



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

**Director-General**

Brussels,  
MARE/D3 ADV

Mr Niels Wichmann  
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**Subject: Implementation of the Landing Obligation: Outstanding  
Uncertainties and Questions**

*Your ref.: your letter of 30 July 2018*

Dear Mr. Wichmann,

Thank you very much for your letter on the implementation of the landing obligation in the North Sea and its outstanding questions.

The Commission takes the issue of “choke species” very seriously and has now agreed with Member States on the discard plans for 2019, which provide solutions to some of the cases. We are working together with Member States to identify balanced and workable additional solutions.

On the TACs that are agreed together with Norway, let me assure you that the Commission is aware of the choke risks and that this will be taken into account during the negotiations. The annual fisheries consultations with Norway will be prepared during the October Council. At the Council, there will be an exchange of views on the approach to be taken by the Union on the main shared stocks.

We have also taken note of your advice regarding the removal of TAC. In case the Commission proposes to remove any existing TAC, we will further explain our approach.

Regarding “category 2” chokes, where insufficient quota is available at Member State level, you point out that discussions between Member States need to take place. We share this analysis and we are willing to act as a facilitator in such discussions. We are confident that the Scheveningen group provides the right set-up to tackle this kind of problems.

On your question on how to improve compliance and better explain the purpose of the landing obligation, I share your concerns. Many fishermen are not yet convinced about the benefits of the landing obligation. Let me however remind you that the European

Maritime and Fisheries Fund<sup>1</sup> explicitly recognises the need to support implementation of the landing obligation with specific measures, along with more general measures to facilitate its introduction and mitigate any adverse effects. An external report provided in February 2018 pointed out however that, by the end of 2017, only around €30 million of EMFF (of an envelope of € 5,749 billion) had been committed to landing-obligation related projects and that these projects covered only 10 Member States. The NSAC may be a place where Member States could be encouraged to have a better use of these possibilities. Finally, should you have suggestions on how DG MARE could improve its communication strategy on this subject, I would be grateful for you to share these ideas with me.

As far as the situation of the fleet is concerned, I would like to let you know that the 2018 Annual Economic Report on the EU Fishing Fleet recently produced by STECF<sup>2</sup> confirms the positive trend in the economic performance of the EU fleets resulting in new record high profits. This shows that the CFP is leading to positive results.

Regarding your question on the high survivability exemptions for plaice, skates and rays where we intend to grant an exemption on a temporary basis, you rightly point out that these conditions will only be renewed if certain conditions are being met. On the exemption for plaice for vessels fishing with beam trawls, I have asked the Scheveningen group

- a) to ask for an assessment by STECF of the roadmap developed by Member States,
- b) to report annually on the progress and modifications/adjustments made in order to increase survivability.

For skates and rays the Commission can accept temporary exemption for three years, with the exemption of cuckoo ray where the exemption should be limited to one year only. The conditions are the same as those above-mentioned for plaice. The discard plans will also include an obligation to discard these species swiftly and below the sea surface in case operators make use of these exemptions.

On the issue of footnotes in TAC tables that allow by-catches of other species and the concerns raised by the STECF, it is not possible to comment on potential solutions at this stage. As stressed by the STECF in its 2017 report, such an assessment can only be undertaken if all relevant MS provide the corresponding data. Currently, only Denmark, the Netherlands and Germany have provided for such data to the STECF.

As far as discard data are concerned, I would like to confirm that the lack of accurate reporting of fish discarded under exemptions allowed for under the landing obligation, the very low volumes of fish below minimum conservation reference size (MCRS) being landed and the difficulties experienced by Member States in monitoring such catches are all major concerns. In part this may be attributed to the electronic recording and reporting system (ERS) not being adapted to make it possible to record such catches. Operational facilities need to be fit for purpose to ensure information is correctly recorded. Regarding enforcement and control, it is also becoming increasingly clear that traditional means of control, such as inspections at sea and aerial surveillance, are less effective than continuous remote electronic monitoring technologies (REM) such as closed circuit television (CCTV) and sensors. In the absence of an agreement at regional level and in order to ensure a level playing field, the Commission recently engaged in discussions with Member States and EFCA to address this issue in the Specific Control and

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<sup>1</sup> OJ L 149, 20.5.2014, p.1.

<sup>2</sup> STECF 18-07

Inspection Programmes implemented by EFCA. In its proposal of May 2018 related to the revision of the EU fisheries control system, the Commission aims to make control more effective and efficient. This is why it proposes to introduce new control technologies (in particular CCTVs for a certain percentage of vessels from some fleet segments according to risk assessment), to reduce unnecessary administrative burden and to improve availability, reliability and completeness of fisheries data (phasing out of paper-based in favour of full electronic reporting for all vessels). This proposal also aims to improve and render stricter rules on inspections and enforcement, including harmonising the criteria for serious infringements and the level of sanctions. We are counting on Advisory Councils to support our proposal.

Finally, regarding the use in practice of inter-species flexibility, I invite you to contact the current chair of the Scheveningen group, in order to have the guidelines it prepared shared with others.

Let me thank you again for your constructive input and your commitment in the implementation of the landing obligation. Should you have any question on this reply, do not hesitate to take contact with Ms Pascale Colson, coordinator of the Advisory Councils ([pascale.colson@ec.europa.eu](mailto:pascale.colson@ec.europa.eu); +32 2 29 56273).

Yours sincerely,

  
João AGUIAR MACHADO

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