



Ms Charlina Vitcheva
Director-General for Maritime Affairs and Fisheries
European Commission
Jozef II-straat 99
1000 Brussels
Belgium

Dun Laoghaire, 13 June 2023

Dear Ms Vitcheva,

Subject: Difficulties with the Landing Obligation

The North Western Waters Advisory Council (NWWAC) wishes to submit this advice highlighting issues with the landing obligation in addition to our advice delivered to the Regional Member States Group on their Joint Recommendation on the Discard Plan post 2023.

The NWWAC has identified the following scenarios where the implementation of the landing obligation is impracticable and where we consider alternative approaches are needed:

- 1) The NWWAC has identified a potential contradiction between the sanitary legislation and the CFP. Indeed, some products could be considered unfit for consumption or could contaminate other products into the hold causing a health issue for consumers. That could happen for fish species that deteriorate quickly, for instance mackerel and horse mackerel. Tests have shown that from two days at sea mackerel and horse mackerel are downgraded and from 6 days the quality no longer allows them to be sold. We realise that currently a de-minimis exemption is in place for these species and we have advised to prolong this beyond 2023. However, in this advice we wish to highlight the existence of such situation and recommend to add such species to the general exemptions to the Landing Obligation, such as fish which shows damage caused by predators.
- 2) A second scenario is where fishers face a catch in one haul being too heavy and impossible to keep on board without jeopardizing the stability of the vessel. This can happen for some inshore vessels with occasional relevant catches of bulk species. Therefore, the NWWAC advises to foresee a general exemption to the Landing Obligation for safety reasons, when catches call into question the stability of the vessel and the overall safety of vessel and crew.





- 3) The NWWAC reiterates the contradiction between Article 27 of the Technical Measures regulation ((EU) 2019/1241), which deals with catch composition and mesh sizes, and the Landing Obligation. Article 27 provides for maximum percentages of species allowed to qualify for the specific mesh sizes set out in Annexes V to VII and to comply with the definition of specific targeted fisheries. Although on earlier reporting by the NWWAC we received a (verbal) reply that the Landing Obligation prevails, an issue of compliance remains which greatly affects fishers' operational activity and thus represents a key challenge.
- 4) A fourth scenario is where the landing obligation clashes with restrictions on the use of certain gears to catch a species. For example, article 9 of Regulation (EU) 1241/2019 states that it shall be prohibited to use bottom-set gillnets to catch albacore. Is albacore considered as a prohibited species that fishers should discard? Alternatively, if fishers apply the landing obligation and land the accidental catch of albacore caught with this gear, albacore will become a choke species.

Looking forward to DG MARE's response to the above specific issues, the NWWAC wishes to keep the possibility open for a debate on the Landing Obligation itself. It has now been in place for several years and whilst efforts to increase selectivity have generally continued, it can be concluded that the Landing Obligation has not contributed to such efforts. On the contrary, investing in increased selectivity has been jeopardized by incurring costs to land non-marketable fish. Also, within a responsible food policy it is inconsistent to land undersized fish to destroy.

In addition, the possibility for landed non-marketable fish to return to its natural environment, to grow, to reproduce and even to be fished later when it is marketable, is removed. Added to the risk of having to use space on board to store non-marketable fish, this creates pressure on the economic sustainability in times where space at sea is under threat, the industry is struggling with crew shortages and the sector has had to deal with several crises (Brexit, Covid, Ukraine).

As a final note the NWWAC wishes to point out the administrative burden inherent to the Landing Obligation coinciding with the complex regulations within the fishing industry, and more specifically for the skippers on board. Vessel owners and skippers are frightened to make mistakes which adds to pressure to work safely and profitably. The current responsibility burden and liability risk scares away candidate fishers and investors who consequently can be lost for maintaining the EU fisheries sector and thus part of the EU food self-supply.





As previously mentioned, we look forward to the Commission's specific responses to the above-mentioned scenarios, however we would also appreciate your view on the possibility of a further debate on the overall matter.

Yours sincerely,

Emiel Brouckaert
Chairman of the NWWAC

