



Mr. Karmenu Vella
Commissioner for Environment
Maritime Affairs and Fisheries
European Commission
Via email: karmenu.vella@ec.europa.eu

27 February 2019

Dear Commissioner,

We would like to bring to your attention a serious infringement of the Landing Obligation (LO). The objective of the (LO) is to eliminate discards and drive change in fishing practices – avoid catching unwanted and non-valuable fish, incentivise improvements in selectivity, ensure fully documented fisheries, and promote ecosystem-based management. However, there are challenges to implementation including inadequate at-sea monitoring and control, and widespread non-compliance.

In November 2018, Our Fish submitted a freedom of information (FOI) request to the UK's Marine Management Organisation for all of the landings data on cod from the UK fleet, including under Minimum Conservation Reference Size (MCRS). The International Council for the Exploration of the Sea (ICES) had advised that for cod in the North Sea, Skagerrak and the English Channel, total catches should not exceed 53,058 tonnes in 2018¹, including an allowance of 17,333 tonnes for unwanted and undersize bycatch - equivalent to 32 percent of all cod landings in those areas.

The LO requires that this 17,333 tonnes is landed and counted against quota. The AGRIFISH Council approved a total catch limit of 43,156 tonnes for 2018 for North Sea Cod - including a "top-up" of 13,414 tonnes². Of this total for the North Sea, the UK was allocated 16,808 tonnes, including a "top-up" of 5,224 tonnes to account for fish that would have to be landed because of the LO.

However, according to the data released under the FOI, the UK fleet recorded landings of 21,596 tonnes of marketable cod up until November 15th 2018, and no undersize fish as part of the top-up^{3,4}. This

¹ ICES, 2017, Advice on fishing opportunities, catch, and effort. Greater North Sea Ecoregion cod.27.47d20. Published 30 June 2017. Available at: <http://ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/cod.27.47d20.pdf>

² COUNCIL REGULATION (EU) 2018/120 of 23 January 2018 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2017/127. Available at:

<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32018R0120>

³ Marine Management Organisation 2018, ATI1946 BMS cod landed between 2013 and 2018. See attachment.

indicates that there is widespread non-compliance with the landing obligation and possible unreported discarding of between 5,224 and 7,500 tonnes of fish at sea.

North Sea Cod is already under considerable pressure, given that the approved TAC for 2019 is 25 percent in excess of the scientific advice⁵.

In response to this data, we kindly ask the Commission:

- To confirm how much “top-up” the UK received for North Sea Cod in 2018 after any swaps;
- Deduct that from the UK’s 2019 North Sea Cod quota; and
- Encourage the UK to hold aside some of their 2019 quota unless discards are landed in ports, and all catches are documented through remote electronic monitoring or onboard observers in all at risk sections of the fleet.

If you would like further details regarding the data we have secured, please do not hesitate to contact me. In the meantime, I look forward to hearing from you on this matter.

Yours sincerely,



Rebecca Hubbard
Program Director
Our Fish
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Copies to:

João Aguiar Machado, Director General Maritime Affairs and Fisheries

Hélène Clarke, Directorate for Fisheries: Atlantic, North Sea, Baltic and Outermost Regions

Mike Dowell and Nigel Barclay, UK Permanent Representation to the EU

⁴ The UK also swapped in 3,989 tonnes of cod and swapped out 500 tonnes for 2018, so the total cod quota available for landing by the UK fleet should be approximately 20,308 tonnes.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778351/FINAL_Area_IV_and_VI_during_2018_as_at_12th_February_2019.xls Available at: <https://www.gov.uk/government/statistical-data-sets/quota-use-statistics>

⁵ New Economics Foundation, 2019, Landing the Blame. Available: <https://neweconomics.org/2019/02/landing-the-blame-overfishing-in-the-north-atlantic-2019>