



THE LANDING OBLIGATION

Control and Enforcement

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Introduction

- Introduced on 1 January 2015 on a phased basis.
- Phasing in period allowed the fishing industry time to adapt.
- Phasing in period also allowed MS competent authorities time to develop measures to control the landing obligation (LO).
- Fully in force from 1 January 2019.

Control Challenges

- MS have an obligation to adopt appropriate measures, resources and structures to **ensure** control, inspection and enforcement of all activities that come under the scope of the CFP (Art 5(3) CR & Art 36(3) CFP Reg).
- For the purpose of monitoring compliance, MS shall **ensure** the accurate and detailed documentation of all fishing trips and adequate capacity and means (Art 15(13) CFP Reg).
- Controlling the LO is complicated by several exemptions such as predator damaged fish, prohibited species, high survivability and *de minimis* → LO is not a straightforward discard ban.
- MS cannot ensure effective control and enforcement of the LO at sea by using conventional controls such as inspections at sea/landing and aerial surveillance → relatively few infringements detected to date.
- Necessary to introduce a practical means of continuous monitoring at sea.
 - Observers are costly and impractical.
 - Lack of harmonised agreement between MS on use Remote Electronic Monitoring (REM).
 - No legal basis for mandatory use of REM → May 2018: COM(2018)368.

Illegal discarding?



Discarding by default?



Voluntary compliance?

- Strong drivers for non-compliance with the LO by the fishing industry:
 - Quota utilisation on low value catches.
 - "Choke" issues.
 - Handling and stowage of unwanted catches.
 - Limited outlets for the sale of unwanted catches.
- Compounded by low likelihood of detection of illegal discarding at sea.
- Voluntary compliance is highly unlikely in the absence of meaningful control.
- Without effective control and enforcement it will not be possible to develop a "culture of compliance".

Compliance indicators

- All credible sources point towards widespread non-compliance with the LO:
 - DG MARE audit series in selected MS.
 - Little significant increase in the quantities of <MCRS landed and quantities reported discarded.
 - Numerous evaluation reports (EFCA, Advisory Councils, NGOs, national).
 - Fully documented fisheries trials indicated differences in catch composition between CCTV equipped and non-CCTV equipped vessels.
 - EFCA coordinated last haul programmes and other catch composition studies indicate discrepancies between verified reference catch data and unverified catch registration documents.

The way forward (1/2)

- REM (incorporating CCTV and sensors) is **widely recognised** as the best way to effectively control the LO at sea → **CCTV can confirm non-compliance.**
- Supplementary **sensor monitoring** (net, winch, pump etc.) → indicates potential non-compliances and high risk events.
- Recent advances in **automatic recognition software** can facilitate reviewing large volumes of data.
- MS, including the UK, DK, NL and DE, have conducted various REM trials.
- REM is being increasingly used for control purposes in **fisheries around the world.**

The way forward (2/2)

- Need to ensure that REM is applied across Member States to ensure a "level playing field".
- Legal basis for mandatory, risk based use of REM included in the proposal for a revised Fisheries Control System (Art 25a, COM(2018)368 (<http://ec.europa.eu/transparency/regdoc/?fuseaction=list&n=10&adv=0&coteId=1&year=2018&number=368&version=F&dateFrom=&dateTo=&serviceId=&documentType=&title=&titleLanguage=&titleSearch=EXACT&sortBy=NUMBER>)).
- EFCA coordinated *Technical guidelines and specifications for the implementation of Remote Electronic Monitoring (REM) in EU fisheries* (<https://www.efca.europa.eu/en/content/technical-guidelines-and-specifications-implementation-remote-electronic-monitoring-rem-eu>) → guidance document for MS on REM minimum technical requirements and standards.

Conclusions

- The LO is an ambitious policy that the EU collectively signed up to.
- **Without effective control and enforcement the LO will not be respected.**
- **Conventional controls** at sea are generally **ineffective**.
- **REM technology** is advancing rapidly and offers the best means to control the LO and promote compliance.
- Failure to control and enforce the LO jeopardises the credibility of the EU fishing industry and the objectives of the CFP → potential loss of markets and overfishing.
- House of Lords report on the implementation and enforcement of the EU landing obligation (<https://publications.parliament.uk/pa/ld201719/ldselect/ldeucom/276/276.pdf>):

At the minute, there is wide acceptance that discard levels are occurring at similar and, in some circumstances, higher rates than previously. That is exceedingly dangerous for our stocks; it just means that in reality we have overfishing. We have done great things in recent years with positive trends—building stocks up again and decreasing fishing mortality, and we are about to reverse all that if we do not get this right.

Thank you

