

Director General João Aguiar Machado
The European Commission, DG Maritime Affairs & Fisheries
1049 Brussels
Belgium

Subject: The landing obligation and 2016 Atlantic fishing quotas

Brussels, 2 November 2015

Dear Mr. Aguiar Machado,

We ask your urgent attention to important effects that the landing obligation has on the fixing of Atlantic fishing quotas. We ask you to incorporate our suggestions into the imminent Commission proposal on the setting of Atlantic fishing opportunities.

As of January 2016 several Atlantic demersal stocks will fall under the landing obligation as foreseen in the Common Fisheries Policy (CFP) ¹. However, the joint recommendations for “discard plans” provided by the regional Member States’ groups and the resulting delegated acts from the Commission² will make the landing obligation difficult to implement and control, as these will apply in their current drafting only to some fishing gear types and catch profiles rather. In many cases the delegated acts apply the landing obligation only to certain mesh size ranges or based on historical landings of the respective species.

Article 16 of the CFP Regulation stipulates that fishing opportunities for stocks that fall under the landing obligation will be fixed taking into account total catch rather than only landings as was previously the case. This is explained by the fact that the amount of fish that was previously caught but discarded will now also be landed. In practice this comes down to an increase (uplift) of the Total Allowable Catch (TAC) with the estimated discards. However, the International Council for the Exploration of the Sea provides scientific advice on 2016 catches and landings for each stock across its range, and not per fishery, let alone by fleet segment. Therefore, any proposed increase (uplift) of the TAC becomes very difficult to calculate where a stock is fished by a combination of fleets that are obliged to land by-catch

¹ Article 15 (1) c) of Regulation 1380/2013/EU on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (the CFP Regulation).

² http://ec.europa.eu/fisheries/cfp/fishing_rules/discards/index_en.htm

and those that may legally continue to discard unwanted catch. We are aware that the Commission has asked the Member States to provide the necessary data, and the Scientific, Technical, and Economic Committee for Fisheries to provide TAC recommendations.

We ask the Commission to consider incorporating the following points into its imminent proposal on Atlantic fishing opportunities.

- Any TAC uplift should only be based on the share of previous discards by those fisheries and fleets that fall under the landing obligation, and not automatically on the total discards of all fleets subject to the respective TAC. Applying an uplift based on the total discards while parts of the fleets that fish on that stock are still discarding would result in “double counting” of discards and an unintended increase in fishing mortality beyond scientific advice.
- A TAC uplift for any fleet segment subject to the landing obligation should only be granted if Member States have provided relevant data to the Commission to calculate that TAC uplift. If relevant data have not been provided, then that fleet should not receive a TAC uplift. In no circumstances should the granted TAC uplift increase the fishing mortality of that fleet segment.
- The foreseen exemptions of the landing obligation such as ‘de minimis’ can reach up to 7% of the total TAC in the first two years after the respective landing obligation has come into force. These discarded amounts must be subtracted from the calculated uplifts following Art 15.5. (c) of the CFP to avoid “double counting” of discards and an unintended increase in fishing mortality.
- In all cases, the final TAC proposals including any uplifts should always remain below the respective F_{MSY} value of the whole stock, following Art 2.2 of the CFP Regulation. This is also in line with the Commission in its Communication on fishing opportunities of June 2015, stating that TAC adjustments must not increase fishing mortality.

We also request the Commission to clearly mark in its TAC proposal the uplifts applied for each of the stocks that are partially covered by the landing obligation. This information is key to assess the proposed TACs in relation to the CFP objectives and will promote the transparency of the decisions related to the fishing opportunities.

We hope that the Commission will take these recommendations on board in its proposal.

Yours sincerely,



Monica Verbeek, PhD
Executive Director, Seas At Risk
also on behalf of BirdLife Europe and Central Asia, Oceana, and the Fisheries Secretariat.