



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/D.3/C.5

Dear Mr Emiel Brouckaert,

Thank you for your letter (our reference ARES(2023)4099967) identifying scenarios where the implementation of the landing obligation is impracticable and where you consider alternative approaches are needed.

Firstly, the landing obligation's main aim is to reduce discarding by encouraging fishers to fish more selectively and **avoid the unwanted catches**, by ensuring all catches are landed. The Scientific, Technical and Economic Committee for Fisheries⁽¹⁾ (STECF) states that increasing the selectivity can result in some immediate reduction in revenue, but these short-term losses should be offset by the broader medium-term gains in stocks, the reduced risk of choke events and better utilisation of quota to land a higher proportion of more valuable catch.

The Common Fisheries Policy (CFP)⁽²⁾ Regulation, specifically Article 15(4), list the potential exemptions to the landing obligation under certain conditions with scientific justification. Species cannot be added as a general exemption within these provisions and without having met those conditions.

The CFP Regulation should contribute to the improvement of safety and working conditions for fishing operators⁽³⁾. Safety of fishing vessels is regulated through Council Directive 97/70/EC, which is currently undergoing an evaluation to assess whether it needs to be updated. Working conditions onboard is addressed through Directive 2017/159 and is also undergoing a compliance assessment to check whether it has been properly transposed at national level.

Regarding Article 27 of Regulation (EU) 2019/1241 providing conditions in relation to mesh size specifications, I am aware that the NWWAC and the North Western Waters Member States Regional Group have been discussing this matter in relation to the implementation of the landing obligation. Member States Regional Groups could further

⁽¹⁾ STECF 22-05 Evaluation of joint recommendations on the landing obligation and on technical measures Regulation.

⁽²⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.

⁽³⁾ Recital 15 in the CFP Regulation.

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define the term ‘directed fishing’ for relevant species in Part B of Annexes V to X and in part A of Annex XI⁽⁴⁾ by submitting a joint recommendation to the Commission. It is important to gather knowledge on the specific cases or relevant species to which the conditions are difficult to meet.

However, a contravention of these catch percentages constitutes an infringement of the associated conditions intended to ensure that the use of smaller mesh sizes does not lead to a deterioration of selectivity standards due to inadequate fishing patterns (area, fishing depth, season, lack or improper use of selectivity devices, etc.). This is aligned with the objective of Regulation (EU) 2019/1241 to optimise exploitation patterns to provide protection for juveniles and spawning aggregations of marine biological resources; and with the landing obligation to have improved selectivity.

In your letter you reference Article 9 of Regulation (EU) 1241/2019 and the prohibition of using bottom-set gillnets to catch albacore. This article provides general restrictions on the use of specific gears of static nets and driftnets rather than the species. Prohibited species are listed, for example, in Article 18 of Regulation (EU) 2023/194 and in Annex I of Regulation (EU) 2019/1241, to which the landing obligation shall not apply to following Article 15(4)(a) of the CFP Regulation.

The CFP Regulation provides provisions to address the specific problems of mixed fisheries and the NWWAC has been helpful since the 2013 reform on identifying potential choke situations, solutions and possible tools to deal with them. It is important to continue this support to identify choke species.

I want to highlight the attention of the European Parliament on the socioeconomic impact of the landing obligation on the industry⁽⁵⁾. This particular aspect was studied in detail by STECF EWG 22-05⁽⁶⁾, for which experts provided a very comprehensive overview of current scientific information and assessments of the socioeconomic impacts of the landing obligation. There is still very little information available on the current socioeconomic impacts of the landing obligation. The majority of the reviewed literature provides an *ex-ante* assessment of **possible** socioeconomic impacts based on simulations using bioeconomic models, interviews, or conceptual literature. One of the main concerns of the Member States and the fishing industry is the impact of choke species. Most of the *ex-ante* modelling exercises to assess socio-economic impacts assume full implementation of the landing obligation, choke effects are shown to be the main problems of the landing obligation in these analyses and the accompanying literature. The existing studies seem to indicate that the socioeconomic impacts of the landing obligation were rather limited.

The Communication on the functioning of the Common Fisheries Policy⁽⁷⁾ emphasizes that continued intense collaboration and exchanges take place and help us reach a better understanding of implementing the landing obligation, showing challenges with its implementation. However, weak compliance, undocumented discarding and misreporting of catches undermine the accuracy of catch data and reporting: impacting the (reliable) data available which is key for scientific advice on fisheries conservation measures; and

⁽⁴⁾ Article 27(7) of Regulation (EU) 2019/1241

⁽⁵⁾ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0227_EN.html

⁽⁶⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/26710926/EWG+22-05+-+adhoc+contract+-+Doc+2.pdf/64094ec8-d4d8-4e40-9675-0a52ac275154>

⁽⁷⁾ COM(2023) 103 final

for an evaluation of the landing obligation that the Commission announced in the abovementioned Communication.

The Commission is currently preparing the terms of reference aiming to launch in 2024 a study supporting an evaluation of the landing obligation as a means to better inform policymakers on the effectiveness, efficiency, coherence, relevance and added value of the measures in place in the EU. My services are currently and will be in dialogue with the Advisory Councils, Member States and the STECF, on what key data available could feed into this evaluation, and stakeholder involvement during the study will be of utmost importance.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Julia Rubeck, our Advisory Councils coordinator, via the functional mailbox MARE-AC@ec.europa.eu.

Yours sincerely,

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