

The North Sea Advisory Council

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Director General João Aguiar MACHADO
DG-Mare
European Commission
1049 Brussels
BELGIUM

Cc; Member State Members of Scheveningen Group

30 July 2018

Dear Director General MACHADO,

Implementation of the Landing Obligation: Outstanding Uncertainties and Questions

North Sea Advisory Council (NSAC) members have a shared goal of achieving sustainable fisheries in the North Sea. As we move towards full implementation of the EU landing obligation (LO) for the mixed demersal fisheries in the North Sea, there is concern that several unresolved issues remain, presenting a high risk that the Common Fisheries Policy (CFP) sustainability objectives will not be achieved.

The LO represents one of the biggest challenges in fisheries management for decades, and its phased introduction has not gone as anticipated. The problem of potential chokes in mixed fisheries has proven to be much more complex than initially foreseen, and the species/fisheries chosen for inclusion in the LO have meant that many of the problems have been avoided rather than being addressed. This means that to some degree the full implementation of the LO will be the *big bang* that we all hoped to avoid.

NSAC members welcome any reduction in unwanted catch, however there is concern that recent measures and sustainable/good practices that have been applied within the context of the CFP to achieve this reduction may be overshadowed by an undue focus on the LO.

The content of the Joint Recommendation has now been agreed and provides important steps forward for a great number of stocks in the North Sea. This is a move in the right direction. However not all the issues flagged in our previous advice have been resolved and this presents many problems for NSAC fishing industry and OIG members.

The next six months will be a crucial phase in reshaping North Sea fisheries for the coming year. The NSAC is committed to proactively working with the Commission, Scheveningen Group and Member States on the LO implementation, but there remain some outstanding

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issues that must be addressed to enable the NSAC to provide the next phase of useful advice.

It will be crucial to make the best use of the months between now and December 2018 to develop a clear process that helps address the remaining issues and avoid a situation where discussions are postponed until the December Council meeting. To guide us in our advice drafting we would like to alert you to a number of concerns and receive your perspective on the following comments and questions:

- TACs for the main demersal stocks are set within the context of the annual EU/Norway fisheries agreement. EU and Norway have to date held different views on setting TACs on the basis of a single species or multi-species basis. Recent dialogue between the parties suggests that this will not present an insuperable obstacle to setting TACs which meet domestic requirements in the two jurisdictions. In this context, how can we ensure that TAC setting is used to ameliorate the problem of unwanted catch and chokes in the North Sea mixed fisheries?
- The NSAC anticipates that to resolve some choke risks the option of the removal of TAC status may be considered. In such cases [the NSAC Advice "02-1718 TACs and Conditions for their removal"](#), approved 19th June 2018, should be considered by the Commission prior to any decision for TAC removal being finalised.
- It is recognised that there is potential for a range of category two chokes (sufficient quota in the system but not held by the member state where the choke arises) to occur in 2019. It remains unclear how this type of choke will be addressed. What discussions within and between the member states are envisaged to develop solutions to this particular choke scenario?
- Our view is that a culture of compliance, in which the new requirements are fully understood and supported by the people to which they apply, is an absolutely indispensable part of the successful implementation of the landing obligation, and of meeting the CFP's objectives as a whole. A culture of compliance will be achieved by clear communication with fishers at vessel level regarding the purpose of proposed measures and ensuring that the measures supporting the landing obligation are practical, proportionate and consistent with maintaining an economically viable fleet. We would be grateful for advice on how to achieve this?
- The NSAC recognises the importance of the ongoing work and commitments made by various Member States to assess and improve the survivability of unwanted catches of certain species (particularly plaice, skates and rays) for which high survival exemptions have been requested. Whilst these commitments are very much supported by the NSAC, they are not enough for the unresolved issues of unwanted catch and chokes in the North Sea mixed fisheries. It will be important for the detail regarding any conditions required for the use of the exemptions to be outlined and made available to the NSAC. We are aware that the STECF EWG 18-06 is currently preparing its report on the evaluation of the Joint Recommendation, which may lead to further engagement between the Commission and the Scheveningen Group on this topic before the next discard plan is adopted. We would like to be kept informed throughout this process and feed into it where appropriate. In particular, we seek

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clarification a) on what measures the industry will be expected to take in order for these exemptions to be granted, and b) on the extent to which these exemptions will afford the time needed to develop more permanent solutions?

- We consider that footnotes to the TQR could play a useful role in resolving particular chokes but STECF has raised a number of concerns about how they are used. Can the Commission clarify how those concerns might be addressed?
- How will Member States ensure that discards under *de minimis* and high survival exemptions are accurately recorded? What measures are envisaged to address the remaining uncertainties in the data on discard rates, which can lead to uncertainties in ICES catch advice and regarding where chokes might appear?
- There is a lack of clarity on how the use of inter species flexibility will be used in practice. Once guidelines have been developed by the Scheveningen Group on the use of inter species flexibility, we would request these to be shared with the NSAC, along with any other insights the Commission and Scheveningen Group have on which member states plan to apply it and how?

No group has sole responsibility for addressing these challenges and concerns. The NSAC recognises that all parties - the Commission, member states, scientific community and fisheries stakeholders - all have a role to play in developing solutions.

This letter has set out the priority issues for the NSAC and we hope has raised awareness regarding the risks and challenges we are facing as we endeavour to find solutions to implement the Landing Obligation. We reiterate our willingness to engage meaningfully with the Scheveningen Group, both through regular meetings and through the December Council process, to collaboratively develop lasting solutions, supported by industry, member states, and other fishery stakeholders.

Yours sincerely,



Niels Wichmann
NSAC Chairman

