



2019/2177(INI) report on “Securing the objectives of the landing obligation under Article 15 of the Common Fisheries Policy”

Joint NGO voting recommendations (January 2021)

These joint NGO recommendations on the amendments tabled for [Mr Gade's own initiative report on the landing obligation](#) are supported by ClientEarth, BirdWatch Ireland, Deutsche Umwelthilfe, Dutch Elasmobranch Society, The Danish Society for Nature Conservation, FishSec, Fundació ENT, Oceana, Our Fish, Sciaena and Seas At Risk. We broadly support Mr Gade's draft report: it reflects both the urgent need for and the challenges of a proper implementation of the landing obligation (LO) in a balanced manner.

We are very concerned that many of the tabled amendments (AMs) do not offer a viable, politically credible and constructive path towards environmental, and consequently socioeconomic long-term sustainability. On the contrary, they undermine the sustainability objectives not only of the LO itself, but also of the EU's Common Fisheries Policy (CFP) as a whole, as well as international commitments, such as the Leaders' Pledge for Nature. This goes directly against the [demand of European citizens for sustainable seafood and for ending the wasteful practice of discarding](#),¹ supported by the European Parliament during the last CFP reform.

The benefits of a fully implemented landing obligation, including the strong incentive it provides to reduce bycatch and to improve the quality of fisheries data, are more necessary now than ever. In tandem with effective monitoring and control, this would improve the sustainability and accountability of EU fisheries management and contribute to the conservation of marine biodiversity.

The way forward is therefore to focus on proper implementation of the LO to effectively minimise and avoid unwanted catches, and to get a reliable picture of total catches. It is crucial to recognise implementation shortcomings, and to identify both legally and practically feasible solutions in line with the sustainability requirements and objectives of the CFP.

A return to legalised widespread discarding is not an option and all amendments going in this direction should be rejected. At the same time, amendments emphasising the importance of identifying and addressing implementation shortcomings and risks to sustainability should be supported. In detail, we urge you to follow the below recommendations:

1. Rectify the unduly negative narrative of some AMs around the LO and its feasibility

¹ On 11 December 2019, a petition with over 470,000 signatures from European citizens, calling for an end to overfishing and discarding, was delivered to Ms Sarah Nelen, Deputy Head of Cabinet for EU Commission Executive Vice-President Frans Timmermans, and to Ms Riitta Rahkonen, representative from the Finnish Presidency of the EU Council. Our Fish (2019). Press Release: “Ocean Avengers Deliver Ultimatum to EU Prime Ministers: End Overfishing. 11 December 2019.

Many AMs are geared towards weakening the LO or making it seem impossible to implement. They fail to recognise the key purpose of the LO: minimising and avoiding unwanted catches. This can only be achieved through effective implementation, and numerous tools to facilitate this exist. Concerns about potential “choking” of mixed fisheries were raised from the start and various approaches are in use to address this. However, such premature fisheries closures have in fact not materialised to the extent anticipated by opponents of the LO,² contrary to claims in certain AMs.

The LO was phased in over several years, accompanied by numerous flexibilities, such as exemptions, quota top-ups, bycatch TACs, TAC removal, and funding, for example for selectivity improvements, under the EMFF. Importantly, [TACs have been considerably adjusted upwards](#) to allow fishers to land catches they used to discard.³ Mr Gade’s original draft report presented the situation in a balanced way, whereas the narrative of some AMs does not reflect reality.

We thus urge you to **reject any AMs that push an unduly negative narrative or are factually wrong**, and to **support AMs that identify implementation shortcomings and provide constructive approaches for addressing them** (key AMs underlined below).

Support AMs: 2, 4, 11, 28, 45, 51, 52, 60, 63, 96.

Reject AMs: 17, 18, 19, 20, 21, 22, 23, 25, 31, 32, 33, 34, 35, 36, 40, 46, 48, 49, 55, 68, 69, 70, 72, 82, 83, 84, 85, 86, 87, 100, 106, 107, 110, 116, 122, 171.

2. Address the risk posed by the combination of catch-based TACs and illegal discards, and highlight the need to properly implement and control the LO

The introduction of the LO was accompanied by a [major shift in the EU’s fishing quota system](#):⁴ from regulating landings (recognising that unwanted catch could be discarded) to regulating catches (assuming that all catches under the landing obligation now have to be landed). [Total Allowable Catches \(TACs\) have been ‘topped up’](#) (i.e. increased by the amount that would otherwise have been discarded), in order to allow fishers to land unwanted catch.⁵ This has resulted in an [average upwards adjustment of 50% across the TACs set for 2020](#).

These catch-based TACs are now considerably higher than they would be if there was no LO. [Where illegal discards continue, this approach jeopardises the sustainability of the EU’s TAC system](#). Both industry and NGO stakeholders of the North Western Waters Advisory Council have highlighted the need to ensure compliance with the LO and agreed TACs, and to apply a precautionary approach in the absence of full compliance.⁶ [Accurate and comprehensive catch documentation](#) is a fundamental prerequisite of sustainable, scientifically sound fisheries management.⁷ An effectively implemented LO plays a key role in this context.

² Scientific, Technical and Economic Committee for Fisheries (STECF) Evaluation of Member States’ Annual Reports on the Landing Obligation (for 2019) ([STECF-Adhoc-20-02](#)). Publications Office of the European Union, Luxembourg, 2020, EUR 28359 EN, ISBN 978-92-76-22417-4, doi:10.2760/304431, JRC121918. Pp. 39-40.

³ Borges, Lisa (2020). The unintended impact of the European discard ban. ICES Journal of Marine Science, fsaa200, <https://doi.org/10.1093/icesjms/fsaa200>. Also see [a related presentation and a science briefing by Our Fish](#).

⁴ AGRIFISH Press Briefing: How EU Decisions On Fishing Quotas Will Set Tone for 2021. This [short 5 min presentation](#) (starting at 15:35) visualises the risk that ‘topped up’ catch-based TAC pose in combination with illegal discards.

⁵ ClientEarth (2020). Setting Total Allowable Catches (TACs) in the context of the Landing Obligation. July 2020. <https://www.clientearth.org/latest/documents/setting-total-allowable-catches-tacs-in-the-context-of-the-landing-obligation/>

⁶ North Western Waters Advisory Council (2020). Advice on the Consultation on Fishing Opportunities for 2021 under the Common Fisheries Policy (COM (2020) 248 final). 18 September 2020. P. 4. https://www.nwwac.org/publications/nwwac-advice-in-response-to-the-consultation-on-fishing-opportunities-2021_2999.html

⁷ ClientEarth (2020). (Lack of) catch documentation under the landing obligation and how exemptions may defeat rather than prove the rule. December 2020. <https://www.clientearth.org/latest/documents/lack-of-catch-documentation-under-the-landing-obligation-and-how-exemptions-may-defeat-rather-than-prove-the-rule/>

In light of the widely recognised [poor compliance with the LO](#),⁸ we therefore urge you to **reject AMs which call for weaker monitoring and control**, and to **support those which reflect this risk and support the need for reliable monitoring and control** (key AMs underlined below).

Support AMs: [6](#), [79](#), [98](#).

Reject AMs: [26](#), [81](#), [93](#), [95](#).

3. Resist calls for a revision of the LO and instead focus on proper implementation

The focus for the coming years needs to be on optimising the implementation of the LO, which became applicable across all fisheries only two years ago. It is much too early to call for a revision or to conclude that the LO is flawed, when the key issue is that it has not been fully implemented.

It is also crucial to recognise that the considerable [upwards TAC adjustments](#) (introduced to cover catches that would otherwise be discarded) are intrinsically linked to the LO. Catches not subject to the LO have to be deducted when setting TACs to account for discards. Any decrease in the scope of the LO would thus mean lower TACs.⁹

We therefore urge you to **reject all AMs calling or paving the way for a revision of the LO, or failing to recognise the implications this would have**, and to **support AMs focusing on the lack of and need for proper implementation of the LO in order to achieve its objectives** (key AMs underlined below).

Support AMs: [61](#), [64](#), [113](#), [119](#), [121](#), [135](#), [160](#).

Reject AMs: [37](#), [44](#), [62](#), [77](#), [88](#), [92](#), [94](#), [99](#), [109](#), [112](#), [114](#), [115](#), [134](#), [136](#), [138](#), [139](#), [141](#), [142](#), [146](#), [148](#), [151](#), [152](#), [153](#), [155](#), [157](#), [158](#), [169](#), [172](#), [173](#).

4. Resist calls for diminishing the scope of the LO or for not controlling it

Several AMs are not directly calling for a revision of the LO, but for TACs to be removed or control and enforcement to be weakened or not implemented at all. [Removing a TAC removes the most direct way of limiting fishing mortality to sustainable levels](#).¹⁰ Failing to effectively monitor and control the LO defeats its purpose of minimising and avoiding unwanted catches and providing a reliable account of all catches. Importantly, effective control is necessary with or without the LO, for example to ensure the agreed TACs are respected to keep fishing levels sustainable, in line with science and the law. Remote Electronic Monitoring is an effective and cost efficient tool to support fully documented fisheries. This would, if implemented across the EU, significantly aid the implementation of the LO and ensure a level playing field.

We therefore urge you to **reject AMs calling for the scope of the LO to be diminished, or for it not to be implemented or controlled**, and to **support AMs recognising the need to safeguard vulnerable stocks and ensure reliable catch documentation** (key AMs underlined below).

Support AMs: [56](#), [66](#), [67](#), [105](#), [108](#), [125](#), [167](#).

Reject AMs: [80](#), [104](#), [111](#), [124](#), [127](#), [128](#), [129](#), [131](#), [132](#), [133](#), [168](#).

⁸ COM/2020/248 final. Communication from the Commission of the European Parliament and the Council - Towards more sustainable fishing in the EU: state of play and orientations for 2021, pp. 5 and 6, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0248> and accompanying Commission Staff Working Document, pp.34 and 37, <https://bit.ly/393qK2A>.

⁹ For the same reason, catches subject to exemptions from the LO have to be – and have been – deducted when setting TACs. See for example: STECF – 61st Plenary Meeting Report ([PLEN-19-02](#)). Publications Office of the European Union, Luxembourg, 2019, ISBN 978-92-76-09515-6, doi:10.2760/31279, JRC117461, p. 76.

¹⁰ ClientEarth (2020). Taking stock 2020 - are TACs set to achieve MSY? October 2020. Section 4.5 on p. 30. <https://www.clientearth.org/latest/documents/taking-stock-2020-are-tacs-set-to-achieve-msy/>.