

Briefing

How Spain allocates fishing opportunities to its fishers

Background

Spain has one of the largest fishing fleets in Europe, and its fisheries sustain many communities, especially in coastal areas, by providing income, employment, and food. However, biased and opaque allocation of fishing opportunities can lead to inequality in fishing activities, conflicts over access to fish resources, economic hardship for fishers, and negative impacts on fisheries and the marine environment. To prevent such outcomes, Article 17 of the Common Fisheries Policy (CFP)¹ and Article 32 of the Spanish Law 5/2023 on Sustainable Fishing and Fisheries Research² requires Spain to use transparent and objective criteria for allocating fishing opportunities, including those of a social, economic, and environmental nature.

Understanding how Spain manages its marine capture fisheries through allocation is fundamental not only to ensure compliance with legal requirements, but also to identify opportunities for transforming a key part of Europe's food system into one that delivers social, economic, and environmental benefits. This briefing provides an overview of Spain's approach to allocating fishing opportunities within the framework of the European Union (EU) CFP and Spanish Law 5/2023 on Sustainable Fishing and Fisheries Research. It proposes measures to improve transparency and objectivity in the allocation of fishing opportunities, aiming to enhance the sustainability and fairness of Spain's management practices.

Spain's fishing fleet

Historically, fishing activities in Spain have shaped a rich tapestry of culture, traditions, and landscapes, defining its maritime identity. Today, the Spanish fishing fleet is the EU's largest in terms of gross tonnage (23.7% of the EU total capacity by volume). As of 2023, it comprised 8578 vessels (Table 1) that operate across a diverse array of fishing grounds, in EU, third-country, and international waters. However, the majority of Spanish vessels fish in national waters (96% in 2022). Over half of the fleet operates in the northwest Bay of Biscay, one quarter in the Mediterranean Sea, and smaller numbers in the Gulf of Cadiz (9%), and the Canary Islands (8%).³

The fleet is diverse. Small-scale vessels (<12m) constitute 73% of the fleet and contribute only 5% of the total tonnage. These smaller vessels use polyvalent gear, such as trammel nets, longlines, gillnets, hooks and pots, among others. Medium to large-scale vessels (>12m) also use varied gears; those operating in distant waters typically use longlines, trawls and purse seines.

In 2022, Spain accounted for 22% of EU marine catches, valued at EUR 2.0 billion. Tuna species, including skipjack and yellowfin tuna, along with hake, swordfish and anchovy, stand out as the main species for the Spanish fleet in terms of both live weight and landed value.⁴

Table 1: Overview of the Spanish fleet structure in 2023.

Fleet Classification (by length in m)	Number of registered vessels	Gross tonnage (GT)	Engine power (kW)
0-12	6295	14,627	150,078
12-24	1527	49,398	180,011
>24	756	250,901	420,494
TOTAL	8578	314,925	750,583

Source: European Commission. (n.d.) *EU Fleet Register*. https://webgate.ec.europa.eu/fleet-europa/index_en

Fishing opportunities overview:



Fishing opportunities refer to legal rights to fish expressed and quantified in terms of catch limits (e.g. tonnes) and/or fishing effort (e.g. fishing days).



EU fishing opportunities are determined annually by EU Fisheries Ministers.



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Legal requirements for allocation

Spanish, EU, and international laws and commitments establish various requirements for Spain to follow in the processes and criteria it uses to allocate fishing opportunities across its fleet. Spanish Law 5/2023 on Sustainable Fishing and Fisheries Research² mandates that allocation arrangements consider one or more of the following criteria:

- ➔ historical fishing activity,
- ➔ the technical characteristics of the vessel,
- ➔ the impact of the fishing activity on species, environment and ecosystems,
- ➔ other fishing opportunities assigned to the vessel,
- ➔ employment opportunities and the quality thereof, and
- ➔ contribution to the local economy.

However, this law only requires at least one of the criteria to be applied in the allocation of fishing opportunities, which in practical terms may limit the possibility of combining economic, social, and environmental criteria. In addition, application of this law to date is very limited, and allocation arrangements that were previously done under Law 3/2001 on Maritime Fishing of the State⁵ are still in place.

Under the CFP, Article 16 mandates that Member States, such as Spain, determine a method for allocating fishing opportunities to individual vessels or groups of vessels flying their flag, in combination with reporting their approach to the European Commission. Additionally, Article 17 of the CFP requires Member States to use transparent and objective criteria, including those of an environmental, social, and economic nature, when distributing fishing opportunities. These criteria may include, among others, the impact of fishing on the environment, compliance history, contribution to the local economy, and historic catch levels. **In this way, fishing practices that bring the greatest benefits to society and have the least impact on the marine environment should be given preferential access to fishing opportunities.**

These EU requirements are in line with international commitments and legal instruments related to the allocation of fishing opportunities, which include:

- ➔ United Nations Convention on the Law of the Sea⁶
- ➔ FAO Code of Conduct for Responsible Fisheries⁷
- ➔ UN 2030 Agenda for Sustainable Development and related SDGs⁴
- ➔ FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries⁸
- ➔ FAO Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries, and Forests⁹

Processes for allocating fishing opportunities in Spain

The allocation system involves multiple authorities, at the national, regional, and local level. The Secretary General for Fisheries under the Ministry for Agriculture, Fisheries and Food (*Ministerio de Agricultura, Pesca y Alimentación*) is responsible for fisheries management at the national level, as well as controlling fishing activities beyond national waters, including for transboundary and highly migratory stocks. Responsibility for inshore waters and sedentary stocks, such as shellfish, is devolved to the regional governments of Spain's autonomous communities. At the local scale, allocation processes also involve self-organised fishing guilds (*cofradías*) scattered along the Spanish coastline, which have long-standing traditional roots in the Spanish fishing industry, along with producer organisations (POs). Most fishers are members of *cofradías*, with a smaller percentage organised in POs.

The Ministry for Agriculture, Fisheries and Food has the authority to distribute fishing opportunities among vessels or groups, in the form of catch volumes, fishing effort, or access to fishing areas. In 2022, **the main criterion used to decide allocations reflected historical catches (weighted at 70%), with secondary consideration given to economic and social contributions (20 %) and environmental impacts (10%).**¹⁰ Spain has integrated the use of

environmental criteria within its legislative orders in some cases, such as granting a portion of Atlantic bigeye tuna (*Thunnus obesus*) quota to fleets that have a lower impact on juveniles.¹¹ It also applies, in some cases, a novel practice aimed at promoting employment, by giving preference to vessels with larger crews. For example, 10% of the mackerel (*Scomber scombrus*) allocation for purse seiners in national waters depends on the number of workers on board, as does 25% of the southern hake (*Merluccius merluccius*) allocation for gillnetters.¹⁰

Based on these criteria, each vessel or group of vessels is granted its corresponding quota or percentage of total fishing opportunities (Article 32 of Law 5/2023²). The Ministry of Agriculture, Fisheries, and Food can establish reserves of fishing rights through an order, typically up to 5% of the total, but occasionally up to 10% for several purposes, including to allow for new entrants not meeting historical activity requirements due to reductions in Spain's fishing rights (Article 40 of Law 5/2023). These fishing opportunities are published annually in the Official Bulletin of the State (*Boletín Oficial del Estado*; BOE). They are also published on a specific section of the website of the Ministry of Agriculture, Fisheries and Food. In addition, the "Gestcuotas" section of the Ministry's website provides information about available quotas and their consumption, by fish stock, fishing gear, fishing association and vessel. However, this information is not publicly available, as access to Gestcuotas is restricted to the fishing industry.¹²

Fishing opportunities may be distributed for joint management to *cofradías*, fishing producer organisations, shipowner associations, or vessel groups, based on scientific information and resource status. This joint management entails sharing fishing opportunities among participating vessels. The entities mentioned are responsible for controlling fishing opportunities within their recognised geographical and sectoral scope. Once fishing begins, new vessel registrations for joint management are not allowed, nor can existing registrations be cancelled during the year, except for reasons such as change of ownership or accidents (Article 34 of Law 5/2023).

Cofradías develop management plans for specific fisheries, subject to regional government approval. For example, in Galicia, *cofradías* must develop management plans for the goose barnacle (*Pollicipes pollicipes*) fishery, which specify the authorised fishing grounds, capture methods, number of authorised fishers, and daily individual catch limits.¹³ *Cofradías*, often comprise various segments of the fishing fleet. In regions like the Canary Islands and

Galicia, small-scale fishers are predominant, while in other parts of Spain, such as Andalusia, there's a diverse membership. Some *cofradías* exclusively represent artisanal fleets, while others include a mix of fleet segments, like purse seine and trawl fleets. Additionally, specialized sections within *cofradías* exist in certain regions, such as those focused on gathering shellfish either on foot or by boat.¹⁴



Key weaknesses in the Spanish allocation system

» 1. Lack of transparency

The European Commission has called for strengthening transparency in the fishing opportunities allocation systems of Member States, including Spain.¹⁵ Similarly, the European Parliament has urged public disclosure of distribution methods, and for allocation methods to be developed and applied with the involvement of fishing communities, regional authorities, and other relevant stakeholders.¹⁶ Various aspects of the Spanish allocation system point to a lack of transparency regarding processes and their outcomes. For example:



Detailed plans on fishing opportunities distribution and processes (including those related to *cofradías* and POs) are either difficult to find, or not always made available to the public.



Information on the methodology used for applying different criteria and weightings to allocation decisions across local, regional, and national levels is often kept confidential. When it is made available, it is usually not centralised, which prevents the public from assessing the fairness of the approaches used.



Information on allocation processes and outcomes is difficult to locate, is scattered on government or sector websites, access can be restricted to fishing industry, and is often incomplete.



Decision-making advisory meetings between the fisheries sector and autonomous communities on the allocation of fishing opportunities occur behind closed doors. Furthermore, it is unclear to what extent these processes represent comprehensively the small, medium and large fisheries interests, or allow for observation or involvement of civil society and coastal community stakeholders.



There is a lack of clarity concerning monitoring and social, economic and environmental impact assessments of allocation decisions.

» 2. Socioeconomic sustainability is neglected

A consultation launched by the European Commission in 2024 aims to create a *vademecum* on the allocation of fishing opportunities for, amongst other things, improving the support for small-scale and coastal fishers by Member States.¹⁶ The European Parliament has called for Member States to guarantee a fair distribution of fishing opportunities between different fleet segments, criticizing the reliance on historic catches.



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This reliance is noted for potentially reinforcing economic concentration and hindering new entrants, particularly young fishers, while also failing to ensure fair opportunities for all fishers.¹⁷ Within Spain's fishing community, organizations like the Low Impact Fishers of Europe voice concerns about the prioritization of industrial fleets over small-scale operations in allocation decisions.¹⁷ The legal challenges in Spain brought by the Galician Purse Seine Owners Association (ACERGA), against the Spanish government, contested the current quota distribution criteria for overlooking economic and social benefits.¹⁸ Various aspects of the allocation system point to a lack of fairness and neglect of social and economic sustainability considerations, including:



The heavy reliance on historic catch criteria (weighted at 70% in 2022) favours those vessels with extensive histories of large catches (e.g. larger industrial fleets) which can be at the expense of the interests of fishers, including those engaged in small-scale and artisanal fisheries and their significant value to local economies.



Allocation decisions that primarily reflect past allocation decisions fail to reflect changing socioeconomic circumstances, and neglect objective considerations of individual merit within *cofradías*, POs, shipowner associations, or vessel groups.



Small-scale fishers can struggle to have their interests recognised and defended in allocation processes. Within *cofradías*, a confluence or interference of collective and individual interests can occur¹⁹ and where various types of fishing fleets are represented, this can lead to a diminished influence of small-scale fishers in decision-making. In Andalusia, for instance, small-scale fishers are adequately represented only when they constitute a significant portion of the membership. However, when purse seine or trawl fishers become members, the political influence of small-scale fishing is marginalized at local, regional and national levels. Consequently, in regions where more powerful fleet segments dominate, small-scale fishers have attempted to establish their own associations, such as the Galician Association of Small-scale Gears Boat Owners (Asoar-Armega).¹⁴

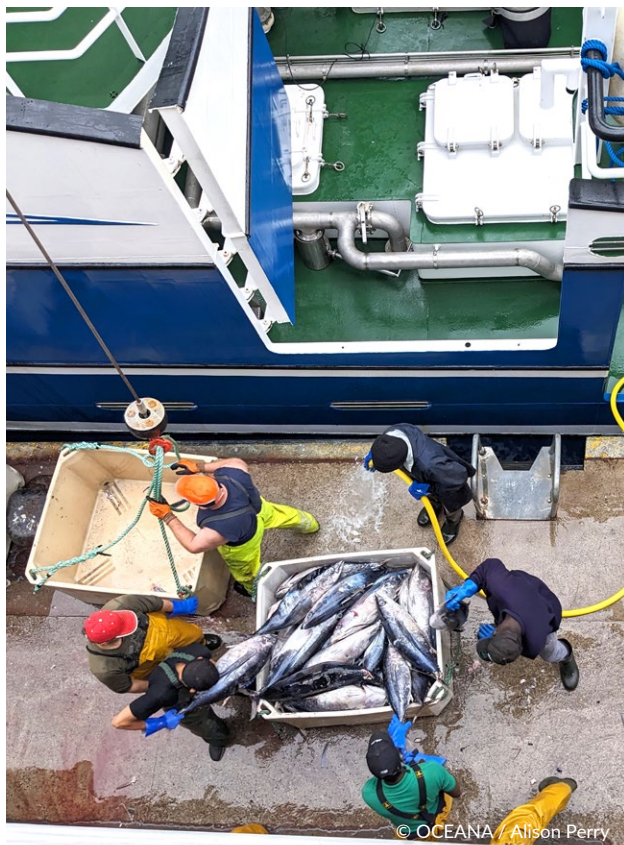


Did you know?

In the past three decades, Spain's bluefin tuna (*Thunnus thynnus*) fishery has witnessed a significant transformation. Large-scale purse seine fleets and tuna traps have come to dominate the industry, while traditional hook-and-line fishers have seen their presence diminish. Large fleets and *almadrabas* (traditional coastal fisheries for bluefin tuna) have received the lion's share of fishing opportunities, leaving small-scale Canarian fleets marginalised, along with other small-scale fishers in the Mediterranean and the Strait of Gibraltar. Despite historically contributing significantly to the fishery, these smaller fleets have been allocated minimal fishing opportunities, averaging only 2.5% of the national Total Allowable Catch (TAC) between 2008 and 2015.²⁰ This discrepancy is glaring, particularly considering that between 1965 and 1980, Canarian fleets played a significant role in the bluefin tuna fishery, accounting for 16% of Spain's total catch. The allocation process, based on recent catch records, has disadvantaged small-scale Canarian fishers, who were not as active during that time due to collapsing stocks, and were therefore not recognised as historical users deserving of significant fishing opportunities. This disparity has sparked protests and calls for reform, as small-scale fishers seek equitable access to fishing opportunities. In recent years, the Canarian fleet has been granted modest increases in fishing opportunities; in 2024, it was entitled to 538 t out of a total of 6783 t (approximately 8% of the national fishing opportunities)²¹. However, this allocation still falls short of historical levels and fails to address the challenges faced by small-scale fishers.²⁰

» 3. Ecological sustainability is neglected

A recent report commissioned by the European Commission revealed that the use of environmental criteria in allocating fishing opportunities is limited across Member States, with Spain not considering the impact of fishing on marine habitats or on climate change.¹⁰



Several components of the allocation system point to neglect over considering the impact of fishing on the marine environment, such as:



The limited weight given to environmental criteria (weighted at 10% in 2022) provides a weak basis for Spain to be able to incentivise less environmentally damaging fishing practices, as called for under Article 17.



The predominance of historical catches as the main criterion influencing allocation (weighted at 70% in 2022) sidelines considerations on environmental impacts and neglects objective considerations of individual merit within *cofradías*, POs, shipowner associations, or vessel groups.



The heavy reliance on historic catch for allocating fishing opportunities to the sector encourages the purchase of older vessels with an established catch history but that may be more environmentally damaging (i.e. fuel inefficient, damaging gears), hindering investments in fleet renewal and decarbonisation efforts.



Recommendations for improving fishing allocation processes in Spain



1 | Develop objective and transparent criteria under Article 32 of Law 5/2023 on Sustainable Fisheries and Aquaculture:

As laid out in Article 32 of Law 5/2023, Spain should develop, by Royal Decree, the allocation criteria and associated weightings for each fishery in a reasoned and transparent manner, in consultation with stakeholders.



2 | Establish mandatory weightings for allocation criteria:

Introduce mandatory minimum and maximum weightings for social, economic, and environmental factors in Article 32 of Law 5/2023 on Sustainable Fisheries and Aquaculture.



3 | Strengthen the application of sustainability criteria:

Introduce new criteria and increase the weighting of social, economic, and environmental criteria in fishing opportunities allocations.



4 | Decrease relative influence of historic catches:

Progressively reduce reliance on historic catch criteria, in favour of criteria that reflect the social and economic importance of fisheries, and their impact on the environment.



5 | Conduct independent audits and public reporting:

Conduct reviews of allocation methodology and criteria, and regular independent audits of allocation decisions, evaluating their environmental and socioeconomic impacts, and make the results publicly available.



6 | Address imbalances and discrimination:

Develop strategies to make the allocation process more objective, including identifying and addressing imbalances between small-scale and medium to large-scale fisheries, removing barriers to new entrants and young fishers, and resolving gender inequalities and discrimination.



7 | Facilitate access for artisanal fishers:

Establish dedicated pathways to support artisanal fishers in accessing fishing opportunities, based on their social, economic, and environmental merit, and in participating in decision-making processes at local, regional and national levels.



8 | Publicise stakeholder contribution opportunities and create a dedicated participatory committee:

Define and publicise opportunities for civil society, the private sector, and the scientific community to contribute to the development and implementation of allocation processes, approaches, and policy. Create a participatory committee to oversee the allocation process, involving all segments of the fisheries sector and other interested stakeholders.



9 | Centralise information on allocation processes:

Create a centralised, publicly accessible hub for information on policies, processes, and outcomes related to the allocation of fishing opportunities, in relevant languages. This hub should provide information from across all levels of the allocation system (i.e. national, regional, and local). This should include making criteria weightings and methodologies of allocation processes publicly available and easily accessible, along with allocation outcomes, consultative meeting minutes and supporting documents, and the annual plans from each fishing association.



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