

Stockholm & Brussels, 15 October, 2014

To: Members of PECH – the Committee on Fisheries at the European Parliament

Re: The European Parliament report on the omnibus regulation (2013/0436(COD))

Dear Committee Member,

The omnibus regulation has been described as the “sticking plaster” intended to align the existing legislation to the landing obligation under the new Common Fisheries Policy (CFP), thereby creating a coherent legal framework. It is a temporary solution in support of the interim regionally based “discard plans”, with provisions eventually being incorporated in the multiannual plans. It sets out to remove inconsistencies in current regulations that would be contradictory to a discard ban. However, the ambition is not just to remove contradictory legislation, but to address the gaps in regulation to ensure a minimum of control of the discard ban.

The Commission proposal sets out to do so by reviewing and amending a number of regulations currently in force, focusing primarily on technical measures. The amendments mainly address three “groups” of measures identified as clearly contradictory to the ban: 1) catch composition rules, 2) bycatch provisions (which are similar to catch composition rules but area or gear specific) and 3) minimum landing sizes – which are simply renamed as minimum conservation reference sizes (MCRS). It also contains amendments to the control regulation (EC 1224/2009) that are essential for monitoring, control and enforcement of the ban.

We believe that the omnibus regulation will act as an important “bridge” in the first phase of implementation, hopefully clarifying the regulatory framework for the sector and ensuring some consistency.

The need for a swift adoption – before January 2015

Without the omnibus regulation, the landing obligation – a cornerstone of the reformed Common Fisheries Policy (CFP) – would be implemented under contradictory regulations and without sufficient control and monitoring provisions.

This has direct implications for the fishing sector, as the inconsistent rules and regulations would be unclear and confusing, to the disadvantage of all fishing operators, but particularly the small-scale fishermen who are less likely to have easy access to legal advice.

In addition, the Member States must be able to monitor and control the implementation in a fair way from the beginning (1 January 2015), requiring complimentary changes to the Control Regulation.

We therefore urge you, as Committee Member, to support the Commission proposal and move towards first reading agreement, in order have the framework in place as soon as possible.

Support the full scope of the omnibus regulation

The multiple purposes of the landing obligation are to reduce unwanted catches, to avoid wasting fish that has been caught, and to collect full catch data in order to improve our knowledge of stocks and fisheries in support of fisheries management decisions.

In order to support implementation properly and create a level playing field, the omnibus regulation needs to be applied to all fisheries covered by the landing obligation and ***not be limited to pelagic and Baltic species***. It would be dangerous and ineffective to assume we will have the necessary multiannual plans and new technical measures regulations in place by 2016, when the landing obligation is extended to demersal species.

We therefore urge you not to limit the Commission proposal to pelagic species and the Baltic region, but to support the full scope of the omnibus.

Necessary changes to technical measures and multiannual plans

As the omnibus attempts to amend several different regional regulations which set out similar rules for different areas, it is quite repetitive, making the same or similar changes to each regional regulation.

Article 15.1 of EU 1380/2013 clearly states that under the landing obligation unwanted catches ***shall be retained on board of the fishing vessel, recorded, landed and counted against the quota***. It is therefore vital that the appropriate articles in each of the regulations covered are amended as proposed by the Commission, making it absolutely clear that **unintended catches of the species covered must be landed and counted against quota**, specifically:

We therefore call on you to support the Commission proposal and reject the Council's suggestion to delete that unintended catches must be landed and counted against quota.

Essential to strengthen and expand the Control Regulation (EC 1224/2009)

The Commission has proposed a range of changes and additions to the Control Regulation under Chapter 2 of the omnibus. This is perhaps the most contested part of the proposal; by the fishing sector as well as by Member States. However, new policies require provisions for monitoring and control, in order to ensure that control and enforcement is appropriate as well as applied in a coherent and fair manner across the EU. Otherwise, prosecution of operators that do not adhere to the landing obligation could vary widely both within and between regions.

We call on you to support the full range of amendments to the Control Regulation proposed by the Commission, in particular:

- *A removal of the 50 kg (live weight per species) exemption for vessels of 10 meters or above to ensure a fully documented fishery (Art 14). Without this change, large amounts of fish would remain unrecorded and directly contribute to making scientific assessments in the EU less precise. We are against increases in the so-called “margin of tolerance”.*
- *The introduction of remote electronic monitoring (new Art. 25) as sufficient and cost-effective monitoring of the implementation of the landing obligation will be difficult to achieve without the use of this tool in combination with other measures.*
- *The introduction of non-compliance with the landing obligation as a serious infringement and part of the point system already applied by the Member States (Arts 90.1 (c) and 92.1). This is absolutely*

essential in order to ensure a level playing field for the operators from different Member States.

With this, we hope to provide you with some perspective as you move into detailed discussions about the draft report on the omnibus regulation (2013/0436(COD)) on Thursday.

Yours sincerely,



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