



Mr João Aguiar Machado

DIRECTOR-GENERAL
Directorate-General for Maritime Affairs and Fisheries
European Commission
1049 Brussels
Belgium

16th July 2019, London

Dear Mr Machado,

In light of the recently published report by the Scientific, Technical and Economic Committee for Fisheries (STECF),¹ we are writing to you to express our serious concerns about the consequences of an ongoing failure to effectively implement, monitor and control the landing obligation. We would also like to present our recommendations on how to address these issues and are ready to support you in implementing them.

ClientEarth, Fisheries Secretariat, Seas At Risk, Our Fish, Oceana, WWF and BirdWatch Ireland are alarmed that half a year into 2019, non-compliance with the landing obligation remains widespread, as highlighted by the Commission itself,² and Member States are not adopting the necessary measures to address this.³

At the same time, various approaches to address the challenges of the landing obligation have already been applied based on the false assumption of full compliance. A key example is the setting of TACs based on scientific catch rather than landings advice, despite clear indications that unreported discarding continues. This seriously undermines the very purpose of the landing obligation to minimise and avoid unwanted catches. It also jeopardises sustainable fisheries management in line with the Common Fisheries Policy (CFP) due to unreported catches, such as for Eastern Baltic cod.⁴

While the day-to-day implementation of the landing obligation on the water falls in large part into the hands of the Member States and the fishing industry itself, the Commission plays a crucial role in overseeing this process, and stepping in if the achievement of the CFP's objectives is being jeopardised.

¹ Scientific, Technical and Economic Committee for Fisheries (STECF) – 61st Plenary Meeting Report (PLEN-19-02), particularly the sections on discard plans and bycatch reduction plans on p. 33 and 102 onwards: <https://stecf.jrc.ec.europa.eu/documents/43805/2537709/STECF+PLEN+19-02.pdf/ed2ce229-81d6-495b-bf40-0b8ff5dbafa5>

² As highlighted for example at the recent seminar on the landing obligation on 14 June 2019, and recognised in the Commission's report on the implementation of the landing obligation presented in the Commission's communication on the state of play of the Common Fisheries Policy, COM(2019) 274 final, p. 5, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019DC0274&from=EN>.

³ For example, the Member States of the North Western Waters regional group were due to inform the Commission by 1 July 2019 of the control measures taken to ensure that the five bycatch TACs for stocks with zero-catch advice are respected (see footnote 8), and 'all vessels benefitting from these specific TACs should implement full catch documentation as from 2019' (Recital 8 of the TAC and Quota Regulation for 2019, Council Regulation (EU) 2019/124). However, according to the draft bycatch reduction plan (see footnote 5), the necessary discussions in the Control Expert Group have not even taken place yet.

⁴ Over 10 million Eastern Baltic cod illegally discarded last year
<https://www.fishsec.org/2019/06/18/over-10-million-eastern-baltic-cod-illegally-discarded-last-year/>

In light of STECF's recent report, and throughout the preparation of the Commission's TAC proposals for next year, we therefore urge you to:

- **Ensure that the shortcomings of the North Western Waters bycatch reduction plan⁵ are immediately rectified, and access to the bycatch TACs is suspended until robust full catch documentation is put in place.** STECF's evaluation of this plan⁶ has clearly confirmed our concerns that it is not fit for purpose.⁷ Allowing business as usual to continue in the absence of a clear, ambitious route towards bycatch minimisation and stock recovery sets a dangerous precedent of endorsing inertia instead of honouring the commitments made at the 2018 December Council.⁸
- **Take a strong position on insufficiently supported exemption requests, requiring that these are removed, adjusted or missing information is provided in line with STECF's findings before they are adopted or continued.**⁹ We applaud the Commission's clear request to the regional Member State groups last summer to review and adjust their discard plan joint recommendations in light of STECF's evaluation,¹⁰ and encourage you to repeat this process this year. We also reiterate the Commission's own warning that the inclusion of '*problematic elements*' may jeopardise the adoption of the discard plan as a whole.¹¹
- **Request STECF to explore options for assessing the impact of discards under the growing number of exemptions¹² on the coverage of the landing obligation.** Tracking the volumes of exemption discards over time (both actual discards and those anticipated under new exemption requests) is crucial to assess progress towards minimising unwanted catches.
- **Continue to account for both *de minimis* and high survival exemptions in the Commission's TAC proposal by deducting the anticipated dead discards in a precautionary way.** As repeatedly highlighted by the STECF¹³ and recognised by the Commission,¹⁴ this is crucial to avoid an increase in the fishing mortality due to continued discarding.

⁵ By-catch reduction plan (BCReP) in the North Western Waters. 2019-05-14 version. Draft received on 15 May 2019.

⁶ STECF PLEN-19-02, p. 102 onwards (see footnote 1 for full reference).

⁷ Joint NGO letter to the Commission on bycatch reduction plans. 24 May 2019.

<https://www.documents.clientearth.org/library/download-info/joint-ngo-letter-to-the-commission-on-bycatch-reduction-plans/>

⁸ Statement of the North Western Waters regional group made at December Council 2018. Available on

<http://data.consilium.europa.eu/doc/document/ST-5692-2019-INIT/en/pdf>

⁹ For further details and recommendations in this regard please refer to the joint letter to the Commission sent by ClientEarth and Seas At Risk in August 2018, <https://www.documents.clientearth.org/library/download-info/clientearth-and-seas-at-risk-letter-to-commission-regarding-outstanding-concerns-about-exemption-requests-for-the-2019-discard-plans/>

¹⁰ Letters to the North Western Waters, South Western Waters and Scheveningen groups. File numbers 3916726, 3908330 and 3916620 available on https://www.asktheeu.org/en/request/access_to_information_regarding_4#incoming-21327

¹¹ *Ibid.*

¹² STECF PLEN-19-02, p. 36, 76 and 77 (see footnote 1 for full reference).

¹³ For example: STECF-17-08, Evaluation of the landing obligation joint recommendations (STECF-17-08). Publications Office of the European Union, Luxembourg, 2017, doi:10.2760/149272, p. 96. Scientific, Technical and Economic Committee for Fisheries (STECF) – 58th Plenary Meeting Report (PLEN-18-02); Publications Office of the European Union, Luxembourg. P. 50. STECF PLEN-19-02, p. 76 (see footnote 1 for full reference).

¹⁴ Commission letter to the regional groups from 7 September 2018, file number 4757268 on

https://www.asktheeu.org/en/request/access_to_information_regarding_4#incoming-21327

- **Not support the removal of TACs or addition of species to the prohibited species list in order to avoid the full implementation of the landing obligation.** Where these options are nevertheless pursued, appropriate measures and safeguards, as well as robust methods of full catch documentation for fleets catching the relevant stocks must be put in place to fulfil the Article 2(2) MSY objective of the CFP.
- **Ensure robust monitoring and control of the landing obligation, particularly through the introduction of Remote Electronic Monitoring (REM).** Accurate catch documentation is the fundamental basis of reliable stock assessments and scientific advice informing sustainable fisheries management. We support the proposal from the Commission to introduce a legal basis for the use of REM in the revised Control Regulation. In addition, immediate measures should be taken by the Member States and supported by the Commission to allow for the development of pilot projects on REM at the national level.

We remain at your disposal, should you or your team have any questions or comments and stand ready to support you in ensuring that the landing obligation effectively contributes to the achievement of the CFP's objectives.

Yours sincerely,



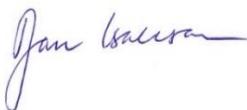
Catherine Weller
Head of Biodiversity Programme
ClientEarth
cweller@clientearth.org



Monica Verbeek
Program Director
Seas At Risk
mverbeek@seas-at-risk.org



Rebecca Hubbard
Executive Director
Our Fish
rebecca@our.fish



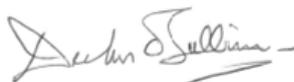
Jan Isakson
Director
The Fisheries Secretariat
jan.isakson@fishsec.org



Javier López
Policy and Advocacy Manager
Oceana in Europe
jlopez@oceana.org



Samantha Burgess
Head of Marine Policy
WWF European Policy Office
sburgess@wwf.eu



Declan O'Sullivan
Interim CEO
BirdWatch Ireland
dosullivan@birdwatchireland.ie