



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

Fisheries Policy Atlantic, North Sea, Baltic and Outermost Regions
The Director

Brussels,
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Rebecca Hubbard
Program Director
Ourfish
rebecca@our.fish

Dear Ms. Hubbard,

Subject: Possible serious infringement of the landing obligation

Thank you very much for your letter of 27 February 2019 addressed to Commissioner Vella, who has asked me to reply on his behalf. Please let me start by assuring you that we take all allegations of infringements and non-compliance with the rules of the Common Fisheries Policy very seriously and as such I have asked my services to further investigate the issues raised in your correspondence.

We can confirm that the UK's share of the North Sea cod TAC before swaps was indeed 16 808 t, of which 5 225 t could be considered as a "top-up". I would like to explain that "top-ups" were calculated at the TAC level and then applied to the overall TAC. The "topped-up" TAC is distributed amongst Member States according to relative stability shares. In 2018 the UK also received swaps from other Member States to reach a total adapted quota of 23 417 t.

I would like to take this opportunity to point out that not all "unwanted catch", which would have been previously discarded, consisted of catches below the minimum size. Indeed, discards would also have included quantities discarded as the result of over-quota bycatches in fisheries not targeting cod and quantities discarded to meet mesh size catch composition rules.

Regarding your assertion that the Commission must deduct quota from the UK, I trust that you understand that we cannot just deduct quota from a Member State based on an allegation that requires further in depth substantiation. This would entail an intensive investigation to quantify the level of overfishing and determine the appropriate amounts for subsequent quota deduction. Fishing opportunities and Member State quota allocation cannot be withheld without respecting due process and procedure.

The effective control and enforcement of the landing obligation at sea is of paramount importance and presents a set of challenges for Member States that have proven difficult by conventional means of control. Inspections and surveillance at sea only provide a snapshot of compliance at the time of monitoring and are generally not effective at detecting non-compliance with the landing obligation.

In order to address this deficiency, the Commission has included a legal basis for the mandatory risk based use of CCTV systems, on board vessels, in the new Control Regulation proposal. CCTV systems, supplemented by sensor monitoring, have been demonstrated as the only means to ensure effective monitoring of the landing obligation at sea.

The European Fisheries Control Agency, in cooperation with Member States, is in the process of finalising a document on the use of remote electronic monitoring (REM) to control the landing obligation. This will facilitate the harmonised introduction of REM controls, ensuring a level playing field across Member States and the full documentation of catches.

Let me finish by assuring you that the Commission is dedicated to the effective implementation of the landing obligation. Moreover, we also believe that the newly agreed technical measures regulation will help in implementing the landing obligation by improving selectivity further in these fisheries. Ultimately this will result in reduced catches of unwanted fish and further improve the sustainability of these important stocks.

Yours sincerely,

Hélène Clark