



**The Fisheries Secretariat response to Commission questionnaire to BSAC regarding the Landing Obligation.**

Dear Commission

Your questionnaire on improving and facilitating assessment of implementation of the landing obligation is clearly aimed primarily at Member States and producer organisations. We hope you will get a full response from each of them.

You also sent the questionnaire to Advisory Councils for members input. We are responding as an executive committee member of the Baltic Sea Advisory Council (BSAC). Since we are not directly involved in ensuring compliance with the Landing Obligation and considering the relatively short deadline for input, our feedback is partly anecdotal and often policy related.

With those caveats we can offer the following feedback.

Anecdotal information and accounts that we hear from fishing industry contacts across the Baltic point towards the following issues of concern;

1. There are overall insufficient controls to ensure the landing obligation and other legislation is properly followed.
2. An increase in targeted inspections at sea and in ports is absolutely vital to ensure respect for the law.
3. High levels of discards continue particularly in cod and plaice fisheries.
4. Misreporting of sprat/herring has been identified as one of the most serious problems since the introduction of the landing obligation. This has reduced the quality of scientific data behind stock assessments and TAC decisions.

There are also some questions that have been raised with regard to the implementation of the landing obligation in the Baltic region, the answers to which will be illustrative.

1. Now that plaice is under the landing obligation since January this year, and given that previous discard estimate for plaice is as high as 100% in some demersal trawl fisheries, and that these fish should all now be landed. What is the estimated expected haul from a mixed plaice/cod fishing trip in terms of weight and individuals?

2. Have plaice landings so far this year significantly increased, as would be expected if the landing obligation were fully implemented?
3. Since the new trawl gear became available on 1 February 2018. What has been the uptake of the trawl segment for this significant investment to develop the new gear?
4. Have there been additional controls at the beginning of this gear becoming operational so that managers have the best possible picture with which to evaluate its effectiveness and improvements vis a vis the Bacoma and T-90 gear?

Further we would like to note the following more general points

1. The Commission must encourage/push Member States to swap more TACs after the December Council to fit the quota distributed to their Producer Organisations.
2. The information on what is actually happening out at sea needs to be improved significantly. The availability of discard data seems to be deteriorating at a time when such data are needed more than ever.
3. Reliable data on discard levels and the use of exemptions are essential not only to meet the Article 15 requirement for accurate catch documentation, but also because the quota top-ups are calculated based on the assumption that the landing obligation is adhered to. However, catch documentation and discard data are often missing.
4. We have not seen the increase in at-sea control that is also necessary to provide information on discarding. Insufficient data collection can result in unaccounted removals and increases of quota above sustainable limits through the application of top-ups which are not based on reliable data and/or which are not effectively limited to those vessels actually subject to the landing obligation.
5. The LO is meant to be a tool to increase selectivity, reduce waste and gradually eliminate discards, and we therefore stress that the focus needs to be finding ways to actually implement it effectively and not as has often appeared to be the case, on finding ways “around” it.
6. We note that some EU Member States and fishing organisations are still talking about sudden changes of policy, while it was clear in 2013 that this policy was coming, and it was legally adopted in December 2013. Since then it has been delayed (species list in the annual discard plans), insufficiently or

too slowly funded (EMFF distribution) or information has not been given to fishers by their Producer Organisations so that it now looks again as if the big bad EU is imposing sudden policy changes. If all stakeholders and policy makers had used the possibilities, scientific, funding and administrative from the first moment on, the situation would be much better now and the original intention, to reduce the unwanted catch, would be much further advanced than it is today.

7. 'High survival' has been a contentious issue since the adoption of the CFP for two reasons. First, STECF provided guidelines on how survivability studies should be conducted to provide results of sufficient quality and validity for the joint recommendations, but these have not been followed consistently. Second, STECF expressed that the decision on what constitutes 'high' survival has to be taken by the managers (i.e. the Commission). We are interested in the criteria the Commission bases its decision on. The same applies to the recurring question what constitutes 'disproportionate costs' and selectivity increases which are 'very difficult to achieve' in relation to de minimis exemptions (Art. 15(5)(c)(i) and (ii) of the CFP Basic Regulation).

Finally we note these relevant points below raised by Norway in the published EU – Norway agreement on fishing limits for shared stocks 2018

- “5.4 The Delegations recognized that discarding of fish represents a major waste of resources as well as a loss of potential income and is detrimental towards the rebuilding of fish stocks. Furthermore, they recognize that discarding implies that some catches are not recorded with the result that the scientific basis for the management decisions is weakened.”
- 5.8 The level of adjustment is calculated for each stock and for each fisheries management zone by estimating the contribution of each EU fleet segment concerned by the expansion of the EU landing obligation in 2018 to levels of unwanted catches arising from forecast in the latest ICES advice. These contributions computed by EU fleet segment were derived from the last available landing and discards data, covering the years 2015 and 2016, as compiled by the STECF for each of the stocks and **by assuming that the discard rates of those EU fleet segments in 2018 would be nil.**” (emphasis added)
- “5.12 The Norwegian Delegation took note of the explanation from the EU Delegation and agreed that this approach was acceptable for 2018. However, the Norwegian Delegation also expressed concern regarding the lack of supporting technical measures and incentives. A Norwegian ban on discarding was introduced decades ago and this experience clearly showed that additional technical measures and control measures in support of a landing obligation are needed. The Norwegian Delegation expressed the view that **setting a TAC**

**based on the assumptions of a perfect compliance with the landing obligation for fisheries previously associated with high levels of discards, might lead to fishing pressure well above FMSY and no improvement in exploitation pattern. The concern includes loss of future yield as well as underreported catches leading to serious bias in the future stock assessments to be used for management decisions.”** (emphasis added)

Best Regards

Lindsay Keenan

Fisheries Policy Officer  
The Fisheries Secretariat (FishSec)  
Prästgatan 9, 111 29 Stockholm, Sweden  
[www.fishsec.org](http://www.fishsec.org)  
Mobile: +46 (0) 707 100 510