Quota fishing opportunities come in the form of individual transferable quotas for most pelagic and demersal stocks. Those who cannot fulfil 'active fisher' requirements may join the 'less-active fleet' where they receive equal vessel catch limits. Shellfish and Mediterranean stocks (with the

exception of bluefin tuna) are managed through licensing, effort controls, fishing seasons, and through local fisher associations. Regional fisheries committees are involved in managing access to the 12nm coastal zone.

France's management system for fishing opportunities is designed to meet the government's objectives of the sustainable exploitation and enhancement of the collective heritage of the fishery resources, supporting income and increased employment and improving the quality of life of fishers.[37] Beyond the criteria identified above, market orientation, provisions in the *Code Rural* to allocate track records from the national reserve to low-impact fishers are also applied. Quotas are allocated for an undefined period and the allocation system differs depending on the historical landings, socio-economic balance, and a quota reserve (for SSCF, new entrants, and contribution to the local economy). The reference period used is 2001-2003 and when a vessel changes owner 20% of the track record goes to the government, 1% of quota is held in a national quota pool for non-PO vessels.

Germany

The German fishing fleet comprises 982 active vessels employing 1,657 crew (1,150 FTEs). The German cutter fleet (vessels under 500 GT) is dominated by beam trawlers and demersal trawlers. In 2018 only ~30% of the total catch was landed in German ports.[38]

In 2019, German vessels landed 205,000 tonnes of seafood worth €184 million. The most important species by landed value are cod (16%), herring (12%), shrimp (12%), and Greenland halibut (11%).

Germany's fishing opportunities are mostly managed through catch quotas, where Germany allocates its share of the EU TAC to its domestic fleet. In total, 83% of the landed weight and 70% of the landed value is managed through catch quotas. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries.

Germany's management system for fishing opportunities is designed to meet the government's objectives of efficiency and sufficient market supply, which are listed in the fisheries law (1984). Quota allocation is based on a set of criteria including: 1) past participation, 2) the economic contribution of the fleet, 3) efficiency and suitability of the fishing operations, and 4) ability to supply market demand.[39] The negative effects of limiting fishing possibilities can also be taken into account. Using the historical track record is the primary criterion used in allocation and a share of the national quota is also reserved by the ministry for in-year hardship allocations.

No specific environmental or social criteria are applied in determining allocation, although additional days at sea are provided to fishers that avoid the by-catch of cod by moving to other fishing grounds. Quotas are allocated for an undefined period and the allocation system differs depending on whether fishers are full-time or part-time: individual quota is used for full time and an individually rationed quota pool is used for part time fishers. Criteria considered include: the historical landings; the percentage income from fishing activity; and total income - as well as previous employment in the fishery. The reference period 1986-1987 is used for the North Sea and 1989-1990 for the Baltic Sea.

Greece

The Greek fishing fleet comprises 12,811 active vessels and 20,923 crew (18,432 FTE). It is the largest fishing fleet in the EU by number of vessels. The vast majority of the fleet is aging (average age 32 years) small-scale vessels (93%) and crew wages are very low. The large scale fleet uses mainly bottom trawlers and purse seiners.

In 2018, Greek vessels landed 68,000 tonnes of seafood worth €431 million. The most significant species by landed value were hake (12%), anchovy (11%), pilchard/sardine (9%), red mullet (8%), and surmullet (8%).

Greece has minimal landings of bluefin tuna and swordfish, with 0% of its landed weight and value from quota fisheries. Limits on fishing capacity (licences for red mullet, hake, surmullet, octopus, albacore tuna) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries.

Greece's allocation policies suggest a focus on supporting the employment and local economic benefits of the small-scale coastal fleet and associated communities, via income and employment maximisation.[40] The social criteria identified above are complemented by environmental criteria (points received for low-impact fishing gears) in determining allocation. Quotas are allocated for one year (two years for effort) and the allocation system differs depending on the where points are received for historical landings, place of permanent residence (small islands), minor children or children with a disability, vessels <12m, crew <4 people. Two authorisations a year are also granted to young entrants.

Ireland

The Irish fishing fleet comprises 1,377 active vessels employing 3,297 crew (2,745 FTE). The fleet is divided into five segments: a refrigerated seawater pelagic segment fishing for pelagic species (herring, mackerel, horse mackerel, blue whiting, and boarfish); a beam trawl segment catching flatfish such as megrim, sole and plaice as well as anglerfish and rays; a polyvalent segment where the vast majority of the fleet

including small inshore vessels (netters and potters), along with medium and large offshore vessels targeting whitefish, pelagic fish, crustacea and bivalve molluscs; a specific segment fishing for bivalve molluscs and aquaculture species; and an aquaculture segment collecting spat from wild mussel stocks.[41]

In 2019, Irish vessels landed 208,000 tonnes of seafood worth €279 million. The most significant species by landed value were mackerel (18%), Norway lobster (17%), crab (7%), and anglerfish/monkfish (6%).

Ireland's fishing opportunities are mostly managed through catch quotas, where Ireland allocates its share of the EU TAC to its domestic fleet]. In total, 91% of the landed weight and 75% of the landed value is managed through catch quotas. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries.

Quotas are divided between pelagic, whitefish and deep sea species. In general, pelagic quotas are set for a multi-month period based on the track record of individual vessels with a number of exceptions. The whitefish allocation involves individual monthly limits for vessels depending on length (over or under 16.76m). The eight main pelagic fisheries, each have their own system of allocation (mackerel, Celtic Sea herring, North West herring, Atlanto-Scandian herring, horse mackerel, blue whiting, boarfish and albacore tuna) which are further subdivided between various sectors of the fleet. Mackerel quotas are divided between the large-scale pelagic fleet, Horse mackerel is allocated to all vessels according to their historical catch record on an annual basis. Polyvalent fishers without a track record have access to a small quota set-aside. The Celtic Sea and North Western herring fisheries have weekly quotas set according to track records with some allocations for small-scale fishers. Blue whiting quotas are split between large scale and polyvalent vessels. Boarfish quotas are allocated mainly (85%) based on track record. Albacore tuna is fished by 50 vessels operating under per-trip limits.

Ireland's management system for fishing opportunities is designed to meet the government's objectives of: maximising quota uptake, avoiding early closure in the whitefish fishery, avoid concentration of fishing rights, retain fleet structure, maintaining the economic link to coastal communities (including employment, developing an economically sustainable fishing industry and contributing to a vibrant, sustainable rural economy.[42] Furthermore, the following considerations are mentioned in Ireland's Quota Management Policy document: uptake patterns, market conditions, weather/ sea conditions and concerns of the inshore fleet.

Occasionally quota allocations are used to incentivise low-impact gear. A ban on trawling within the 6 nm zone and the Dunmore Box for herring spawning provides preferential spatial access. Quotas are allocated for one year and the allocation

system differs depending on the species. An individually rationed quota pool is applied for most species, with an individual quota for mackerel, horse mackerel, blue whiting, and boarfish. Historical landings are used for pelagic species. Quota is based on vessel length and the consultation of the Quota Management Advisory Committee for demersal species. Separate mackerel and herring quota pools are used for artisanal fishers.

Italy

The Italian fishing fleet comprises 11,140 active vessels employing 25,843 crew (19,841 FTE). It is the second largest fleet by number of vessels (after Greece) and employment (after Spain). In 2018, Italian vessels landed 200,000 tonnes of seafood worth €934 million. The species composition of the Italian fleet is one of the most diverse of any EU fleet. The most significant species by landed value were anchovy (7%), cuttlefish (7%), deep-water rose shrimp (6%), and hake (6%).

International trade is crucial to the supply of the Italian seafood market - Italy consistently has the highest total expenditure on fish and seafood per capita.[43] Control of fishing opportunities comes in the form of licensing, management plans, territorial use rights and catch quotas. Management plans specify fishing seasons, day limits, minimum landing sizes, closure areas, and other technical measures, thus controlling fishing effort. These plans are made at the international, national and local level. Bluefin tuna, under the jurisdiction of ICCAT, is under international quota management. Bluefin tuna quotas are then allocated to authorised vessels as individual quotas (historical landings, total number of operators and people, productivity and profitability rates, economic activities generated). Lastly, spatial limits in the form of a 3 nautical mile exclusion zone for towed gear and a number of no-fishing zones are in place.

Only a small share of Italy's fishing opportunities are managed through catch quotas, where Italy allocates its share of the EU TAC to its domestic fleet. In total, 34% of the landed weight and 15% of the landed value is managed through catch quotas. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries. Italy's fisheries management is complex. As quotas are only formally in place for bluefin tuna in the Mediterranean, the government relies on a range of input-controls to work towards sustainable fishing levels.

Italy's allocation policies suggest a focus on managing fishing capacity, selectivity, maintaining employment, productivity and profitability as well as improving safety at sea and working conditions of fishers.[44] Besides the distinction based on engine power, no specific environmental or social criteria are applied in determining allocation. Quotas are allocated one year and the allocation system differs depending

on the species. Individual quota is used for bluefin tuna and a total quota pool is used for swordfish, Adriatic anchovy and sardines. Effort systems (days at sea) are used for bluefin tuna as well, in accordance with the permitted duration, selectivity of fishing gear, impact of fishing gear on maritime safety, distance from the coast, as well as specific control and/or observation measures.

Latvia

The Latvian fishing fleet comprises 245 active vessels employing 631 crew (288 FTE). The fleet can be divided into several segments by length, fishing gear and operating area: the Baltic Sea fleet (trawlers 24-40m); Gulf of Riga (trawlers 12-18m); the small scale coastal fleet (polyvalent gears under 10m); and a distant water fleet (trawlers 40m) operating in the Atlantic NEAFC Barents Sea and CECAF Morocco and Mauritania areas (crew on board these vessels includes non EEA fishers). Latvia has a low wage per fisher compared to the EU average.

In 2019, Latvia vessels landed 70,000 tonnes of seafood worth €17 million. The species composition of the Latvia fleet is one of the most concentrated of any EU fleet. The most significant species by landed value were sprat (54%) and herring (36%).

The vast majority of Latvia's fishing opportunities are managed through catch quotas, where Latvia allocates its share of the EU TAC to its domestic fleet. In total, 95% of the landed weight and 89% of the landed value is managed through catch quotas. Limits on fishing capacity (licences) and effort (days at sea - for herring, cod, flounder, round goby), as well as spatial, technical and seasonal management are used to manage non-quota fisheries.

Latvia's allocation policies suggest a focus on managing the balance between fishing capacity and the available resources and improving profitability for the sector.[45] Quota is allocated to local governments who give preference to fishers who operate in the relevant local government territory.

No specific environmental or social criteria are applied in determining allocation. Quotas are allocated one year and the allocation system differs depending on the species, where individual quota is used for herring, sprat and cod.

Lithuania

The Lithuanian fishing fleet comprises 91 active vessels employing 454 crew (365 FTE). Small scale vessels make up 73% of the vessels and includes three segments: coastal vessels under 10m (60 vessels) fishing with passive gears, vessels 10-12 metres (4 vessels) operating in the coastal area, and also larger scale 24-40m netters

fishing in the Baltic Sea (2 vessels). For the distant water fleet (operating in CECAF, NAFO and SPRFMO areas) all landings are made in foreign ports (63%, mainly small pelagics are landed in West African ports, mostly in Mauritania - no landings from this segment have been made in Lithuania since 2010). Other important markets are Spain, Norway and the Netherlands.[46]

In 2019, Lithuanian fishing vessels landed 104,000 tonnes of seafood worth €78 million. The most significant species by landed value were horse mackerel (30%), chub mackerel (26%) and Northern prawn (16%). In contrast, the Lithuanian small-scale fleet mostly targets the demersal species of European smelt, Baltic cod, and round goby.

Lithuania's fishing opportunities are partially managed through catch quotas, where Lithuania allocates its share of the EU TAC to its domestic fleet. In total, 35% of the landed weight and 9% of the landed value of EU quotas is managed through catch quotas. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries.

Lithuania's allocation policies suggest a focus on maintaining fishing opportunities for all parts of the fleet, where TFCs are used except in coastal fishing, where a shared pool is used based on their average catch over three years.[47] Some fishing opportunities are retained for sale via auction, either for new entrants or the expansion of existing businesses (1% for the Baltic Sea fleet, 5% for the distant fleet). The basis for calculation of transferable fishing concessions are historic catch levels. Operators have the right to choose their best three years out of the last 10 years before the allocation. Quotas are allocated 15 years and the allocation system differs depending on the species, where Jack mackerel, horse mackerel, northern prawn and sardines are managed by ITQs and cod and smelt are managed through a total quota pool. Historical landings and contribution to national taxes are economic criteria considered, and some incentives for low-impact fishing gear are provided but these are tied to the 15 year allocations, which limits their impact.

Historical landings are the basis for the ITQs but the contribution to the local economy and taxes are also used. Environmental criteria consider IUU fishing where a 3% reduction in quota for each serious fisheries infringement and 1% for minor infringements are applied considering the previous three years. Incentives are provided to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact (although as TFCs are allocated once every 15 years, their impact is very limited). In the Baltic Sea a 5% increase in quota is allocated if at least 50% of the allocated individual fishing opportunities have been deployed selective fishing gear or methods with reduced habitat damage. Economic Criteria include the contribution to the local economy (increases of 0.3% for each % of the fish sold at the local auction in Lithuania during the last 3 years are calculated by species).

Taxes paid in Lithuania are taken into account as the contribution to the local economy for vessels fishing in distant waters.

Malta

The Maltese fishing fleet comprises 728 active vessels employing 1,144 crew (594 FTE). It is typical of a Mediterranean artisanal type multi gear and species fishery and the vast majority (90%) of the vessels are small-scale.

In 2019, Maltese vessels landed 2,400 tonnes of seafood worth €12 million. The most significant species by value are swordfish (27%), bluefin tuna (19%), common dolphinfish (11%), and giant red shrimp (8%). The majority of the fish landed is sold to local markets and consumed locally. Malta has the highest fish consumption per capita in the EU.[48]

Malta's fishing opportunities are partially managed through catch quotas, where Malta allocates its share of the EU TAC to its domestic fleet. In total, 22% of the landed weight and 44% of the landed value is managed through catch quotas. This is a large share of catch quotas for a Mediterranean country and follows from the fact that swordfish and bluefin tuna are two of the largest fisheries in Malta. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries.

Malta's management system for fishing opportunities is designed to meet the government's objectives of the sustainable exploitation of marine biological resources, so fishing opportunities are allocated to that part of the sector that has the least negative effects on the marine environment, as well as improving efficiency and profitability. Some environmental criteria are applied in determining allocation, as the increase in bluefin tuna to small-scale fishers used low-impact fishing gear (hook and line). Quotas are allocated for one year and the allocation system differs depending on the species: Individual transferable quota is used for bluefin tuna and a total quota pool is used for swordfish. In 2019, part of the increase in the bluefin tuna TAC was reserved for small-scale coastal vessels with a licence for two years. 52 new small-scale fishers took up this opportunity.

In 2019, Malta used an increase in the bluefin tuna to increase the quota share for small-scale (< 12m) fishers that use hook and line (low-impact fishing gear). This decision was made to support vessels whose fishing techniques are selective and have a reduced environmental impact. Malta reserves a portion of its quota for contingency to cover the catches exceeding the individual quota or by-catches of bluefin tuna. This allocation to small-scale fishers was also made on socio-economic grounds to increase the economic resilience of fishers' livelihoods.

Netherlands

The Dutch fishing fleet comprises 522 active vessels employing 1,986 crew (1,686 FTE). Unlike most other European countries, the majority of the vessels (66%) and crew (84%) are in the large-scale sector. A small number of very large refrigerated vessels target pelagic species such as herring, whiting and mackerel. Major pelagic and demersal stocks are managed under a market-based system of transferable fishing quotas with a large role for producer organisations. The number of pelagic freezer trawlers (>40m) has decreased notably (in 2008 there were 14 trawlers, in 2018 there were however only seven left flying the Dutch flag). Most of them were and are flying foreign flags (including the UK), to make use of quota owned by other Member States. The large-scale fleet targets common shrimp and cutters target mainly flat fish (sole and plaice) using beam trawls. Recently, Danish/Scottish seines (fly shooters) have become more common.

In 2019, Dutch vessels landed 316,000 tonnes of seafood worth €323 million. The most significant species landed value are sole (22%), plaice (15%), shrimp (11%), and herring (9%). Relative to its population size, the Netherlands is one of the most productive fishing nations in the EU and is one of the few Member States that has a trade surplus in the fishing sector. The Netherlands is a key fish exporter with most of the flatfish landings consumed in southern Europe (Italy, Spain and France) and Germany.[49]

The Netherland's fishing opportunities are mostly managed through catch quotas, where the Netherland's allocates its share of the EU TAC to its domestic fleet. In total, 85% of the landed weight and 70% of the landed value is managed through catch quotas. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries. The most important Dutch fishing opportunities are via landings quotas (ITQs and community quotas). ITQs are in place for major pelagic and demersal stocks, whereas national pooled quotas or transferrable effort quotas are in place for others. Licensing is compulsory and transferable. The ITQs allocation occurs directly based on the shares held by fishers and fishing companies (and were originally allocated based on historical track records before being gifted as quasi-property rights). Non-ITQ quotas are set as national quotas that are accessible to all large scale fishers. These quotas do not involve allocation as all fishers have equal access to these quotas

The Netherland's allocation policies suggest a focus on providing secure and flexible fishing access for existing fishers.[50] POs have to submit a plan at the start of the year to the ministry detailing how their quotas will be utilised, which requires approval pre allocation, implying that quota uptake is a key objective. A small quota share is

retained for international quota swaps and other management purposes. No specific environmental or social criteria are applied in determining allocation. Quotas are allocated indefinitely for sole, plaice, cod, turbot, whiting, sprat, mackerel, horse mackerel, norway pout, blue whiting, herring, through ITQs and individual quota is used for sprat. Historical landings are used as the basis for allocation to vessels. Quota is only transferable to other quota owners (not outsiders) making it nearly impossible for outsiders to buy ITQs.

Poland

The Polish fishing fleet comprises 781 active vessels employing 2,656 crew (2,355 FTE). In 2018, Polish vessels landed 206,000 tonnes of seafood worth €48 million. The most significant species by landed value were sprat (29%), herring (28%), cod (17%) and flounder (11%). Poland is the second largest fish processing country in the EU (after Spain).[51]

Poland's fishing opportunities are mostly managed through catch quotas, where Poland allocates its share of the EU TAC to its domestic fleet. In total, 85% of the landed weight and 87% of the landed value is managed through catch quotas. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries. Most stocks are under quota management, which works in a rationing system based on vessel length. These quotas are allocated in the form of individual annual catch limits allocated to vessels based on their size class and vessels (under 8m or under 12m) access a common quota pool. All vessels in the same length-group receive an identical quota for the stock in question. Non-quota stocks are managed through restricted licensing but are not heavily regulated. For the remaining stocks vessels receive quotas based on their individual track records (e.g. salmon and Western herring).

Poland's allocation policies suggest a focus on allocation to vessel groups according to changing circumstances such as the status of stocks.[52]

Besides the distinction based on vessel size, no specific environmental or social criteria are applied in determining allocation. Quotas are allocated indefinitely for herring, sprat, cod and plaice and the allocation system is based on vessel size, using Individual quota (for the large-scale fleet) and a total quota pool (for the coastal fishery and all Baltic plaice).

Portugal

The Portuguese fishing fleet comprises 3,695 active vessels employing 14,522 crew (7,911 FTE). Most vessels are in the mainland fleet with 533 vessels in the Azores

fleet, 87 vessels in the Madeira fleet, and 9 vessels in the Northwest Atlantic Fisheries Organization (NAFO) waters.[53] In total, 79% of the vessels are small-scale.

In 2018, the Portuguese fleet landed 162,000 tonnes of seafood worth €374 million. The species composition of the Portuguese fleet is one of the most diverse of any EU fleet. The most significant species by landed value were octopus (12%), redfish (7%), and pilchard/sardine (6%). Landings in foreign ports represent around 23% of the total, with the most important countries being Spain (64%), Uruguay (9%), Cape Verde (7%) and Germany (6%).[54] Portugal has the second highest fish consumption per capita in the EU (after Malta).[55]

Portugal's fishing opportunities are mostly managed through catch quotas, where Portugal allocates its share of the EU TAC to its domestic fleet. In total, 42% of the landed weight and value is managed through catch quotas. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries. A number of distant water (non-EU) stocks are under TACs set by Regional Fisheries Management Organisations (RFMOs). The remaining stocks are managed by national and bilateral quotas with Spain (including sardines), on advice of co-management groups (including bivalves) and through effort controls. Licensing is restricted and new vessels have to be accompanied by at least equal reductions in capacity. Some spatial management is in place, with the 6nm zone being reserved for small-scale passive gear fishers and dredgers.

For management purposes, the fishing industry is divided in four main categories: 1. local <9 metre vessels operating near registered ports, 2. coastal >9 metre limited by fishing trip duration but can operate from greater distances, 3. high seas: larger vessels that are not restricted by trip duration, 4. recreational fishers: small vessels using passive gears. For stocks managed under either EU, ICCAT or distant water TACs (NAFO & NEAFC), all quotas are allocated purely on the basis of historical fishing activity. The distant water and ICCAT quotas are individual transferable quotas (ITQs). These quotas can be leased and traded between licensed operators with little restriction. Quotas outside of the ITQ system are only transferable alongside the associated vessel.

Portugal's management system for fishing opportunities is designed to meet the government's objectives of: increasing the value of fishing economic activity as a competitive business model; sustainably manage fisheries resources; supporting new entrants and small-scale fishers; improving safety and working conditions; balancing fishing capacity and fishing opportunities available; promoting economic growth, social inclusion and job creation; providing support for coastal and inland communities dependent on fisheries.[56] No specific environmental or social criteria are applied in determining allocation. Quotas are allocated either for one year or an

undefined period and the allocation system differs depending on the species, where an Individually rationed quota pool is used for anchovy, anglerfish, sardines, megrim, Norway lobster; ITQs are used for hake; and a total quota pool is used for horse mackerel.

Romania

The Romanian fishing fleet comprises 136 active vessels employing 405 crew (60 FTE). The fleet is mostly small-scale (61%) and employment is mostly part-time. The fishery is highly concentrated on shellfish from the Romanian Black Sea coastline.

In 2019, Romanian fishing vessels landed 7,100 tonnes of seafood worth €3.8 million. The species composition of the Romanian fleet is one of the most concentrated of any EU fleet. The most significant species by landed value were rapa whelk (80%), turbot (10%), and mussels (5%).

With catch quotas only in place for turbot and sprat, only 1% of the landed weight and 12% of the landed value is managed through catch quotas where Romania allocates its share of the EU TAC to its domestic fleet. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries.

Romania's allocation policies suggest a focus on maintaining employment in the coastal region.[57] Quotas are allocated for one year and the allocation system differs depending on the vessel length (split between <10m, 10-15m, 15m+ vessels) using individual quota. Quota uptake is also considered in allocation. Besides the distinction based on vessel length, whether the vessel has an engine is also considered as a criteria.

Slovenia

The Slovenia fishing fleet comprises 76 active vessels employing 103 crew (64 FTE). It is one of the smallest in the EU and the vessels are extremely old (44 year average) and mostly small-scale (88%).

In 2019, Slovenian vessels landed 121 tonnes of seafood worth €0.86 million, making it the smallest EU fishery by landed value. The most significant species by landed value were sole (17%), whiting (11%), gilthead seabream (11%) musky octopus (10%), and squid (10%).

Unlike Italy and Croatia where the EU TAC for small pelagics (anchovy, sardines) in the Adriatic is not allocated at the national level, Slovenia receives a 300 tonne allocation. As this is Slovenia's only major catch quota, only 1% of the landed weight

and 0% of the landed value is managed through catch quotas. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries (sole, gilthead seabream, pandora, seabass).

These allocation policies suggest a focus on maintaining coastal employment and income, as well as diversification linked to tourism and maritime identity.[58] No specific environmental or social criteria are applied in determining allocation. Quotas are allocated indefinitely and the allocation system differs depending on the historical landings.

Spain

The Spanish fishing fleet comprises 8,050 active vessels employing 31,743 crew (27,061 FTE). It is the largest EU fishing fleet by vessel tonnage and employment. Spanish vessels operate in almost all fishing grounds of the world, under agreements with third countries (Sustainable Fisheries Partnership Agreements, SFPAS), under the umbrella of Regional Fisheries Management Organizations (RFMOS), and in the EU and national waters. Approximately 95% of the 8,007 active vessels carried out the fishing activity on Spanish waters. The Spanish fleet is highly diversified in terms of species, gears and fishing areas: these can be characterised as: Small-scale coastal fleet (vessels under 12m using static gears) representing over 71% of the active Spanish fleet and fishing the Atlantic coast, Mediterranean, and Canary Islands; Large-scale fleet including all vessels using towed gears, and vessels over 12m using static gears in EU waters; a distant water fleet including EU registered vessels over 24m operating in 'other fishing regions' including EU outermost regions (The main agreements of the Spanish fleet with third countries are Mauritania, Guinea Bissau, Ivory Coast, Cape Verde, Senegal, Cook Islands, Liberia, Madagascar, Seychelles, and Mauritius islands and cover 96 Spanish vessels).

In 2019, Spanish vessels landed 883,000 tonnes of seafood worth €2.2 billion. The most significant species by landed value were skipjack tuna (10%), Argentine hake (9%), European hake (7%), and yellowfin tuna 6% by value). Spain is a significant seafood trade hub for Europe, importing 1.7 million tonnes (worth €7.2 billion) of cuttlefish, frozen squid, prawns, salmon and hake, and preserved and prepared tuna and exporting 1.1 million tonnes (worth €4.1 billion).[59] Spain is also the largest fish processing country in the EU[60] and consumes the third most fish per capita (after Malta and Portugal).[61]

Spain's fishing opportunities are partially managed through catch quotas, where Spain allocates its share of the EU TAC to its domestic fleet. Most of the stocks targeted, especially in the Mediterranean, are under effort management whilst Atlantic stocks tend to be under EU or RFMO TACs. In total, 26% of the landed

weight and 27% of the landed value is managed through catch quotas. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries.

Spain has a varied system of fishing opportunities with differing rules applying to different fleet segments and different autonomous communities. All quotas are initially allocated on the basis of a set of three criteria laid out by the country's basic fishing regulation (no. 3/2001). These criteria are: historical fishing activity (catches and effort); technical characteristics; and optimisation of the entire fleet. Employment and working conditions may also be considered after the application of the first three criteria. These criteria are adjusted every year with the new EU TACs in response to changing conditions. Historical track records are updated based on rolling reference periods. For a number of stocks, allocation is based on fixed shares granted to vessels of particular fleet segments, often based on gear type (e.g. bluefin tuna, mackerel and demersal stocks are included). The ministry reserves small percentages of the quota of some stocks for reallocation. Some quotas (e.g. hake for small-scale vessels) are ring fenced for particular fleet segments to guarantee a minimum allocation. Quota management is highly variable and can be managed through ITQs (hake), individual quotas (horse mackerel in VIIIB) or co-managed through the *cofradia* system (mackerel, horse mackerel VIIIC). The system sets a ranking of criteria: First level criteria are: historical catches (weight, fishing effort, time or presence at sea); technical features of the vessels; other vessel attributes. Once these criteria have been applied, secondary criteria may be considered: employment possibilities and fishers working conditions- Concentration limits: 18% max quota for a company or corporately related companies, over the total of the same gear. Allocation is organized by species, stock and gear. For instance, hake is split into three different stocks and quotas distributed among up to six fishing gears/fisheries. Quotas are generally allocated for one year or less, with some indefinite and the allocation system differs depending on the species, area, and historical track record.

Spain's management system for fishing opportunities is designed to meet the government's objectives (set out in Spain's fisheries law, Law 3/2001), including its available fishing opportunities to optimize the activity of whole fleet segments and aiming to include all fleet segments and geographical distribution. These include: ensuring the balanced and responsible exploitation of fisheries resources; sustainable development and fishery resource conservation; improving working conditions and the standard of living of fishermen; managing fishing effort to the state of fishery resources; promoting the development of economically viable and competitive fishing businesses; promoting measures of economic and social compensation when imbalances in the regions dependent on fishing occur.[62] No specific environmental or social criteria are applied in determining allocation, except in instances where

traditional selective gear has a higher maximum catch limit (sardine) and environmental criteria are also included in the legislative Orders for the allocation of species, but not detailed nor gathered in a public system (an example of including an environmental criterion (5%) for bigeye tuna (*thunnus obesus*) was published in 2020.[63]

The Government has a mechanism for the annual optimization of quotas. For some stocks, quotas can be collectively managed by fisheries organisations.

Sweden

The Swedish fishing fleet comprises 887 active vessels employing 1,400 crew (747 FTE). The Swedish fleet is highly diversified in terms of vessel types and target species, fishing mainly in the Baltic Sea, Skagerrak, and Kattegat regions.

In 2019, Swedish vessels landed 2,200 tonnes of seafood worth €76 million. The most significant species by landed value were herring (38%), sprat (16%) and Norway lobster (9%).

Sweden's fishing opportunities are mostly managed through catch quotas, where Sweden allocates its share of the EU TAC to its domestic fleet. In total, 99% of the landed weight and 91% of the landed value is managed through catch quotas. Sweden has a system of transferable quotas in place for its large-scale pelagic operations and is trialling a variation in the demersal sector in 2017. Fishers with passive gear types are under separate, non-transferable quota management. Major pelagic stocks are managed through a system of ITQs. Small-scale and passive gear fishers operate outside of the ITQ system and access a quota pool or quota rations, depending on the fishery. Limits on fishing capacity (licences) and effort (days at sea), as well as spatial, technical and seasonal management are used to manage non-quota fisheries.

Sweden's management system for fishing opportunities is designed to meet the government's objective, to: achieve the established environmental objectives by means of an ecosystem based management; to develop rural areas and create and maintain employment; to improve the profitability of fishing enterprises; to increase understanding, knowledge and experience exchange; to have well-informed consumers and the cultivation and conservation of coastal heritage.[64] In terms of environmental criteria, separate allocations are made for the passive gear fleet (i.e. low-impact). Additional quantities of *Nephrops* have in the last years been allocated to the selective fishing methods within this fishery (pots and trawl with selective grid). ITQs are used for active gear and a total quota pool is used for passive gear. Quotas are allocated 10 years and the allocation system differs depending on the historical landings and some reserved quota for coastal passive gear fleet is retained.

Basic levels for demersal fishing opportunities and by-catches are regulated in Ch. Sections 7 and 8 of the Swedish Maritime Administration's regulations (HVMFS 2014: 19) on licenses and permits for commercial fishing in the sea. A basic level of demersal fishing opportunities applies per fishing permit. An additional quantity may be granted if appropriate with regard to the implementation of the landing obligation and the quota space allows this. When allocating national quotas, priority is given to coastal quotas and more fishing opportunities are allocated to the coastal quotas than in previous years, meaning fishing with passive gear takes precedence over fishing with active gear.[65]

2.2 TRENDS IN MEMBER STATE QUOTA ALLOCATION SYSTEMS

Based on the previous section, there are some key similarities and differences at the Member State level when it comes to the allocation of fishing opportunities. General trends include:

- Member States' fishing fleets are extremely diverse, from 12,811 vessels in Greece to a fleet of 66 active vessels in Belgium.
- This diversity in fleet is accompanied by a diversity in terms of landings, with very diverse fisheries in France, Italy, and Portugal, but very focused fisheries in Estonia, Finland, Latvia and Romania.
- Quota is used for over half of the landings and quota use is much higher in the Baltic, North Sea, North Atlantic, and correspondingly lower in the Mediterranean and Black Sea.
- Most fishing opportunities in the Baltic Sea, North Sea and Atlantic are mostly managed through catch limits, whereas the Mediterranean Sea and Black Sea are mostly managed through effort and spatial limits.
- There is a trend towards some systems of allocations (e.g. ITQs), but this trend is not universal (e.g. Poland does not use ITQs).
- Newer allocation systems (e.g. Finland, Swedish demersal fisheries) show evidence of learning from older systems (e.g. Netherlands), for example by making ITQs time bound or quota reserves for new entrants (Denmark).
- Some of the most innovative systems are in smaller Member States, possibly linked to a smaller number of stakeholders to organise.
- A trade-off between the duration of fishing opportunities (i.e. the security of holdings) and the use of incentive-based allocations and the use of criteria for allocation more broadly is clear.
- It is unclear from the analysis undertaken what specific objectives some Member States are pursuing and over half of the member states do not appear to have criteria for allocation specifically linked to their national objectives for fisheries.

- System transparency is quite low, with few Member States describing the criteria they apply and fewer still describing the weighting of these criteria and the results (i.e. a register of allocated fishing opportunities).

There are some common similarities regarding the criteria used for allocation,

- Historical catch is the primary means of allocating fishing opportunities in most Member States.
- In many systems, a criterion related to vessel size (or multiple criteria) is used to separate the allocations of fishing opportunities for the small-scale fleet from those for the large-scale fleet. This is often used as a easily assessed proxy for environmental and social outcomes.
- Most systems cannot be described as incentive-based, as historical landings and vessel size are fairly fixed properties.
- Criteria that depart from historical landings are more commonly applied when 'new' quota is introduced (e.g. swaps from Spain) or when a fishing opportunity becomes more abundant (e.g. bluefin tuna quota in Spain and Malta).

There does not appear to be any clear trend in the use of criteria based on geography or type of fishing opportunity as some of the same criteria are found in Member States in different seas, for both quota and effort, and for Member States with more or less protective social safety nets.[66] Conversely, some neighbouring Member States with similar fisheries are nearly polar opposites in their allocation systems (e.g. Belgium and the Netherlands).[67]

Divergence in Member State approaches to allocation are also apparent, for example:

- In the treatment of age as a criterion (e.g. targeting the young in Denmark, Bulgaria, Greece and the old in Croatia);
- The role of stakeholders in the allocation process and which stakeholders are involved or not (e.g. NGOs and wider society);
- The system transparency is also divergent across the EU (e.g. there are full points-based assessments in Bulgaria and Greece, contrasted with unclear assessment in France and Italy);
- The system flexibility between years is also highly varied (e.g. the informal or ad-hoc aspect of Poland's system) contrasted with the within year adaptation approaches (e.g. changes within the year in Belgium and Ireland);
- The system complexity is also highly divergent (there are dozens of separate systems by species and area in Spain or France, contrasted with the approach taken in Denmark).

Despite strong similarities across Member States in their general approach to allocation, the application often differs, for example using a different length of vessel to distinguish

'small-scale'. No two Member States use the same system of allocating fishing opportunities or even the same mix of criteria.

3. APPLICATION OF COMMON FISHERIES POLICY ARTICLE 17

3.1 THE USE OF SOCIAL, ECONOMIC, AND ENVIRONMENTAL ALLOCATION CRITERIA

Despite the requirements of Article 17 of the CFP directing Member States to allocate fishing opportunities to achieve social, economic, and environmental objectives, and despite many Member States committing to ambitious national fisheries objectives, the use of historical catches remains the dominant allocation criteria for fishing opportunities (see Table 1). Vessel size, the second most common allocation criteria, is also a crude measure that in some cases may only be loosely correlated with social, economic, and environmental objectives. Of the 22 Member States:

- 17 use historical landings;
- 13 use vessel size (e.g. length, power, weight);
- 11 member states use social criteria (e.g. fisher age, employment contracts);
- 12 use economic criteria (e.g. quota uptake, profitability, economic value); and
- 12 use environmental criteria (e.g. gear type, pingers).

Table 1: Use of criteria in Member State quota allocation systems

Member States	Historical catches	Vessel size (length or power)	Social	Economic	Environmental
Belgium	N	Y	N	Y	N
Bulgaria	N	Y	Y	Y	Y
Croatia	Y	N	Y	N	N
Cyprus	Y	Y	N	Y	Y
Denmark	Y	Y	Y	Y	Y
Estonia	Y	Y	N	N	Y
Finland	Y	N	N	N	N
France	Y	N	Y	Y	Y
Germany	Y	N	N	Y	N
Greece	Y	Y	Y	N	Y
Ireland	Y	Y	Y	N	Y
Italy	Y	N	Y	Y	Y
Latvia	N	N	N	N	N

Lithuania	Y	N	Y	Y	Y
Malta	Y	Y	Y	Y	Y
Netherlands	Y	N	N	N	N
Poland	Y	Y	N	N	N
Portugal	Y	Y	N	N	N
Romania	N	Y	N	Y	N
Slovenia	N	Y	N	N	N
Spain	Y	N	Y	Y	Y
Sweden	Y	Y	Y	Y	Y
Total	**17**	**13**	**11**	**12**	**12**

3.2 THE OBJECTIVITY OF ALLOCATION CRITERIA

The objectivity of allocation criteria, as required by Article 17 of the CFP, is difficult to assess without detailed knowledge of every fishery. Defined as following a systematic and fair process, the majority of allocation criteria can be classified as objective, as historical catches and vessel size are easily assessed in a systematic manner (see table A3).

Some may dispute the philosophy and/or technicalities of using historical catches (poor records, rewards overfishing), vessel length (arbitrary), and other criteria as objective measures. However here we only consider the use of the criteria in general rather than specific issues in their application.

There may also be a trade-off between objective criteria with more flexible systems of in-year adjustments and systems that involve stakeholders in quota committees to produce ad hoc allocation decisions.

3.3 THE TRANSPARENCY OF ALLOCATION CRITERIA

With regards to transparency, an assessment was made as to whether a description of the quota allocation criteria is published, whether the weightings for these criteria are published, and whether the results of this assessment are published (see table A3).[68]

Seven Member States described allocation criteria online, however only three (Denmark, Estonia and Ireland) explained how the criteria were operationalised (i.e. how these criteria were weighted in the decision around allocation). Only two Member States (Denmark and Estonia) have a publicly available quota register, while Portugal and Italy list the allocation of quota to specific vessels for some fishing opportunities but do not have a comprehensive database.

3.4 LEGAL CASES CONCERNING THE APPLICATION OF COMMON FISHEREIS POLICY ARTICLE 17

There have been two legal cases on the application of CFP Article 17 in EU Member States: one in the UK (pre-EU exit) and one in France.

In 2015, Greenpeace UK took the UK government to court charging that the government had failed to incorporate any environmental criteria in its quota allocation system in line with CFP Article 17. A significant focus of the Greenpeace case was the small share of quota allocation for the UK small-scale fleet (<10m) despite a lower environmental impact in many fisheries.

The court ruled in the government's favour, making the judgement that:

> *"Whilst Article 17 obliges each Member State to include criteria of an environmental, social and economic nature, on the face of it, it is silent as to the weight to be ascribed to those criteria in the allocation process. It does not stipulate that criteria of an environmental nature are to take precedence over criteria of a social or economic nature (or vice versa)."* [69]

This ruling confirmed the wide discretion Member States have over the allocation of fishing opportunities through Article 17 of the CFP.

In France, the rebuilding of the bluefin tuna stock and increasing fishing opportunities in recent years led to a legal challenge by the Union of Small-scale fishers from Occitanie in 2017 regarding the perceived discrimination in the allocation of quota to the small-scale sector.[70] The union claimed that criteria more diverse environmental and social criteria in line with Article 17, rather than historical landings, should be applied as the main criteria for bluefin tuna quota allocation.[71,72]

In 2021, a French tribunal ruled in favour of the, annulling the 2017 ministerial order allocating bluefin tuna quota. The ruling found that the ministerial order did not comply with French law (the rural code). While France may use its own allocation criteria in an unequal and non-hierarchical manner, it must not be disproportionately so. The ruling determined that the principle of *proportionality* was infringed by the almost exclusive use of the criterion of track records for the distribution of the quota (over 90%) from 2012 to 2017. In addition, a key issue highlighted by the judge was that the bluefin tuna quota allocation was neither transparent nor objective and thus failed to comply with CFP Article 17.

This judgement creates case law at the national level and the principles adopted could also be applied to other allocation mechanisms for quota species.

There are several potential reasons for the divergence in results between the two cases despite the clear similarities of disputing the overwhelming use of historical landings to the detriment of small-scale fishers. In the French case, the allocation system was found to be neither transparent nor objective, whereas no such conclusion was reached in the

UK. The French case also concluded that the allocation system did not align with French law, whereas again, no such conclusion was reached in the UK. It is difficult to conclude from two examples whether these differences explain the divergence in outcome.

Another potential reason for differing interpretations of Article 17 in different countries is the importance of language. The specific wording of the article may differ for Member States due to differential translation of key terms, e.g. ''*shall* use transparent and objective criteria...'', ''criteria *may* include…", ''*shall* endeavour to provide incentives...", the consequence of which could be a differing interpretation of how prescriptive the article is regarding national law.

4. CONCLUSIONS

This research was undertaken to update NEF's 2017 *Who gets to fish?* report. This update covers new policies that have been introduced from 2017-2021 and expands national coverage from 12 (including the UK) to 22 EU Member States. The focus of this research was on the operation of Member State allocation systems rather than analysis and policy recommendations.

Despite nearly four additional years of CFP implementation and the expansion of the report to cover more Member States, the state of Article 17 application remains limited. Historical landings and the size of vessels are still the most common criteria used by Member States. Many of these allocation systems were in place before the 2013 CFP reform and the introduction of Article 17 and yet they remain largely unchanged. While social, economic, and environmental allocation criteria are sometimes considered by Member States, how they are translated into fishing opportunities remains unclear in many instances. Greater system transparency, which is also essential for system objectivity, is needed to assess their use.

Despite the intent of Article 17, it thus appears that Member States have retained wide discretion over how they allocate fishing opportunities. However just as there are many similarities between systems in the use of historical landings and vessel size, there are some innovative criteria and system design. There are also some apparent examples of learning where systems with more recent reforms are more likely to put in place certain safeguards, for example quota reserves for new entrants.

By documenting how Member States determine who gets to fish in EU waters, this report will hopefully inspire more learning and knowledge sharing at the Member State level and lead to policy development on the implementation and evolution of the CFP in the coming years.

ANNEX TABLES

Table A1: Summary of Member States' marine fishing sectors

MS	Landed value *(€ million)*	Vessels and crew *(#)*	Top three species *(landed value)*	Landings from TAC species *(% value)*	SSCF landings from TAC species *(% value)*	TAC landed by SSCF *(% value)*
BE	75.9	66 / 339	Sole (36%), plaice (17%), monkfish (5%)	80%	N/a	N/a
BG	5.6	1,205 / 1,780	Rapa whelk (31%), sprat (26%), sand gaper (24%)	28%	4%	5%
HR	54.1	6,083 / 7,820	Sardine (35%), anchovy (13%), hake (8%)	52%	9%	3%
CY	6.9	769 / 1,246	Albacore (18%), bluefin tuna (12%), surmullet (11%)	16%	0%	0%
DK	446.9	1,256 / 1,289	Herring (16%), sprat (10%), mackerel (9%)	92%	73%	4%
EE	13.0	1,230 / 1,243	Herring (40%), sprat (35%), perch (16%)	75%	32%	16%
FI	35.0	1,320 / 1,197	Herring (67%), sprat (8%), perch (5%)	80%	26%	8%
FR	1,363.1	5,570 / 13,267	Yellowfin tuna (9%), hake (9%), monkfish (7%)	42%	19%	10%
DE	183.8	982 / 1,657	Cod (16%), herring (12%), shrimp (12%)	70%	55%	2%
EL	431.0	12,811 / 20,923	Hake (12%), anchovy (11%), sardine (9%)	N/a	N/a	N/a
IE	279.4	1,377 / 3,297	Mackerel (18%), Norway lobster (17%), crab (7%)	75%	8%	1%
IT	934.0	11,140 / 25,843	Anchovy (7%), cuttlefish (7%), deep-water rose shrimp (6%)	15%	4%	4%
LV	16.8	245 / 631	Sprat (54%), herring (36%), smelt (3%)	89%	33%	4%
LT	77.8	91 / 454	Horse mackerel (30%), chub mackerel (26%), Northern prawn (16%)	9%	35%	5%
MT	11.8	728 / 1,144	Swordfish (27%), bluefin tuna (19%), common dolphinfish (11%)	44%	28%	27%
NL	323.5	522 / 1,986	Sole (22%), plaice (15%), shrimp (11%)	70%	25%	0%
PL	48.4	781 / 2,656	Sprat (29%), herring (28%), cod (17%)	87%	52%	14%
PT	374.3	3,695 / 14,522	Octopus (12%), redfish (7%), sardine (6%)	42%	13%	7%
RO	3.8	136 / 405	Rapa whelk (80%), turbot (10%), mussels (5%)	12%	16%	60%
SI	0.9	76 /103	Sole (17%), whiting (11%), gilthead seabream (11%)	0%	0%	11%
ES	2,244.3	8,050 / 31,743	Skipjack tuna (10%), Argentine hake (9%), European hake (7%)	27%	11%	3%
SE	76.1	887 / 1,400	Herring (38%), sprat (16%), Norway lobster (9%)	91%	66%	8%

Table A2: Summary of Member States' allocation systems for fishing opportunities

MS	EU TAC allocation system	Duration of holdings	Criteria for allocation
BE	Individually rationed quota pool (large and small-scale); total quota pool (coastal)	<1 year	Equal allocation within vessel power/weight group; separate groups for coastal, small-scale, and large-scale (>221 kW, <1200 kW), small-scale (<221 kW, <111 GT), and coastal (<48hr trips, <80 GT)
BG	Total quota pool (sprat); individual quota (turbot)	1 year	Points-based system for individual quota: historical landings, pingers, length, employment contracts, lack of tax obligations, young age (<30)
HR	Individual quota (bluefin tuna); total quota pool (anchovy, sardines)	1-3 years	Historical landings for individual quota; points-based system for small-scale licences: local residence, old age, disability, war veterans, low income
CY	Individual quota (large-scale); total quota pool (small-scale)	1 year	Historical landings for individual quota; equal access to small-scale (<24m) quota pool
DK	Individual transferable quota (sector); individually rationed quota pool (coastal)	16 years	Historical landings originally based on historical landings, can be transferred; equal allocation within small-scale (<17m) and coastal (<17m passive gear) quota pool
EE	Individual transferable quota (large-scale, individual quota (small-scale); total quota pool (small-scale sprat by-catch)	Indefinite (ITQs), 1 year (IQs)	Historical landings for individual quota; equal access to quota pool
FI	Individual transferable quota (herring, sprat, salmon); total quota pool (cod)	10 years	Historical landings originally based on historical landings, can be transferred; equal access to quota pool
FR	Individual quota (producer organisation members); total quota pool (non-members)	Undefined	Historical landings; market orientation; socio-economic balance
DE	Individual quota (full time); individually rationed quota pool (part time)	Undefined	Historical landings; economic value; market conditions; efficiency and suitability of the fishing operations
EL	Total quota pool	1 year	Equal allocation within vessel length groups (<>12m); points-based system for quota authorisations: residence on a small island, minor or disable children, vessel with fitted refrigeration, pelagic production, young age
IE	Individually rationed quota pool (most demersal); individual quota (most pelagic)	1 year	Equal allocations within demersal length groups (<>16.76m), which can change based economic value and market conditions; historical landings for pelagic species

IT	Individual quota (bluefin tuna); total quota pool (swordfish, Adriatic anchovy and sardines)	1 year	Historical landings; number of days at sea; selectivity of fishing gear; total number of operators and crew; productivity and profitability rates; economic activity generated
LV	Individual quota	1 year	Allocated to local governments who give preference to fishers who operate in their territory
LT	Individual transferable quota (distant water); total quota pool (Baltic Sea)	15 years (ITQ), 1 year (TQP)	Historical landings; history of compliance; selective gears; contribution to the local economy and taxes; some quota auctioned for new entrants
MT	Individual transferable quota (bluefin tuna); total quota pool (swordfish)	1 year	Historical landings; vessel length (<>12m); gear
NL	Individual transferable quota (most); individual quota (sprat)	Undefined	Historical landings originally based on historical landings, can be transferred
PL	Individual quota (large-scale); total quota pool (small-scale, all Baltic plaice)	Undefined	Historical landings for individual quota; equal access to quota pool (<8m or <12m)
PT	Individually rationed quota pool (most) individual transferable quota (hake); total quota pool (horse mackerel)	One year, undefined (Norway lobster)	Historical landings; equal allocations within a length group (<>9m)
RO	Individual quota	1 year	Vessel length groups (<10m, >10m <15m, >15m); presence of engine; previous quota uptake; history of compliance
SI	Total quota pool	1 year	Equal access to quota pool
ES	Individual transferable quota (most demersal); individual quota (most pelagic); co-managed quota pool (cofradias); total quota pool (small-scale bluefin tuna)	One year (IQ), indefinite (ITQ)	First level: historical catches (weight, fishing effort, time or presence at sea), technical features of the vessels, fleet optimisation; optional second level: employment, working conditions
SE	Individual transferable quota (active gear demersal), individual leasable quota (active gear pelagic, shrimp), total quota pool (passive gear)	10 years	Historical landings; reserved quota for the coastal (<10m) passive gear fleet

Table A3: Summary of Member States' application of Common Fisheries Policy Article 17

MS	Criteria description	Criteria weighting	Criteria results	System objectivity	Criteria from Art 17 examples	Incentives from Art 17 examples
BE	No	No	No	Vessel power and weight can be assessed in a systematic manner; unclear how criteria are assessed or applied by the quota committee; appears ad hoc	No	No
BG	No	No	No	A points-based system can be systematic, although transparency is a precondition	Impact of fishing on the environment (pingers); history of compliance	No
HR	No	No	No	Historical landings can be assessed in a systematic manner; a points-based system can be systematic, although transparency is a precondition	Historic catch levels (landings)	No
CY	No	No	No	Historical landings and vessel length can be assessed in a systematic manner	Historic catch levels (landings)	No
DK	Yes	Partial	Yes	Historical landings, vessel length, gear type, and age of fisher can be assessed in a systematic manner	Historic catch levels (landings); impact of fishing on the environment (gear)	Selective fishing gear
EE	Yes	Yes	Yes	Historical landings can be assessed in a systematic manner	Historic catch levels (landings)	No
FI	No*	No*	No*	Historical landings can be assessed in a systematic manner*	Historic catch levels (landings)*	No*
FR	No	No	No	Historical landings can be assessed in a systematic manner; unclear how criteria are assessed or applied, appears ad hoc	Historic catch levels (landings)	No
DE	Yes	No	No	Historical landings can be assessed in a systematic manner; unclear how criteria are assessed or applied, appears rare	Historic catch levels (landings)	No
EL	No	No	No	A points-based system can be systematic, although transparency is a precondition	Historic catch levels (landings)	No
IE	Yes	Partial	No	Historical landings and vessel length can be assessed in a systematic manner; unclear how criteria are assessed or applied by the quota committee, appears ad hoc	Historic catch levels (landings)	No

IT	Yes	Partial	Partial	Historical landings can be assessed in a systematic manner; unclear how criteria are assessed or applied, appears rare	Historic catch levels (landings); impact of fishing on the environment	Selective fishing gear
LV	No	No	No	Unclear how criteria are assessed or applied	Contribution to the local economy (local landings)	No
LT	Yes	No	No	Historical landings and gear type can be assessed in a systematic manner, unclear how criteria are assessed or applied	Historic catch levels (landings); impact of fishing on the environment; contribution to the local economy; history of compliance	Selective fishing gear
MT	No	No	No	Historical landings can be assessed in a systematic manner; unclear how criteria are assessed or applied, appears rare	Historic catch levels (landings)	No
NL	No*	No*	No*	Historical landings can be assessed in a systematic manner*	Historic catch levels (landings)*	No*
PL	No	No	No	Historical landings and vessel length can be assessed in a systematic manner; unclear how criteria are assessed or applied by the quota committee; appears ad hoc	Historic catch levels (landings)	No
PT	No	No	Partial	Historical landings and vessel length can be assessed in a systematic manner	Historic catch levels (landings)	No
RO	No	No	No	Vessel length can be assessed in a systematic manner; unclear how criteria are assessed or applied by the quota committee; appears ad hoc	History of compliance	No
SI	No	No	No	There are no criteria applied beyond the licencing regime	No	No
ES	No	No	No	Historical landings, vessel capacity, number of crew, quota uptake, and most common criteria can be assessed in a systematic manner, unclear how employment and socioeconomic dependence are assessed or applied	Historic catch levels (landings)	No
SE	Yes	No	No	Historical landings, vessel length, and gear type can be assessed in a systematic manner	Historic catch levels (landings); impact of fishing on the environment (gear)	Selective fishing gear

*Finland and the Netherlands have stated that Article 17 is not relevant to their allocation systems because of Article 16 on transferable fishing opportunities.

ENDNOTES

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[13] Scottish Parliament (2021) https://archive2021.parliament.scot/parliamentarybusiness/currentcommittees/49237.aspx
[14] Pew (no date) Ocean2012 Coalition https://www.pewtrusts.org/en/projects/archived-projects/ocean2012
[15] Some Member States do not have maritime coastlines (Austria, Czech Republic, Hungary, Luxembourg and Slovakia) and are therefore not considered in this report.
[16] STECF (2020) The 2020 Annual Economic Report on the EU Fishing Fleet. Retrieved from: https://stecf.jrc.ec.europa.eu/reports/economic/-/asset_publisher/d7Ie/document/id/2788167
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[30] Quota allocation in Denmark is set out in the fisheries law (§83), where allocation is made to four groups; an open scheme which is NOT low impact, an open Low impact scheme, a protected scheme that is NOT low impact and a protected low impact scheme. Before the coastal allocation is made shares for unintentional by-catches are set aside ((1) 0.224 ‰ of cod in the North Sea; 2) 0.308 ‰ of cod in the Kattegat; 3) 0.477 ‰ of cod in the Skagerrak; 4) 0,581 ‰ of cod in the Baltic Sea and the Belts, ICES subareas 22-24; 5) 0,581 ‰ of cod in the Baltic Sea, ICES subareas 25-32; 6) 0.440 ‰ of sole in the Skagerrak, Kattegat and the Baltic Sea and the Belts; 7) 0.213 ‰ of sole in the North Sea (EU waters)). Denmark operates two schemes for the coastal fleet, a 'protected' one and an 'open' one. In the "protected" scheme (tidsubegrænsede ordning) a fisher secures quotas and vessels in the coastal segment. All boats up to 17m can join the open scheme, however both vessel and quota must be sold to another coastal fisher together. For the open scheme (tidsbegrænsede ordning) fishers join for three years, and subsequently can sell to anyone, all vessels up to 15m can join the protected scheme and vessels between 15-17m can also join if considered 'low impact' (defined in bilag 16). Approximately 1% by weight and 0.25% by value of Danish quota are allocated specifically through these scheme. Fishers also have their regular allocations as described above. Quota allocation in Denmark is set out in the fisheries law (§83), where allocation is made to four groups; an open scheme which is NOT low impact, an open Low impact scheme, a protected scheme that is NOT low impact and a protected low impact scheme.
In the coastal scheme some shares are defined for particular species and waters: 1) 70.0 ‰ of cod in the North Sea; 2) 67.6 ‰ of cod in the Kattegat; 3) 134.6 ‰ of cod in the Skagerrak; 4) 136.0 ‰ of cod in the Baltic Sea and the Belts, ICES subareas 22-24; 5) 75.0 ‰ of cod in the Baltic Sea, ICES subareas 25-32 (EU waters); 6) 98.3 ‰ of sole in the Skagerrak, Kattegat and the Baltic Sea and the Belts; 7) 96.0 ‰ of sole in the North Sea (EU waters); 8) 73.9 ‰ of plaice in the Baltic Sea and the Belts; 9) 47.9 ‰ of plaice in the Kattegat; 10) 64.4 ‰ of plaice in the Skagerrak; 11) 13.9 ‰ of plaice in the North Sea. https://www.retsinformation.dk/eli/lta/2021/1109
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