



Ms Evelien Ranshuysen  
Directorate-General for Maritime Affairs and Fisheries  
European Commission  
1049 Brussel  
Belgium

Dun Laoghaire, 4 March 2022

Dear Ms Ranshuysen,

**Subject: NWWAC response to the COM questionnaire on the Annual report on the implementation of the Landing Obligation**

The North Western Waters Advisory Council welcomes the opportunity to respond to the Commission questionnaire on the implementation of the Landing Obligation in 2021. To avoid repetition and given the many other consultations of the Advisory Councils, the Commission stated that it did not prepare a specific questionnaire for the ACs but welcomes any additional information. Therefore, the NWWAC provides below some overarching observations based on recent work on choke species.

In 2018, the North Western Waters AC identified the issues of choke species as the main obstacle to the implementation of the Landing Obligation in its remit area. The NWWAC recognises that the existing measures in the current Discard Plan are needed and have been helpful in avoiding choke situations in the NWW.

The NWWAC reiterates that the North Western Waters demersal fisheries are highly dynamic, variable and of a mixed nature. The fisheries are subject to ecosystem change that can result in distributional shifts in fish species. The NWWAC recognises that TACs are the most direct way of limiting fishing mortality in commercial fisheries, but a single species TAC management principle in mixed fisheries can be problematic, especially where TACs for bycatch species restrict fishing opportunities for target species. It is important to consider the implications of using  $F_{MSY}$  ranges provided for by the Western Waters MAP in a mixed fisheries context. The additional flexibility provided by these ranges for a stock may be constrained by other, more limiting stocks (for example in the Celtic Sea mixed fishery where the advice for haddock has increased compared to last year, while cod remains at a zero-catch advice).

Mixed fisheries advice could play an important role in this context. However, it is already apparent that the zero-catch advice for several stocks continues to pose significant challenges this year. The NWWAC also highlights the significant advances made throughout the WKIrish process towards an ecosystem-based approach to fisheries management and encourages the Commission to take into consideration the [NWWAC advice in this respect](#). Apart from considerations around TAC and quota-setting, it remains clear that the implementation of the Common Fisheries Policy in a mixed fisheries context requires creative and innovative solutions involving spatial management, technical measures, and in some cases balancing short- and long-term socio-economic trade-offs.





Our advice on the Joined Recommendations of the NWW Member State Group dated in June 2021 ([Discard Plan](#) and [Technical Measures](#)), in which we stipulated that priority should be given to avoidance measures that aim at unwanted marine organisms not entering the gear in the first place, remains valid when commenting on the implementation of the Landing Obligation. At the same time the NWWAC recommends the continuation of the quota-exchange pool as mentioned in the Fishing Opportunities Regulations since 2019 to cover unavoidable by-catches by Member States that have no quota for such stocks. This also covers stocks with zero catch advice for which bycatch provisions are foreseen to avoid premature closures of mixed fisheries. In this respect, the NWWAC fully accepts that directed fishery on such stocks remains prohibited. Ultimately, the NWWAC recognises that if the choke issues are to be resolved in the long-term, all stocks need to achieve a healthy state, as stated in our [2021 advice on "Addressing choke risk in the NWW after exemptions"](#).

An important part of this would be to address data gaps and ensure proper monitoring. This is crucial to demonstrate the extent to which progress has been made or highlight where progress is still lacking (e.g., in the context of the new Technical Conservation Measures Framework), and to provide a sound basis for informed adjustments to address potential shortcomings in the future.

Finally, the NWWAC would like to mention the control issue relating to article 27 of the Technical Measures regulation ((EU) 2019/1241), which deals with catch composition and mesh sizes, as against the obligation to land catches stipulated in article 15 of the CFP. In particular, article 27 has to be looked at in conjunction with Annex VI in the same regulation (for the North Western Waters) as it gives catch composition rules. According to these rules, if a fisher has a certain percentage of a particular species in his/her catches, he/she can use a smaller mesh size than what is allowed as the general mesh size. Article 27 makes it clear that these mesh size and catch composition rules are without prejudice to the landing obligation. Hence, a number of operational and enforcement issues arise since for fishers it is virtually impossible to comply with both these regulations. Given the relevance this issue has for our members and following the discussions held during the [dedicated meeting in September 2021](#), the NWWAC encourages the Commission to work towards a pragmatic and workable solution.

Yours sincerely,

Emiel Brouckaert  
Chairman Executive Committee

