



Dublin, 22th August 2016

Subject: The initial response of the NWWAC to the Control Expert Group report on 'Recommended measures to achieve compliance with the landing obligation in demersal fisheries in North Western EU Waters'.

Dear Members of the Control Expert Group,

I am pleased to provide you with the NWWAC's initial response (Annex I) to the Control Expert Group report on 'Recommended measures to achieve compliance with the landing obligation in demersal fisheries in North Western EU Waters'.

This document is based on the outcome of the NWWAC meeting in Edinburgh on the 7th July, 2016 and summarises the initial opinions of the NWWAC. At this meeting, it was decided that the NWWAC will establish a Focus Group to specifically examine the report in detail and further feedback will be provided after this meeting, should it be appropriate.

The NWWAC would welcome and value the involvement of members of the Control Expert Group in the Focus Group and as such, extend an open invitation for you to participate.

Yours sincerely,

Bertie Armstrong,
NWWAC
Chairman of the Executive Committee



Annex I

The initial response of the NWWAC to the Control Expert Group report on the 'Recommended measures to achieve compliance with the Landing obligation in demersal fisheries in North Western EU Waters'

General remarks

The NWWAC firmly believes that policies are only effective if they are enforceable, and that effective enforcement is best achieved with the buy-in of those affected by it. As the NWWAC brings together the EU catching and processing sector, environmental NGOs, recreational fishermen and others affected by the Common Fisheries Policy in relation to demersal fisheries in North Western Waters, the NWWAC appreciates the opportunity to have an open-dialogue between the Member State control experts and stakeholders, and the offer to comment on the report by the Control Expert Group (CEG).

The NWWAC strongly advocates the need for a level-playing field among all vessels in EU waters. EU demersal fisheries are not homogenous, which implies the need for a tailored, effective set of control tools for the type of fishery. Therefore, the NWWAC recommends the evaluation of a combination of control tools rather than the evaluation of individual tools in isolation.

The uncertainties associated with the phased implementation of the landing obligation lead to even larger uncertainties with regard to control and enforcement of the landing obligation. Additionally, there are concerns that the landing obligation could contribute to an incentive to continue discarding but not to record such catches, as this would be counted against quota and landing of unwanted catches which would incur additional costs relating to disposal and labour required to handle the discards. In addition to the mistrust this could generate within industry, and between industry and regulators, illegal discarding would decrease the accuracy of scientific stock assessments which in turn could hamper the sustainable management of stocks and compromise the livelihoods of fishermen.

The NWWAC recognizes the importance of monitoring and control, and is committed to supporting the NWW Member States group and the Commission in successful implementation of the landing obligation. The NWWAC emphasises the need for good communication and recommends a closer collaboration between the Member States CEG and the NWWAC.

Due to the scheduling of NWWAC meetings, the NWWAC has to date not been able to develop a detailed response to the report that was presented at the NWWAC meeting of 7th July 2016 in Edinburgh. However, a dedicated Focus Group on Control and Compliance will be established to examine the report and provide feedback to the CEG. Members of the CEG will receive an official invitation to attend this meeting as the NWWAC would value their participation and would also like to encourage open-dialogue.

The NWWAC would like to highlight the fact that the AC would welcome the ability to provide input to the CEG in the early stages of further document development e.g. during the writing of reports, or while setting-up a risk assessment matrix that evaluates and categorises different fleets.

Finally, the NWWAC would encourage the establishment of a regional subgroup with the CEG and stakeholders to address the phasing-in of the landing obligation and the potential for associated difficulties for monitoring and control.

Culture of Compliance

Achieving a culture of compliance depends, to a large extent, on the buy-in of those affected by the CFP and related regulations. The existence of anomalies and contradictions between different regulations will also negatively affect the culture of compliance and contribute to uncertainty with regard to which rules apply and how they apply. Developing and maintaining a culture of compliance requires a regulation that is enforceable, doable and understandable. It also requires transparent information from the competent authorities at local, national, regional, and European level.

At this stage the industry is faced with a regulation that is implemented on a 'learning-by-doing' basis, which means that very little is known on the day-to-day implementation until the industry and control agencies meet on the fishing grounds and in port. The NWWAC recommends, therefore, that the CEG evaluate the different control tools in combination rather than evaluating them in isolation, and national control authorities consult with their national stakeholders before taking this input to the CEG to discuss it on a regional basis.

Harmonising control rules and monitoring across regions

While there has been a general downward trend in the administrative burden for the fishing sector, the introduction of the landing obligation, with its mandatory documentation and registration provisions that can differ between Member States, has acted to increase this clerical load. The need to further reduce the administrative burden by simplifying the regulations continues to exist. Moreover, the NWWAC would like to emphasise the importance of harmonised control rules and monitoring methods across regions, for example on the reporting and subsequent control of flexibilities and exemptions like *de minimis*.

Such harmonisation is closely related to the achievement of a level playing field and a culture of compliance. The establishment of a specific, regional subgroup with the CEG and stakeholders dealing with this issue could help achieve this goal^{1,2}.

Role of the European Fisheries Control Agency (EFCA)

¹ NWWAC reply to NWW Member State's request for Advice on the Landing Obligation [February 2016](#)

² NWWAC advice on the implementation of the demersal landing obligation in 2017 [May 2016](#)

Members of the NWWAC have been generally very supportive and appreciative of EFCA and especially the initiatives taken by ECFA in regard to the discussion of control of the landing obligation. It is important that ECFA plays a central role in convening discussion forums between regional CEGs and the Advisory Councils, especially during the initial implementation stage of the landing obligation.

Stakeholder consultation

Stakeholder consultation, especially the consultation of the Advisory Councils, should be a priority for Member States when implementing the landing obligation. Many aspects of day-to-day fishing operations are complex and require a thorough knowledge of the practical implications that any regulation would have on the operational process. As well as the evaluation of the different fleets, the risk assessment would benefit from stakeholder input as, in practice, the smallest changes to the gear (e.g. mesh) could have a large effect on the catch composition. After the consultation of national stakeholders, the Advisory Councils are excellently suited to advise the regional Member States on these effects, given the expertise represented.

Moreover the NWWAC would like to emphasise the benefits of an open dialogue and closer collaboration between the CEG and the NWWAC. Rather than discussing reports after they have been finalised, the NWWAC could help inform the CEG about potential implications and outcomes based on different control options during the process of developing the CEG's report.

Use of scientific data

Although the NWWAC understands the need of the CEG for increased observer data to monitor the actual catch composition, the NWWAC would like to stress the need for a clear distinction between scientific observer data and control observer data. The experience of some NWWAC members where scientific observer data was used, for prosecution purposes, has badly harmed the relationship between the industry and science and as such, has the potential to jeopardise the trust needed to improve the quality of data required for fish stock assessments and could hamper the successful implementation of the landing obligation.

The transition towards fully documented fisheries through the use of CCTV cameras is considered by some NWWAC members to be less favourable than other control methods. Many fishermen are reluctant to use CCTV cameras on board as they consider that the use of this technology constitutes a violation of their privacy. Other stakeholders consider that CCTV can be a very efficient and effective form of at-sea control, at a time when at-sea control will be more important than ever in light of the challenges posed by the landing obligation.